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# The Role of EudraVigilance in Protecting and Promoting Public Health in the European Economic Area in the Context of the SARS-CoV-2 Pandemic

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**ABSTRACT:** The EudraVigilance database is the central pillar for pharmacovigilance activities in the European Economic Area. The reporting of adverse reactions in the EEA through the EudraVigilance system enables the management of reported data and the analysis of adverse medicine reactions, with the information being available anywhere in the EEA. This article aims to analyze, on the one hand, the EU legislation on pharmacovigilance, the key activities and developments that will take place through the implementation of the EudraVigilance Operational Plan 2020–2022, a document launched by the European Medicines Agency to ensure the sustainability of EudraVigilance and the associated actions in support of EU pharmacovigilance and public health protection activities. On the other hand, the article aims to analyze how, in accordance with a specific pharmacovigilance plan and using the EudraVigilance system, the EMA and the national competent authorities (NCA) of the EU member states have monitored suspected adverse reactions to the COVID-19 vaccines, thereby contributing to the protection of the health of European citizens.

**KEYWORDS:** EU pharmacovigilance legislation, EudraVigilance, public health, European Economic Area, COVID-19 vaccines

## Introduction

EudraVigilance is the central pillar for pharmacovigilance activities in the European Economic Area (EEA). In February and April 2017, the improved EudraVigilance system successfully passed an independent audit in accordance with Article 24 of Regulation (EC) 726/2004. The EMA Management Board confirmed on 22 May 2017 that the full functionality of the EudraVigilance database was achieved and that the system met the defined functional specifications (EMA 2017). The new EudraVigilance system was launched on 22 November 2017, providing improved functionality to national competent authorities, the European Medicines Agency (EMA), the Commission and the marketing authorization holders for the effective reporting and monitoring of suspected adverse reactions and the detection of suspected adverse reactions and medicine safety risks, thus contributing to the protection and promotion of public health. In addition, EudraVigilance facilitates the safety reporting of suspected unexpected serious adverse reactions (SUSARs) to experimental medicines which occur during clinical trials.

By the end of 2019, EudraVigilance held information on more than 16.5 million safety reports, covering 7.95 million cases, as well as information on 744,219 medicines on the EU market. EudraVigilance is used for signal detection by EMA and national authorities and in support of other pharmacovigilance procedures in terms of data analysis.

In addition, making available all individual case safety reports (ICSRs) from the European Economic Area to the Uppsala Monitoring Centre (UMC) of the World Health Organization (WHO) directly from EudraVigilance facilitates global pharmacovigilance activities.

The reporting of adverse reactions in the EEA through the EudraVigilance system allows the management of reported data and the analysis of adverse reactions to medicines, the information being available anywhere in the European Economic Area.

## Theory

The EudraVigilance system is operated by the European Medicines Agency through the Pharmacovigilance Risk Assessment Committee (PRAC). EMA launched in May 2020 the EudraVigilance 2020–2022 Operational Plan (EMA 2020a), document that describes the key activities and the developments that will take place, as well as their estimated impact on the stakeholders. The pharmacovigilance risk assessment committee evaluates the alerts registered in the EudraVigilance system and can recommend regulatory actions for reported situations.

The objective of the plan is to outline technical and operational activities with anticipated timelines and highlight how EudraVigilance and the stakeholders interacting with the system will be affected. This should facilitate planning by EMA, which operates EudraVigilance on behalf of the network, and ensure the timely preparation of national competent authorities, marketing authorization holders, commercial and non-commercial sponsors of clinical trials and the WHO Uppsala Monitoring Centre.

The aim is to ensure the sustainability of EudraVigilance and of associated actions in support of EU pharmacovigilance activities and public health protection. In addition, interaction with stakeholders as part of training and support, as well as of communication and engagement, are covered to ensure that a platform for learning, cooperation, dialogue, and alignment is provided throughout the evolution and operation of the EudraVigilance system.

The operational plan is regularly updated regarding timetables and new activities/developments. Enhanced access to EudraVigilance data is also provided for healthcare professionals, the public and academia. By simplifying the reporting of suspected adverse reactions and improving the tools for their analysis and monitoring, EudraVigilance contributes to the optimization of the risk-to-benefit ratio of medicines and thus to the protection and promotion of public health. The key areas supported by EudraVigilance are:

- Collection and processing of adverse drug reaction reports.
- Maintaining and updating the Extended EudraVigilance Medicinal Product Dictionary, based on information on all medicines authorized in the EU.
- Ongoing activities on data quality, detection and management of duplicate reports and categorization of reported information on medicines.
- Producing and providing drug safety data analysis reports to the EU network (electronic reaction monitoring reports - eRMR) and providing data analysis to support assessments in pharmacovigilance procedures.
- Supporting the central role of the Pharmacovigilance Risk Assessment Committee in evaluating and monitoring the safety of medicines for human use in the EU, including prioritization and evaluation of safety signals.
- Signal management and data monitoring available in EudraVigilance by marketing authorization holders.
- Continuation of public access to aggregated EudraVigilance data ([www.adrreports.eu](http://www.adrreports.eu)).
- Making adverse reaction reports originating in the EEA available to the WHO Uppsala Observatory.

Article 26 of the Implementing Regulation (EC) 520/2012 of the Commission emphasizes the use of internationally agreed formats and standards in the context of pharmacovigilance.

In accordance with Article 24 paragraph (2) third point of Regulation (EC) no. 726/2004, the Pharmacovigilance Risk Assessment Committee recommended, on October 2, 2019, that the use of the ISO ICSR standard based on the ICH E2B(R3) modalities, and the related ISO standard terminology should become mandatory as of June 30, 2022 with regard to reporting obligations to EudraVigilance.

The set of five ISO standards for medicinal product identification defines the rules and data elements that uniquely identify drugs and related concepts, such as pharmaceutical products, substances, pharmaceutical forms, units of presentation, routes of administration,

and units of measurement. Implementing Regulation (EU) no. 520/2012 of the Commission (Articles 25 and 26) defines the use of ISO standards in the context of pharmacovigilance.

EudraVigilance Clinical Trial Module (EVCTM) and the reporting of suspected unexpected serious adverse reactions (SUSARs) to investigational medicinal products during clinical trials will undergo a major change when the Clinical Trials Regulation becomes applicable. The Regulation enables the harmonization of the evaluation and supervision processes for clinical trials across the EU, through a Clinical Trial Information System (CTIS), formerly the EU Clinical Trials Portal and Database. The Regulation simplifies the rules on safety reporting, introducing the possibility of a risk-proportionate approach, in particular, but not limited to, low-intervention clinical trials. It also simplifies safety reporting by sponsors, in accordance with Article 40 of the Regulation.

In addition, several documents in EudraLex Volume 10 are revised and updated to bring them in line with the changes required by the Clinical Trials Regulation (EU) no. 536/2014. In addition, new documents have been prepared to cover new aspects introduced by the same regulation.

Medical literature is an important source of information for identifying suspected adverse reactions to authorized medicinal products. The EMA is responsible for monitoring several substances and selected medical literature to identify suspected adverse reactions to medicinal products authorized in the Union and for entering the relevant information into the EudraVigilance database, the service being fully operational since 1 September 2015.

Marketing authorization holders in the European Economic Area are usually responsible for monitoring the medical literature on their medicines and reporting individual cases of suspected adverse reactions to EudraVigilance and national safety databases.

## **Results and discussions**

The Commission publishes at set intervals a report on the activities of the Member States and the EMA, to monitor the safety of medicinal products throughout their life cycle, as provided for by pharmacovigilance legislation. The report describes the activities of the EU collaborative system for monitoring and controlling the safety of medicinal products for human use.

The Commission's last report (European Commission 2019) focused on the experience of the European Medicines Agency, at the national and European levels, regarding the list of medicinal products for human use subject to additional monitoring.

The outbreak of novel coronavirus type 2 (SARS-CoV-2) infection, which began in late December 2019 in China and rapidly escalated into a COVID-19 pandemic, has spurred the development of preventive measures and treatment options, including vaccines. New production platforms and molecular biology tools have enabled the rapid design of COVID-19 vaccine candidates, classified into two broad categories (Graham 2020), gene-based vaccines and protein-based vaccines. In December 2020, the UK, US and European Union authorized the first vaccines.

As of 28 May 2021, four gene-based COVID-19 vaccines have received conditional marketing authorization in the EU following evaluation by the European Medicines Agency and are part of the EU portfolio of coronavirus vaccine strategy. Two belong to the type of modified mRNA vaccines: Comirnaty developed by BioNTech/Pfizer (European Commission 11 March 2021) and Moderna's COVID-19 Vaccine. The other two are non-replicating vaccines based on recombinant viral vector: Vaxzevria from AstraZeneca (European Commission 23 March 2021) and the COVID-19 vaccine developed by Janssen (European Commission 15 March 2021).

The commission also signed contracts with two other developers of COVID-19 vaccines: CureVac and Sanofi-GSK. In addition, the EMA initiated ongoing reviews for the vaccines developed by Novavax, CureVac, Sinovac Life Sciences Co., Ltd, and for the Sputnik V vaccine developed by Gamaleya (EMA 2021a; 2021b; 2021c; 2021d). According

to the World Health Organization summary information of April 16, 2021, 88 vaccine products are in clinical trials, and 184 in preclinical development worldwide (WHO 2020).

Due to the limited administration of vaccines in the development and clinical testing phase, some side effects - especially those that are very rare - occur only during widespread use. Therefore, EMA and national competent authorities of EU Member States monitor suspected adverse reactions to COVID-19 vaccines according to a specific pharmacovigilance plan and using the EudraVigilance system, which includes the electronic reporting and analysis of suspected adverse drug reactions (EMA 2020b).

Following the widespread use of vaccines across the EU, new data on suspected adverse reactions to vaccination against COVID-19 have become available, allowing further assessment of vaccine safety in the post-vaccination period.

The European Centre for Disease Prevention and Control (ECDC) aims to strengthen Europe's defence systems against infectious diseases, its beneficiary being the public health sector in Europe, in particular: sub-national and national public bodies in the EU/EEA, EU institutions, as well as other decision-makers in Europe. The European Centre for Disease Prevention and Control, taking into account the pre-approval safety data for the use of COVID-19 vaccines, in its June 2021 technical report (ECDC 2021), published data on suspected adverse reactions to vaccination against COVID-19.

Thus, according to the ECDC, from the start of vaccination in the EU/EEA until April 28, 2021, a total of 133,739,633 doses of the EU-approved COVID-19 Vaccine Tracker vaccine were administered in the EU/EEA countries.

During the same period, 354 177 (0.2%) cases of suspected adverse reactions after vaccination were reported to EudraVigilance. Most reports of suspected adverse reactions thus far relate to general and administration site reactions (e.g., "flu-like" illness, headache, application site pain, chills, fatigue, nausea, fever, dizziness, weakness, myalgia, and tachycardia.) Generally, these reactions are not associated with more serious illnesses. Data monitoring conducted as part of the US vaccination program indicates that most non-serious adverse reactions occur within two days of vaccination and almost all within seven days (Gee 2021). Serious reactions, such as allergic and anaphylactic reactions, are very rare and usually occur shortly after vaccination with a sudden onset.

Thrombotic and thromboembolic events, including TTS, have been reported following the administration of non-replicating COVID-19 vaccines based on viral vectors. Adverse events of this type after vaccination with Vaxzevria have triggered the suspension of some batches and even of the use of the vaccine in several EU/EEA countries (EMA 2021). As of May 12, 2021, some countries have resumed age-restricted Vaxzevria vaccination (reserved for those over 55 or 60), while others have discontinued its use (Denmark, Norway) (ECDC 2021b).

The EMA's safety committee, the Pharmacovigilance Risk Assessment Committee (PRAC), performed a signal assessment on "embolic and thrombotic events" after vaccination with Vaxzevria in March 2021 (EMA/PRAC 2021). A total of 269 cases (258 serious and 45 fatal) reported to EudraVigilance were analyzed. At the time of assessment, 28 February 2021, more than 5.5 million doses of AstraZeneca vaccine had been administered in EU/EEA countries and approximately 9.7 million doses in the UK. The reported cases were healthy individuals at the time of vaccination who developed moderate to severe thrombocytopenia and thrombotic complications at unusual sites, such as cerebral venous sinus thrombosis or thrombosis in the portal, splanchnic, or hepatic veins, one to two weeks after vaccination. Some patients developed deep vein thrombosis, pulmonary embolism, or acute arterial thrombosis.

On a national level, according to the National Institute of Public Health (INSP) (INSP 2021), following vaccination with vaccines against SARS-CoV-2, in the period 27.12.2021-

03.10.2021, a number of 18,471 suspicions were reported of adverse events following immunization (AEFI), and of these 17,307 (93.7%) were classified as AEFI.

The main source of data for the cases of adverse events following immunization reported in the period 27.12.2020-03.10.2021 was represented by the online system of the competent national authority, National Agency for Medicines and Medical Devices (ANMDMR), and over 80% of AEFI had general manifestations. Thus:

- 15,857 had the ANMDMR website as their reporting source, of which 93% were confirmed;
- 1,810 had as their reporting source the National Electronic Register of Vaccination (RENV), of which 99% of reactions were confirmed;
- 804 had as their reporting source the reporting files received from the County Public Health Directorates/of the municipality of Bucharest, of which 97% of the reactions were confirmed.

A higher percentage of adverse events following immunization was recorded with Astra Zeneca and Moderna among males in the age groups between 20-59 years old.

From the INSP data, it is found that the rate of AEFI cases per 10,000 administered doses is elevated in the age groups of 25-29 years, 30-34 years, 35-39 years for all types of vaccine administered, with the highest rate in the Astra Zeneca vaccine, followed by Moderna, Comirnaty and Johnson & Johnson.

In the reported period, 9 cases of anaphylactic shock were confirmed, classified as AEFI associated with vaccine components. All cases showed anaphylactic shock after the administration of the first dose of a vaccine, and the distribution of cases, depending on the vaccine product administered, was as follows:

- 7 cases of anaphylactic shock after administration of the Comirnaty vaccine product;
- 1 case of anaphylactic shock after administration of the Moderna vaccine product;
- 1 case of anaphylactic shock after the administration of the Astra Zeneca vaccine product.

Of the 9 people who experienced anaphylactic shock, 3 were known to have allergies to medicinal products.

The purpose of EU pharmacovigilance rules is to monitor the safety of medicines so that regulatory authorities can take action to reduce the risks and increase the benefits of medicines for human use. The role of individual EU countries is to monitor drug safety data, assess signals of possible emerging side effects and analyze the data when a European-wide safety problem is identified. The EMA has a central role in the EU pharmacovigilance system – it coordinates the activities of an EU regulatory network of over 30 national competent authorities and provides technical, regulatory and scientific support.

Given the important role of EudraVigilance in monitoring the safety of medicines and evaluating signals of possible emerging side effects, the benefits of the system will be reflected in the context of the overall EU pharmacovigilance activities addressed in the next report expected for 2022.

To ensure a coordinated EEA approach to pharmacovigilance, technical and procedural aspects of the operation of EudraVigilance that require further discussion and clarification are being addressed by national competent authorities, marketing authorization holders and clinical trial sponsors.

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# Health Capital and Health Wealth

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**ABSTRACT:** We live in the age of responsible investment. The time for a reset of finance after the 2008 World Financial Recession and the 2020 global pandemic has come. In the aftermath of two major economic crises, the societal call for responsible market behavior has reached unprecedented momentum. As the novel Coronavirus (SARS-COV-2) hit the world, the external economic shock has widespread implications for finance and economics. In the eye of a worldwide healthcare crisis impacting economics on a massive scale, the need for understanding the connection between health and capital on the individual, nuclear family level, corporate community standards and conduct as well as the overall economy became blatant. Interestingly, in the individual finance and investment literature, personal expenses due to sickness and work impairments due to chronic diseases are hardly mentioned. On the family level, unhealthy individual dynamics may lead to additional cognitive complexity that deters from reaching full productive potential as well as may cause critical life events, such as divorce, which can have drastic financial outcomes with long-term implications. On the corporate level, COVID-19 has opened the gates for corporations focusing on the overall health status of employees fostering prevention and health safety precautions as never before in the history of industrialization. Lastly, over entire populations, there is a strong connection between health levels and productivity, which directly influences the Gross Domestic Product of countries. Despite all the mentioned connections, hardly any economic literature concerns the dependence of health on the Keynesian multiplier. Governmental money spent on healthcare may have a multiplied multiplier effect on the overall economy but – to this day – economic literature remains scarce on the economic effect of healthcare-dependent multipliers. Attention to the importance of health and well-being for individual financial success, familial functioning as well as entire populations and overlapping generations may innovatively leverage health capital and health wealth into a category of Socially Responsible Investment and Sustainable Finance in the post-COVID-19 era.

**KEYWORDS:** Banking, Economics, Finance, Health, Healthcare, Investment, Law & Economics, Money, Multiplier, Precaution, Prevention, Socially Responsible Investment, Sustainability, Sustainable Finance, Wealth management

## Introduction

Responsible investment has flourished in the aftermath of the 2008 World Financial Recession and the 2020 global pandemic. Though looking back to an epoch of enormous economic progress in socially responsible investment and sustainable finance; interestingly, hardly any connection is made to health as a key influence factor on individual financial success, familial wealth accumulation, corporate profitability and general productivity of nations.

The COVID-19 pandemic has recently vividly outlined the importance of health for individuals, families, corporations but also nation states. The disparate impacts of health responses to the same large-scale external shock became transparent between individuals, families and society around the world (Puaschunder 2022). Inequality arises in the access to quality healthcare that varies dramatically around the world (Puaschunder & Beerbaum 2020a, b; Puaschunder 2022). The post-COVID-19 resilience and recovery period holds the potential to create economic productivity and wealth via novel economic growth drivers, such as health and well-being on the individual, familial, corporate and larger-scale societal levels (Puaschunder 2021, 2022).

The 21<sup>st</sup> century having heralded an age of responsible investment has also created a blatant demand of our times to understand the connection between health and well-being and

financial management success. Unraveling the complex interaction between health and financial well-being promises to alleviate inequality and create necessary framework conditions securing economic stability and resilient finance for the individual, family compound but also society.

In the aftermath of the Coronavirus crisis, the exacerbated need for finance to be in line with societal needs and wants could instigate positive advancement on health capital and health wealth. Health capital addresses the connection between health and individual financial success and wealth accumulation of families. Health wealth also considers health as a prerequisite for economic prosperity of corporations and nations.

### **Corporate Social Responsibility**

The emergence of human social responsibility in modern economies leveraged global markets and international corporations to continuously increase corporate social responsibility and socially responsible investment endeavors around the world (Chua 2003; Fitzgerald & Cormack 2007; Micklethwait & Wooldridge 2003; Rothkopf 2008). The ascent of multinationals strengthened the corporate role in society and placed a greater share of social responsibility onto the corporate sector. Throughout recent decades, Corporate and Financial Social Responsibility have steadily gained worldwide recognition in the wake of globalization, digitalization and political and societal trends fostering transparency and ecologic sustainability.

As governmental liberalization and globalization led to a progressive deterritorialization of social, political, economic interaction, governmental agencies' ability to protect citizenship rights, fulfill social obligations and avert global crises gradually declined. Global concerns beyond the control of singular nation states – such as climate change, cybersecurity and global pandemics – imposed new levels of social responsibility onto corporate actors. A societal call for responsible corporate conduct developed in advanced societies, in which the expectations of corporate conduct and market obligations sophisticated.

With the IT revolution providing heightened degrees of easily-accessible information, corporate societal impacts became subject to scrutiny to an affluent, internationally-focused “Weltgesellschaft” who demanded to consume with respect for business ethics around the globe (Nelson 2004; Sichler 2006, p. 8; The Economist January 17, 2008; Werther & Chandler 2006). The emergence of NGOs further contributed to corporate conduct disclosure and the integration of social responsibility into corporate practices.

As for all these trends, multinational corporate conduct started exhibiting higher levels of responsibility vis-à-vis society. Having gained in economic weight and political power, the majority of corporations tapped into improving the societal conditions by contributing to a wide range of social needs beyond the mere fulfillment of shareholder obligations and customer demands (De Silva & Amerasinghe 2004; Kettl 2006). Global players stepped in where traditional governments refrained from social service provision – foremost through privatization or welfare reforms. International corporations also filled opening governance gaps when governments could not administer or enforce citizenship rights, new regulations were politically not desirable, feasible or even when governments had failed to provide social services (Steurer 2010). By striving to meet citizenship goals, corporate executives integrated responsibility into ethical leadership that served multiple stakeholders by balancing economic goals with societal demands (DeThomasis & St. Anthony 2006).

Today Corporate Social Responsibility (CSR) has leveraged into a pivotal factor to align profit maximization with concern for societal well-being and environmental sustainability. Corporations contribute to social causes beyond mere economic and legal obligations (Elkington 1998; Lea 2002; Livesey 2002; Matten & Crane 2005; Wolff 2002). By ingraining economic, legal, ethical, and societal aspects into corporate conduct, CSR attributes the greater goal of enhancing the overall quality of life for this generation and the following (Carroll 1979). Nowadays almost all corporations have embedded social

responsibility in their codes of conduct, introduced CSR in their stakeholder relations and incorporated social conscientious practices in their management (Crane, Matten & Moon 2004; Werther & Chandler 2006). The emergence of CSR as a corporate mainstream is accompanied by CSR oversight by stakeholders advocating for corporate social conduct.

Under the guidance of international organizations, CSR has developed into a means of global governance social service provision in innovative public private partnerships (PPPs) that tackle social deficiencies. International organizations thereby bridge the gap between ethical standards and institutionalized ethical corporate conduct.

In line with these trends, CSR has become an *en vogue* topic in academia. Academics investigate innovative PPPs to contribute to social welfare (Moon, Crane & Matten 2003; Nelson 2004; Prahalad & Hammond 2003).

### **Socially Responsible Investment and Sustainable Finance**

Concurrent with corporations having started to pay attention to social responsibility, ethical considerations have become part of the finance world. Developing an interest in corporate social conduct, conscientious investors nowadays fund socially responsible corporations (Ahmad 2008; Sparkes 2002; The Wall Street Journal August 21, 2008).

In Socially Responsible Investing (SRI) securities are not only selected for their expected yield and volatility, but also for social, environmental and institutional aspects. With trends predicting continuing globalization, corporate conduct disclosure and societal crises beyond the control of single nation states, the demand for corporate and financial social responsibilities is believed to continuously rise (Beck 1998; Bekefi 2006; Fitzgerald & Cormack 2007; Livesey 2002; Scholte 2000).

In the aftermath of the 2008 World Financial Recession, the call for responsibility within corporate and financial markets grew as the neglect of corporate and financial responsibility in a liberal market climate featuring an absence of regulatory and accountability control had weakened the world economy and caused the real world to face extraordinary liquidity constraints. Media coverage of corporate scandals, fiduciary breaches, astronomic CEO remunerations and financial managers' exuberance perpetuated stakeholders' skepticism in the performance of unregulated, trust-based market systems. The announcement of the recapitalization of the banking system in October 2008 halted world-wide liberalization trends and created a demand for ingraining social responsibility in the corporate and finance world that is regulated by a "watchful eye over the market place" (Obama, in speech, January 21, 2009).

With US President Barack Obama dedicating his inauguration speech to responsibility and the following massive recapitalization of the banking system; redefined the roles of governmental, financial and corporate actors in addressing social responsibility (Duchac 2008). Governmental bail-outs in the wake of corporate bankruptcy contributed to stakeholder pressure and hold the potential to re-establish governmental oversight in the corporate and financial worlds (Greenspan 2007). The shift of public and private sector forces in addressing social responsibility coupled with regulatory oversight of economic transactions was meant to reclaim trust in markets.

In the aftermath of the 2008 World Financial Recession, transparency of private sector activities, accountability of financial market operations and responsibility of market actors by political and financial leaders grew. Mainstream economic theories started a critique of neoclassical assumptions to demonstrate how markets are largely efficient, unregulated market forces working towards the best interest of the single market participant and the collective of societal constituents. Financial crises theories were opened up for socio-psychological notions of economic systems, emotional facets of market participants and their emotional decision-making fallibility imposing risk onto economic systems. As for gaining an accurate understanding of economic markets, heterodox economics research widens the

interdisciplinary lens to consider socio-psychological motives in corporate, economic and financial theories and models.

### **COVID-19 New Finance Renaissance**

Following a build-up of attention to financial responsibility and socially conscientious investments, the Coronavirus crisis and pandemic outbreak situation since 2019 exacerbated attention to ethics of inclusion and sustainable finance (Puaschunder 2022).

Inequality in the economics and finance realm severed with the outbreak of the COVID-19 crisis. The COVID-19 pandemic rose a finance world and real economy performance gap. The external shock of a worldwide pandemic that changed consumption drastically laid open hidden inequalities.

In the post-COVID-19 era, the enormous rescue and recovery aid distributed around the world was often pegged to responsible finance. The massive amount of governmental spending to alleviate the economic impact of the crisis also brought along unprecedented levels of inflation and low interest rate regimes for an extended period of time.

The current inflation alleviation efforts open novel opportunities to enact responsible investment. The U.S. Inflation Reduction Act of 2022 and the U.S. Student Loan Forgiveness are – for example – a critical step forward in making taxation fairer and alleviate inequality.

In the post-COVID-19 era, there is also growing attention to health capital and health wealth. The realization of the connection between health and economic productivity as a financial asset has largely been left out of the contemporary finance literature. The overall well-being underlying human workforce productivity has become a hidden driver of economic growth in the eye of a global contagion risks.

With the growing awareness of long-term implications of COVID-19 – for instance in COVID long haulers, who have prolonged health impairment after an initial infection – but also with climate change pressuring healthy living conditions around the globe, the time has come to peg financial recovery and inflation targeting to higher social and environmental causes that may steer capital towards a pro-social direction and humans into healthier lives.

The realization of the deeper connection of health with productivity calls for further attention to health in standard economic growth theories. Health capital should be explored in the personal relation between health and financial outcome of individuals and families but also in the macroeconomic foundation of a healthy workforce and population for overall wealth of corporations and development of nation states.

### **Health capital and health wealth**

In the contemporary individual finance and investment literature, attention to Socially Responsible Investment has been rising in the previous decades. Coverage of the importance of health and well-being for individual financial success, familial functioning as well as entire populations and overlapping generations, however, remained scarce.

With the growing awareness of the importance of health for productivity in the aftermath of the COVID-19 pandemic featuring a wave of COVID Long Haul suffering, whose productivity levels have taken a toll, the time has come to consider the pivotal role of health for personal financial success but also understand health as a prerequisite for productive nations. The post-COVID-19 era may leverage health capital and health wealth into a category of sustainable investment and finance. Health capital and health wealth may become features of Socially Responsible Investment and Sustainable Finance.

The connection between health and personal finance appears hardly discussed. Especially when it comes to personal wealth management and finance leadership advice. The direct influence of health and well-being with financial success and personal expenses yet appears obvious. One can imagine that a life-changing accident but also a chronic disease or mental wellness directly influence the capacity to form positive relationship and be present

parts of families. Poor health may not only bring along mounting financial expenses for recovery or symptom easement in the case of chronic diseases. Sickness is also associated with cognitive tolls and limited time for being active members of households – e.g., in child-raising or support of other family members. Physical diseases and chronic pain may also lead to addiction and destructive behavior, such as drug abuse and suicidal risk.

While the insurance literature covers risks of health impairments, behavioral economics informs about human discounting fallibility underestimating the likelihood of negative events happening, such as accidents but also chronic health impairments. One reason for this is the underestimation of risks and the overly positive view of the world and the future. These positive traits of human beings come with the downside to underinsuring for possible risks, occurrences and accidents. Behavioral insights hold a large account of decision-making errors and discounting failures when it comes to choices towards healthy food, exercise, personal healthcare, prevention or safety precautions.

Future finance literature may draw more attention to the relation of health and financial security. Costs could be discussed due to sickness and work-impairments due to chronic diseases. The neoclassical analysis frame of monetary measurements may be opened up for behavioral insights to understand the complex dynamics of socio-economic costs and socio-psychological burdens of diseases materializing in financial drawbacks.

On the family level, unhealthy individual dynamics may lead to additional cognitive complexity that deters from reaching full productive potential as well as may cause critical life events, such as educational dropouts or divorce, which can have drastic financial outcomes on the long run. Here, again, too positive notions of the future and control over family dynamics may hinder people from taking precautions – such as insurance or prenuptial agreements – or saving for a potential separation early on.

When it comes to retirement, ample evidence exists that people tend to save too little for a healthy and stress-free retirement. Attention to facts that in the US it is estimated that 70 percent of all healthcare costs are spent during the final years of one's life, could create awareness for the exponentially-rising healthcare costs for individuals. Saving during productive and healthy life years for times of debilitation and heightened disease risk may be an obvious advice, which is yet often not given early or loud enough in the finance literature.

Health as a prerequisite for individual financial accumulation and support of an active family life should therefore also be considered in the resilient finance literature as well as become part of Socially Responsible Investment and Sustainable Finance.

## **Health wealth**

The currently ongoing COVID-19 crisis has challenged healthcare around the world. The call for global solutions in international healthcare pandemic outbreak monitoring and crisis risk management has reached unprecedented momentum. The novel coronavirus SARS-CoV-2 imposes the most unexpected external economic shock to modern humankind, triggering abrupt socio-economic impacts in the corporate sector.

A prospective post-COVID era advances preventive healthcare as a prerequisite for safe workplaces. The attention to preventive medicine, general health and prevalence has gained attention with the prolonged pandemic. Prevention and general, holistic medicine determine whether COVID-19 puts patients on a severe or just mild symptom trajectory. The general status of the immune system, is decisive in whether the Coronavirus becomes a danger for the individual. Due to a weakened immune system being significantly related to a severe COVID disease trajectory propensity, preventive medical care has become more important for societal wellbeing and a precursor to avoid emergency medicine attention.

In light of the heightened health risks of COVID-19, in the corporate world, employers will naturally select healthier workers (Gelter & Puaschunder 2021). Already during the early onset of the pandemic, elder and chronic patients' passing and vulnerabilities risk estimates

changed labor market demand towards favoring young, healthier and Corona-survivors, who may benefit from a natural immunity, and being more virus-resistant (Schwartz Center for Economic Policy Analysis Older Worker's Report 2020).

On the corporate level, those corporations that manage to build a healthy environment that is attentive to prevention will gain from COVID-19 on the long run. Corporations that invest in hygiene but also group learning and team skills of hygienic working conduct are seeing a long-term labor-driven economic growth. In light of pre-existing conditions determining the likelihood of COVID severity trajectory, corporations may also focus on fostering a healthy and ecological diet of their employees. Measures that can guarantee continued health in employment will account for corporate success and economic growth. Corporate governance could also promote self-monitoring of the state of health of employee and the comprehensive prevention in a holistic lifestyle. For instance, the German Prevention Act of 2015 of the German Federal Government compensates corporations to foster prevention in preventive self-care but also team learning of healthy lifestyles in the workforce, acknowledging the power of preventive care for economic productivity. Focusing on collective health as a common good will – on the long run – make labor components more productive. All these means of a hygienic environment, healthy preventive care and workplace interactions may be summed up in learning-by-preventing economic growth potential.

As for outside working conditions, those corporations that are placed in benevolent health-promoting territories will have a competitive advantage and gain in terms of labor quality (Puaschunder & Beerbaum, 2020a, b). Countries around the world are currently paying attention to preventive medical care in the wake of pandemic outbreak monitoring. Those nations that can offer technological advancements to monitor pandemic outbreaks but also medicine of the future that helps prevent diseases instead of just treating their consequences will produce positive labor advantages (Salzburg Declaration 2020).

In order to alleviate unexpected negative fallouts from the crisis, governments around the world have incepted the largest ever amount of strategic economic bailout rescue and recovery packages that particularly focus on economic and social targets. The potential focus of bailouts and recovery ranges from urban-local and national to even global and future-oriented beneficiaries, as pursued in public investments on climate stabilization in the United States Green New Deal or the European Green Deal Sustainable Finance Taxonomy.

Large-scale and future-oriented governmental investments are valuable macroeconomic multipliers that can benefit society as a whole in the short run and long term. Economic multipliers trickle down positively in society since governmental spending incepting projects leads to increased salaries, opportunities to support a family and employ other people in the consumption of goods and services, to name a few economic multiplying growth potentials in the wake of governmental spending.

While ample evidence exists on the economic impetus of multipliers, multiplier effects may vary based on the causes that receive governmental funding. Although research has proven country differences in multiplier effectiveness, hardly any connection was studied between economic productivity boosts due to multiplier effects after investment in overall governmental healthcare. Problematic appears that industry-specific multiplier measurements were primarily focused on industries such as construction and education. In addition, multipliers appear to trickle down in society with a certain time lag.

Future research may concern multiplier effects in the healthcare domain. Hypothesis testing opportunities for investigating healthcare-dependent multipliers. Given the enormous amount of governmental COVID rescue and recovery aid in the aftermath of the COVID-19 crisis and the blatant importance of health in the eye of the pandemic, the time has come to investigate the concrete corporate resilience and financial stability imbued in preventive care in the corporate sector and on a national accounting level.

In regards to the Keynesian multiplier, future research may empirically investigate if there is a certain effect of governmental spending on healthcare that influences the multiplier. In order to understand a potential multiplier effect of government spending on healthcare, a healthcare-dependent multiplier effect could test if healthcare-related governmental spending leads to a higher or lower than 1.6 multiplying factor. If a relation between multiplier effects and healthcare exists, a future step would be to investigate if it also holds or varies for particular governmental investment in prevention and preventive healthcare. If there are effects for governmental spending on healthcare, well-being and social welfare are potential moderators of the effect.

In the 21<sup>st</sup> century, healthcare is directly related to digitalization and technological advancement, which could be other moderators to control for. Lastly, corruption has been found to be negatively related to quality healthcare and may also be accounted for in future healthcare-related multiplier investigations.

## Conclusion

Socially conscientious finance strengthens trust in responsible market actors and governmental oversight control as vital ingredients for functioning market economies and democratic societies. Real-market responsibility phenomena serve a well-tempered balance of public and private social contributions within modern market economies. In the interplay of public and private responsibility, legislation and regulation as well as socially-conscientious leadership serve as favorable structures for social responsibility within the finance sector.

Responsible investment around the world addresses the long-term impact of the 2008 World Financial Recession economic transition as well as the widespread and lasting impacts of COVID-19 around the globe. Future Socially Responsible Investment and Sustainable Finance research may employ a comparative approach to understand the connection of health, wellbeing and health-conscientious finance.

Health has leveraged into the most pressing demands in the 21<sup>st</sup> century post-pandemic era. Most recent law and economics developments include practical concerns over fair access to healthcare and financial stability within society and in the international compound. Elucidating the deeper connection between health and personal finance as well as familial stability may aid on the individual level to overcome personal bankruptcy and debt traps. Understanding the power of prevention-focused corporations and healthcare-dependent multipliers may change modern management but also public policy and legal impetus towards granting attention to health as a prerequisite of stable economies and successful societies.

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# Structural Analysis and Forecast of Nigerian Monthly Inflation Movement between 1996 and 2022

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**ABSTRACT:** Forecasting leads to adequate and comprehensive planning for sustainable development. A number of procedures are used to estimate, predict and forecast data, but not all are able to capture the historical path of the data generating process adequately. In view of this, the timeseries characteristics, structural changes and trend of inflation in Nigeria (1996-2022) were analyzed using ARMA, Holt-Winters, spline and other associated models. The results indicated that inflation in Nigeria has remained above acceptable limits in a cyclical trend during the period under study and that there is every possibility that Nigerian inflation would remain above 10% for some time to come. There were six shocks, the major stressors being food inflation, oil and gas prices and wages adjustment. For Nigeria to achieve a stable inflation rate regime of acceptable limits, a robust economic management and intelligence team using a global innovation platform as well as evidenced-based policies which ensure that Nigeria does not swerve away from the path to recovery should be established in consultation with the fiscal, monetary, and research authorities.

**KEYWORDS:** b-splines, Holt-Winters smoothing, Nigerian inflation, structural breaks, cyclical trend

## Introduction

Inflation is one of the major financial difficulties confronting most African countries including Nigeria. It is also a major focus of worldwide economic policy (David 2001). There are distortions to economic patterns and redistribution of wealth that cause global concerns because inflation can occur when not anticipated. Inflation can be expressed as a situation whereby the demand for goods and services exceeds their supply in the economy (John and Patrick 2016). In real terms, inflation erodes the purchasing power of consumers. It results from imbalance between demand for and supply of money as well as increases in cost of production and distribution of goods and services or taxes on products. Inflation causes the price level of goods and services to rise, thereby reducing the purchasing power of national currency. When that happens, investors within and outside the country get discouraged as their confidence level on the safety of their investments reduces. Given the importance of inflation reduction to economic growth of a country, researchers and economists carry out analysis on it by applying various time series and econometrics models to forecast or model the rates (Otu et al. 2014; John and Patrick 2016).

NBS (2017) defines Consumer Price Index (CPI) as the average change in prices of goods and services purchased by consumers over time. In Nigeria, CPI is constructed by combining economic theory, sampling and other statistical techniques from survey data to produce a weighted measure of average price changes by economists, statisticians, computer scientists, data collectors and others. The difference between the CPI of one month in the previous year to that same month in the current year is the inflation rate (NBS 2017). In spite of the widely publicized negative effects of inflation, an economy is still considered good if there exists a moderate inflation rate of 2 or 3 percent. Such a rate is considered beneficial as it encourages investors to buy and borrow more as the interest rate remains low. Monetary, political and fiscal authorities always strive to achieve this optimal rate of inflation (Otu et al. 2014).

Time series forecasting has been a challenge due to the lack of a functional approach that takes data inadequacy into consideration (Hanif & Malik 2015; Giacomini 2015; Faust & Wright 2013; Binner et al. 2010). Estimation of models to forecast the future values of an economic time series is one of the econometric methods of information management (Rahman 2001). Some economic time series data might exhibit linear relationships over an entire sampled period whereas others may not. In the past, several studies (Fuller 1969; Philip 1990; Rahman 2001; Akpan et al. 2007; Alabi et al. 2008; Nmadu et al. 2009; Bivan et al. 2013) utilized the grafted polynomial procedures to and successfully estimated and forecasted some economic data. Fuller (1969) gave desirable properties and advantages of grafted polynomials and Nmadu et al. (2001), Nmadu (2002), Nmadu et al. (2004) utilized grafted polynomials to forecast sorghum production from 1997 to 2010 and found that the forecast was more stable than the forecast from the linear-based models like the growth model. Phillip (1990) successfully used the grafted model to forecast cotton production in Nigeria. Also, Rahman (2001) forecasted the production of maize production in Nigeria. In all the afore-mentioned studies, they observed that the forecasting ability of the model is superior to others, particularly the growth model because the model better traces the historical non-linear path of the data thereby having lower estimation error. In addition, Nmadu et al. (2009) evaluated various grafts using Nigerian GDP and revealed that there is no universality as to which type of graft is appropriate, rather all possible grafts should be tried and the one that gives the most consistent result when compared to observe data should be used. Therefore, in view of the apparent advantages of the grafted model over other forecasting models, this study aims to utilize the model to estimate and predict the inflation rate of Nigeria from 2003 to 2017 and forecasts it to February 2031. The objective of this study is to analyze the trend and forecast Nigerian inflation and compare the results using the grafted polynomial model and Holt-Winters smoothing model. The main hypothesis in this study is that the prediction and forecast of Nigerian inflation rate from 2018 to February 2031 is not different from the two procedures. The estimation is done by comparing the capabilities and similarities of grafted polynomials (b spline) and Holt-Winters smoothing models in R Core Team (2021).

### **Theory of Inflation in the Economy**

There are basically two schools of thought as to what causes inflation, the monetarist and the structuralists. The structuralist, which was employed as theoretical framework in this study, holds the view that inflation is necessary with growth. According to this view, as the economy develops, rigidities arise which leads to structural inflation. In the initial phase, there are increases in non-agricultural incomes accompanied by high growth rate of population that tend to increase the demand for goods. As the demand for agricultural goods rises, their domestic supply being inelastic due to a defective system of land tenure and other rigidities in the form of lack of irrigation, finance, storage, marketing facilities and bad harvests. This eventually would lead to rises in the prices of agricultural goods. When the prices of food products rise, wage earners press for an increase in wage rates to compensate for the fall in their real incomes. Another cause of structural inflation is that the rate of export growth in a developing country like Nigeria is slow and unstable which is inadequate to support the required growth rate of the economy. The nature of the tax systems and budgetary processes also help in accentuating the inflationary trends in such economies (Jhingan 2003). The effects of increase in the wage rates on prices are illustrated in Fig. 1. When wage rates rise, the aggregate demand for goods increases from  $D_1$  to  $D_2$ . But the aggregate supply falls due to an increase in labor costs which results in the shifting of the aggregate supply curve from  $S_1S$  to  $S_2S$ . Since the production of goods is inelastic due to structural rigidities after a point, the supply curve is shown as vertical from point  $E_1$  onwards. The initial equilibrium is at  $E_1$  where the curves  $D_1$  and  $S_1$  intersect at the output level  $OY_1$  and the price level is  $OP_1$ . When supply falls due to an increase in labor costs, the supply curve shifts

from  $S_1$  to  $S_2$  and it intersects the demand curve  $D_2$  at  $E_2$  and production falls from  $OY_1$  to  $OY_2$  and the price level rises from  $OP_1$  to  $OP_2$ .

The requirement for forecasting in recent times is expanding, as economists endeavor to diminish their over-reliance on possibility and rather turned out to be more logical in managing issues (Makridakis et al. 1998, Hanif & Malik 2015; Faust & Wright 2013; Binner et al. 2010). To obtain a more precise and dependable future forecast for economic variables, such as inflation, a few time series approach have been utilized by analysts in various economies around the globe. Suhartono (2005) compared the forecasting accuracies of three (3) approaches used in forecasting Indonesian inflation (Neural Networks, ARIMA and ARIMAX). The best models were selected based on forecasting ability by using the MSE and RMSE. Forecasts from the Neural Network approach outperformed the two other approaches. In another study, Barros et al. (2012) forecasts inflation in Angola with an ARFIMA (AutoRegressive Fractionally Integrated Moving Average) model. It was found that inflation in Angola is a highly persistent variable with an order of integration constrained between 0 and 1.

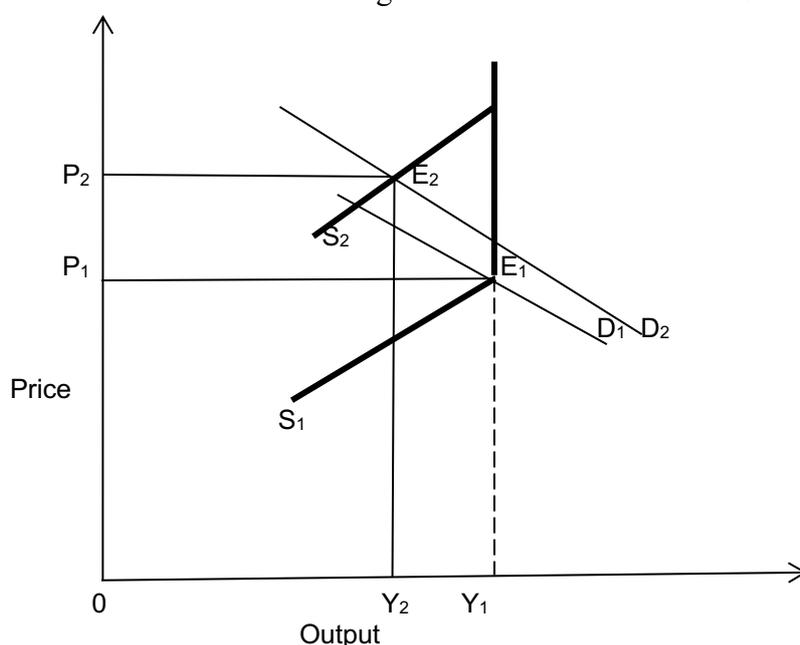


Fig. 1. Structural inflation adopted from Jhingan (2003).

Moreover, a structural break was found in August, 1996. Using the second sub-sample for forecasting purposes, the results reveal that inflation will remain low, assuming that prudent macroeconomic policies are maintained.

Pincheira and Medel (2012) explore the ability of several univariate models to predict inflation in a number of countries and at several forecasting horizons. The study placed special attention on forecasts coming from a family of ten seasonal models called the Driftless Extended Seasonal ARIMA (DESARIMA) family. Using out-of-sample Root Mean Squared Prediction Errors (RMSPE), the forecasting accuracy of the DESARIMA models was compared with that of traditional univariate time-series benchmarks available in the literature. The study revealed that DESARIMA-based forecasts display lower RMSPE at short horizons for every single country, except one. Also, the DESARIMA-based forecasts outperform the benchmarks at long horizons and the forecasting accuracy of DESARIMA models was high. Olajide et al. (2012) investigated the inflation rate in Nigeria using Jenkins's approach. The data used was yearly data collected for a period of 1961-2010. Differencing methods were used to obtain stationary process. The empirical study reveals that the most adequate model for the inflation rate is ARIMA (1,1,1). The model developed was used to forecast the year 2011 inflation rate as 16.27%. The study recommends effective fiscal policies aimed at

monitoring Nigeria's inflationary trend to avoid the consequences in the economy. Moreover, Omane-Adjepong et al (2013) investigated short-term out-of-sample forecast for Ghana's "Year-on-Year" inflation series, using the Seasonal-ARIMA and the Holt-Winters forecasting methods. The out-of-sample forecast accuracies of four Seasonal-ARIMA models and the two Holt-Winters (HW) forecasting approaches were assessed using various accuracy measure statistics. The forecast accuracies were ranked based on these statistics where four Seasonal-ARIMA forecast models were the top. The Seasonal Additive HW became fifth, while the Seasonal Multiplicative HW occupied the last position. The major setbacks of all the aforementioned models of analyzing times series data apart from HW and being able to adequately and comprehensively forecast it are that they assume a linear relationship and are best suited to short-term forecasts. Most time series data are not linear and would need a polynomial model, like grafted model and HW, to forecast them. Grafted polynomials are also better for long-term forecasts which is required to sustainable and stable planning. This is why this study compared the two polynomial models (grafted and HW) to indicate which one is better for long-term planning purposes.

## Methodology

The study concerns the monthly inflation rate of Nigeria between 1996 and 2022. Nigeria is one of the largest economies in sub-Sahara Africa (SSA) which is dominated by oil and gas as well as agriculture, although the contribution of agriculture has continuously waned since the discovery of crude oil in the early 1960s. Nigeria has practiced presidential democracy since 1999 after the military terminated the first and second democratic governance in 1967 and 1983, respectively. Nigeria's economy has often come under intense pressure once there is an oil glut leading to low prices which has often made the government to rely on devaluation, privatization of state enterprises and either abolition or establishment of marketing boards as a means of financing expanding fiscal deficit. This often leads to a rise in inflation. Other stressors of the economy include fluctuating but unstable exchange and high interest rates as well as over-reliance on imported goods and services. There are also the high fiscal deficits which often lead to higher taxation and then, the attendant price increases.

The data used in this research are the monthly inflation rates of Nigeria from January 1996 to January 2022 obtained from the National Bureau of Statistics {NBS} (1996-2022) which gives a total of 313 samples. The period 1960-1995 was excluded because only annual inflation rates are available.

The data were analyzed using various models as outlined. First, descriptive statistics of Nigerian monthly inflation, like mean and standard deviation (SD) were obtained. Second, the type of ARMA exhibited by the data was determined using a number of procedures. The plot of auto-correlation and partial auto-correlation functions were used to suggest the number of lags, which was confirmed by estimating an auto-ARMA model (Hyndman & Khandakar, 2008). To obtain the number of structural breaks and the years those breaks occurred, the plots of the observed rates and fitted values of breakpoints of eq. (1-3) were made. The point of intersection between the two is a structural break and corresponds to the year it occurred (Zeileis et al., 2002).

$$Y = 1 \quad (1)$$

$$Y = t \quad (2)$$

$$Y = t + t^2 \quad (3)$$

Where  $Y$  = Nigerian inflation rate,  $t$  = trend (1996/1-2022/1)

Then spline model in line with Fuller (1969, Nmadu et al. 2004) and Holt-Winters model (Winters 1960; Holt 1957) were estimated and used to forecast Nigerian inflation into the future. The results were presented in tables, graphics and other forms of visualization. The estimation, prediction, forecasting and visual presentation were done using R software (R Core Team 2021).

**Results and discussion**

Table 1 shows the ARMA properties of the inflation rate in Nigeria from 1996 to 2022, indicating that the trend is a HW-like data. Fig. 2 is the decomposed inflation rates for the entire period of study while Fig. 3 is the monthly trend. Fig. 4 & 5 are the autocorrelation and partial autocorrelation plots while Fig. 6 is an example of the plots of the observed data and the predicted breakpoints whereas Table 2 shows the predicted years of structural breaks from the models. Fig. 7 is the monthly trend of the predicted inflation rate from the spline model while Fig. 8 & 9 as well as Table 3 depict the decomposed HW predictions and forecast. Finally, Fig. 10 & 11 and Table [4]-[6] are the comparisons of the forecast and residuals as well as the forecast properties of the HW and spline models.

Table 1. ARMA properties of inflation rate

Parameter	Inflation Metrics
Autoregressive lag (p)	2
Differencing order (d)	2
Moving average lag (q)	1
Seasonal autoregressive lag (P)	0
Seasonal Differencing order (D)	12
Seasonal Moving average lag (Q)	0
Order of seasonality (m)	0

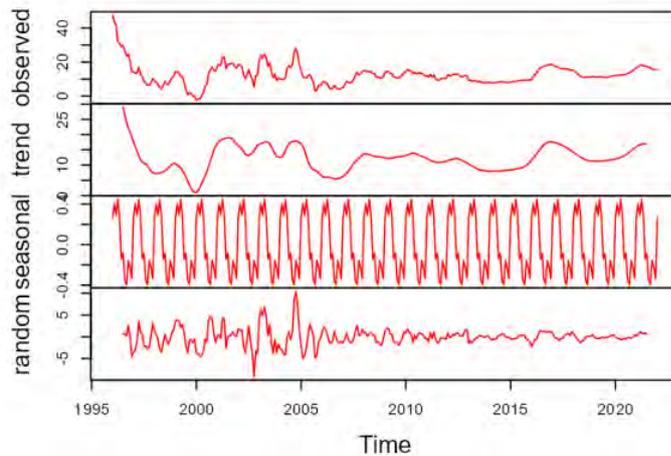


Fig. 2. The decomposed inflation rate

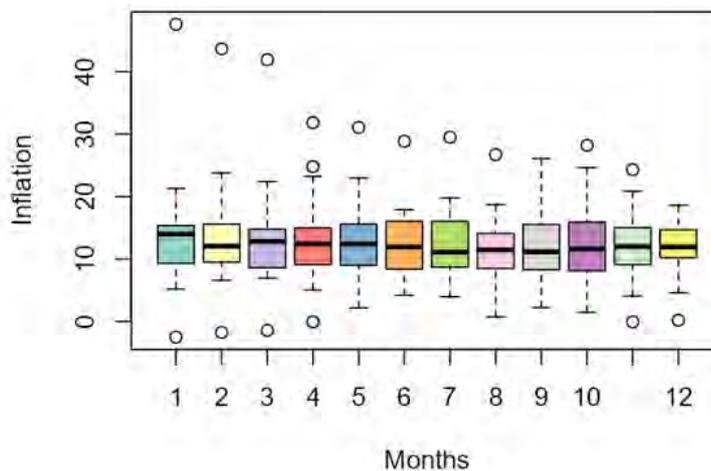


Fig. 3. Monthly trend of the inflation rate

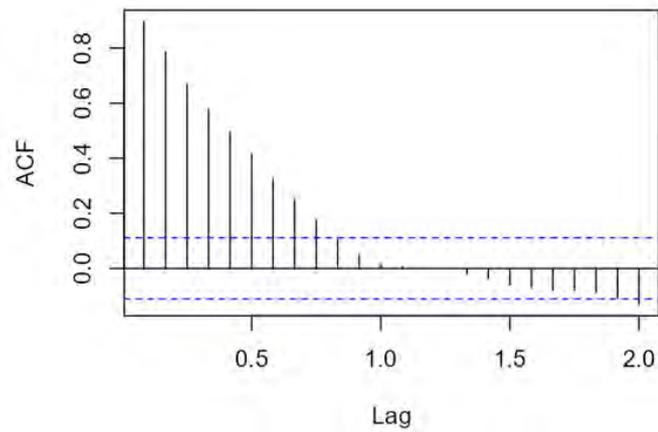


Fig. 4. Autocorrelation plot

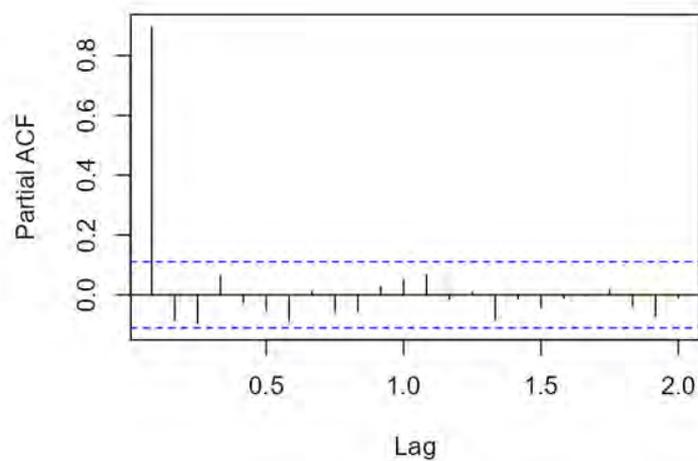


Fig. 5. Partial autocorrelation plot

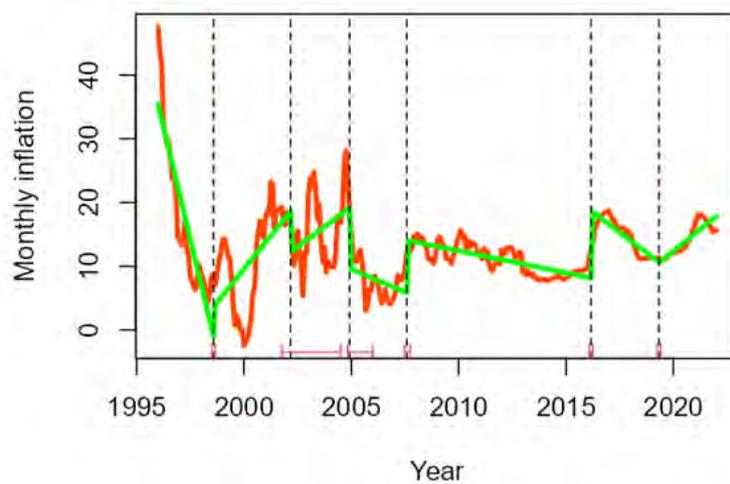


Fig. 6. Observed and breakpoints plot

Table 2. Structural breaks predicted from the trend models

	B.1	B.2	B.3	B.4	B.5	B.6
Level	1999	2001	2005	2008	2013	2016
Trend	1999	2002	2005	2008	2016	2019
Polynomial trend	1999	2001	2005	2008	2012	2017

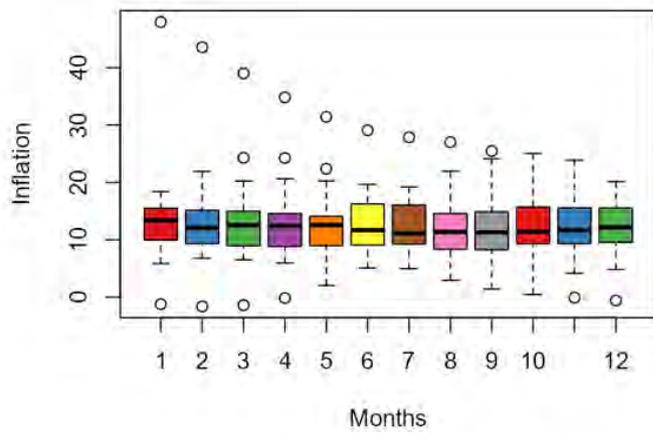


Fig. 7. Monthly trend of spline estimates

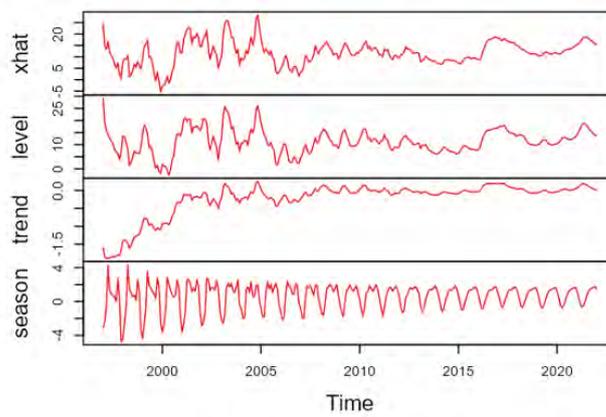


Fig. 8. Decomposed predicted HW estimate

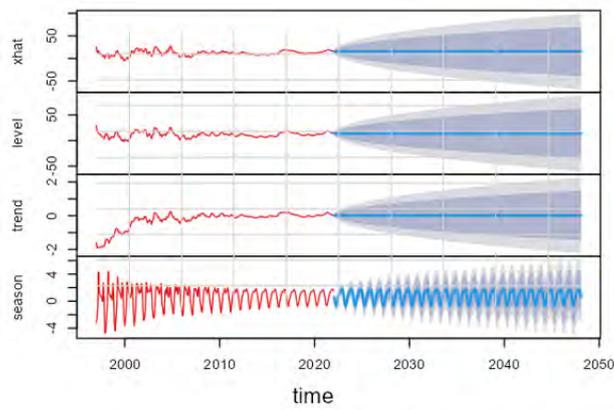


Fig. 9. Decomposed HW and forecast

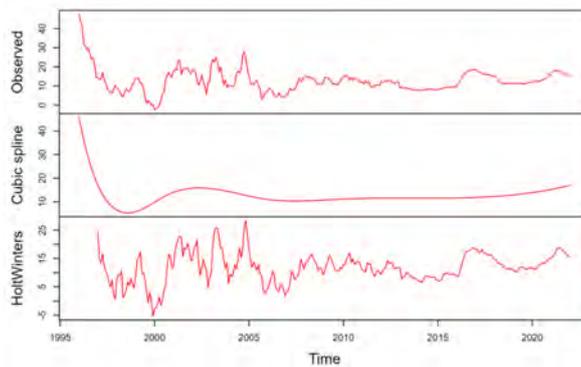


Fig. 10. Comparison of HW and spline estimates

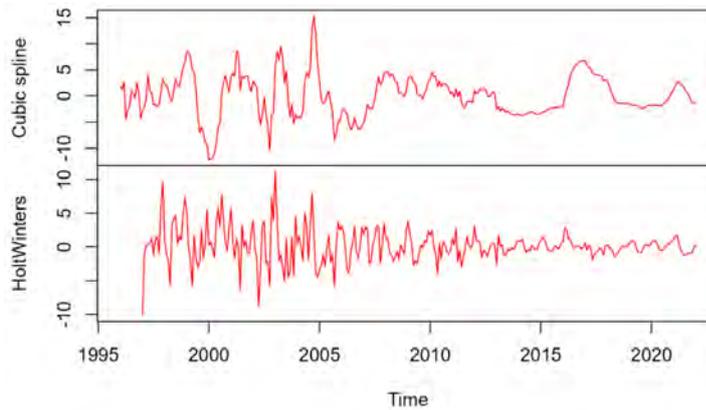


Fig. 11. Residuals from HW and spline estimates

Table 3. Summary of forecasts from the various models estimated

	<b>Holt</b>				
	<b>Cubic</b>	<b>Winters</b>	<b>Level</b>	<b>Season</b>	<b>Trend</b>
Minimum	14.03	15	14	-0.66	0.02
Mean	14.65	15	14	0.74	0.02
Variance	0.18	0	0	0.73	0
SD	0.42	0	0	0.85	0
Maximum	15.28	15	14	1.79	0.02

Table 4. Turning points statistics of the two models

	<b>Turning</b>			
	<b>statistic</b>	<b>points</b>	<b>p value</b>	<b>alternative</b>
Cubic spline	-27.2	5	5.98E-163	non randomness
Holt Winters	-11.64	115	2.72E-31	non randomness

Table 5. Goodness of fit properties of the two models <sup>5</sup>

	<b>ME</b>	<b>MAE</b>	<b>MPE</b>	<b>MAPE</b>	<b>MSE</b>	<b>RMSE</b>	<b>U</b>	<b>CE</b>
Cubic spline	1.6	3.1	122	-102	16	4	2	1
Holt Winters	1.4	2.8	21	15	45	6.7	3.4	1

Table 6. Properties of the various forecast models from Holt-Winters

	<b>Log Likelihood</b>	<b>AIC</b>	<b>BIC</b>	<b>AICC</b>	<b>MSE</b>	<b>AMSE</b>	<b>Sigma square</b>
Holt Winters	-1124	2255	2266	2255	5.84	12.77	5.88
Level	-1087	2179	2191	2180	4.54	12.12	4.57
Season	-606	1241	1297	1243	0.19	0.18	0.19

The range of inflation in Nigeria between 1996 and 2022 is -2.49 to 47.56 with overall mean of 12.64±6.13 shows wide variability which really indicated that the Nigerian economy has been unstable during the period under study. The mean was not within acceptable limits as highlighted by Otu et al., (2014). The AR(2) predicted in Table 1 is an indication that the inflationary trend does not revert to its mean quickly and may have some oscillatory trend,

which is observed in Fig. 2. But there is an indication that any random shocks  $\{MA(1)\}$  to inflation does not go beyond one period back. In addition, the decompose trend in Fig. 2 seems to suggest that there is a cyclical trend in inflation movement in spite of the fact that Nigeria experienced a stable inflation regime between January 2013 and February 2016, although January recorded the highest monthly mean (Fig. 3). This might be indicative of the fact that in most occasions, the annual budget is either passed or accented to January. In addition, the year-on-year inflationary trend is driven by food inflation and Nigeria's food prices show some cyclical patterns between periods of harvest of agricultural produce (when food is in abundance) and that of scarcity. It therefore means that if the inflation rate is to return to the single digit of January 2013, then superior policies, rather than trends, are needed.

Based on the estimates of eq. 1-3 and Fig. 6, each of the models predicted six structural breaks in the inflation movement, which might also be a pointer to some random shocks to the economy. The years predicted by each model, as shown in Table 3, indicated that there were some uniformities in the years of break, the major divergence being at the fifth and sixth breaks. The break in 1999 might have occurred as a result of change of government from military to civilian while between 200 and 2005, there were general adjustments in wages, which must have caused structural changes in inflation. The 2008 change might have occurred due to the global economic crisis from 2007. In addition to these general stressors, oil and gas prices might also have caused considerable shocks to the Nigerian economy spiking inflation since government revenues are largely derived from the sector. The changes between 2015 and the present might really be a result of a change in government from one political party to another, even though prior to this, it appeared that inflation had been brought under some level of stability.

Fig. 7-11 and Table 3-6 show that there was no major divergence between the two forecast methods, rather all the forecasts suggest that Nigerian inflation rate is likely to be well above 10% for some time to come particularly because it is an  $MA(2)$ . What then is needed is a more robust economic management team, made up of seasoned professionals in the banking sector and academia in strong collaboration with the National Bureau of Statistics (NBS) and the Central Bank of Nigeria (CBN) that would ensure that stability is restored to the Nigerian economy through stable inflation management based on some set targets.

## Conclusions

In this study, analyses have shown that Nigerian inflationary movement shows cyclical patterns and had remained high, above 10%. There have been at least six structural breaks which seem to show that the economy reacts to external shocks. However, the forecast from HW and spline models did not exhibit a major divergence. In order to restore stability through inflation management, more effort is required by evolving a more robust means, different from what has been utilized, and a wide-ranging expertise made up of robust economic management and intelligence team consisting of local and internationally-seasoned economists to manage the inflation rate in Nigeria. In view of the findings in this research, it is recommended that new methods and expertise in line with global realities are needed to manage the inflation regime within acceptable limits. In addition, a global innovation platform, as well as evidenced-based policies which ensure that Nigeria does not swerve away from the path to recovery should be established in consultation with fiscal, monetary and research authorities. Perhaps, the strategy might be to critically review some of the policies applied to inflation management during 2013 to 2015 and re-apply them with realistic amendments to take advantage of reality.

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# Psychosocial Behavior and Its Influence in Society

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**ABSTRACT:** Our personality system is composed of cognitive, motivational, affective, aptitude and behavioral structures. Of all these, behavior represents the way we externalize ourselves and thus, causes us to act differently in certain situations. A category of prosocial behaviors regarding the defense of law and justice are presented, but also antisocial behaviors that defy any social norm. An important role is represented by both motivation and affectivity - mechanisms for stimulating behavior, to which are added needs and wants, those intermediate states that influence behavior. Also, the main forms of psychosocial influence, strategies of persuasion and manipulation, as well as the effects of psychosocial influence will be presented.

**KEYWORDS:** behavior, psychic mechanisms, manipulation, persuasion, psychosocial influence

## Introduction

Behavior is defined as the set of observable reactions that an organism exhibits to stimuli in the environment. The term behavior began to be used in psychology by Watson and H. Pierson, within the current called behaviorism.

Social behavior (conduct) is modeled according to the norms of the society of which the individual is a part. Otherwise, a behavior that does not respect the institutional rules, laws and is called deviant behavior is installed, for example, delinquency, vagrancy, etc. There are numerous internal and external factors that shape human behavior, and the benchmarks of its suitability are established based on sociocultural influenced norms and standards (Cosman 2010, 86-87).

Pierre Janet introduces the concept of conduct into psychology, understanding by the latter both the totality of visible manifestations, oriented "outside", and the totality of invisible processes of its organization and regulation (Zlate 2006, 29).

Human health can be considered a state inscribed in the perimeter that defines the normality of the individual's existence, meaning the maintenance of the structural balance of the person both in the internal and external perspective, of the adaptive balance between the individual and his concrete environment.

The state of health is a state of harmony, a state of well-being regarding the evolution of the biological complex, psychological and social dimensions of human behavior (Tudose F., Tudose C. and Dobranici 2002, 32-33). In the structure of psychosocial phenomena and processes, influence holds particular importance, being one of the major factors of social integration and organization.

By influence is meant the psychosocial phenomenon that consists in the modification of cognitive-intellectual, orientative-attitudinal or behavioral-actional systems, which are produced as a result of the interaction between groups, organizations and social situations.

In a narrow sense, influence is understood as the action by which a social actor (person, group, organization or institution) determines the modification of the attitudes and behaviors of some people or groups. In this case, the influence is considered to have a predominantly unilateral character (Cristea 2010, 301).

## Prosocial behaviors and antisocial behaviors

*Prosocial behaviors* are intentional behaviors, carried out outside of professional obligations and oriented towards the preservation and promotion of social values. Acts such as helping others, defending property, assets, defending the law, justice represent prosocial behaviors.

In establishing relationships with each other, people tend to maintain a certain balance in what is given and what is received. If this balance between "costs" and "benefits" does not work, psychological discomfort can occur.

*Cooperation* is a type of prosocial behavior in which individuals pool their skills and strengths to solve a task together. It is based on moral principles, being dictated by reason.

*Supporting* others when the situation calls for it is another positive behavior. This situation assumes that the one who gives support has greater availability than the one who receives it.

*Tolerance* is a characteristic of our behavior manifested when we deliberately choose not to prohibit or prevent another person's behavior, even if we disapprove of it.

*Antisocial behaviors* are those that defy the agreed social order, contradict by disregarding social norms and institutions. Antisocial behaviors are either willful, intentional, committed by people who consciously violate legal laws and moral norms, or by sick people with serious personality disorders (Ștefănescu, Bălan and Ștefan 2010, 122-124).

We can consider aggression as a characteristic of those types of behavior that are oriented in a destructive sense, behaviors that cause material, moral, psychological damage. Therefore, aggressive behavior can target objects (house, car, etc.), it can target the human being (individual, group, ethnicity, etc.) or both (University of Medicine and Pharmacy 2014).

## **Psychic mechanisms of behavior stimulation**

### ***The motivation***

By motivation, we understand the totality of the internal motives of conduct, whether they are innate or acquired, conscious or unconscious, simple physiological needs or abstract ideals. Any act of conduct is motivated. Even if sometimes we don't realize why we do one action or another, even if we are not aware of all the reasons for our actions, this does not mean that motivation is absent. However, human behaviors are multi-motivated because at their base, there is never a single reason, but a multitude of reasons, which do not act independently of each other, but interdependently, forming real motivational networks, configurations or constellations in the personality structure. This fact explains the enormous variety of human behaviors.

In the overall personality, motivation has the role of triggering, supporting and orienting actions, as well as a function of self-regulation of behavior, through which behavior is given an active and selective character. Essential for motivation is the fact that it stimulates and triggers action, and action through the reverse connection influences the motivational base itself and its dynamics (Bențea, 48-49).

Motivation appears to us as an external causality transposed into the internal plane: if the object corresponding to the satisfaction of a need is missing and, therefore, has no way to trigger the corresponding behavior, its place is taken by the state of necessity in relation to it, updated spontaneously, following some physiological and psychological changes (Golu 2007, 670).

### ***Needs and necessities***

The reasons for behavior were understood through the notions of needs and wants. Originally, motives were understood as intermediate states between needs and drives. The need is a state of tension of the organism, which appears in conditions of deprivation of a function. There are primary biological needs or needs, such as hunger, thirst, etc. Secondary, psychological needs are represented by the need for personal security, the need for autonomy, the need for affirmation.

*The impulse* is characterized by the appearance of an increased excitability of the nerve centers corresponding to the deficient need;

*Desire* is a conscious need that produces a specific emotional stimulation when in proximity to the desired object or subject;

*Interests* are manifested by the person's tendency to pay attention to certain situations and to orient themselves towards certain activities;

*The intention* marks the transition from reasons to the level of goals, projects, strategies, crystallizing the direction of the reason;

*Aspiration* is a projection of personal desires towards goals that obviously exceed the person's present condition (Cosman 2010, 94-95).

### **Emotions**

Man does not relate indifferently to reality, on the contrary, the objects, phenomena, events that act on him have an echo, a resonance in his consciousness, they bring to life certain needs, they correspond or not to his needs, they satisfy his interests, aspirations, ideals or not.

Between the internal stimuli and the surrounding reality, confrontations and collisions take place, the effects of which are precisely the affective processes. While the approval or satisfaction of internal requirements generates pleasure, crowding, excitement, joy, contradicting or not satisfying them leads to unpleasantness, dissatisfaction, indignation, sadness (Zlate 2006, 262).

Affective mental processes are differentiated into several categories: affective moods, affects, emotions, feelings and passions.

*Affective dispositions* refer to generalized, diffuse affective states of varying intensity, which play the role of background for subsequent emotional reactions and processes.

Within affective dispositions, separate categories are organic and pathological dispositions. These are diffuse affective traits that accompany the state of health, illness, fatigue, etc.

*Affects* are strong, intense, short-lived outbursts, accompanied by rich facial expressions. Such are, for example, the manifestations of fear, horror, anger, rage, despair, joy and exuberance, wonder, amazement.

*Emotions* are fundamental affective phenomena that appear either as primary, spontaneous reactions, or as more complex processes, emotions themselves. They are a result of the meaning that the events of the external world have. Man experiences several emotions simultaneously, sometimes in opposition, sometimes in agreement.

The complexity of emotions implies, in some cases, opposite tendencies that manifest themselves simultaneously: anger-relaxation, admiration-contempt, sympathy-antipathy, and pleasure-instisfaction. Feelings constitute complex and durable affective formations, of moderate intensity, which become real affective attitudes towards objects, events, values, people (Ștefănescu, Bălan and Ștefan 2010, 86-89).

### **The main forms of psychosocial influence**

*Persuasion* represents the activity of influencing the attitudes and behaviors of some people in order to produce changes that are in agreement with the goals or interests of the initiating agency (persons, groups, institution or political, social, cultural, commercial organization, etc.) (Zamfir and Vlăsceanu 1993, 429).

“Persuasion is the co-creation of a state of identification between source and receiver as a result of the use of symbols” (Larson 2003, 26).

Persuasion involves a form of communication that results in attitudinal and behavioral change. Consequently, the factors of the effectiveness of the persuasion relationship are related to those of communication, respectively, factors related to the communicator, message, communication channel, auditor and the communication environment.

The communication environment, both physical and psychosocial, influences the effectiveness of the act of persuasion through the following main factors: physical comfort, psychosocial climate, suggestive capacity of the ambience, accidental disturbances.

The psychosocial climate in which the meeting takes place has a decisive role in determining a receptive or hostile attitude towards the communicator and his message (Cristea 2010, 310-316). Persuasion is a way of reasoned communication in which the user brings reasonable evidence, presents valid grounds (both formal and material) to cause the auditor to adhere to the theses, ideas presented (Dunca 2013, 294). Persuasion must be based on a rational argument, not on coercion or misinformation (Andronovici 2012, 152).

### ***Persuasion strategies***

The development of a change strategy must start from the identification and analysis of the following elements:

- a) *The nature of the source of influence*: it can be constituted by a majority or a minority of the social community to which the target belongs (recipient of the influence);
- b) *The nature of the attitudes to be changed*: attitudes can target individuals, groups or institutions; they can have a central or secondary character in the dynamic structure of the personality;
- c) *Characteristics of the conflict involved in the change* (Cristea 2010, 317).

### ***Manipulation in social relations***

The Encyclopedic Dictionary defines manipulation as “influencing public opinion through a set of means (press, radio, television) through which, without resorting to constraints, certain behaviors are imposed on it, cultivating the impression that it acts in accordance with own interests”. In modern society, the method is used mostly for political purposes (Dicționar Enciclopedic 2001, 245).

In all its forms, manipulation is a form of aggressive influence that does not respect the free will and dignity of the target. Manipulation is a particular form of social influence and, implicitly, communication. Within this process, all the elements of a communication system can be identified: the source of the manipulative influence, the information used, the message that is the encoded form in a certain form of the information, the transmission channel and the target (the recipient of the manipulation action).

Psychological manipulation consists in the use of special techniques for triggering, guiding and controlling some psychic processes and phenomena, in the sense of determining some behaviors of the target that correspond to the interests of the source. For this purpose, a multitude of processes and phenomena can be used, including cognitive dissonance, social comparison, the Oedipus phenomenon, the effects of fear and positive reward on individual choices, the phenomenon of controlled suggestion, role playing, etc. (Cristea 2010, 319-323).

### **Effects of psychosocial influence**

The basic elements of social life are those relating to sociability, sodality, sociability, civilization, etc. Each of these dimensions corresponds to individual behaviors, specific to each field of social life (Cristea 2011, 309).

Influence is a major component of social life, with important functions in learning and social integration, as well as in the general process of psychosocial development. The main effects of positive psychosocial influence are found in the phenomena of uniformity, conformity and submission; the negative effects are found in the phenomena of anomie, reactance, deviance and delinquency (Cristea 2010, 333).

Social life would be unimaginable without behaviors that systematically confirm solidarity, support and altruism towards fellow human beings. The concrete manifestation of prosocial behaviors is conditioned by a series of factors: psychosocial and sociocultural (values, norms and cultural-behavioral models); psycho-individuals; conjunctural-situational (affective and motivational mood).

From the category of dysfunctional and disharmonious behaviors, with deeply negative effects on the psychosocial climate, are those related to aggression and delinquency. Violence in all its forms is the result of the combined action of psycho-individual, psycho-social and socio-cultural factors.

Because of the deeply negative effects that aggression has on individual and social life on the psychosocial climate, creativity and performance in all areas, it is necessary to find ways to reduce aggressive potential and violence in all its forms (Cristea 2011, 309-332).

## Conclusions

Numerous specialized studies highlight the fact that in the structure of psychosocial processes, influence represents one of the most important fundamental phenomena of our social life, being related to the way of communication between peers.

The communication environment influences the mode of attitudinal and behavioral change. Thus, a psychosocial climate in which the meeting takes place can determine a receptive but also hostile attitude.

A special role is played by psychological manipulation, which consists in the use of methods to determine a behavior that corresponds only to the interests from which the message comes. Therefore, within the framework of positive social influence, we encounter phenomena such as uniformity, conformity and obedience, but also negative effects such as anomie, deviance or delinquency.

Conduct must comply with the norms of the society we belong to. If those rules are not followed, then the behavior becomes deviant.

Health also plays an important role as it maintains the person's balance both internally and externally.

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# Perspectives in Criminology

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**ABSTRACT:** In order to further prove its relevance and impact on other fields, criminology needs to follow some trends and, at the same time, create chapters that respond to the needs of society. In other words, the science of criminology has an interdisciplinary and dynamic character, developing with society. However, there is currently no consensus on its future. Instead, discussions are taking place about the direction it may take, whether it is about how the subject should be taught in universities or which areas of criminology should gain importance in the coming years. This article will therefore provide a brief analysis of the future of criminology, seen through the prism of possible scenarios and future areas within criminology.

**KEYWORDS:** criminology, interdisciplinary science, green criminology, cyber criminology, feminist criminology, mobility criminology

## **Future scenarios of criminology**

According to one view in the literature, the future scenarios of criminology are based on two uncertainties: interdisciplinarity and the public role of criminology. Regarding the uncertainty of how disciplines evolve in scientific research, there are two scenarios: either disciplines continue to develop independently of each other, or they gain in importance and impact, and, as scientific research, they cluster around questions and themes.

In the first scenario, criminology could become one of the most successful disciplines of the 21st century. This could lead to criminology and other scientific disciplines growing in size and scientific strength to such an extent that they acquire their own profile as a discipline, with their own renowned researchers and journals. But it could lead to limited interaction with other disciplines.

"Research and researchers from different disciplines pass each other like ships in the night" (Wilson 2010, 546-547). Thus, the main concern of criminology would be to maintain cohesion within it and preserve the big picture, at the expense of interaction with other disciplines. At the same time, however, the professionalization and specialization of criminology would lead internally to the creation of various sub-disciplines and schools, which would end up clashing rather than collaborating (Bruinsma 2016, 659-676).

The second scenario explores the evolution of criminology, but not necessarily within a field of its own, leading to the idea of criminologists being compared to 'kings without a kingdom', as Thorsten Sellin puts it (Beken 2019, 386-394).

Thus, questions related to crime are not exclusively studied by criminologists, but also by psychologists, geographers, statisticians, physicians, or economists who can provide answers to such questions.

Instead, this would bring a high degree of interdisciplinarity, which is in line with developments in European science policy and its funding, i.e. the European Union's Horizon Europe Framework Programme 2021-2027 (European Commission 2021), which had in one of its discussion points the idea of including the societies in question in either one or two research groups.

Thus, "if both were included separately, there would be more opportunities and a clearly defined scope" (Beken 2019, 386-394), but if everything were to be brought together in one cluster, then social scientists would have to work closely with STEM (science, technology, engineering, mathematics) scientists in interdisciplinary consortia.

However, in such an organization there is a risk that some disciplines may lose their importance, depending on their relevance to the question at hand; thus, criminology may even disappear as a separate scientific discipline. A second uncertainty relates to the relationship of criminological research to the world outside science, namely its social impact over time, i.e., its influence on policies implemented at all levels.

Previously, criminology has been described as a ‘successful failure’ (Wilson 2010, 546-547) to reflect some of the uncertainty and ambiguity surrounding developments in the discipline. On the one hand, it is clear that the discipline is in a state of development. On the other hand, however, this development does not seem to be followed by an increase in criminology's visibility and impact in social and political terms. While there are certainly major differences between countries and continents, its role has not been sufficiently explored.

Two extremes can be observed in this case: in the first extreme, criminology becomes a science and retreats into its own discourse, communicating insufficiently with the outside world about its results, as in many cases where criminology is critical of social and political developments but does not translate this criticism into participation in the public forum.

The other extreme is where criminology focuses on the questions that matter most to society at any given time. Thus, the discipline mainly offers knowledge and techniques from its discipline but is completely absorbed by its social role.

Thus, combining the two uncertainties with the two poles, four scenarios can be identified for criminology's prospects, namely:

- criminal science,
- criminal policy,
- the Da Vinci scenario,
- theoretical criminology.

*Criminal science* describes the situation where a large part of interdisciplinarity is coupled with a pronounced public role.

*Criminal policy* presents a scenario where interdisciplinarity is not very present, but the public role of criminology is important.

*The Da Vinci scenario* prefigures a future with a high degree of disciplinarity, but a limited public role.

*Theoretical criminology* describes a situation where criminology has a limited public role and interdisciplinarity is also limited.

In conclusion, practical advice to improve the role of criminology and help it achieve its goals is

- Representation of the subject at universities (Dölling 2016, 243-247), either as a compulsory or elective subject,
- theoretical-critical reflection on the fight against crime on all its sides, so that it should deal with both basic principles research and practical research (Kerner 2013, 184-201).

### **How can we overcome cultural and linguistic differences between different schools of criminology?**

As mentioned above, collaboration in criminology is debated from multiple perspectives. Thus, a key question to ask is “How can we build a strong community of researchers that can withstand the challenges posed by current and potential divisions?” (Huey and Pare 2010, 237-241)

Criminology, by definition, can be characterized as a truly interdisciplinary science (Jeffery 1978, 149-169), as well as an “umbrella discipline” (Huey and Pare 2010, 237-241) that encompasses a wide range of academic and practical pursuits that focus on issues of lawmaking, lawbreaking, and social reactions to both (Sutherland 1924).

However, this diversity of issues covered has led to separate perspectives on how criminologists should relate to the science of criminology and what should constitute an appropriate way of working.

These practices have resulted in the science of criminology often being “affected by its own disciplinary struggles, internal divisions, competing alliances, and the familiar irritations of departmental and personal politics” (Menziers and Chunn 1999, 285-297).

In Canada, the last few decades have brought significant growth in criminology, especially in terms of its popularity among students (Huey 2010). This has brought together the country's criminologists, who, following conferences, have decided that it is imperative for them and society to address the issues that divide them rather than those that unite them in their work (Huey and Pare 2010, 237-241). This relates as much to differences in ideology as it does to differences in language or method of approaching the subject.

### **Branches of criminology**

In addition to the general directions that criminology can take, however, there are views in the literature that envisage the development of new branches of the discipline.

These are either developing in response to societal needs and trends (equality, online safety, etc.) or in response to research in other branches of science, such as global change. We will now present the most important branches debated in the doctrine.

#### ***1. Green criminology***

Relevant to our approach is Jean-Jacques Rousseau's idea that, “You forget that the fruits belong to all and that the earth belongs to none.” Before addressing this theme, we need to define the areas that are relevant to environmental issues, i.e., everything that concerns “the environment, animal rights and the symbiosis between human societies and ecological systems” (South 1998, 211-233).

The term “green criminology” was introduced into the literature by Michael J. Lynch in 1990. The field is based on the idea of a “risk society” (South 1998, 211-233).

“The fragmentation of institutional responses to crime and criminology's participation in this fragmentation are in turn related to broader social trends. In particular, discourses of risk - coming from many directions, but especially from the institution of insurance and from efforts to regulate the environment - impose alternative models of controlling crime and other social misconduct”.

It is now arguable that we live in a ‘risk society’ in which the demand for knowledge useful in defining, assessing, managing, and distributing risk is reconfiguring the social order (Ericson and Carriere 1994, 89-109).

It may be pointed out that humanity's most serious crime at present is being committed against itself and future generations (Cohen 1993, 97-115). This argument is consistent with some authors who appeal to criminology to rectify the lack of attention paid to human rights issues and atrocities committed against individuals and groups.

“Thus, the Earth and its resources are wasted and overexploited through processes in which people are commodities in chains of production, and distribution and profit are put before sense and sensibility. In such processes, multiple and numerous crimes, violations, misdeeds, and irregularities are committed against the environment but remain largely unchecked” (South 1998, 211-233).

Examples of the branches of green criminology might include: environmental victimology, corporate crime and its impacts on the environment, health and safety in the workplace, organized crime and corruption in the toxic waste disposal market, law enforcement and military impacts on the environment and populations, damage to terrestrial and aquatic wildlife and damage to their habitats. Most of these are highly interdisciplinary.

A relevant example is the Love Canal disaster of 1978-1980. The area is to be found near Niagara Falls and suffered severely from the dumping of hazardous toxic waste. The case was a well-publicized one, due to the fact that in the 1940s, Love Canal was simply an abandoned navigation canal and for years a company called Hooker Chemical disposed of thousands of drums of toxic chemicals directly into the canal (Szasz 1994).

In 1952 the canal was capped, but later a school was built on that land. In the 1970s, heavy rains revealed a toxic substance on the surface, which in some places was 250 or even 5000 times higher than the medically acceptable limit. So it was questioned whether it was illegal at that time in the US to destroy the environment without regard for future generations. However, it should be noted that “the science of criminology and related disciplines have together documented a wide range of examples of environmental damage by unregulated power, by corporate misconduct, by organized crime, by government authorities, and by government inattention” (South 1998, 211-233).

But one suggestion for unifying so many distinct branches of criminology is to adopt a green perspective. Furthermore, in order to better understand the field, environmental issues and crimes that concern the field, one can regard them as a way to control ‘excesses’.

The nature of the environment as ‘property’ that gives rise to disputes, or as a provider of resources that are fought over, or as the site of a range of crimes, from corporate crime to juvenile vandalism, suggests that reconciliation and reintegrative shame may be other sources of ideas for green criminality.

Another contributing idea is the need for criminologists to continue to develop 'social environmental thinking' that recognizes the finite nature of the planet's resources and how they do or do not fit with global and socio-economic trends and that ultimately have a profound impact on the social sciences.

## **2. Cybercriminology (Ayres 2018, 182-197)**

This concept is a new one, emerging with technological developments, mentioned as early as 2007 (Jaishankar 2007, 1-6). It is important to note that “cyber criminology” actually means an alternative criminology, which has a distinctive character, being generated (and not only facilitated) by cyber technologies.

“These new modes of criminological thinking are both demanded and generated by philosophical issues of culpability caused by cyber technology, as well as by new practical issues of criminal definition, deterrence, regulation, and enforcement” (Ayres 2018, 182-197). However, although the field has not been established, criminologists are seeking explanations for emerging cybercrime, which depends on a variety of causes and transforms the existing criminological canon. Thus, cyber criminology refers to “scientific studies on the realization, control and punishment of criminal behavior in a telematic context”.

Before we can understand what cyber criminology means, we need to define the parameters on which it can be built:

The distinction of 'cyberspace' defies physical spatial boundaries, making geography irrelevant (Jaishankar 2010, 26-31) in the face of an experience of equidistance (Wall, 2007). The cyber environment is thus inherently different from the physical world. Moreover, cyberspace transposes or reproduces characteristics of the real world into the virtual environment (Yar 2005, 407-427).

The cyber environment is also a particular challenge for criminologists because “a significant part of the tradition of criminological perspectives is based, implicitly or explicitly, on ecological theories that have linked the occurrence of crime, its patterns and distribution, to the socio-spatial arrangement of specific places and made possible concepts such as mapping, identification of the criminogenic environment and prevention programs” (Yar 2013).

At the same time, just as the physical world has its own architecture that can influence human behavior, so does coding structure and condition behaviors and sets restrictions and permissions in cyberspace (Ayres 2018).

The distinctively temporal nature of cyberspace - communication in the virtual environment - takes place at the speed of light, which creates a sense of immediacy, different from the sequence of physical actions defined as past, present, and future in the physical world. So, a question that needs to be asked is “what is the interval, in the virtual environment, between the moment of action and the moment of result?”.

The autonomy of participants (users in the virtual environment) experiences a new autonomy, being apparently free from the control of governments and corporations.

“In cyberspace, on the contrary, communication is inherently free from the compulsory intervention of the media, because it is communitarian, non-hierarchical and reciprocal” (Lévy, 2001). “In the context of criminal manifestations, the individual empowerment offered by the Internet generates greater control of criminal activity by those who act. This empowerment is due to the ability that technology possesses to be a force multiplier, allowing individuals with minimal resources to generate potentially large negative effects” (Wall 2007; Yar 2005, 407-427).

New identities and feelings of anonymity (virtual interactions) allow individuals to reinvent themselves, adopting new identities that may differ from their 'real life' identities. This poses the risk that, under the guise of anonymity, individuals display behaviors that, in social worlds other than the cyber world, would be constrained by distinct levels of control that would normally be seen as illicit or at least deviant.

New aspects of victimization are given by new ways of interacting and associating in cyberspace, characterized by immediacy and an apparent equidistance, can make users vulnerable to a variety of 'predators' who can approach them instantly, without encountering the barriers of the physical environment.

“This pervasive perception of actual or potential victimization is a feature of late modernity and has been described, on the one hand, as the late modern crime complex: a cultural formation characterized by a distinct set of attitudes, beliefs, and practices derived from the perception of high crime rates as a normal social fact that makes the avoidance of crime a guiding principle in everyday life” (Garland and Sparks 2000, 189-204). On the other hand, there are authors who believe that the possibility of victimization in the physical world is similar, as people are aware, in the traditional reality, that they are vulnerable to crime (Grabosky 2001, 243-249).

Another relevant aspect in this situation is the fact that virtual equidistance without physical proximity can be an incentive for deviant behavior in cyberspace. “Virtual fraud, in particular, attracts criminals because of the (mistaken) belief that it is a victimless crime and, consequently, that the financial loss is borne by the banks.

It is a neutralization strategy that also hides the reality that financial institutions transfer their losses to merchants, who then compensate them by transferring the cost of these operational risks to consumers” (Wall, 2007). The transnationality given to social enforcement and prosecution, traditionally linked to territorial jurisdictions, has become problematic with the emergence of cybercrime (Ayres 2018, 188). Additionally, effective law enforcement requires a sustained joint effort and costly cooperation between national legal systems.

A constant transformation - probably the biggest challenge in understanding and combating cybercrime - is that transformations in commonplace technologies are a continuous and dynamic process, leading to greater ease in committing cybercrime. In addition to the transnationality mentioned above, the transient and volatile nature of the content on the internet must also be taken into account.

Thus, a user can simultaneously be a server, a publisher or a consumer, thus creating a great deal of confusion as to the existing roles in the virtual community. Therefore, in order to justify the emergence of a new branch of criminology, it is necessary to investigate what exactly constitutes a crime among activities in the virtual environment.

Thus, three dynamic categories of cybercrime can be differentiated from the law or social rules:

- Cybercrimes are violations of legal norms by reference to legally prohibited uses of information technology in some states, but not of a legal norm universally recognized in jurisdictions around the world;

- Cyber violations or misconduct are violations of social norms (but not legal norms) through new uses of information technology that are considered socially unacceptable;

- Neo-cyber threats are the practice of a new harmful act, possible only through new cyber technology, but against which there are (as yet) no universal safeguards or local rules within which it can be classified (made sense of).

“In other words: while a cyber neo-crime does not constitute criminal conduct in some jurisdictions, a cyber neo-threat is treated more generally as a technical problem or novelty, and its significance tends to generate neither immediate social reprobation nor immediate understanding as a crime” (Ayres 2018, 189).

### **Other branches of criminological science**

In addition to green criminology and cyber criminology, there are several other branches developing, which take into account changes in society, trying to bring the discipline as close as possible to current problems. Examples include the following:

#### 1. Feminist criminology (Carrington 2018, 110-124)

In 1968, Frances Heidensohn described the study of gender, women, and deviance as “lonely and uncharted seas of human behavior” (Heidensohn 1968, 160-175), later saying in 2012 that they constitute “one of the most robust, resilient, and important features of modern criminology” (Heidensohn 2012, 123-134.).

In terms of the study of criminology, there are a few different approaches that have emerged more or less in chronological order:

- the first wave, which emerged in the 1970s, called for the introduction of the problem of women into the discipline of criminology.

- The next period is represented by French feminism, for the most part, which called for the categorical rejection of criminology as a male-dominated science.

- the third period is marked by postmodernism and postcolonialism, criticizing the universalization of women by feminist criminology. They argued that this theory was incapable of representing the diversity of women's experiences of crime, violence and criminal justice.

- Later, intersectionality exerted considerable influence on contemporary directions in feminist criminology. This approach does not necessarily privilege gender, conceiving of it only as one of several interconnected structures that position women differentially in relation to the operation of law and criminal justice, although it is an important one (Carrington 2018, 110-124).

#### 2. The criminology of mobility (Pickering, Bosworth and Katja, 2018, 150-164)

This concerns the relationship between immigration and crime. In recent years, however, researchers argue for the need to change the way we understand society, as the boundaries of social reality have been altered and have even become unstable due to globalization and much higher mobility. Thus, the field of mobility criminology has developed for researchers interested in issues of citizenship, race, gender, ethnicity and immigration control (Aas and Bosworth (eds) 2013).

Consequently, the field is interested in processes of inclusion and exclusion at and within the borders of states that they rely on and expand their arsenals, usually reserved for the criminal justice system, in favor of law enforcement and the military, without their usual protections (Pickering, Bosworth and Franko 2018, 150).

## Conclusions

In conclusion, it can be said that the science of criminology stands apart from the other criminal sciences and will be considered an outstanding science as long as it continues to be rigorous in methods, interdisciplinary in approach, and guided by a commitment to justice (Mitchel 2009, 7).

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# Science Diplomacy

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**ABSTRACT:** In the age of global warming, pandemics and political East-West tensions, the time for science diplomacy has come. Science diplomacy originated during the Cold War era when institutions, such as the International Institute for Applied Systems Analysis (IIASA), built institutional foundations to connect scientists via empirical and rational facts in order to solve global issues of concern aside from potential political realities and country stance differences. Today's most pressing international challenges in climate change, pandemic prevention and resilient finance despite rising East-West tensions call for a renewed spirit to discuss global problems without political biases and historic international customary practice.

**KEYWORDS:** Climate change, Cultural diplomacy, Global common goods, Global warming, Negotiation, Negotiation Leadership, Pandemic, Prevention, Public policy, Resilience finance, Science diplomacy

## Introduction

Today's global challenges in climate change, pandemic outbreaks but also humanitarian crises due to political conflicts demand for urgent action of the global community. Time windows close on humankind's ability to revert global warming. Highly-transmittable pandemics can bring healthcare capacities to their limits. Humanitarian suffering in the eye of territory invasions and newly-emerging frictions between East and West have reached unprecedented urgency for attention to finding common-ground driven solutions fast and efficiently.

In the coming together of all nations to solve global issues of concern, such as global warming, pandemic prevention and humanitarian crises, global governance institutions have done excellent work and proved successful leadership in the past decades. Another form of more informal strategies to discuss global crises leaving aside political frameworks and customary law practices, is to connect and build a bridge of mutual understandings of global community members via scientific facts.

As early as in the 1930s and at its height during the old Cold War, researchers came together and aligned in order to discuss matters-of-facts and rational findings leaving aside any political agenda and historical denominations. This practice became known as Science Diplomacy. At the forefront of Science Diplomacy stood the International Institute for Applied Systems Analysis (IIASA) in Laxenburg, Austria, which – to-this-day – informs public leaders based on science-driven interdisciplinary findings and interculturally-derived insights.

Science Diplomacy builds on “scientific collaborations...to address common and shared problems” (The Vienna Statement on Science Diplomacy 2022). Science diplomats advocate for “free and open exchange of scientific ideas and information” (The Vienna Statement on Science Diplomacy 2022). Building on the integrity of research and societal responsibility focus of science, science diplomacy fosters “freedom of cooperation” (The Vienna Statement on Science Diplomacy 2022).

The following paper acknowledges today's global challenges in climate change, pandemic prevention but also humanitarian crises that demand for urgent action of the global community. With problems being too-big-to-fail requiring global collaboration and fast action, the challenges of our lifetimes appear to only be surmountable if tackled by a rational scientific collaborative approach. The time for Science Diplomacy has therefore come.

In the method of Science Diplomacy, however, clear guidelines and *modi operandi* are still missing to this day. A scientific investigation of the concept of Science Diplomacy and how scientific diplomatic countries are benefiting from a science diplomacy approach, is not studied by macroeconomic models yet. This paper first introduces the concept of Science Diplomacy, drawing from the history of the International Institute for Applied Systems Analysis, to then capture the most pressing contemporary issues of concern of our times. Lastly, a macroeconomic framework will be introduced to study Science Diplomacy as a global panacea to the most urging problems of our lifetime.

### **Science Diplomacy**

Science diplomacy uses scientific collaborations among nations to address common problems and build constructive international partnerships for their solutions (The Vienna Statement on Science Diplomacy 2022). As a rather informal and unpaid diplomatic service, scientists are thereby engaging in technical, research-based academic discourse and scientific exchange with the goal of collaborating based on facts to understand and alleviate global concerns.

Originating since the 1930s in concept but practiced vividly during the Cold War, science diplomacy benefitted from the political and financial independence of scientists, who often could exchange information freer from governmental oversight and media scrutiny control than conventional diplomats. Science diplomats were mainly researchers trained to focus on facts and scientific goals rather than promoting national country interests or advocating for stakeholder demands.

Topics of scientific cross-border interests became subject to informal meetings to discuss the emergence of potential global challenges and world community needs. Oftentimes, scientists were the only elite group who was allowed to travel freely under restrictive regimes, granting them a global network in the governance and development of science. Historic examples of scientific collaboration despite political adversities include explorations and scientific measurement of distance and time as well as grand accomplishments in technology and energy creation. Potential advancements during Cold War that were driven by science diplomacy were the closing of the Ozone Layer, successful development of nuclear energy, space exploration and technology transfers.

Science diplomacy appears to be practiced by scientists to advice and inform as well as support policy objectives with international impetus and/or global governance focus. Science diplomacy also benefits from attracting a range of scientists who are willing to collaborate and practice heterodox – in terms of unconventional methodology – scientific ethics. Science diplomats' scientific cooperation thereby forms a network of scientific exchange around the world, governmental leaders may turn for maintaining communication channels in times of political tensions when conventional diplomacy is deadlocked (Gluckman, Quirion, Sachs & van Jaarsveld 2022). Science diplomacy is therefore a research collaboration-based informal network of allies that transcends nationalism (Gluckman et al. 2022).

Science Diplomacy is considered as a new diplomacy form different from traditional diplomatic ties and a subform of international relations or soft diplomacy (Constantinou & Sharp 2016; Barston 2014; Bjola & Kornprobst 2018; Nye 1990; Sharp 2016; Szkarlat 2020). At the core of science diplomacy rests scientific cooperation and compromise for higher goals of global stability, sustainable development and common security.

Science diplomacy also allows for pooling of diversified viewpoints and a larger range of funding than conventional national scientific endeavors. The international sharing of organizational capacities and historically-grown expertise is bundled with a clear focus on empirically-driven results aside from national-politically-tainted red tape. As a rather unconventional approach to tackle global challenges and mainly focused on often hard-to-

understand or inaccessible scientific jargon, science diplomacy collaboration can also benefit from less media scrutiny and market interference.

Historically, science diplomacy was practiced successfully at the International Institute for Applied Systems Analysis (IIASA) in Laxenburg, Austria from the end of the 1960s on throughout the Cold War (Gluckman et al. 2022). On the back then neutral country ground Austria, scientists from East and West could discuss and exchange research-based knowledge and *en passant* build bridges and lasting ties between two blocs that were officially politically distanced (Gluckman et al. 2022). Scientists focused on common issues of concern and advancing global progress towards a better future for all and thereby incepted concepts like sustainable development, nuclear disarmament and space exploration (Gluckman et al. 2022).

Global governance institutions, like the World Bank, International Monetary Fund and United Nations, are building on science diplomacy to this day. Not only in the elevated number of academic-hired Bretton Woods institutions officials. But also in formal ties and open collaborations with universities and scientific organizations, such as National Academy of Sciences.

Around the world, science diplomacy appears to come to action and push global progress to fruition. Successful examples are the Conferences of the Parties (COP) Intergovernmental Panels on Climate Change (IPCC) reports, which are usually led by scientific investigators and rolled out with the help of global governance institutions, foremost the United Nations. The Sustainable Development Goals of the United Nations but also the Unequal World Conferences of the United Nations have become hallmarks of science diplomacy delivering tangible research output and credible results aside from political agendas.

Most recent notable advancements were the push towards science diplomacy as a soft power during the US President Barack Obama administration. Notable institutional support is – to this day – provided by national Academies of Sciences around the world. The American Association for the Advancement of Science (AAAS) in Washington D.C. houses a Center for Science Diplomacy to bring together “scientists, policy analysts, and policy-makers” to “share information and explore collaborative opportunities” (Center for Science Diplomacy of the American Association for the Advancement of Science). The European Union also advocates for science diplomacy in EU-funded projects and international programs, such as the European Master in Law & Economics.

Leaders in science, politics but also the industry have acknowledged the power and influence of science diplomacy beyond traditional governmental efforts and conventional international development. Global challenges that are too-large-to-fail and can only be surmounted by concerted intellectual effort besides from political agendas call for science diplomacy solutions. Global challenges related to climate change, global health and national stability lay at the intersection of science and international relations.

### **Climate change**

The climate change crisis has gained unprecedented urgency in the most recent decade. Most recent estimations project the world to be on the brink of five disastrous climate tipping points, including melting ice sheets, coral reef die-off, permafrost thaw, glacier loss, monsoon shifts and rainforest diebacks (Armstrong McKay, Staal, Abrams, Winkelmann, Sakschewski, Loriani, Fetzer, Cornell, Rockström & Lenton 2022). Scientific account gives the world community a decade to act on climate change before irreversible lock-ins and substantial tipping points will be reached. The world could end up in an environmentally-hostile state and it will never be possible to bring back stable environmental climate conditions if no concerted action is taken to reduce human-made greenhouse gas emissions.

Overall, climate change has already led to and will continuously lead to irreversible tipping points and lock-ins that will degrade the common welfare (Kellett, Weller, Faulwasser, Grüne & Semmler 2019). The extraction and use of non-renewable fossil fuels is attributed as one of the main causes of human-made global warming and a highly volatile market endeavor. Global warming can be slowed by limiting the total cumulative global CO<sub>2</sub> emissions – but only if this occurs on an international scale and in a globally-concerted action plan.

Historically, the advanced countries have gained welfare and rising living standards by the use of fossil fuel energy and intensive CO<sub>2</sub> emissions, while the developing countries have not and appear nowadays as the most burdened with the climate disasters. In the aftermath of the 2020 United Nations Conference of the Parties (COP26) meeting on Climate Change, it has been argued that the advanced countries have an obligation and responsibility to finance the adaptation to global warming of the low-income countries through direct transfers and credit guarantees (Sachs 2021).

Future economic growth depends on climate change (Hansen 2014). Climate change risks are manifold and comprise of physical risks in weather extremes, wildfires, landslides, flooding, heatwaves, hurricanes, storms and typhoons, smog and many other forms of environmental damage. Climate-related finance costs are also imbued in transition risks in stranded assets as for causing volatility in financial systems.

Macroeconomically, costs arise as a result of damages that are exacerbated by extreme temperature and severe weather events (Banerjee 2014). The measurement of the widespread effects of temperature changes includes catastrophes but also response lags and slow feedback in the wake of environmentally-changing conditions (Bonen, Klasen & Semmler 2014; Hansen & Sato 2016).

In the treatment of risk, economic and non-economic climate risks have to be considered – such as, for example, tipping points and irreversible lock-ins that could cause Greenland ice shields and the Arctic Sea ice to disappear or collapse as well as ocean circulations that cause hurricanes and typhoons (Brock, Engström & Xepapadeas 2014; Keller & Nicholas 2014). Tipping point effects could increase weather extremes and intensify tropical storms, hurricanes, typhoons and cause weather extremes to occur more frequently. Results could be drastic if considering sea level rises, heat waves and desert formations as well as draught impacts on the ecosystem but also human development. Future vulnerability depends not only on climate change but also on the development path, mitigation, adaptation policies and precautionary measures (Hansen & Sato, 2016).

Overall, climate change is expected to lead to drastic changes in productivity, food supply and labor working conditions. Tipping points and irreversible lock-ins with long-run changes will require improved climate projections to better inform climate risk management on a global scale (Keller & Nicholas 2014). Mitigation efforts of the international community will be needed that target to avert the global effects of climate change. Adaptation efforts around the world must be concerted to cope with local effects of climate change, such as regional disasters.

In the effort to curb harmful CO<sub>2</sub> emissions, problems have arisen historically. The New York Times most recently discussed the disparate impact of climate policies and climate protection attention disparities (Flavelle 2021a, b). Geographically-determined economic prospects in light of climate change reveal vast inequalities in the distribution of future climate-induced economic gain or loss prospects. While ethical imperatives lead to the claim for redistribution of some of the gains of global warming into territories that are losing out from climate change; political realities may hinder efforts to avert climate change. Free rider problems exist, whereby countries that do not take action may benefit from the other countries efforts. Political historical facts may also deter countries from action on climate change, as

was shown during the Copenhagen Intergovernmental Panel on Climate Change Conferences of the Parties (COP).

Novel policy efforts are now focused on redistribution via taxation and bonds strategies (Semmler, Braga, Lichtenberger & Toure 2021; Puauschunder forthcoming). While a current World Bank Report presents a global overview on the current state of climate taxation and climate bonds usage around the globe, it calls for macroeconomic models to inform on the implementation strategy of climate bonds and tax use as a climate gains redistribution and global warming loss burden sharing (Semmler et al. 2021). Current climate change mitigation and adaptation financing efforts are calling for innovative green investment strategies around the globe.

An emerging literature and awareness on the economic gains and losses of a warming globe being distributed unequally between countries is the basis of redistribution schemes. In the aftermath of the COP26 annual climate meeting of the United Nations, Jeffrey Sachs (2021) put forward an idea of funds for climate change mitigation and adaptation that should be raised by climate tax-funded grants provided by some countries as transfer payments, while other countries should be recipients of green bonds granted to low-income countries. A refinement in prioritizing which countries should be grantors and which recipients based on macroeconomically-informed criteria will need a scientifically-informed concerted action of all nations of the world.

Alternative market-driven solutions appear in the Cap-and-Trade scheme but also in Socially Responsible Investing (SRI) and market solutions to curb harmful CO<sub>2</sub> emissions that can only be effective if implemented on a world-wide scale in a relatively fast pace. Ethics of inclusion in the environmental domain as a novel climate taxation-and-bonds strategy to redistribute climate change gains can only raise widespread momentum for a transitioning to a zero-carbon global economy if carried by a global community.

### **Global pandemic prevention**

The new Coronavirus crisis (COVID-19) that started in December 2019 opened eyes for the human impact of deadly pandemics. The novel coronavirus SARS-CoV-2 that first emerged in 2019 accounts for the most unexpected globally-widespread external shock to modern humankind. In January 2020, the World Health Organization declared a state of emergency with international relevance over COVID-19, and in March 2020 a global pandemic. COVID-19 changed behavioral patterns around the world dramatically and will have a lasting impact on society (Baldwin & Weder di Mauro 2020).

As of the end of 2022, over 600 million recorded infections have caused almost 7 million documented deaths in more than 220 countries and territories around the globe (Worldometer Coronavirus Cases 2022). According to estimates, the actual number of infections is a multiple of around 4 up to 13 of the reported and recorded case numbers (Aizenman, Carlsen & Talbot 2021; Mandavilli 2021; McPhillips 2021).

Over the course of the spread of the novel Coronavirus, people around the world have become aware that taking preventive measures can limit the spread of the deadly and debilitating virus – including social distancing and social contact tracking, collective and individual hygiene, preventive healthcare and foresighted nutrition as well as vaccination and medication (Britt 2020; Harrison 2021; Puauschunder 2021; Rubin 2020; Sachs, Horton, Bagenal, Amor, Karadag Caman & Lafortun 2020; WebMD 2020). Prevention and holistic medicine play an important role whether the disease turns out to follow a trajectory of severe or only a mild symptom.

The further the COVID-19 healthcare crisis deepened, the more it became apparent that in some previously-infected individuals the virus lingers to the point of debilitation and often changes health conditions long term. From 10% upwards to more than 50% of those

previously-infected with COVID develop long-term symptoms of the disease, which are often diffuse, come in waves and – to this day – are not well understood (Hart 2021; Searing 2021).

The large-scale dimension of COVID-19 infections around the world is underscored by an estimated 10-50% of those previously infected with COVID-19 facing some kind of longer-term or long-term health impact and/or chronic debilitation that is currently not well-understood by the medical profession (Hart 2021; Searing 2021). Given the worldwide spread of the virus and that the demographic likelihood to become a COVID Long Hauler peaks in the 30-50 years of age bracket, we can predict a large-scale, long-term and global impetus of COVID long-haul induced change.

From the history of humankind and the knowledge about previous diseases but also the currently-blatantly noticeable effect of COVID-19 on almost all features of life, global attention has risen to finding a common ground on future worldwide healthcare pandemic prevention. With reference to historical precedents of the past, global concerted efforts to detect deadly diseases early on and report and exchange information on contagion strategies are currently being called for.

The widespread and long-term impacts of COVID and its legacy may flourish international science diplomacy in a healthcare and common disease prevention direction that will likely transform the law, economics and governance of our world and modern society lastingly.

### **Resilience finance**

The worldwide web of finance and economics has risen steadily in the previous decades. Globalization became a hallmark for international development. Global finance and international trade were seen as ultimate powers to lift the entire world population onto a more developed level.

Yet with the advent of global interconnections between finance and economics driven by digitalization and data transfer around the globe, also lurking contagion risks became apparent. Shadows of the invisible hand were vividly outlined in the 2008-09 world financial recession financial spill-overs, food insecurity emerging out of commodity prices' international interdependence and global health safety risks in spreading diseases in an increasingly mobile general population (Centeno et al. 2013).

The downsides of global dependencies on international capital and world trade are also apparent in the case of political divestiture. Thereby, socially responsible investors use their market power to attribute global governance goals. By foreign direct investment flows, SRI relocates capital with the greater goal of advancing international political development (Schueth 2003; Starr 2008).

Political divestiture features capital withdrawal from politically incorrect markets – for example, such as the foreign investment drain from South Africa during the Apartheid regime and the current capital flight from Sudan as for the humanitarian crisis in Darfur or the search for clean energy and market reaction to Russia's accession attempts.

In the contemporary revived East-West tensions, the time has come to acknowledge the disparate impacts of foreign capital drain. Politically-laden arguments for economic sanctions may also be coupled with scientifically-led methods development to estimate the international costs of nationalism and political divestiture.

Disparate impact analyses of science diplomats without national interests may find creative redistribution means to alleviate patterns of inequality due to negative externalities of sanctions. New science diplomacy methods may detect unnoticed and less discussed inequalities in the 21<sup>st</sup> century in order to lead leadership guided by scientific facts to address ethics of inclusion to adjust for relative disparities in the hope for equal opportunities and resilient finance for all.

## Future research

Climate change imposes massive environmental challenges and unforeseeable human living condition degradation potential. With rising unpredictable risks and a complex ecosystem challenge as never before being imposed on humankind, the call for science-informed united action against climate change has reached unprecedented momentum.

The novel Coronavirus SARS-CoV-2 imposes the most unexpected external economic shock to modern humankind. The currently-ongoing COVID-19 crisis has challenged healthcare around the world. The hope for global solutions in international healthcare pandemic outbreak monitoring and crisis risk management is rising and demand for concerted action growing.

The contemporary East-West tensions have pushed continents towards scarcity in energy and commodities. An unforeseeable end and historically-tainted, politically-laden negotiations prepare the stage for advocating for a science-based solution to stabilize economies and support those innocent groups within society that are affected the most. A scientific disparate impact analysis of Law & Economics may inform how to stabilize economies on a global scale and ensure resilience finance options to become available for vulnerable populations.

In all the mentioned contemporary tragedies of our lifetimes, science diplomacy appears as a beacon of light and ray of hope to connect the world in a united wish to overcome challenges successfully and grow stronger on externally-adverse shocks. Advocating for science diplomacy also enlightens science as a profession, which is often criticized for being a competitive field with a hostile collegial climate and negative socio-psychological externalities. Science diplomats would be trained to be socially-versed and diplomatically-fit. Science diplomacy could also help scientists find meaning and additional value in their doing beyond impact factors and could touch the laypeople's everyday life with quality results.

Science diplomacy could also address the call for heterodox scientific methods granting interdisciplinary and international exchange a prominent role in science. Lastly, in the most recent call for heterodox scientific ethics, science diplomacy could serve in genuine support of creative thinking to develop innovative ideas in a protected environment, inspiring others to move traditions forward respectfully, thoughtfully and meaningfully and to allow for breaking hierarchical dynamics in mutual exchange of insights while meeting in collective appreciation for the differences.

As for future research endeavors, to this day, the question remains whether scientist diplomats or diplomat scientists are more effective than conventional modes of governmental and governance diplomacy and international relations. Until today, we have no clear economic model that investigates which science diplomacy ingredients are favorable and how science diplomacy is related to macroeconomic stability variables.

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# The Offense of Destruction with Basic Intent Committed by Participants in Sports Life

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**ABSTRACT:** This article analyzes one of the offences committed by athletes or fans through negligence, namely Destruction with basic intent, an offence that is part of the group of Offences against property provided for in Title II, art. 255 of the Romanian Criminal Code. During sports competitions or after their completion, some athletes or some supporters resort to actions of vandalism of stadiums, sports arenas, shops, bars, street furniture, parked cars, etc. They use pyrotechnic materials prohibited by the current regulatory framework, throw various objects on the field including broken seats from the stands, cause violence towards law enforcement and towards supporters of the opposing team, etc.

**KEYWORDS:** Destruction with basic intent, athletes, supporters, offence

## Introduction

Sport is a physical activity that can also involve competition. Since ancient times, sport has played an important role in people’s lives, being an activity that influences their lifestyle, health or personality. Sport not only provides health but also recreation and entertainment.

Athletes are those people who practice sports. Supporters are fans, sympathizers of an athlete or a sports team. The Romanian penal code in principle sanctions all behaviors aimed at physical integrity or life, but also property. Destruction with basic intent offence is often found in arenas, stadiums, near them because athletes or fans vent their anger or dissatisfaction on other people’s property.

In the current Romanian Criminal Code, the rules for criminalizing acts against property are provided in Title II of the Special Part, grouped into five chapters, taking into account both the factual situations in which the assets can be found as patrimonial entities, as well as the character or nature the illegal actions by which these factual situations can be modified. Thus, in Chapter V of Title II of the Romanian Criminal Code in force, the Special Part, under the name “Destruction and disturbance of possession”, the following acts are criminalized: *Destruction, Aggravated destruction, Destruction with basic intent, Disturbance of possession.*

## Legal definition

*Destruction with basic intent* is an offense provided in the Romanian Criminal Code in article 255: “(1) The act of destroying, damaging, or making an asset unfit for use, with basic intent, even if it belongs to the perpetrator, if the act is committed by arson, explosion or by any other such means and if it resulted in endangering human life or property, shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine. (2) If the acts resulted in a disaster, it shall be punishable by no less than 5 and no more than 12 years of imprisonment”.

The offense criminalized in art. 255 of Romanian Criminal Code represents a mitigated form of the facts described in art. 253 – *Destruction* and 254 – *Aggravated destruction*, provided that the commission of these acts takes place through fault.

*The special legal object* is made up of social patrimonial relations that concern the security of material existence and their potential use.

*The material object* of the offence can be any movable or immovable property belonging to a natural or legal person or it can even belong to the perpetrator.

Things without economic value cannot be the material object of the crime. As such, goods devoid of any value and not part of someone's patrimony cannot constitute a material object of the crime of destruction - *res nullius and res derelictae* (Dobrinou, Pascu, Hotca, Chiş, Gorunescu, Păun, Dobrinou, Neagu and Sinescu 2016, 348).

The offence may also have as its material object a document under a private signature, which belongs in whole or in part to another person and serves to prove a right of a patrimonial nature and if this caused damage (Cristiean 2017, 229)

According to Law no. 182/2000 on the protection of the movable national cultural heritage, published in Official Gazette no. 828 of December 9, 2008, republished in Official Gazette no. 259 of April 9, 2014, with subsequent amendments and additions, the movable national cultural heritage is made up of goods with historical, archaeological, documentary, ethnographic, artistic, scientific and technical, literary, cinematographic, numismatic, philatelic, heraldic, bibliophilic, cartographic and epigraphic, representing material testimonies of the evolution of the natural environment and of man's relations with it, of the potential human creator and of the Romanian contribution, as well as of national minorities, to universal civilization.

### **Subjects of the offence**

The active subject can be any person, even the owner of the asset, here the destruction of one's own asset is exceptionally criminalized, provided that the asset is part of the cultural heritage or provided that the deed was committed by arson, explosion or other similar means and if it is likely to endanger other people or goods.

*Criminal participation* is possible in all its forms, namely in the form of co-authorship, instigation and complicity. The accomplices and the instigator, who acted with intent, will be sanctioned for complicity and instigation in the commission of the offence of destruction, while the perpetrator will be sanctioned for the offence of destruction with basic intent.

*The passive subject* is the natural person or legal person, public or private, whose property was destroyed, or the person who had a certain right over the property.

The offence can also have a plurality of passive subjects in the situation where the action of the perpetrator affects the patrimony of several persons in indivision. In the situation where the perpetrator is the owner of the asset, the passive subjects of the crime will be the persons who have a right over the destroyed, degraded asset or whose assets were destroyed at the same time as the destruction of the asset belonging to the perpetrator (Cristiean 2017, 229).

### **The structure and legal content of the crime**

The prerequisite situation of the offence of destruction with basic intent consists in the existence of an asset susceptible to an alteration of its substance or a diminution of its qualities of use. It is not relevant if the good is absolutely new or in perfect working order, it is enough that it is usable. The existence of a worthless asset cannot constitute a prerequisite for a possible offence of destruction with basic intent. The state in which the property was before the destruction will be taken into account when determining the severity and assessing the guilt of the perpetrator (Sima in Antoniu and Toader - coord. 2015, 635).

### **Constituent content**

#### ***The objective side***

The standard form of the offence, the one provided in para. (1), is identical to that provided by art. 253 para. (4). Destruction with basic intent of property is punishable only if it is committed by

arson, explosion or any other such means and only if it is likely to endanger other such persons or property. In the absence of one of these requirements, the act does not constitute an offence (C.S.J., s.pen., dec. no. 2334/1997, Collection of decisions for the year 1997, p. 329 in Cristean 2017, 229).

*The material element* can consist of destruction, degradation, rendering unusable.

By *destruction* is meant the abolition, annihilation, suppression, shattering, reduction to simple remains, which even if they have a certain value, it is far below the initial value of the good (Sima in Antoniu and Toader - coord. 2015, 635).

*The degradation* of an asset means its damage, its partial alteration, i.e., a substantial change that causes the asset to no longer have the qualities and potential of its previous use (Sima in Antoniu and Toader – coord. 2015, 635).

*Making it unusable* means making the good lose its original qualities that ensured its potential for use, the good becoming completely unusable (Sima in Antoniu and Toader - coord. 2015, 635).

At the same time, it is necessary for the material element to be created by arson, explosion or other such means.

*Arson* means to set fire to, to set fire to.

*The explosion* involves the release of the destructive energy of an explosive substance on an asset.

*Other such means* represent any material operation likely to trigger a strong destructive energy.

*The immediate consequence* is to create a state of danger for other people or goods.

*The causal link* must exist and be proven. Although this connection inevitably results with the concrete establishment of the factual situation, sometimes other causal factors can intervene in the causal chain, which requires a careful investigation of the relationship between the material element and the immediate follow-up.

The aggravated form of the crime, the one provided by para. (2), has elements in common with the destruction criminalized by art. 254 Romanian Criminal Code. The main common element is the immediate aftermath, namely the occurrence of a disaster.

***The subjective side.*** The offense is committed both in simple and aggravated form, by fault in both its forms: with provision or without provision.

As a form of guilt, *culpa* is defined by the provisions of art. 16 para. (4) of the Romanian Criminal Code and consists in the mental attitude of the perpetrator who foresees the result of his deed, does not accept it, considering without grounds that it will not occur or does not foresee the result of his deed even though he could and should have foreseen it (Mitrache and Mitrache 2016, 140; see extensively Tănăsescu and Tănăsescu 2004, 132-153).

### **Forms. Modalities. Sanctions**

*Forms.* Since it is a culpable offense, there is only the established form, when all the continuing elements of the offense are met.

*Modalities.* The simple normative methods are those specified by law, namely arson, explosion, or any other such place. In art. 255 para. (2) it is stipulated as an aggravating circumstance that the deed resulted in a disaster. The actual ways are numerous in relation to the concrete way of committing the act.

*Sanctions.* The penalty provided in the law for the form in para. (1) is imprisonment from three months to one year or a fine, while for the aggravated form resulting in a disaster, the punishment is imprisonment from five to twelve years.

## Procedural aspects

The criminal action is initiated *ex officio*, and the competence to carry out the criminal investigation belongs to the investigation bodies of the judicial police. The competence to resolve the case in the first instance rests with the court.

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# Social Dialogue and Tripartism Paradigm at the Level of the European Union

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**ABSTRACT:** The problem of social dialogue and conceptual crystallization (Ștefanescu 2017) of this phenomenon was an element of maximum interest for European legal doctrine and specialized practice, especially at the level of the European Union and international bodies with attributions in the field of labor protection. Thus, the International Labor Organization (ILO) proposes a working definition for social dialogue (Popescu 2021, 37), which reflects processes and practices found in different countries and which regards social dialogue as a voluntary act of information, consultation and negotiation of social agreements between partners, as well as negotiation of collective labor contracts. More precisely, according to the definition proposed by the International Labor Organization (ILO), Social Dialogue includes any type of negotiation, consultation or the simple exchange of information between representatives of the government, employers and workers on topics of common interest regarding economic and social policies (Popescu 2021, 36). There can be a tripartite process in which the government formally participates in the dialogue, or it can refer to bipartite relations, involving only representatives of workers and management (or trade unions and employers' associations), in which the government participates indirectly or not.

**KEYWORDS:** trade unions, employers' associations, social dialogue, partnerships

## Social Dialogue at the European Level

Social dialogue can be informal or institutionalized and often presents itself as a combination of the two variants. It can take place at the national, regional, or enterprise level. It can be interprofessional, sectoral, or a combination of these (Dima 2017, 303).

In the concept adopted at the level of the European Union, the social dialogue established by the Treaty of Rome of 1957 is the process of continuous information and consultation between union and employer organizations, with the aim of reaching agreements regarding the control of certain economic and social variables, both at the macroeconomic and microeconomic level. Thus, from the perspective of the European Union, the European social dialogue involves debates, consultations, negotiations and joint actions undertaken by the representative organizations of the social partners, art. 138 of the EC Treaty establishing the consultation of social partners at community level regarding all initiatives in the field of employment and social protection.

A simple analysis of the conceptions and perspectives of the International Labor Organization and the European Union regarding social dialogue, one can observe the existence of two approaches which, without being totally antagonistic, have a relatively divergent character.

Thus, if the ILO promotes tripartite social dialogue (Popescu 2021, 35), involving the state or the public factor anyway, the European Union promotes bipartite social dialogue (Craig 2017, 689), emphasizing the involvement of employee and employer representatives. But, as I have shown, this divergence is only relative, in reality, the two forms of social dialogue coexisting, under the conditions in which they reflect complementary economic and social contexts.

A conceptualization of social dialogue that brings together and reconciles both of the above visions is the one carried out by the International Labor Office (International Labor Office - ILO), in whose vision social dialogue is described as representing: all types of negotiation, consultation or exchange of information between Government representatives

and employees regarding issues of common interest, both economic and social policy (Ștefanescu 2017).

Thus, in the vision of this institution, the social dialogue can be encountered both as a tripartite process, in which the employer, representatives of the employees and the Government intervene, and as a bipartite one, with the participation of the representatives of the employees and the management of the enterprise or the employer. In the European doctrine, a narrow definition has also been proposed, which makes a distinction and a conceptual delimitation between the notion of social dialogue and that of collective negotiation (Dima 2017, 329), a conceptualization according to which social dialogue is not the same thing as negotiation, but it provides a framework for more effective negotiation, helping to differentiate negotiation over the state of the world from negotiation over the allocation of costs and benefits.

In other words, in this vision, social dialogue represents a premise and a general frame of reference for ensuring the conditions that can lead to the effective running of a collective negotiation in which the social partners get involved in negotiating their positions, solving problems and identifying possible solutions.

In any case, as observed, the concept of social dialogue is associated with the transition from a culture of conflict to a culture of partnership, with the consideration of the common interests of the social partners involved, within a wider process of social concertation.

The appearance of the concept of social dialogue was a result of the evolution of the relations between the participants in the labor relations, an evolution which was a winding one marked by the transition from antagonism and confrontation to dialogue, as a means of conciliation and resolving the divergences between the parties (Preduț 2016, 838).

The birth of the principle of social dialogue and collective negotiations, as ways of resolving differences between participants in labor relations, can only be talked about after the creation of the International Labor Organization, a body with a tripartite structure (comprising representatives of governments, unions and employers), which through the adopted conventions, he created the general framework for social dialogue, but also conceptualized this institution.

From a legislative point of view, the act that consecrated and defined the social dialogue (Ștefanescu 2017, 368) was the Declaration of Philadelphia adopted in 1944 as an annex to the Constitution of the International Labor Organization which recorded, among many other positive aspects, the effective recognition of the right to collective bargaining and cooperation between the employer and the workforce, for the continuous improvement of the organization, as well as the collaboration between the worker and the employer for the elaboration and application of the social and economic policy. An international document of utmost importance in imposing and conceptualizing social dialogue as an institution was Convention no. 98/1949 on the application of the principles of the right to organize and collective bargaining, document which, in art. 4, established the fundamental functional principle according to which the aim will be to encourage and promote the large-scale use of the voluntary negotiation procedures of the collective agreement between the social partners, in order to regulate working conditions on a conventional basis (Preduț 2016, 839).

In 1976, the General Conference of the International Labor Organization from the Government adopted on June 2, 1976 Convention no. 144 regarding the tripartite consultations intended to promote the application of international labor standards, according to which member states undertake to put into practice the procedures that ensure effective consultations between representatives of the Government, employers and workers, on issues concerning the activities of the International Labor Organization (Panainte 2017, 172).

Also at the ILO level, Convention no. 154/1981 on the promotion of collective bargaining (ratified by Romania in 1992), through which the democratization of labor relations was pursued through collective bargaining, as it moved from the simple recognition

of the subjective right of the social partners to organize and participate in a negotiation, to the awareness of the importance of the institution of negotiation and Recommendation no. 163/1981 of the ILO, which aimed both at facilitating the concrete implementation of Convention no. 154/1981, as well as its completion (Țiclea and Georgescu 2020, 54).

A particularly important role in the institutionalization and conceptualization of social dialogue was also played by the European Social Charter, adopted by the Council of Europe in Turin in 1961, a document that guarantees 31 fundamental rights and principles of a social nature, including the right to collective bargaining, so implicitly the social dialogue (Popescu 2021, 63).

### **Social Dialogue in the Vision of the International Labor Organization**

As it follows from the definition proposed by the International Labor Organization (ILO), this institution promotes tripartite social dialogue, as a form of interrelation involving the representatives of employees, employers and the state, the principle of tripartism being a creation of the International Labor Organization, still since its establishment in 1919.

The International Labor Organization (<https://www.ilo.org>, <https://snpp.ro>) established the principle of associating employee representatives, employer representatives and Government representatives, in order to jointly search for the most effective ways to achieve social justice, a principle also confirmed by the Philadelphia Declaration of 1944 regarding the aims and objectives of the International Labor Organization, which considers and enshrines tripartism as a permanent foundation of its activity. The Declaration from Philadelphia was later confirmed and validated in the normative activity of the International Labor Organization (Voiculescu 2014, 31) for the adoption of international instruments, but also in the specific activity of controlling their application, the Organization establishing and imposing the need for the involvement of employees and employers in the development and application of social and economic policies in each country.

In continuation of the above, the International Labor Conference adopted in 1971 a resolution by which it requests the states and entities involved to analyze all the measures necessary for the tripartite structures to include as complete a range of activities as possible (Voiculescu 2019, 73).

Consolidation of Social Dialogue (Ștefanescu 2017, 404) is one of the four essential strategic objectives of the ILO for the promotion of decent work, along with the promotion of labor standards, principles and fundamental rights related to work, the creation of wider opportunities for ensuring decent work, for both men and women and an effective social protection system for all.

In this perspective, the Social Dialogue can have different forms, involving collective bargaining, but also other forms of negotiation, consultation or communication between the social partners and them and the public entity, but all these forms have a multilateral character, excluding those with a clearly unilateral character, such as deontological codes, internal or organizational and operational regulations, which cannot be assimilated to forms of Social Dialogue (Popescu 2021, 41).

In terms of means and concrete methods of implementation, the ILO uses a series of specific instruments to promote social dialogue at the national level, including International Labor Standards, Technical Cooperation and Technical Assistance or Policy Recommendations. The ratification and implementation of international labor standards is one of the important means by which the ILO promotes social dialogue, in this sense there are several ILO Conventions and Recommendations that provide for social dialogue as a means to achieve the objectives.

Convention no. 144 as well as Recommendation No. 152 refers directly to social dialogue and tripartism. They promote tripartism and social dialogue, ensuring the involvement of social partners in activities related to ILO standards (Voiculescu 2021, 69).

Furthermore, the International Labor Conference adopted conclusions on tripartite cooperation at the national level regarding economic and social policy in 1996 and a Decision on Tripartism and Social Dialogue in 2002.

In addition to international labor standards, which directly promote social dialogue, there are other ILO Conventions and Recommendations essential for effective social dialogue, which confirm that one of the fundamental activities of the ILO to support Social Dialogue is the establishment of standards. Among these Conventions (Nistor 2004, 108) and Recommendations, the most relevant for Social Dialogue are Convention 144 on tripartite consultations, respectively Recommendation 152, Convention 87 on freedom of association and the protection of trade union rights and Convention 88 on the application of the right to organize and collective bargaining.

By Convention no. 144/1976 regarding the tripartite consultations intended to promote the application of international labor standards, it was provided that any member state of the organization, which ratifies this convention, undertakes to put into practice the procedures that ensure effective consultations between the representatives of the Government, of those who employ and of workers on issues related to the activities of the International Labor Organization (Popescu 2021, 41). The International Labor Organization (Cornescu 2010, 3) implements a number of technical cooperation projects at national and subregional level in which social dialogue is a major component, involving activities for the establishment and improvement of social dialogue processes and institutions.

The International Labor Organization also promotes social dialogue through other forms of technical assistance, which can take various forms, including conferences at national and subregional level, direct policy recommendations at country level, training workshops.

### **Social Dialogue at the level of the European Union**

The issue of social dialogue at the level of the European Union must be seen in the wider context of the Union's social policies, given that the interrelationship between participants in labor relations and the resolution of specific shortcomings is, by definition, a social problem (Popescu 2021, 68).

Social policy is among the competencies shared between the member states and the European Union, in some of its components, the Union being called upon to ensure only the coordination of national policies, while in others it can initiate measures whose concrete application methods are left to the fore member states.

The European Social Charter (both in its initial form, signed in Turin in 1961, and in the revised one in 1996), the European Social Policy White Paper (1993), as well as the Community Charter on Fundamental Social Rights (1989) have the objectives of social policy, objectives that include, among others, ensuring a dialogue between employees and employers (Voiculescu and Berna 2019, 139).

In the context of the social policies of the European Union (Cornescu 2010, 13), the Social Dialogue is part of the European Social Model, or, in other words, the Social Dialogue is a distinctive feature of the European social model, which means that employees and employers (as well as organizations who represent them) have an important role in the coordination of economic and labor market reforms, as well as in the construction of social policies. The role of the social partners is recognized in the Treaty of Amsterdam by art. 137, which requires the member states to ensure a dialogue between employees and employers or in any case the necessary framework for such a dialogue.

At the level of the Union, the European Commission has the task of promoting consultations with employers and unions and taking measures deemed necessary to facilitate dialogue by providing balanced support to the parties (art. 138) (Popescu 2021, 38).

The dialogue with the social partners is the cornerstone of the European social model. Its role was mentioned in the employment strategy and in the European Employment Pact.

In 1970, the Permanent Committee on Employment was established, responsible for ensuring the continuation of the dialogue between the Council, the Commission and the social partners in order to facilitate the coordination of employment policies. The first progress was made with the adoption of Directive no. 96/34/EC (Craig 2017, 1243) on parental leave.

Directive no. 97/81 refers to the agreement between the social partners, by which the representatives of the major industries decided that workers involved in flexible forms of work should receive treatment comparable to those working with full-time employment contracts. In 1998 reforms took place of the committee regarding its composition and way of functioning and sectoral social dialogue committees were established, which replaced the committees expressing common opinions as well as the informal working groups (Decision no. 98/500/CE), and in 1999 a new framework agreement stipulating the principles regarding fixed-term employment contracts (Directive no. 99/70/EC).

The consultation of the European social partners contributes to the elaboration of the European social policy and to the definition of social standards. Thus, pursuant to Art. 152 of the Treaty on the Functioning of the European Union (TFEU), the European Union recognizes and promotes the role of social partners at the European level, facilitates dialogue between social partners, respecting their autonomy.

According to art. 154 of the TFEU, the Commission consults the social partners before making legislative proposals in the field of social policy, and in accordance with art. 155 of the TFEU, consultation with European social partners can lead to contractual relations, including agreements. One of the high-impact forms of social dialogue at the European level is represented by the European Sectoral Dialogue (Popescu 2021, 37), which constitutes a level of discussion and negotiation that allows a better understanding of the problems specific to each sector and which is led by representatives of European employers and workers, grouped by sectors of economic activity.

On a professional level, the European Sectoral Dialogue (Popescu 2006, 265) finds its regulation in Decision 98/500/CE (Craig 2017, 897) of the Commission of May 20, 1998 regarding the establishment of sectoral dialogue committees, committees intended to promote dialogue between social partners at the European level, according to which social partners in a professional sector can submit a joint request for the establishment of a sectoral dialogue committee.

These committees are consulted on developments at the community level that have social implications and promote sectoral social dialogue.

Among the forms of sectoral social dialogue with practical relevance, we can mention those in the railways, shipping or agriculture sectors, forms of social dialogue following which a series of essential elements regarding labor relations were established, such as related to the maximum number of weekly working hours, rest periods, the duration of breaks or the maximum duration of night shifts.

What is not currently found in the primary or secondary legislation of the European Union is a set of imperative European norms and possibly directly applicable in the internal legal systems and which would impose tripartism as a natural factual-legal state and as an indispensable pillar around which to naturally structure the national systems of social dialogue (Popescu 2021, 39).

## Conclusions

The full non-acceptance of the idea and paradigm of tripartism at the level of the European Union creates gaps in the entire European Social Dialogue System, gaps that can be speculated by the internal legislator, especially in periods of crisis or financial difficulties, in the sense of giving up the tripartite form of social dialogue.

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From the analysis of the above, a series of conclusions can be drawn with varying degrees of generality, but with undoubted relevance and impact.

Thus, it can be concluded in the sense that the Social Dialogue is a form of communication, information and negotiation between employees and employers, with the participation of the state as a mediator, for the solution of collective problems concerning labor relations and their issues. It has also been proven that Social Dialogue favors social peace and stability in society, economic and social development and contributes to overcoming economic crises and replacing conflictual relations with a climate of trust.

Tripartism (Țiclea and Georgescu 2020, 50) is the most effective and appropriate way to practice social dialogue, bringing together all the factors involved in social policy issues and giving employees an extra guarantee, by involving the state as an arbitrator.

At this moment there are international instruments to ensure tripartism, these being primarily those arising from the legislative instruments and practice of the International Labor Organization (Cornescu 2010, 3-4).

The European Social Dialogue (Ciochină-Barbu and Popescu 2019, 292) can be a powerful tool for improving working conditions and establishing common minimum standards for the whole of Europe through which it has manifested its positive role by creating common practices in this matter (Voiculescu and Berna 2019, 317). However, like any system and that of the European Social Dialogue is perfectible (Popescu 2021, 37), as I have shown, especially in terms of assuming and ensuring mechanisms to guarantee tripartism in the conduct of social dialogue (Dima 2017, 298).

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# Discrimination of the Roma in European Union Countries

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**ABSTRACT:** Discrimination is a widespread phenomenon throughout the world, representing a constant concern for various authorities in the field in order to combat it, especially starting with the 20th century, particularly after WWII. Sanctioning of discrimination is an effort of state authorities with attributions in the field, but also of non-governmental organizations actively involved in combating discrimination of any kind. Most often, discrimination remains unsanctioned for reasons related to the group or the person subject to discrimination. Ignorance of the law, lack of access to information, the bureaucratic procedure in the courts, lack of knowledge upon competent authorities whom the persons or groups targeted by discrimination should address, but also the ignorance of the forms of discrimination leading to the assimilation of acts of discrimination as a normality of society are some of the most common reasons why the phenomenon of discrimination is widespread, difficult to identify, prove and sanction.

**KEYWORDS:** discrimination, minorities, the Roma, the European Union

## Introduction

The protection of national minorities represents an area of interest in international human rights law, immediately following the First World War, when the special treaties including the term *for minorities* shaped a system for the protection of the rights of persons belonging to national, religious and linguistic minorities within the League of Nations. This system of protection of national minorities was not an imperative one, which is why the protection of minorities established through this system failed. The imperative character of a protection system for national minorities was defined after WWII, following the crimes against humanity, the Holocaust and the atrocities committed in the war, ethnicity being one of the most important causes of the listed events (Corlăţean 2015, 9-10).

Discrimination is one of the objectives assumed at the level of the European Union. Discrimination on the grounds of race or ethnic origin is prohibited by art. 21 of the Charter of Fundamental Rights of the European Union (2012). Racial discrimination is prohibited in employment, education, social protection, including social security and health care, as well as goods and services, including housing, according to the Racial Equality Directive 2000/43/CE.

Discrimination is a phenomenon closely related to equality, the phenomenon emerging when individuals are no longer treated equally. The European Union Treaty, as amended by the Treaty of Lisbon, provides in art. 2 the values on which the European Union is founded, equality being one of them (Dumitraşcu 2021, 104-105).

Discrimination is also prohibited by art. 14 of the European Convention on Human Rights which states: the exercise of the rights and freedoms recognized by this Convention must be ensured without any distinction based, in particular, on sex, race, color, language, religion, political opinions or any other opinions, national origin or social, belonging to a national minority, wealth, birth or any other situation ([https://www.echr.coe.int/documents/convention\\_ron.pdf](https://www.echr.coe.int/documents/convention_ron.pdf) accessed July 28, 2022). The prohibition of discrimination appears in the Universal Declaration of Human Rights as well, art. 7 recognizes that all people have the right to equal protection against any discrimination that would violate this Declaration and against any challenge to such discrimination ([https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR\\_Translations/rum.pdf](https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/rum.pdf)).

The largest ethnic community in Europe is represented by the Roma. In 2016, the European Court of Auditors conducted an audit at that time and concluded that the Roma represent the largest ethnic community in the European Union with an estimated population of 6.2 million people, which is mostly marginalized (European Court of Auditors, Special Report No. 14, EU policy initiatives and financial support for Roma integration: significant progress over the past decade, but further efforts on the ground are needed, see [https://www.eca.europa.eu/Lists/ECADocuments/SR16\\_14/SR\\_ROMA\\_RO.pdf](https://www.eca.europa.eu/Lists/ECADocuments/SR16_14/SR_ROMA_RO.pdf)).

### **The extent of the phenomenon regarding the discrimination of Roma at European level**

The case of marginalized Roma was a concern of the European Commission, especially after 2008, when different bodies were created at the European level, enabled to monitor and reduce the phenomenon of ethnic discrimination. The Commission set up the European Platform for Roma Inclusion (EPRI), an inter-service task force on Roma issues, a network of national Roma contact points and a working group on indicators related to Roma integration, which is coordinated by the European Union Agency for Fundamental Rights.

In what regards the widespread of the phenomenon of discrimination, the Agency for Fundamental Rights of the European Union conducted a series of surveys whose results were published in 2018 regarding minorities and discrimination in 9 states of the European Union, respectively Bulgaria, the Czech Republic, Greece, Spain, Croatia, Hungary, Portugal, Romania and Slovakia. Based on these surveys, we can measure the extent of the phenomenon of discrimination against the Roma, and even more, we can even identify factors favoring discrimination against Roma in European Union countries.

The surveys revealed a significant discrepancy between the general perception of the population upon discrimination of the Roma, and the Roma's own perception of the ethnic discrimination they are subjected to, in the sense that, although the general population considers discrimination of the Roma a large-scale phenomenon, the Roma themselves do not feel discriminated to the same extent. In countries such as Romania, Bulgaria, Spain or Portugal, the Roma consider themselves to be less discriminated against than the perception of the general population. In countries such as the Czech Republic, where although a percentage of only 51% of the general population believes that the Roma are subject to ethnic discrimination, 85% of them consider themselves discriminated in the respective country.

	The extent of ethnic discrimination perceived by the general population in nine EU Member States (Special Eurobarometer 437), per countries (%) <sup>a</sup>	Roma who believe that discrimination based on ethnic origin is very widespread or quite widespread in their country, in member states (%) <sup>b</sup>
Bulgaria	47%	30%
Czech Republic	52%	85%
Greece	70%	65%
Spain	63%	47%
Croatia	50%	56%
Hungary	65%	53%
Portugal	64%	51%
Romania	51%	38%
Slovakia	46%	44%

a - Second survey on minorities and discrimination in the European Union, Roma - selected results, European Union Agency for Fundamental Rights, Publications Office of the European Union, Luxembourg, 2018, p. 44.

b – Second survey on minorities and discrimination in the European Union, Roma - selected results, European Union Agency for Fundamental Rights, Publications Office of the European Union, Luxembourg, 2018, p. 43.

### Factors favoring the phenomenon of discrimination against Roma based on ethnicity

As factors favoring the amplification of the phenomenon of discrimination against the Roma, the EU Agency for Fundamental Rights identifies poverty and marginalized living conditions, the limitation of the Roma in terms of access to the labor market, a low rate of participation in the educational process for Roma children, coverage health needs and unmet health care needs, access to safe housing with basic infrastructure.

Three of the countries surveyed have an at-risk-of-poverty rate for the Roma population of over 90%, namely Spain (98%), Greece (96%) and Croatia (93%), while the Czech Republic has the lowest level of poverty risk (58%).

As for the ability to manage daily expenses, the increasing trend of the percentages continues and is correlated with the poverty risk rate, in the sense that countries recording a high percentage of the poverty risk rate, register high percentages as regards the difficulty of managing daily expenses as well, the only exceptions being Romania, which, although it registers a poverty risk rate of 70%, only a percentage of 34% of the Roma interviewed declared that they manage daily expenses with great difficulty, also the case of Croatia, a country where, although the poverty risk rate is high (93%), only 52% of the number of Roma interviewed declared that they have a great difficulty in sustaining daily expenses.

Spain provides an interesting analysis, presenting the lowest percentage of Roma living in households where at least one family member went once to bed hungry in the last month (17%), while Spain dominates all surveys on the aspects related to the risk of poverty of the Roma.

	Poverty risk rates (below 60% of equivalent average income after taxation) of the Roma (%) <sup>a</sup>	Considerable difficulty in “dealing with everyday expenses”, for the Roma, per EU member states (%) <sup>b</sup>	Roma living in households where at least one family member went to bed hungry once in the last month, per EU member states (%) <sup>c</sup>
Bulgaria	87%	48%	27%
Czech Republic	58%	31%	20%
Greece	96%	74%	48%
Spain	98%	64%	17%
Croatia	93%	52%	38%
Hungary	75%	48%	20%
Portugal	-*	74%	-*
Romania	70%	34%	32%
Slovakia	87%	45%	31%

\* - Not applicable. The value for Portugal cannot be published due to the large number of missing values (> 25%)

a - Second European Union Minorities and Discrimination Survey Roma – Selected findings, 2018, p. 16.

b - Second European Union Minorities and Discrimination Survey Roma – Selected findings, European Union Agency for Fundamental Rights, Publications Office of the European Union, Luxembourg, 2018, p. 18.

c - Second European Union Minorities and Discrimination Survey Roma – Selected

findings, European Union Agency for Fundamental Rights, Publications Office of the European Union, Luxembourg, 2018, p. 19.

A gap can be observed between the level of schooling of the Roma and the poverty identified at the level of the European Union countries. The survey of children between those aged 4 and compulsory schooling age (country-specific), included in preschool education, per EU member states reveals that the rule according to which access to education should represent a decisive factor in combating poverty and discrimination against people of Roma ethnicity is not a general one. Thus, while Spain ranks first in terms of discrimination and poverty of the Roma, the same country ensures a 95% schooling rate for children between the ages of 4 and compulsory schooling age (country-specific), who are included in pre-school education. However, the rule is confirmed in the case of Greece, which provides a percentage of only 28% of schooling for children aged between 4 and compulsory schooling, being in last place among the countries of the European Union, which correlates with the degree of poverty of the Roma and with that of discrimination confirmed by the Agency for Fundamental Rights of the European Union (Second European Union Minorities and Discrimination Survey Roma 2018).

### **Reporting discrimination incidents**

Reporting incidents of discrimination has a low prevalence in European Union countries. Surveys show that the percentage of Roma who reported or filed a complaint about the last incident of discrimination based on Roma origin is closely related to the percentage of the general population's perception upon Roma discrimination. Thus, countries such as Greece and Spain recording the highest rates of discrimination perceived by the general population are also the countries in which the lowest percentages of reporting incidents of discrimination were recorded, 7% in the case of Greece, respectively 5% in the case of Spain. It is also noted that although 65% of the Roma interviewed in Greece stated that they felt discriminated against, only 7% reported an incident of discrimination to an authority. The countries reporting the highest number of incidents of discrimination are Croatia and Slovakia, raising at 18% of Roma respondents (Second European Union Minorities and Discrimination Survey Roma 2018).

The lack of reporting of incidents of discrimination among Roma people is mainly due to the lack of awareness of the existence of support organizations, bodies to promote equality, laws and campaigns about discrimination. Only 36% of the Roma interviewed declared that they are aware of the existence of a law that prohibits discrimination based on skin color, ethnic origin or religion interviewed (Second European Union Minorities and Discrimination Survey Roma 2018).

### **Conclusions**

Discrimination against the Roma ethnic group is a permanent concern for the key European institutions, since the Roma population represents the most important minority of the European Union. The extent of the phenomenon is difficult to stop as long as the Roma themselves do not have the ability to appreciate the cases where they are subjects to a form of discrimination, do not have the initiative to report such events and are not aware of the existence of specific legislation. However, in recent years, a significant number of non-governmental organizations have been created that campaign for the rights of this minority and that notify the competent bodies at the level of each European Union country when they identify discrimination among the Roma. These non-governmental bodies represented a joint effort of European Union policies to which all member states adhered.

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# Explaining the Relationship between Roman Civil Law and Praetorian Law

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**ABSTRACT:** Praetorian law and civil law are two closely related branches of Roman private law. Civil law is a set of legal norms, specific to the old era, when law was confused with religion and morality, legal relationships were simple and rare, and legal norms could not be modified or abrogated due to the conservatism of the Romans, who considered that they came from the gods. Civil law was exclusivist, because it applied only to Roman citizens, and formalist, because civil law acts were concluded by performing some rituals and pronouncing some solemn words, the mistake of which led to the non-existence of the act. Because of this, *ius civile* delayed the evolution of Roman law. As the Romans gained legal experience, their practical spirit prompted them to resort to praetorian law. It appeared as a reaction to the conservatism of civil law norms and is a set of legal procedures, which contributed to the updating of civil law norms and the evolution of private law procedurally.

**KEYWORDS:** Civil Law, Praetorian Law, Roman Private Law

## Introduction

Roman Civil Law and praetorian law are legal concepts used in ancient Rome. They capture the transformations that appeared in the long process of the evolution of Roman Private Law. The first phase of the evolution of Roman Private Law coincides with the emergence of Civil Law, which was a branch of Roman Private Law applicable since ancient times. Initially, Civil Law was derived only from legal custom and only regulated relations between Roman citizens. In the era of the Republic (509 BC – 27 BC), against the background of the evolution of legal ideas, *ius civile* also results from other more evolved sources of law, among which we mention the law. Law was a source of law expressed in written form. It was adopted by the People’s Assemblies (Comitia centuriata, Comitia tributa). It was also expressed in the form of the plebiscite, which was initially adopted by the *Concilium Plebis* and applied only to the plebeians.

Praetorian Law also played an important role in the evolution of Roman Private Law. It originated from the edicts of the praetors and had a specific content, content that contributed both to the updating of civil law and to the individualization of praetorian law in relation to it.

In order to better understand the relationship between Civil and Praetorian Law, we must explain the specifics of each branch of law, as well as how Praetorian Law influenced the evolution of Private Law.

## The specifics of Roman Civil Law

The sources of Civil Law appeared in different stages of the evolution of Roman Law. As I have already shown, the first form of expression of Civil Law was custom. Later, Civil Law resulted from other, more evolved sources, both from the point of view of the form and from the point of view of the adoption mechanisms. Although they differed from the point of view of the method of adoption, the sources of the Roman Civil Law had certain elements in common, such as the component elements, which in contemporary law form the internal structure of the legal norm, their application in time and the relationship between the norms of the old civil law with religious norms.

The science of law, as it was known to the Romans, differs from the contemporary one in certain respects. Being pragmatic, the Romans emphasized practical things, to the

detriment of theoretical ones. However, the theoretical aspects should not be neglected, because sometimes they contribute to a better understanding of some legal institutions, as will be seen when we analyze the role of Praetorian Law in the evolution of Roman Private Law. To highlight the importance of Praetorian Law, we will analyze the modern concept of the internal structure of the legal norm. The Romans also had the representation of the elements of the law, but in a slightly different way. From their point of view, the legal norm included 3 elements: *praescriptio*, *rogatio* and *sanctio*. *Praescriptio* was the first part of a Roman Law. It included the name of the magistrate who presented the proposal, the name of the assembly that voted the law, the date of the vote and the order of the vote. This seemingly unimportant information highlights the law's scope of applicability and confirms the fact that the people's assemblies had met on a feast day. *Rogatio* was the second part of the law and has its origin in the word *rogat*, which means proposal. Therefore, this component of the Roman Law included the text itself, that is, the proposal with which the magistrate notified the assembly of the people. *Sanctio* was the third part of the law. It included the measures taken in the event of a violation of the provisions of the law.

On the other hand, contemporary legal science sees the internal structure of the legal norm differently. In the opinion of contemporaries, the elements of the legal norm are: hypothesis, provision and sanction. The hypothesis is that part of the legal norm that presents the situations in which the provision or sanction of the legal norm comes into action. The provision is that part of the legal norm that refers to the conduct that must be followed by the subjects of legal relations. Comparing the Roman legal norm with the modern one, we find that the *rogatio* in Roman Law corresponds to the hypothesis and provision in the modern legal norm. The sanction is the last element of the legal norm, which establishes the consequences of the violation of the provision, which intervenes to ensure the legal order and to ensure the effectiveness of the legal norm.

The application of the rules of the Roman Civil Law over time can be more easily understood if the relationship between them and the religious rules is understood.

In the opinion of the ancient Romans, legal norms were of divine origin. Coming from the gods, they were immutable, in the sense that they could not be changed or abrogated. Moreover, in the era of pre-state royalty, as well as at the beginning of the ancient era, these norms were only known to the pontiffs (priests of the Roman pagan cult), who were recruited only from among the patricians. The patricians formed the privileged social class. Initially, they did not allow the representatives of the other social class, the plebeians, access to legal norms and participation in public life. Aware of the fact that law cannot be totally separated from religion and morals, after the publication of the Law of the XII Tables, and as the plebeians gained access to state institutions, the Romans did not allow the assemblies of the people, in the works of which the plebeians also participated, to intervene on law enforcement over time. In this regard, we will invoke certain objective reasons:

- the laws could not be modified even during the legislative process, because the proposal of the magistrate was adopted or rejected by the people according to the model of legal acts concluded by question and answer;

- the opinion of the people's assemblies could be influenced by the powerful of the day, as evidenced by the reality at the end of the Republic;

- the people's assemblies could not know all the imaginary situations that may occur during the application of a law in time;

- even the Senate, in its capacity as supervisor of the traditions and morals of the Roman people, could no longer intervene on the text of the law after it had been ratified and posted in the Forum.

However, Roman private law had to keep pace with reality. For this purpose, mechanisms had to be found to contribute to the updating of the legal norms in force. This was basically the role of Praetorian Law.

### **The specifics of Praetorian Law**

As I have already shown, praetorian law springs from the praetor's edict. According to a text from the Institutes of Emperor Justinian, “*the edicts of the praetors have no less legal authority. Usually we call them honorary law, because those who exercise honors, that is, the magistrates, gave life to this branch of law*” (*praetorum quoque edicta non modicam iuris optinent auctoritatem. Haec etiam ius honorarium solemus appellare, quod qui honorem gerunt, id est magistratus, auctoritatem huic iuri dederunt*). This edict was published by each praetor at the time of taking office and contained the measures that he was to apply throughout his mandate.

What is meant by the measures that the praetor could take during his mandate? The praetor was a judicial magistrate, who dealt with the organization of private trials. In this capacity, whenever a dispute arose between two people, the praetor made to the parties legal instruments from the edict available. In the ancient era (*ju*), when the legislation procedure was applied, the praetor did not have a creative role, because he verified that the parties correctly pronounce the solemn formulas related to each type of process. However, the praetor could use certain administrative procedures to solve certain situations that were not regulated, such as the praetorian stipulations and *restitutio in integrum*. Through the praetorian stipulations, the praetor ordered the parties to conclude a contract through question and answer, which aimed to solve new situations arising in practice. Through *restitutio in integrum*, the praetor abolished the legal act harmful to the plaintiff, restoring the parties to the situation prior to the conclusion of the act. Practically, in this way, the praetor abolished the effects of an act concluded in accordance with a legal norm in force, opening the way for the plaintiff to initiate a legal action. In this way, through the procedures arising from the *imperium* - the praetor, private law allowed the judicial magistrates to solve the new cases brought into practice towards the end of the Republic, paving the way for innovations through which the praetor influenced the evolution of Roman private law procedurally.

Later, after the adoption of the formulation procedure through the Aebutia Law, the praetor acquires a creative role. From this moment, he can introduce new legal procedures (formulas, exceptions) in his edict. These procedures, which were not regulated by the existing legal norms, contributed to the sanctioning of new subjective rights. Other times, by means of other instruments from the edict (the fictions), the praetor adapted the content of other legal norms to reality, making it possible to apply them to situations other than those for which they were created. Under these conditions, the parties avoided using legal provisions considered by the praetor as “outdated”, as they knew that the judicial magistrate could grant them a judicial procedure that would paralyze their claims.

### **The relationship between Roman Civil Law and Praetorian Law**

These characteristics of praetorian law demonstrate that it was “*viva vox iuris civilis*”. These aspects were also highlighted by the Papinian juriconsult, who affirmed that the praetorian law is that which was established by the praetor to come to the aid of the civil law, to complement and improve it according to the public good (*Ius praetorium est quod praetores introducterunt adiuvandi vel supplendi vel corrigendi iuris civilis gratia propter utilitatem publicam*).

The first measure taken by the praetor through the edict was to come to the aid of civil law (*adiuvandi iuris civilis gratia*), by introducing procedures in the edict that would contribute to the application of this legal system, which contained mandatory rules for all citizens. That's what happened when the heir called to the inheritance by the rules of *ius civile* was put in possession of the goods from the estate. In other situations, the praetor completes the provisions of civil law (*supplendi iuris civilis gratia*). For this purpose, he introduced new procedural principles or means, which had not been considered by the legislator at the time of adopting a law. This is what happened when the praetor created the *exceptio legis Praetoriae*,

which he made available to the deceived young man and summoned to court in order to fulfill an obligation. Instead, when the norms of law were exceeded by reality, the praetor corrected the norms of civil law, proceeding *corrigendi iuris civilis gratia*. This is what happened to the emancipated son of the family. According to civil law, the emancipated family son could not inherit the pater familias, because he was not under his power at the time of the *pater's* death; based on the confirmation of the blood relationship, the praetor took into account that the emancipated son is a blood relative of the pater familias and allowed him to come to his inheritance, on the condition that he report to the succession table the assets he had acquired as a person *sui iuris*.

Once again, we emphasize the fact that the activity of the praetor influenced the rules of civil law, because the perpetual edict is a source of law in the formal sense that finds its own identity only in relation to the rules of civil law and that expresses the conservative spirit of the Romans.

Although it was said that *praetor ius facere non potest*, the praetor could create praetorian law, but he could not create civil law. In other words, not being able to create civil law, the praetor could not create what we call hypothesis, disposition and sanction. Instead, it could create the sanction of the legal norm, that is, precisely that part of the legal norm that made it effective, contributing to ensuring the legal order; the praetor did not create the hypothesis, respectively the disposition, because they were formed in practice. In this way, the praetor modifies the law in force whenever a new situation appears in practice, which could not have been imagined by the legislator at the time of adopting a legal norm. Here, **the internal structure of the praetor's edict differs fundamentally from the internal structure of a law.**

The praetor's edict also differs from the law in terms of its application in time. Thus, unlike the law, which applied indefinitely, the praetor's edict was valid for one year. By virtue of its exceptional character, any action, exception or procedure in the edict was valid as long as it appeared in a perpetual or occasional edict. Reality demonstrated that the provisions that proved useful were taken over by later praetors and introduced in their edicts. At the same time, it is checked whether the modification of the sanction of the legal norm is useful and is due to some objective factors or some subjective factors.

## Conclusions

For a long time, Civil Law and Praetorian Law functioned as distinct branches of law. This distinction was clear at the end of the Republic and the beginning of the Principality. At one point, the two legal systems came close, in a first phase, then they merged before the drafting of the legislation of Emperor Justinian. This results from a text in Justinian's Institutes, according to which "but since little by little it began both according to the customs of the people and according to the corrections of the constitutions that the civil law was united with the praetorian law in one" (*Sed how paulatim tam ex usu hominum quam ex constitutionum emendationibus coepit in unam consonantiam ius civile et praetorium iungi, constitutum est*).

This completes a long process, started in the ancient era of Roman law, as a result of which Roman private law adapted to the requirements of a society in permanent evolution, based on private property and the exchange economy. The practical sense of the Romans helped them to understand that the praetor's edict is an instrument that provides solutions to problems at the moment of their appearance, not later, as when the law is adopted by the people's assembly or ratified by the Senate, or never, as happens in scenarios in which the law is rejected or not ratified.

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# The Romanian State and Law in the Medieval Period. Transylvania in the Voivodeship Era

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**ABSTRACT:** Just like the history of any other field of activity, the history of law in general and Romanian law, in particular, has undeniable importance in the study of legal sciences as a whole. In the stated context, the history of Romanian law is a historical, legal but also philological discipline with the aim of reconstructing, in general terms, the theoretical aspect and practical applications of legal institutions throughout history, as they were thought and applied by the ancestors of ours in the historical environment in which they lived. Expression of the feudal arrangement in the geographical space of Transylvania, the right belonging to the voivodship established under conditions similar to those that determined the appearance of the Wallachia and Moldavia, continues to be at the foundation of the political organization of the Romanians in the principality of Transylvania.

**KEYWORDS:** Transylvania, Medieval Era, state, law, organization

## Introduction

In social-historical conditions similar to those that determined the foundation of Wallachia and Moldavia, the third Romanian feudal state, namely the Transylvanian Voivodeship, appeared in the ancestral hearth.

The external factors that allowed the formation of the Romanian Countries were also accompanied by internal factors such as economic development, by moving to an exchange economy, by increasing agricultural production and by developing crafts, expanding relations and the trade road network, numerical growth of the population as well as the emergence and development of urban settlements (Danciu 2019, 56).

Under Hungarian rule until 1541, between 1541-1683 under Ottoman suzerainty, and from 1683 under Austrian and later Austro-Hungarian rule, Transylvania had a special evolution compared to Moldavia and Wallachia.

The individuality of the Transylvanian voivodeship was preserved until the 18th century, when the Ottoman suzerainty was replaced by the Austrian domination. A proof of Transylvania's autonomy was the fact that Hungary and Transylvania were separated by customs borders, the Diet of Transylvania was different from that of Hungary. Some of the voivodes from Transylvania tried to expand their prerogatives and give the voivodeship institution a hereditary character (Danciu 2019, 58). As long as Transylvania was under Hungarian rule, the political leadership belonged to the voivodeship. Its prerogatives were limited by the autonomy of the counties, the Szekler and Saxon seats, the privileges granted to the Catholic Church, as well as the superior powers of the King of Hungary.

In order to understand the formation process of the Transylvanian voivodeship, the following elements must be taken into account: the existence of Romanian pre-state formations, the struggle of the Hungarian feudal lords for the conquest and organization of the conquered territory and the tendency of the voivodeship to be autonomous from the Hungarian royalty (Firoiu 1993, 63).

There were several voivodeships within the Carpathian arc: in the north including the Maramureș area, in the west on the territory of today's Banat and in the Crișurilor area. From the period of the 9th century, the three voivodeships of the initial feudal type are indicated within Transylvania, each having relatively large territories including the local populations, which oppose the invasion of the Hungarians in Transylvania (Negru 2014, 57).

In addition to the vast territories owned by the voivodeships (duchies), there were also border regions organized in a similar way in the form of the well-known “countries”, among which we mention: Șara Făgărașului, Șara Hațegului, Șara Bîrsei, etc. maintaining its autonomy until late in the Middle Ages.

The struggle of the Romanian political formations in Transylvania is crowned with temporary success, all these formations are characterized by the persistence to defend themselves against the Hungarians, the Byzantines or other surrounding peoples in alliance or in collaboration with the last migratory populations: the Pechenegs and the Cumans. After hard battles, using the treachery of some people greedy for power, the leaders of the pre-state formations on the territory of Transylvania were able to be subdued, but not their countries, which for almost a century still maintained their own existence under the dominance of the Pechenegs (Negru 2014, 57).

The penetration of the Hungarians into Transylvania and the beginnings of the Hungarian domination can be talked about starting from the second half of the 11th century. The Hungarians manage to extend their rule over Transylvania, having the collaboration of some local princes and voivodes attracted by promises regarding securing the rule of parts of the village communes. After the takeover of Transylvania by the Hungarian kings, a circumstance that occurred after the second penetration of the Hungarians into Transylvania and the defeat of the local chieftains, a series of political, military and religious measures were taken. The process of organizing this region was long-lasting, Hungarian rule outlining the feudal system, remained in control for several centuries (Negru 2014, 57).

### **Social structure**

*The great nobility.* The process of social stratification, of a feudal type, began in Transylvania even before the arrival of the Hungarians, within the political formations mentioned in the Chronicle of the anonymous notary of King Bela. On the entire territory of Transylvania and even in the Pannonian plain, numerous principalities and voivodeships were established since the 9th century (Pascu 1986, 381). In the 12th and 14th centuries, the Romanian nobles are mentioned alongside the Hungarians, Szeklers and Saxons even by the documents of the Hungarian chancellery. After the mid-14th century, with the subordination of all of Transylvania, the rights of the great Romanian nobility were systematically violated. The vast majority of Romanian feudal lords gradually fell into the ranks of the small nobility or even into the ranks of the dependent peasantry, with the exception of the few Romanian nobles who became Catholic.

*The small nobility* consisted of those dependent on the nemeses and the high clergy, according to the system of feudal vassalage, of persons ennobled by the king for the military services they brought from the Scythian military commanders, as well as of escaped elements of the great nobility (Cernea and Molcut 2004, 107).

*Enslaved peasants* in Transylvania, dependent peasants were called *serfs* or *servants*. Initially dependent peasants could move from one estate to another, subject to certain conditions. They had the obligation to provide the feudal rent in its three forms. In the first centuries of the voivodship, the labor rent was low, the serfs having the obligation to work for mastery only one day a year. Over time, the duties towards the feudal lords became increasingly pressing, so that after 1514 the serfs were obliged to work for the nobles approximately 50 days a year (Cernea and Molcut 2004, 107).

In Transylvania there was also a category of free people, but without land, consisting of *jelers*. Since cities developed early in Transylvania, townspeople constituted a more important social category than in Wallachia and Moldavia (Pascu 1954, 125). The evolution of social organization, the relations between the autochthonous Romanian population and the tops of the dominant nations were closely related to the property structure.

### **The main administrative institutions**

*Counties and districts.* In the 12th century, Transylvania was divided into counties, alongside which old political-administrative organizations continued to live: districts or Romanian seats. The latter exerted a strong influence in the seat organization of the populations colonized on the territory of Transylvania and at the bend of the Carpathian arc, as, in turn, the populations colonized in those territories (Saxons and Szeklers) beneficially influenced the native population of the area (Negru 2014, 62).

*Voivodeship and autonomous principality.* From the 13th century until 1541 in Transylvania there was the institution of the voivodeship and from 1541 until 1691 that of the autonomous Principality. The circumstances of the time forced the people of Transylvania to be able to realize their organizational tendencies in an autonomous principality in the conditions of the struggle for control of the Hungarian kingdom between the Ferdinandist and Zapolist groups. It is the reason why the suzerainty of the Ottoman Gate was accepted by the representatives of Transylvania. Although accepting the Gate's suzerainty, there will be negative consequences in Transylvania (payment of tribute and other obligations, some interference in internal affairs), the Turks had to recognize the Transylvanian Autonomous Principality, more freedoms and an easier regime than other vassal countries (Negru 2014, 62).

### **Transylvania legislation**

Appeared under the conditions of the establishment of the Transylvanian Voivodeship, the legal system belonging to this country evolves under the impulse of internal forces in the direction of ensuring the autonomy of the Voivodeship, as well as under the influence of the interventionist policy promoted by Hungary (Amuza 2001, 140).

### ***Legal sources in Transylvania***

As with other peoples of those times, there were two formal legal sources in Transylvania: first the *custom* and then the *written law*. The latter appeared later, under the influence of the legislation of the authorities trying to dominate Transylvania. It should be mentioned, however, that during the dominance of the migratory peoples, the inhabitants of Transylvania were guided by their own legal norms (Negru 2014, 62).

*Custom.* Since ancient times, there have been legal rules based on customs in the lands of Transylvania. They preserved the previous features both in form and in content.

Also within the framework of unwritten law is the possibility of settlement of various disputes by the parties themselves.

*Written law.* The introduction of written law was not a sudden process on the contrary, it was a slow process evolving over time alongside the law based on the old unwritten customs. In Transylvania, written legislation was more advanced than in the other Romanian territories.

### **The main legal institutions**

*Property.* The forms of ownership are determined by the existence of the communities of that time. The vicinal communities were initially led by a chief chosen by the members of the community, but later the leadership became hereditary. Later, the territorial communes unite with each other, forming unions or confederations of communes composed of representatives of the village communes.

Ownership of real estate within the village community had a double character: individual ownership over cultivated lands and joint ownership over other lands. The transfer methods of property took place through legal acts such as sale, exchange, donation, will, but it was also allowed to acquire property based on material facts such as usucapion, occupation or hunting.

*The family.* It continued to exist under the old formula from the Daco-Roman period. The head of the family being the supreme authority, he had the right to dispose of all the goods and means of the family and to a large extent of his family members (Sâmbrian 1994, 66).

The marriage took place according to the age of the future spouses, the age of the groom, as a rule, was older than the age of the wife.

The kinship could be blood, alliance or spiritual, the latter gaining a significant weight with the spread of Christianity.

*Inheritance.* The norms regarding the inheritance are based on the old customs based on the blood relationship, the relatives closer to the deceased had priority in the inheritance over the distant relatives.

The rules of testamentary inheritance were known and applied, at the beginning the will took only oral form, concluded in the presence of witnesses, and in a later period the written will was gradually applied (Negru 2014, 64).

*The trial procedure.* Gradually, the rules regarding how the trial is conducted have been perfected. The procedure of summoning to court in the feudal law of Transylvania knows two moments (Negru 2014, 64):

a) a first phase consists in the submission of the action by the party to the competent court (*in ius vocatio*) in which the claim against the defendant is formulated, showing the circumstances in which, the facts took place.

b) later, a new phase followed, consisting in notifying the opposing party (the defendant) to appear on the day fixed for the trial at the place set for the trial.

The duration of the trials was established distinctly in the Transylvanian legal system, the laws provided for, in addition to the normal, usual procedure, an accelerated procedure for certain categories of cases whose resolution required speed. Since early feudalism, there has been a procedure specific to the Transylvanian feudal legal system, that of the *ordalia* (*ordalia iudicium Dei*) or the “Judgment of God” better known with regard to the means and punishments applied in various criminal cases of major importance (Negru 2014, 64).

Just like in Wallachia and Moldavia, the customary feudal law in Transylvania did not know the institution of the authority of *res iudicata*, but the party dissatisfied with the pronounced sentence had the right of appeal (*apellatio*) to the higher court. Before this, there was the way to complain against the unjust judge, but measures and punishments were established against the party who without grounds files such complaints (Negru 2014, 64-65).

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# The Communication Difficulties in the Elderly with Cardiovascular Diseases

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**ABSTRACT:** Communication is essential in the relationship with the elderly, especially when faced with certain diseases. The difficulties in communication occur even more the older the age and the more advanced the disease, cardiovascular diseases being the main cause of premature death in the world and being constantly increasing. Disability and death caused by cardiovascular disease have reached alarming levels around the globe, especially affecting people over 65; therefore, communication with the elderly can be challenging, but it is vital.

**KEYWORDS:** communication, elderly people, good communication, cardiovascular disease

## **Introduction**

For over half a century, contemporary society has been facing a phenomenon that was characterized by the World Health Organization in the 1970s as the largest epidemic in the history of mankind, namely cardiovascular disease (Pavel, Sdrobici, Pieptea et al 1963, 5). The phenomenon continues to grow, especially among the elderly population despite the advances in preventive medicine as well as in the therapy of cardiovascular diseases. Tatu-Chițoiu (2016) stated that prevention is the weakest link in Romanians' heart health, and the main major cardiovascular risk factors are smoking, high blood pressure, sedentary lifestyle and hypercholesterolemia.

## **Communication challenges with the elderly**

For the elderly, the need for communication is vital for their lives, the quality and duration of life being threatened by the cardiovascular diseases they have as well as by communication difficulties. Sooner or later, elderly people live the last part of their lives, which precedes the end, ending existence with these diseases.

Communication, at this stage, has particular meanings and is, along with other elements of care, a solution to the quality of life until the last moment. With the help of communication, we find out many data on illness, mental changes caused by aging, the degree of illness and suffering, social and mental stress. Through communication we obtain precious data on the needs of one person or another, finally, with the help of communication, we can influence even in the therapeutic sense of communication the person's condition, without counting the transmission for assimilation of our messages designed to help them.

Regarding the age category, group 65-69 years, out of the total number of deceased of 32727 persons, 13258 people (40,5%) were caused by diseases of the circulatory system out of which hypertension caused 2625 cases, acute myocardial infarction 2561, other forms of ischemic heart disease 2523, chronic pulmonary heart 249, cerebrovascular diseases 3275.

Group 70-74 years, out of the total number of deceased of 35256 persons, 16428 people (46,6%) were due to diseases of the circulatory system out of which: arterial hypertension were 3703 cases, acute myocardial infarction 2617, other forms of ischemic heart disease 3213, chronic pulmonary heart 250, cerebrovascular diseases 4484 (Cîrtog, Ghenea and Pîrvu 2021, 5).

In a press release of the National Center for Statistics, it was said that in 2020 the number of deaths from diseases of the circulatory system increased by 17447 cases compared to 2019 implicitly, mortality increased from 654.9 to 100,000 loc. to 735.2 per 100 000 loc.

compared to 2019, but it still remains the first cause of death in Romania. The main causes of death in this case are *hypertension* which was higher in 2020 by 7649 cases compared to 2019, *acute myocardial infarction* increasing compared to 2019 with 1292 deaths and other forms of ischemic heart disease increasing compared to 2019 with 4521 deaths.

However, as mentioned above, in the case of accumulation of risk factors, their detection, prevention and treatment are crucial in the further development of these patients, and nutrition plays an important role. Prof. Louis Monnier said that “dietary prescription is a therapeutic medical act with the same value as the drug prescription” (Mencinicopschi 2020, 5).

Cardiovascular diseases are a major cause of morbidity and mortality worldwide, producing 17.3 deaths annually, a number that is expected to rise to more than 23.6 million by the year 2030 (Smith, Collins, Ferrari et al. 2012, 2343-2348). Basically, one in six people dies of a cardiovascular disease. If we refer strictly to ischemic heart disease and stroke, the cumulative number of deaths in 2010 was 12.3 million out of the total of 52.3 million recorded globally, that is, one of 4 deaths.

It is worth mentioning that in all concepts belonging to the theory of communication, communication is included among the fundamental needs of a person in general, of a suffering person and elderly even more so. It is known that the human being is complex and existence involves the need for communication as well as spiritual communication. Any elderly person is a human entity whose needs and resources are individual and specific.

Thus, human needs present themselves as multiple and complex, the purpose of satisfaction being to obtain a state of well-being, of comfort, of increasing the quality of life, or the quality of life becomes for the elderly one of the essential objectives of any intervention of help or protection, sometimes, for example, healing or recovery can no longer be possible, but with the help of communication, we can achieve a lot for the elderly.

The Guide of the European Society of Cardiology for Cardiovascular Prevention in 2021 reports the incidence of strokes that increases exponentially with age, affecting annually about 25 people per 100 000 inhabitants in the age group 35-44 years and 1500 people per 100 000 inhabitants in the age group 75-84 years, stroke being the third most frequent cause of death in many countries (Baigent, Abdelhamid and Aboyans 2021).

In the opinion of Prof. PhD M. Tarcea and of N. Răducanu, from a biological point of view, “the aging process is associated with a progressive accumulation of a wide variety of deteriorations at the cellular and molecular level, which leads in time to a gradual decrease of the physiological reserves, to an increase in the risks of developing several diseases” (Tarcea and Răducanu 2017, 12-13).

Academician Dr. C. Bălăceanu-Stolnici noted that cardiopathies and strokes occupy an important place in geriatrics. C. Bălăceanu-Stolnici, who in 2022 turned 98 years old, makes a division of the age decades and considers that the most correct is in decades or semi-decades starting with 60 or 65 years. There are schools that divide the duration of the senescence process into 3 segments: elderly people between 60 (65)-75 years old, old people between 75-85 (90) years old and longevities over 85 (90) years old (Bălăceanu-Stolnici 1998, 25-29).

The administration of medicines to the elderly is conditioned by a number of factors that seem minors, but - according to the experience of Academician C. Bălăceanu-Stolnici - they are extremely important, namely:

a. The frequent diminution of the attention, memory and sometimes of the discernment of the elderly, require a processing of the sick and a clear, *minuțios* written graph, with the rigorous specification of the algorithm of use (doses, hours, etc.). Sometimes it is necessary for the medication to be administered by another person (nurse, social worker, a family member);

b. Defects in vision and motility (especially trembling) lead to erroneous identifications of drugs and wrong dosages (for example, in the case of administration in the form of drops);

c. Common polypathology in the elderly leads to the cumulation of prescriptions of drugs, which may present incompatibilities, especially since the elderly tend to consult several doctors in parallel.

d. The tendency of the elders to polypragmasia, often makes them cumulate to the prescribed medicines other drugs (about which they have heard from others or have been reading in more or less qualified publications) (Bălăceanu-Stolnici 1998, 25-29).

We have to be prepared to face a simplified language in communication when we are dealing with the administration of medicines because patients have to understand what they are told. It is a poorer language, often stereotyped, which is another characteristic of aging, to which we must also adapt our own language and constantly use the quality that we emphasized previously. We can say with certainty that, indeed, communication with the elderly remains a challenge for everyone around that person. For the specialist, sometimes, those 20 minutes given to the discussion with the patient become so small that it takes a lot of tact and patience to obtain both the information he needs, but also to meet the communication needs specific to the elderly.

The elderly as a social category are associated with a state of health that degrades and indirectly, are associated with the use of medicines in the treatment of the diseases they suffer from, of which cardiovascular diseases have an important share. The study of the adverse effects of medicines is as important as the study of their positive effects in treating diseases and the potentiation of the effects by using the diet to improve the state of health is at an early stage. They are helped by the Church in Social Centers (Miron 2017) and participating in services helps them a lot in the communication problems they have (Miron 2010).

“Our mission, of the holy ministers of the Church, is to behave in the midst of the world as “sons of light” (John XII, 36), spreading around us the light of love, peace, justice and goodness, for that our lives may be more and more beautiful and bright, that in this way our Lord Jesus Christ may make us worthy of the light of eternal life, which the saints enjoy in the heavenly kingdom, in the city of the New Jerusalem (Revelation XXI, 2 ), enlightened by the adoration of God, by Jesus Christ - the unseen and eternal light” (Revelation XXI, 23) said Vasile Miron in his study (Miron 2021).

## Conclusion

In conclusion, cardiovascular diseases remain a major cause of disability or mortality among elderly patients, age being a major risk factor in their occurrence. Besides their age and fragility, this category of patients is likely to have an impressive number of additional diseases that contribute to their chronic condition (Ciumarnean, Milaciu, and Negrean, et al. 2022, 207). Communication in the case of the elderly has an important role in their understanding. It is necessary for us to meet the difficulties of communication and to have more patience. Help from specialists is necessary, the older the age and if a cardiovascular disease has evolved over time.

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# **Finance after the Great Reset: Resilience Finance, Responsible Investment and Finance Politics**

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**ABSTRACT:** Finance after the Great COVID-19 Reset may include three trends of resilience finance in the largest-ever wave of governmental rescue and recovery funds given out all over the world. Responsible investment trends continue to rise with a particular focus on social equity and inequality alleviation with attention to the disparate impact of inflation. Lastly, finance has become political in divestiture but also active stakeholder engagement and regulation fostering community investment projects in the finance world after the COVID-19 pandemic.

**KEYWORDS:** Corporate Social Responsibility, Cultural diplomacy, Finance, Financial Social Responsibility, Finance Politics, Pandemic, Public policy, Resilience finance, Responsible Investment, Socially Responsible Investment

## **Introduction**

The COVID-19 crisis represents the most unforeseen external shock for modern economies. Starting from the beginning of 2020, the novel coronavirus caused a dramatic downturn for trade, human mobility and international service industries (Gössling, Scott & Hall 2020; Puaschunder, Gelter & Sharma 2020a). From April 2020, more than half of the world's population faced some sort of lockdown and/or consumption constraints and economic shortages, which disrupted economic productivity substantially (International Monetary Fund 2020a, b). These lockdowns led to a slump in general consumption and reduced trade by an estimated 10% (The Economist 2020). In the first half of 2020, global foreign direct investments plummeted by 49% and were even around 75% suppressed in the developed world (United Nations Conference on Trade and Development 2020). All the human social interaction constraints in all major world economies coupled with a halt of human transport and trade shortages around the globe spilled over into an unprecedented international economic decline (Sachs et al. 2020; United Nations Committee for Coordination of Statistical Activities 2020). The global economy is estimated to have contracted by an estimated 3-5% of general world economic output in 2020, which is six times the economic magnitude of the 2008-09 world recession (International Monetary Fund 2020a, b; World Bank 2021). The International Monetary Fund (IMF) captured that the world economy, as measured by real Gross Domestic Product (GDP) shrank by as much as 3.5% in 2020 (Alpert 2021). Rising poverty levels put an additional 150 million children at risk worldwide (UNICEF 2020).

The COVID-19 global recession is the deepest since World War II, with the largest fraction of economies experiencing declines in per capita output since 1870 (Kose & Sugawara 2020). The economic external shock seems to end globalization and international exchange if considering the World Bank expecting the sharpest decline in remittances in recent world history (World Bank April 22, 2020). All these measures resemble the onset of a lasting economic crisis with fundamental changes for society (International Monetary Fund 2020a, b; Puaschunder & Beerbaum 2020a, b). Global governance institutions and governments around the globe have set out on a course to avert the negative impetus of the COVID-19 pandemic economic shock (Cassim, Handjiski, Schubert & Zouaoui 2020; The White House of the United States of America 2021).

## **Resilience finance**

In response to the worldwide economic fallout of the COVID-19 external shock, international and governmental rescue and recovery aid triggered resilience finance all over the world.

In the beginning of the outbreak of the COVID-19 pandemic, central banks of all major world economies – such as Australia, Brazil, Canada, Denmark, Japan, New Zealand, Singapore, South Korea, Sweden, Switzerland, United Kingdom, United States – and the European Central Bank coordinated to lower the price of USD liquidity swap line arrangements in order to foster the provision of global liquidity (Alpert 2021; European Central Bank 2020; Federal Reserve of the United States 2020). The International Monetary Fund (IMF) and the World Bank issued economic stimulus and relief efforts in the range of around 260 billion USD with the majority of relief aid being distributed in the developing world (Alpert 2021; International Monetary Fund 2020a, b; World Bank March 3, 2020, March 17, 2020).

As of May 2021, all major economies responded to the economic fallout of COVID-19. In response to the ongoing COVID-19 crisis, all major economies around the world have rolled out economic-assistance packages or recovery releases that by mid-2020 already were summing up to over 10 trillion USD and with continuous prospects of renewal and further development (Cassim et al. 2020; The White House of the United States 2021).

Across countries, economic-stimulus responses to the COVID-19 crisis outsize those to the 2008 financial crisis (Cassim et al. 2020; The White House of the United States 2021). The qualitative and quantitative stimulus, rescue and recovery aid have surpassed any other similar attempt in human history (Alpert 2021). Resilience finance mainly comprises of international fiscal and monetary stimulus and relief efforts but also direct rescue bailout packages (Alpert 2021).

The size, scope and dimensions of resilience finance in COVID-19 rescue and recovery plans are unprecedented and account for the historically-largest concerted effort of action to avert the negative economic fallout to an external economic shock. In the evaluation and monitoring of these unprecedentedly large amounts of governmental stimulus, economic bailout and rescue packages, socio-economic attention should also be paid to inequality in the COVID-19 shock era.

Industry-specific inflation patterns as well as urban-versus-rural disposable income differences in the wake of ambitious bailout and recovery plans should be considered when choosing bailout targets. The economic lens needs legal insights to adjust to disproportionately-heavy and disparately-severe impacts on certain populations, which should become the main focus of governmental rescue and recovery in short-term emergency aid. The potential focus of bailouts and recovery ranges from urban-local or national to even global and future-oriented beneficiaries, as pursued in public investments on climate stabilization in the Green New Deal or European Green Deal Sustainable Finance Taxonomy.

The trends of abruptly-changed demand patterns having unexpectedly widened the economic performance gap between the finance sector and the real economy; differing flexibility and liquidity potentials between finance and the real economy implying sector-specific affective fallout propensities; but also the currently-experienced longest-ever low interest rate and industry-specific inflation patterns all lead to the quest for a closer analysis of the disparate impact of the COVID-19 pandemic in the distribution decision of resilience finance. Governmental rescue and recovery aid should be informed by the results of the analysis of the diversified impact of economic variables on specific societal groups. When contemplating on the targeted rescue and relief efforts of governments and public institutions, the focus of the aid should be guided by a whole-rounded effect analysis.

Economic crises in the wake of pandemics are intensified situations with extensive threats to survival, economic resilience and heightened risk of social upheaval. The distribution of funds thus highly depends on the geopolitical and biopolitical locations as well as the socio-economic starting ground. The distinction into social classes of crises is structural and should include the role of affect – which materializes in emotional excitement caused by crises in some parts of the population and emotionless rational response in others that determine health and well-being whole-roundedly and over time.

As a first start in a stratified economic impact analysis, governmental officials currently face decisions whether to target funds and policy aid on the local versus rural versus urban level, national versus international prospect as well as the immediate versus the long-term beneficiaries, as pursued in public investments on climate stabilization efforts underlying the Green New Deal or European Green Deal Sustainable Finance Taxonomy (Barbier 2009; Earthworks 2019; Pargendler 2020; European Commission 2019).

The COVID-19 external shock that released the largest and most widespread economic recovery aid and rescue packages worldwide came at a time of global attention to rising inequality around the world (Piketty 2016). As the crisis unfolded, global inequality in access to affordable medical care but also preventive healthcare became apparent (Puaschunder & Beerbaum 2020a, b). The Coronavirus crisis truly challenged leaders around the world to argue for economic systems to become equitable and share the benefits of economic prosperity and scientific advancement equally around the globe (Puaschunder & Beerbaum 2020a, b).

The crisis has also drawn attention to novel social inequalities within society and sharpened our senses for the disparate impact of policies of prevention and recovery for different societal groups. More than ever before in the history of modern humankind are leaders urged to place their policy programs in line with social justice pledges. How to align economic interest with justice notions has leveraged into the most important question of our times.

The crisis also came during a time when ecological limits had been reached and climate change was on the minds of the global community (Puaschunder 2021a). The worldwide and long-term impact of CO<sub>2</sub> becoming apparent in rising temperature around the globe changing living condition massively, drove the need for concerted action on climate stabilization (Puaschunder 2021b). Around the world global public and private sector entities are nowadays working on a broad variety of climate change mitigation and adaptation and climate stabilization efforts. Like no other concern of our lifetime, the solutions and accomplishment of climate stabilization goals will determine the lives of many generations to come. More than ever are leading Law and Economics scholars currently trying to imbue the idea of environmental justice in a greening economy (Armour, Enriques & Wetzer 2021; Broccardo, Hart & Zingales 2020).

COVID-19 rescue and recovery aid echoes all these contemporary concerns in being pegged to green economy efforts and social justice pledges. This is foremost the case in the United States with the U.S. President Biden administration fostering the Green New Deal (GND) but also the European Union Commission sponsoring the European Green Deal and a Sustainable Finance Taxonomy (Barbier 2021; Earthworks 2021; Pargendler 2020; Puaschunder 2021c, d; The United States Congress 2019). These ambitious acts and plans account for the most vibrant and large-scale developments in our lifetime if considering the massive amount of funds involved but also the widespread impact energy transition will have.

The GND is a governmental strategy to strengthen the United States economy and foster inclusive growth (Puaschunder 2021c, d). The GND directly targets at sharing economic benefits more equally within society (Puaschunder, 2021c, d). The GND thereby addresses the most pressing concerns of our times in the quest to align economic endeavors with justice and fairness. Concrete central areas of development tackle environmental challenges,

healthcare demands and social justice pledges (Puaschunder 2021c, d). Ethical imperatives and equity mandates lead the economic rationale behind redistribution in the GND. Social harmony, access to affordable quality healthcare and favorable environmental conditions are thereby pursued in an understanding of their role as prerequisites for productivity (Puaschunder 2021c, d). In all these endeavors, the GND offers hope in making the world and society but also overlapping generations more equitable. As a large-scale and long-term plan, the GND offers to bestow peace within society, around the world and over time (Puaschunder 2021c, d).

To determine if these efforts will be successful, we have to acknowledge that they are fairly novel and include the most complex variety of actions that will have to be performed for a longer time horizon than simple economic recovery after system-inherent recessions would require. The multiple implementation facets and various agents involved but also the contested theoretical foundations and long-term implications will need more time to monitor and evaluate the effectiveness and equitable growth accomplishments than regular rescue and recovery efforts, such as the 2008/09 World Financial Recession bailout and recovery packages. Tracking the success of these endeavors will be a long-term goal by itself, mainly due to the diversified projects, long-term impetus and the stratified impact of large-scale economic changes. While it is thus too early to tell how successful these projects will be in the grand scheme of complex issues tackled and over time in light of history, already now it is becoming apparent that teaching law and economics with a focus on ethics of inclusion honing a disparate impact lens will become key to ensure our common sustainable development and human progress of the future.

### **Responsible Investment**

COVID-19 has shown rising inequality trends and opened eyes for previously-unnoticed discrepancies within society, around the world but also over time. Social justice pledges have gained unprecedented momentum in the eye of unequal access to health, capital, education, digitalization and environmentally-favorable conditions. In the shadow of inequality, ethical imperatives arise from the humane-imbued care for inclusion and access to equal opportunities. Inequalities drive the demand for creative inequality alleviation strategies that have the potential to bestow the post-COVID era with the notion of a new Renaissance.

The contemporary COVID-19 economic fallout has heralded a new finance order. In order to alleviate inequality in the socio-economic consequences of COVID, a deeper understanding of the finance performance versus real economy constraints gap is needed. Social volatility and affective fallout propensity distribution within society should be reflected upon with special attention to the high inflation rates and historically-longest low interest rates. Responsible finance in the post-COVID-19 era features targeted rescue and recovery relief aid with a redistribution focus on the urban, local, regional, national, global and international levels.

In light of the multi-faceted inequality that opens widespread qualitative and quantitative gaps, social justice has become a blatant demand. We are entering the age of corporate social justice and inclusive societies (Zheng 2020). Ethics of inclusion as a forerunner to inclusive rights and privileges opened to everyone are natural behavioral ethical laws that could herald a post-COVID-19 novel Renaissance based on corporate and financial social responsibility.

The consideration of CSR in investment decisions is the basis for Socially Responsible Investment (SRI). SRI is an asset allocation style, in which securities are not only selected for their expected yield and volatility, but foremost for social, environmental and institutional aspects. The most common forms to align financial investments with ethical, moral and social facets are socially responsible screenings, shareholder advocacy, community investing and social venture capital funding. SRI is a multi-stakeholder phenomenon that comprises

economic, organizational and societal constituents. SRI is a context and culture-dependent phenomenon.

In recent decades, SRI already experienced a qualitative and quantitative growth in the Western World that can be traced back to a combination of historical incidents, legislative compulsion and stakeholder pressure. The 2008 World Financial Recession drove SRI demand and novel inequalities in light of the COVID-19 external shock have further risen attention to the need for social responsibility in markets.

The UN plays a pivotal role in institutionally promoting SRI in guiding principles and PPP initiatives guiding a future outlook in redistribution finance. Political activism finds expression in financial markets by political divestiture, which refers to the removal of stocks from socially irresponsible markets with the greater goal of accomplishing social and political changes. Positive-screened funds are SRI ventures of the future addressing climate stabilization financialization and climate wealth redistribution mechanisms.

Today social responsibility has emerged into an en vogue topic for the corporate world and the finance sector. Contrary to classic finance theory that attributes investments to be primarily based on expected utility and volatility, the consideration of social justice and responsibility in financial investment decisions has gained unprecedented momentum (The Economist January 17, 2008; The Wall Street Journal August 21, 2008; Zhang 2020).

Financial social responsibility is foremost addressed in Socially Responsible Investment (SRI), which imbues personal values and social concerns into financial investments (Schueth 2003). SRI thereby merges the concerns of a broad variety of stakeholders with shareholder interests (Steurer 2010).

SRI is an asset allocation style, by which securities are not only selected on the basis of profit return and risk probabilities, but foremost in regards to social and environmental contributions of the issuing entities (Beltratti 2003). SRI assets combine social, environmental and financial aspects in investment options (Dupré et al. 2004; Harvey 2008).

Through the last decades, financial social conscientiousness grew qualitatively and quantitatively. As of today, SRI has been adopted by a growing proportion of investors around the world. The incorporation of social, environmental and global governance factors into investment options has increasingly become an element of fiduciary duty, particularly for investors with long-term horizons that oversee international portfolios. Most recent regulatory advancements include the U.S. Green New Deal and European Green Deal as well as the Sustainable Finance Taxonomy.

Socially responsible investors allocate financial resources based on profit maximization goals as well as societal implications. Pursuing economic and social value maximization alike, socially responsible investors incorporate CSR into financial decision making (Renneboog et al. 2007; Schueth 2003; Steurer, Margula & Martinuzzi 2008). Socially conscientious investors fund socially responsible corporations based on evaluations of the CSR performance as well as social and environmental risks of corporate conduct. Thereby SRI becomes an investment philosophy that combines profit maximization with intrinsic and social components (Ahmad 2008; Livesey 2002; Matten & Crane 2005; Wolff 2002).

SRI allows the pursuit of financial goals while catalyzing positive change in the corporate and financial sectors as well as the international political arena (Mohr, Webb & Harris 2001; Schueth 2003). In the case of political divestiture, socially responsible investors use their market power to attribute global governance goals. By foreign direct investment flows, SRI relocates capital with the greater goal of advancing international political development (Schueth 2003; Starr 2008).

As of today, SRI accounts for an emerging multi-stakeholder phenomenon with multi-faceted expressions. SRI practices differ throughout the international arena as SRI emerged out of several historic roots. The 2008 World Financial Crisis has heralded the call for responsible finance around the world.

The current economic fallout of the COVID-19 crisis has exacerbated socio-economic disparities and inequalities. The new finance order in the aftermath of the COVID-19 pandemic should leverage responsible finance as a means to alleviate the finance performance versus real economy gap. The different affective fallout propensities disparately distributed within society create social volatility. High inflation and longest-ever low interest rate regimes dominate the call for responsible finance that targets rescue, recovery and relief aid. Urban, local, regional or national foci as well as global and future-oriented beneficiaries of governmental recovery aid are potential recipients of aid. Institutional frameworks may ground recovery aid with a long-term future-oriented sustainability vision. To align various SRI notions, the UN builds institutional frameworks in respective initiatives. Political divestiture features capital withdrawal from politically-incorrect markets – for example, such as the foreign investment drain from South Africa during the Apartheid regime and the current capital flight from Sudan as for the humanitarian crisis in Darfur or the search for clean energy and market reaction to Russia's accession attempts. Positive-screened SRI ventures are future prospective drivers of change to finance and implement the UN Sustainable Development Goals on a large scale.

### **Finance Politics**

In the wake of historical and political events, socio-political pressure can evolve that triggers corporations to divest politically-incorrect markets. The impact of socio-political events on financial considerations is attributed by political divestiture – the act of removing funds from politically fractionated markets. Political divestiture causes foreign investment flight from politically incorrect markets based on CSR information (Steurer 2010). Political divestiture targets at forcing political change by imposing financial constraints onto politically-incorrect regimes that counterpart from international law resulting in war, social conflict, terrorism and human rights violations. Prominent cases are South Africa during the Apartheid regime; governmental human rights violations in Burma as well as the humanitarian crises in Sudan's Darfur region or Yemen's crisis, the middle east political tensions or the invasion attempts of Russia in the Ukraine. Environmental political divestiture is mainly concerned with clean energy supply and sustainability as well as human rights attention throughout the production value chain.

The majority of socially screened funds use multiple screens and sometimes complement screening with shareholder advocacy, community investing and political interests. Based on transparent and accountable corporate policies and procedures, shareholder advocacy is the active engagement of shareholders in corporate policy making, managerial practices and corporate social conduct (Little 2008). Shareholder advocacy comprises shareholder activism and dialogues as well as active endowments.

In their role as corporate owners, socially conscientious investors target at positively influencing corporate conduct in shareholder activism (Schueth 2003). Shareholder activism refers to shareholder groups engaging in “coordinated action to utilize their unique rights to facilitate corporate change” (Sparkes & Cowton 2004, p. 51).

Positive shareholder activism implies advocating for socially responsible corporate conduct in shareholder meetings. Shareholder resolutions provide formal communication channels on corporate governance among shareholders, management and the board of directors. Resolutions can request information from the management and ask for changes in corporate policies and practices. In resolutions shareholders use their voting right as a means to influence corporate behavior and steer corporate conduct in a more socially responsible direction (Little 2008). In the U.S. shareholder resolutions are managed by the U.S. Securities and Exchange Commission. Shareholders who wish to file a resolution must own at least US \$ 2,000 in shares in a given corporation or one percent of the corporate shares one year prior to filing proposals. Resolutions appear on the corporate proxy ballot, where they can be voted on by all shareholders or their representatives either electronically, by mail or in

person at the annual meeting. The vast majority of shareholders exercise their voting rights by proxy. Proxy resolutions grant third parties rights to vote for shareholders on matters before the corporation (Little 2008). Proxy resolutions on social issues and corporate governance generally aim at improving corporate policies and practices as well as encourage management to exercise good corporate citizenship with the goal of long-term shareholder value increase. Current trends comprise transparent and accountable proxy voting policies to support social and environmental responsibility. For example, mutual fund proxy disclosure regulations target at making corporate records publicly available.

Negative shareholder activism exerts activist influence and ranges from political lobbying, consumer boycotts and confrontations geared by negative publicity to pressure corporations into socially responsible corporate conduct (Sparkes & Cowton 2004).

Parties engaging in shareholder dialogues seek to influence corporate policies and practices without introducing a formal resolution on their concerns. The corporate management is attentive to shareholder dialogues as for avoiding formal proxy resolutions and investment withdrawal. Active endowments emerged from academics establishing procedures for integrating social responsibility in university endowments. SRI campus advisory committees issue proxy-voting guidelines as recommendations on proxy ballot votings.

Community investing started in the 1970s with direct investment for unserved communities. Community investing involves investor set-asides and ear-marks of investment funds for community development, but also features access to traditional financial products and services ranging from credits, equity and banking products to low-income and at-risk communities (Schueth 2003). Community development banks focus on lending and rebuilding lower-income segments. Community development credit unions grant access to credits to unserved communities. Community development loans provide credit for small businesses with focus on sustainable development and resource conservation, but also sponsor community services. For individuals, community loans open avenues to affordable housing, education, child and health care (Little 2008; Schueth 2003). Financial empowerment of micro-enterprises helps disadvantaged minorities by financial education, mentoring and technical assistance.

Social venture capital funding finances socially responsible start-ups and social entrepreneurs to foster the positive social impact of capital markets. Community development venture capital funds provide capital for small start-ups with growth potential in traditionally un(der)developed regions. The very many forms of financial social responsibility expression embrace a wide range of SRI stakeholders and entities.

In a climate of corporate governance and global challenges beyond the control of singular nation states, the idea of promoting political divestiture as a sustainable development incentive and conditionalities tool has reached unprecedented momentum. Departing from narrow-minded, outdated views of responsibilities of corporations only adherent to making profit for shareholders and abiding by the law (Friedman 1970); corporate executives nowadays are more prone to act responsibly in meeting the needs of a wide range of constituents. Apart from avoiding unethical societally harmful behavior, such as bribery, fraud and employment discrimination, corporate executives currently pro-actively engage in corporate governance practice with a wider constituency outlook, including the needs of future generations.

Newest political divestiture advancements are targeted at accomplishing sustainable development. Political divestiture in the sustainability domain calls for sustainable development leadership that steers intentional finance executives' actions to benefit the stakeholders and should-do care for political concerns alongside financial considerations. Not simply considering to avoid unethical behavior by political divestiture, but also adopting a positive and pro-active ethics lens through green investments, becomes an ueberethical corporate sector drive to consider the interests of a wider range of stakeholders (Puaschunder,

2011a, b, 2015a, b). Sustainability concerns of the finance world thereby directly reach out to a wider constituency group. Stretching the constituency attention to future generations is based on a voluntary sustainability with respect for future generations' needs to ensure the long-term viability of society. Surpassing state-of-the-art ethical corporate leadership quests on ethically compliant behavior and avoidance of unethical corporate conduct, incorporating sustainable development into contemporary SRI models may extend the idea of 'positive political divestiture' – that is outdoing legal and ethical expectations – with respect for UN SDGs. Going beyond mere compliance involves actions that pro-actively promote social good, beyond what is required by law, political divestiture for sustainable development extends SRI as a broader social contract between business and society over time.

Financial leadership on sustainable development of the future will extend social responsibility beyond compliance and encompasses the wider obligation to contribute to societal progress in a responsible and sustainable way. As a broader definition of corporate responsibility beyond avoidance of negative downfalls, the call for political divestiture as a sustainable development implementation tool in the corporate world encompasses the obligation to not only withdraw funds from politically-incorrect regimes but to contribute the newly-released fund towards options that steer societal progress with respect for the needs of future generations. Defining novel responsibilities with a broader social contract between finance and society embraces discretionary activities that contribute to sustainable societal welfare thereby provides a broad range of corporate, social and societal advantages. Socially responsible funds offer crisis-stable market options, as being less volatile and influenced by cyclical changes and whimsical market movements. Especially negative screenings are extremely robust in times of uncertainty – as socially conscientious investors remain loyal to values (McLachlan & Gardner, 2004; Puaschunder, 2011a, b).

As for this track-record of stability during times of societal and economic downturns, political divestiture nowadays appears as a favorable market strategy for lowering emergent risks and ingraining sustainability in economic market systems (Puaschunder, 2015a, b).

Potential obstacles in the implementation of political divestiture include regulations that appear to be lagging behind when considering novel challenges in the eye of interdependent economic, institutional and political networks determining financial market moves. New risks are imposed onto corporate and financial actors by fast-paced information flows that increase the complexity of decision-making contexts and the cognitive overload of fallible financial leaders.

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# Aspects of Beauty and Sublime in Humans

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**ABSTRACT:** The sublime is what surrounds us when an image gives us a mood with a strong emotional impact, when we see something that brings back memories or some senses, we have the impression that time stands still and that we are above all the things. We see daily things that gain our interest and we would like to sit and linger for a long time watching them. The fact that we are surrounded by beauty and beautiful things makes us more and more strict with ourselves and with our work in order to have control over the things in our lives, for example, to have a physical appearance that makes our life enjoyable and by which we are delighted to have a very good image of ourselves. All the time we live we have the feeling of the sublime, something truly great, something that makes us aware of our lives or the moments in which we live.

**KEYWORDS:** beautiful, sublime, human, emotional impact, stimuli, sensations

The sublime is what surrounds us when an image gives us a mood with a strong emotional impact, when we look at a thing and it awakens some memories or some senses, we have the impression that time stands still and that we are above all things. We see things every day that arouse our interest and we would like to stay and linger a long time looking at them. If we wake up in the morning and drink our coffee watching a sunset against a blue sky that gets stronger and deeper, we have a sense of the sublime in that we are enjoying a moment of the day that will put us in a good mood for the rest of the day, even if we would not normally have the best day at work or at school.

Immanuel Kant said that "the feeling of the sublime and the beautiful is that which gives a pleasing impression, but pleased and understood differently. The image of a mountain landscape with its snow-capped peaks above the clouds, the description of a raging storm or Milton's depiction of hell's surroundings stir up pleasure, but also fear. On the other hand, the sight of some flowering meadows, of some valleys criss-crossed by meandering rivers, with grazing herds, the description of Elisha, or Homer's depiction of Venus's girdle also leave us with a pleasant, cheerful and smiling sensation. In order that our impression to take place with the appropriate intensity, we must have a sense of the sublime, and in order to fully savoure it, we must have a sense of the beautiful. The phallic oaks and the lone shadows from the sacred groves are sublime. The layers of flowers, the low hedgerows and the artistically cut trees are beautiful things. The night is sublime, the day is beautiful. The calm stillness on a summer evening, when the flickering light of the stars creeps through the dark shadows of the night and the lonely moon appears on the horizon, trains the beings endowed with a sense of the sublime into uplifting sensations of friendship, contempt for the world, eternity. Intelligence is sublime, wit is beautiful. Cuteness is sublime and grand, cunning in return is mean but beautiful" (Kant 1981, 105).

Seeing beautiful houses, beautiful cars, objects that we want in our homes makes us become ambitious, hardworking and organized people, and those beautiful things that steal our eye guide our lives. We run a lifetime to acquire them, and at some point, from the daily satisfaction we have, we realize the fact that we have produced something that makes us think obsessively about those things that we consider beautiful. What we consider beautiful is what man has given them value over time because he did not have them or he obtained them hard. If we sit one evening on a swing and if we look at the starry sky, at the moon and we see it very big and beautiful and we know that it will delight our senses, our whole life and we know that it will always be there for us to enjoy it and we also know that we will never be

able to afford it because it is there for every human being on this planet. But things are something else entirely; we become obsessive about them, they make us believe that we are superior to other people and only by acquiring them we will have a very good image in which to be surrounded by beauty and by everything that delights our senses.

Man has given value to beauty (Rotaru 2005, 38) by the simple fact that some things which he could not afford himself become very precious and of an immeasurable value, and once we have them, they become mere banalities that we cannot wait to get rid of, because we are bored of them. We have the feeling of the sublime all the time when we live, something truly great, something in which man is aware of his life or of the moment in which he finds himself. We can wake up in a place that feels very beautiful, we can listen to some good music and we can think about what achievements we have had up to that point, where we want to go and be very proud of ourselves that we have some achievements, that we haven't experienced any major trauma or suffering and even if we have experienced something more profound, we have a sense of pride and respect that we have moved on and taken life as it came and that we have learned things that we then became aware of, and that has made us what we are today.

"The sublime is built as a category that responds fully to the tendencies that foreshadow the constitution of a romantic spirit. The beautiful rejects classicist rules, but establishes others, modifying the system but not the mentality according to which a system is always necessary. At the same time, by establishing rules, therefore operating with elements that are constituted as products of reason, it proclaims the independence of the beautiful from reason and the establishment of instinct as the element that reveals the qualities of things" (Burke 1981, 11).

Both Edmund Burke and Kant reflect that the sublime is something that succeeds in impacting us in a certain way and something that leaves a deep mark on us because once we are confronted with a sublime situation, it marks us in a certain way, whether it gives us a good or a negative state. Burke emphasizes the fact that a nature dominated by a particular sensitivity can feel the experience of some much stronger emotions compared with the experience of not feeling things so deeply and it would manage to detach from what it sees around. Kant emphasizes very strongly that the sublime, in essence, produce a much stronger emotion and so we are put in the position to control it much harder by having before us an image that is not so familiar to us and which we find difficult to understand through the prism of things that are familiar to us. He draws attention to the fact that the sublime can be of two forms, but nevertheless it brings us to the heights of happiness or sadness, because we can be put in difficult life situations where we feel our breath is taken away and then we begin to feel that negative sublime through which the body begins to feel more and more intensely some experiences and so we are surprised by deep pain. There is also that part of the positive sublime in which we are filled with joy and excitement because we have before our eyes a situation that delights our eyes and our lives.

Both Burke and Kant point out that we experience the sublime at its highest intensity, whatever form it takes, whether good or bad, it is at its highest intensity and so we feel an accumulation of emotions that floods through our whole body and often dictates the momentary choices we make in life that we may or may not regret. The sublime moments are the ones that make us stay where we are or open our eyes and see that things are not as we imagined, and that life has managed to surprise us in a negative but very productive way for us and for our journey in this world.

Kant, unlike Edmund Burke, points out that beauty is not guided by rules or norms under no circumstances because beauty is what we choose, according to what we like and not with what is imposed to us, even if the choices we make are made in order to be accepted in the society and in order to appear upright citizens who have the ability to choose what is good or bad.

Kant shows that we are our own masters in what dictates beauty to us and we don't feel that we have any barriers to stop us from choosing something in particular, even if we try to be as accepted by society as possible, deep inside we will see that part that no one and nothing can change, our taste for beauty and for what we like. Even if we are bombarded with different news or different TV shows trying to force a certain fashion or a certain style on us, even if we conform in some places or in some situations, we will still choose what we like and feel that it belongs to us. Our lives and the choices we make are because we feel that's how we like it and how we should act.

Kant emphasizes that we should not have barriers and we should not be guided by certain currents that appear or by other external stimuli, but we should do what we like and we should try as much as possible to be unique, to have our own conceptions of the world and of what surrounds us, without being influenced by anything, because we will never be happy, and this is the most important thing in this world, the fact that we have lived a good life in which we have done everything we wanted to do. If we have our own conceptions of life and of how we should do things, then we are people who knew how to make choices and were not guided by anything, because Immanuel Kant wants to point out that we have to be our own architects in this life and what is beautiful for us, for others may not be so, and that would lead to a whole circle of opinions by which we could be labeled in different ways and we would not have anything positive.

Edmund Burke, as well as Immanuel Kant, strongly stated that beauty is something that has to come from the choices we make in order to be happy and to have a life where everyone knows their limits and acts rationally for the decisions they make and in order not to have a form through which to be considered to be bringing a revolt to society or to come out negatively and shock society by the clothing we chose to have or by what we consider to be beautiful and we might arouse revolt from people around us.

If we look at a man who is wise but not very cultured, and if we talk to him and he instills in us a certain kindness and understanding of the world, we will have a sublime feeling that wisdom and kindness prevail, we will in a very short time come to drop our ideologies and our different views of the world and we will try to be more reticent about what that man says, because it touches us exactly where the essence of things is and exactly where we have a problem. If we look at our grandparents or at an elderly person who has a lot of life experience, we will see that they will tell us very few things, that they will repeat over and over again and that are basically the essence of life that we are interested in. That man tells us all the life he has had and that we will have, no matter how much we try to find other ways of thinking or seeing things. If we look at a clever man who shows us that he has a vast culture and whom we should take as an example, we will see that he will tell us many things about life, but he will not reach the essence that a wise man reaches. If we try to see beauty in its pure form and not necessarily in the beauty that is promoted, we will also acquire the wisdom of things.

"The sublime impresses, the beautiful delights. The face of a man fully possessed by the feeling of the sublime is serious, sometimes stony and astonished. On the other hand, the lively reception of the beautiful is recommended by a bright clarity of the eyes, by smiling features and often by a noisy cheerfulness. The feeling of the sublime is sometimes accompanied by a certain fright or sadness, sometimes only by a quiet amazement, and in other cases by beauty extended into the plane of the sublime. The first case is a frightening sublime, the second case is noble, and the third is great. Loneliness is sublime, but in a frightening way. The sublime must always be great, and the beautiful can also be small" (Kant 1981, 106).

What man seeks in his essence is to find that part where he is deeply impressed by what he sees. He searches for this all his life, both through what the human eye perceives and what the ear perceives. He wants to find a way in which he can live in the midst of these sublime

things, to experience different places on the planet. What we are seeing now as a trend in the media and on various social media sites is the idea that man must travel, go to places he has never been before, because life is slipping through our fingers, time is fleeting, we find that we are big people with responsibilities and we often think that we need to take a break from the everyday things and to travel by ourselves or with various friends, to experience unique things and moments in our lives, because only by experiencing those things will we be able to accumulate experience and a vast and rich culture of life, because it is what we are left with at the end of our lives, when we no longer have so much power to work and no longer feel so capable of doing things or discovering them. This is the great baggage of experiences we have had in life, the places we have been, what we have visited, the moments we have lived to the fullest, some things that will follow us all our life.

With regard to the aesthetic side of their image in society, it depends on what is going on inside the home, the culture they have, the education they received, the way they dress, because if you look around, what you see in a child is the predominant imprint of the parent. The fact that this child in adulthood or even in childhood has a certain healthier diet or used to arrange his dishes more beautifully on the plate, which for some may be considered a sign of snobbery, for this there is an aesthetic education that this child or adult has received. Some people will only consume some drinks in the specific glasses of that drink, because they were taught that for each drink there is its object in which it should be put.

Some people have no problem drinking a glass of wine from a plastic cup, for example, because for that person there has not been a lot of aesthetic education or he does not think it is normal to have so much artifice for some things. Some of us lead a healthy lifestyle, because we know that we are what we eat, and because we have been taught since childhood that we must live healthy, because only then we will have a clean skin and healthy hair, while others are less concerned about these details.

"Marc Richir in *About the Sublime in Politics*, the celebrations described by Michelet in his book *The History of the French Revolution* are considered both from the point of view of beautiful and of the sublime, because they involved the establishment of something new, of a new way for people to be together, of a political "body" reborn. For this reason, they are considered to form the essence of the French Revolution as an event of metaphysical and philosophical importance, beyond the strictly historical. The federations' celebrations and the revolutionary days form a phenomenon, namely, that between the *symbolic* and the *phenomenological fields* and that between the *spectator* and the *actor*" (Crişan 2004, 307).

In the Ricardian interpretation, it goes, however, beyond the Kantian distinction between the beautiful and the sublime and the distinction between the various faculties of the human spirit, i.e., between sensibility, imagination, intellect and reason. The beautiful and the sublime can only be conceived from the point of view of this phenomenological analysis as poles of the phenomenon, as mere intensities in its manifestation" (Crişan 2004, 308).

Marc Richir exposes in the French revolution a beauty and a desire for change that people took into account in order to have a better life, a desire for power and a desire to change an obsolete and uncaring political class, people felt the need for something new and for something that would change their lives for the better. Marc emphasizes the courage of the people who changed the country's economy and who made things more beautiful, more prosperous. In politics, we will often see that people started to get involved, people always wanted something else, and they will revolt whenever they will have the opportunity. So that's the beauty of things around, that people know that only they, through their ambition, can change something and through their courage. Kant offers an image of perfection, in which everything is dominated by peace and love of their fellows, he tries to avoid this side of rebellion because he believes that only through peace, we will possess beauty and only through kindness and love for our fellow man. However, Marc encourages the courage of people to say things by their name and to overcome a nation, to be able to have a word and so

to exist a change, he says that this courage is the capacity of the strong man, and only then we will be truly happy, when everyone will get what they deserve and when there is fairness towards others and when people will rebel for what they will consider to be good.

Kant is of the opinion that beauty lies in the goodness and morality that we have towards our fellows and in forgiveness for the wrongs that they have done to us, and he believes that this is precisely the beauty of life, in the good deeds that we do to people around us and the goodness and wisdom that we have towards them. And by rebellion we stir up exactly the opposite because in this way our life is in the hands of others, at any time we are exposed in situations without escape and the beauty of life is completely lacking. But our lives must also be guided by reason because in this way, we do not experience anything and our life is in the hands of the adversary and God created us to enjoy life and to collect as many beautiful memories as possible.

The beauty that people showed in the French revolution was illustrated by the fact that they wished with all their hearts a change, a better and more peaceful life and Richir emphasizes this namely the fact that man cannot be subjugated and confined because then he loses his beauty and becomes a robot, and his life is a terror because if he does not revolt at the right time for justice (Rotaru 2019, 269-271) and for the good of the nation then others will come who will rule them and abuse them even more. And the beauty and sublimity of this revolution was the fact that every man managed to wake up and fight for the homeland and for the good of the nation, and thanks to these brave people full of courage and confidence in their strength, many generations from now on have not felt any lack.

Kant tries to talk about an ideal world in which peace reigns, but often you have to fight for it and you have to be careful not to be stolen from you by someone because not everyone has good intentions and not everyone can show honesty and fairness, and people will always feel the need to dominate other which are weaker and more vulnerable people, and at some point, everyone no matter how much goodness they have will wake up and will rebel. The world has never been perfect, always someone has more than someone else and so it creates envy and malice around and all this leads to negative situations.

"J. Winckelmann states that the supreme beauty lies in the human figure, consisting in the harmony of the parts. Fr. Schiller holds the opinion that man, pervaded by the feeling of Beauty, acquires the predisposition to commit the moral act" (Baciu 2009).

Both of them say that a man's countenance must be in perfect harmony and this is seen outwardly by his deeds and by what he is willing to do for others, and by the purity of the soul he possesses, because if the man's face is hardened by problems or situations in which he can no longer find the light at the end of the tunnel or an escape from his situation, then he will act accordingly and on his face will be a neutral image that does not shine and that does not exude goodness and beauty. Both of them say that if a face is harmoniously structured then the man has a much better state of mind and gains much more self-confidence, and this begins to show in the way he treats those around him and in the love he is willing to share.

In Winckelmann's view, the only thing you can consider beautiful in a man is that he should have the most harmonious features possible and not to have anything that stands out too much and arouses strong reactions around him. If a man's face is shaped by fine features that exude goodness and good health then we will begin to trust that man and what he is willing to give us without having the impression that he is taking advantage of us or of our goodness.

According to Schiller, if a man is faced with something that gives him joy and brightens, he will act positively, even if he may not be in such a good mood and disposition as to overlook the situation in which he finds himself. He emphasizes that beauty influences the decisions we make and the way we act, because when we are put in a favorable situation that gives us joy, then the negative mood that we are in will begin to disappear and those dark

clouds will go away and we will have a bright thing in front of our eyes that takes our gaze and makes us think that beautiful things are much better and beneficial for us.

"In his mission to confirm the world and himself in the world, to know it by creating it, man is congenitally bound to the beautiful. Why the beautiful? Why should not be enough for us the Useful and the Pragmatic, the Efficient and the Pleasure of comfort and convenience produced by civilization and by the techno-scientific process? Because in that way it would not differ essentially from other beings, which, although inconsistently, also perform a vital activity that is useful and pragmatic and is felt as efficient and pleasant. Now, the useful and pragmatic, efficiency and pleasure, not being essential to the human being, cannot define it as such" (Pâslaru 2018, 125).

Man has always been attracted by the beautiful (Rotaru 2016, 29-43), because it stole his eye, man buys beautiful things to keep them in his house as a decoration and to enjoy his gaze, even if he does not have the greatest need for some things, the beautiful is what hypnotizes him. We rarely buy things because they are useful, but not necessarily beautiful, in many cases those things that have only the practical side and not necessarily the aesthetic side are those things that we hide from people's eyes, so as not to spoil the harmony with the others, man before animals has developed a very strong aesthetic sense for beauty. In animals we will not see neat or tidy things, they are the opposite of us because they are not rational beings. If we go into a shop and want to buy a cassette player, we will look at the one that looks the best so that we can match it as a decorative object, but if it is not the most aesthetic, we will think about whether to buy it or not.

"In his novel *Les Misérables*, Hugo believes that Beauty is as necessary as utility. Man's life would therefore be much more difficult in the absence of beauty, which constantly reveals itself to him and delights him with its infinite nuances: from the gentleness of flowers, the chirping of birds and the cooing of the child, to the eternal restless grandeur of the sea, to the dizzying grandeur of the peaks and to the sublime starry depths of the summer sky. Without beauty, perhaps life would become a nonsense. It is not possible otherwise, if we consider that beauty, together with goodness, truth, justice, freedom and the sacred are the fundamental coordinates on which human existence moves with the vocation of the all-human, embodied in dignity and nobility of the soul" (Petrovai 2016).

Useful things are, in most cases, the things we need, even if they don't always have the aesthetic aspect we want, but we want to buy beautiful things, so that we can use those objects that we consider useful and that make our daily work easier, our life depends to a large extent on the aesthetics of things if we use an object that we like very much there is a very good chance that we will use it every day and if that object lacks the aesthetics that we want there is a very good chance that we will not use it even though it is very practical.

What I'm trying to say is that our life revolves around beauty and around things that please our eyes and delight us, we often choose in life some situations that could make us have a better image of us and what we want to show and display around us, the situations in which we shine are often those in which we compromise, in which we make sacrifices and try our best to have them, to master them, to dominate them. When we go to buy a pet, we will look for it to be as cute and as nice as possible to have an extra to our image. If we didn't want that extra to our image, we would do the right thing and we would adopt an animal, and keep it in the same house as the other animal of a very popular breed. We have the opportunity every day to do that, but our self-image makes us go in the direction of buying a very nice thing for us and for others around us.

We want to have the nicest things and for that we work a lifetime to afford them and try to surpass our condition and no matter what situation we are put in, we want to have more, and nothing is ever enough, because if we want to grow or develop to a certain point (Rotaru 2016, 29-43), we will never feel that it is enough and that we have done enough, and when we get to the point of obtaining one things, we enjoy it just for a little bit and we think how to get

the next 5 things, and so our life becomes a chase for money, for power, for success and only in this way we become proud of ourselves and of our achievements.

"Beauty in general (it can be beauty of nature or of art) can be called the expression of aesthetic ideas: only in beautiful art, this idea must be occasioned by a concept of the object, but in beautiful nature, it is sufficient only the reflection over a given intuition, without the concept of what the object must be, in order to awaken and communicate the idea whose expression is considered to be that object. If, therefore, we wish to classify the fine arts, we cannot find a more convenient principle, at least as an attempt, than the analogy of art with the kinds of expressions which men use in speech to communicate with each other as fully as possible, that is to say, not only according to their concepts, but also according to their sensations. It consists in that of taste, gesture and tone (articulation, gesticulation and modulation). Only the union of these three forms of expression constitutes the speaker's complete communication. Therefore thinking, intuition and sensation are transmitted through them to others simultaneously and united" (Kant 2007, 268).

As Kant explains here, our sensations transmit to the receptors in our brain that something may or may not be beautiful, through the senses we are endowed with, we have the ability to discern between what is pleasant and what is not so pleasant and which may leave a negative mark on us and so makes us distance ourselves from those things. Our senses are so designed that we can know with certainty if something looks good, smells good, or sounds good and so we know if something deserves our attention, and is worth admiring and possibly cherishing it. If we were not endowed with these senses, we would not have the ability to discern between the two sensations, positive or negative, and so we would look at things in a natural way and not be able to bring them to a particular level where we would feel different because we have them around or because we are looking at something that pleases our eye.

If we were not endowed with the senses Kant speaks, we would look at the world around us as something natural, something that exists, or perhaps something that we not even notice. Beauty, says Kant, is something that takes our gaze, it is something that holds us in place and makes us lose ourselves while we look at it, what is beautiful leaves an imprint on us and our state of mind rises, takes shape and we feel that we are more and more happy, we are at peace with ourselves and with our thoughts and so we become more positive. According to Kant, the beautiful must be accompanied by an object or shadow that reflects the object, so it becomes pleasant, but in nature, the pleasant and the beautiful can be anything. It can be a state that gives us a hot summer morning, it can be a heavy rain, and so on, but in art, to be considered something beautiful and to catch our eyes, there must be an embodiment of something.

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# The Notion of "Publicity" in the Legal Field

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**ABSTRACT:** The connection between "law" and "advertising"/"publicity" opens the way to a series of approaches that only an interdisciplinary analysis can portray as completely and correctly as possible. In this paper, we will analyze the notion of "publicity" with reference to the field of law, in particular, as well as some references to other fields where this notion is used. We will observe that the notions: "law", "social and legal order" and "social and legal norms" are present in different fields and analyzed in different visions. In each of these situations, the starting point is terminological benchmarks, as well as some aspects related to the origin and historical evolution of the analyzed notions. Although this work has, first of all, a legal approach, we intend to go a little beyond the boundaries characteristic of the field of law and to clearly delimit the notion of "immovable publicity/movable publicity" from the notions of "publicity" and "advertisement". Between these notions we bring as a bridge "communication within the limits of the law" or "the right of publicity". At the end, for an increased efficiency of the information presented, we propose a complete definition of the notion of "publicity", which will include all the meanings analyzed in this paper.

**KEYWORDS:** publicity, (i)mmovable publicity, advertising, real estate, right of communication, legal act, communication

## 1. Introductory aspects

When we encounter the term "publicity," we can think of several meanings, depending on the personal or professional interaction of each of us. This notion can be examined from two perspectives, namely, the perspective of characterization and the perspective of meaning. From the point of view of the characterization of the notion of "publicity", we have a general approach or character and a field-specific approach/character. From the point of view of the meaning of the notion, we encounter the notion of "publicity" in a broad sense and a narrow sense.

In the terminology specific to the Romanian language, the term "publicity" can be found both in the socio-economic field, when we associate it as a generic term with the notions of "advertisement", "marketing" and "communication", but also in the legal field, for which the term "publicity" acquires a special character, specific to the branch of public law or the branch of private law.

This paper presents an analysis of the notion of "publicity" that includes a series of information related to the legal field, as advertising is regulated in the field of public law and the private field. At the same time, it provides a brief characterization of the notion of "publicity", with the meanings that this notion has for each of the previously mentioned domains.

## 2. Linguistic concepts and legal terminology related to "publicity"

### 2.1. The notion of "publicity" – meaning "lato sensu"

Starting with the thread of history, the notion of "publicity" appeared in the ancient period, used more in the economic field than in the legal one. So, we will encounter the term "advertising" more often than the term "publicity." Historical sources identify one of the first forms of advertising as the so-called "interior sign," as a way of presenting a product by affixing a painting to a wall. Historical sources also tell us about the earliest forms of advertising to be discovered in antiquity, coming from the North African city of Cyrene (ca. 150 BC), as well as from the great city-states of Babylon, Pompeii, and Rome.

With the evolution of society (Rotaru 2014, 68-69), historical documents speak of the discovery of pieces of rock on which messages containing information about goods or services were carved (Egypt), as well as painted messages containing information about public games or to persuade voters to vote (Rome). All these forms of advertising belong to the economic field, being about the promotion of the goods or services that the ancient society knew and used in the respective period.

In the medieval period, we encounter new forms of “advertising,” also from the economic field. This consisted of “employing” people who praised the quality of goods sold by shouting in the street. This profession of “advertiser shouter” is perpetuated even today in the modernized form of announcers in the spoken press or advertising spots promoting a certain good, with the help of actors or stars from various fields.

Later, with the invention of printing, the so-called “flyers” or posters appeared, respectively, those pieces of paper through which various products were promoted. From this type of advertisement came the first written advertisement in the English language announcing the sale of a prayer book.

Around the middle of the 19th century, the first store that advertised goods and services appeared in Philadelphia (USA). Documents of the time consider this store to be the forerunner of today’s advertising agencies (Marin 2015).

In Romania, advertising was done by shouting the goods in the street, through announcements or the so-called “announcements, “by way of” put up for sale” (in Romanian translation: “scosului la mezat”), or sales that were published in the press of the time. Nowadays, these archaic forms have morphed into “small advertising.” The first advertising agency in Romania appeared in 1880 and was founded by David Adania. A few years after the First World War, more precisely in 1920, advertising reached the rank of industry. More advertising agencies appear, true marketing and copywriting strategies appear and are developed, and studies and research are done in the field in relation to the target audience to which the various goods or services are addressed.

The advent of radio and, later, television and then the Internet, where online advertising was developed (1990), also contributed successfully to this.

Another meaning of the term “publicity,” which we also find from the ancient period, is related to the notion of “cadastre,” which has a correspondence in both the economic and legal fields. Historical sources attest to the word “katastikon” in ancient Greece, and it has the meaning of “tax register,” or “note book for change,” or “exchange book.” Here we find meanings of the word that can orient us towards economics or law, equally, depending on the context in which we are going to use that word.

The term “cadastre” finds another point of origin, respectively, some opinions claim that it derives from a medieval term of Latin origin “capitastrum”, which is related to the expression “capionis registrarum” or “capitum registrarum” and which, originally, meant “tax on the head of the family” (or so-called “capitatio”).

A special clarification must be made in relation to the translation of this term, “publicity” or “advertising,” in English, namely, according to some authors, in America, the place of origin of advertising, two terms are circulated in the specialized literature: “advertising” (with the meaning of advertising) and “publicity” (with the meaning of publicity). “Advertising” is considered “an unpaid form of advertising, component and first tool of public relations” (Ban 2020, 125).

The term “publicity” is also used to denote the notion of “(im)movable publicity,” which is translated sometimes as “real estate advertising” or “property advertising” from the legal field. Thus, we will use the translation “(im)movable publicity” and not “real estate” to denote publicity of rights, juridical acts, or juridical facts, when we refer to the specific operations of (im)movable publicity, the cadastre and the land register (Marin and Popescu 2014, 358-363).

## ***2.2. The notion of “publicity” in the legal sense***

The notion of “publicity” in the field of law has several applications, both in the field of material law and procedural law. The intention of the analysis of the notion of “publicity” in the legal field had in mind, as a central idea, the notion of “publicity of legal rights, juridical acts, and juridical facts” and, in particular, the notions of “immovable publicity” (“real estate publicity”) and “movable publicity.”

In this context, “publicity” was determined by knowing the exact situation of goods in general and real estate in particular. This presupposes the existence of a rigorously regulated record system, which includes the identification elements of the respective goods but also the legal aspects regarding the goods, documents, and legal facts that refer to them.

## **3. The areas of law in which we find the notion of “publicity”**

### ***3.1. Movable publicity and immovable publicity***

By delimiting the goods according to one of their classification criteria into immovable goods and movable goods, a different legal regime of the way to inform the interested parties of the legal situation of the two categories of goods is differentiated (Baias 2014). In this context, depending on the types of goods, we encounter a different record of rights, legal acts, and legal facts that concern these categories of goods.

With regard to immovable property, an important place is occupied by the owners of the right of ownership, the transfer of the goods which have as its object the goods to which I referred, the dismemberment of the right of ownership, as well as the existence of burdens that encumber these rights. The same attention is paid to legal operations through which rights or obligations relating to goods are transferred. This aims to recognize and protect the patrimonial rights that have been validly acquired from the date it was brought to the attention of third parties (Mîneran 2012, 8) and until their extinction/termination. The transfer of such rights and obligations which remain known only to the parties between whom the transactions operate cannot be opposed by other persons/third parties.

Taking all this information, we will define publicity from a legal point of view as “the set of means or methods by which certain acts, facts or economic, legal or other operations are brought to the knowledge of the public or, as the case may be, carried out in public places, with or without his participation” (Nicolae 2006, 128). At the same time, the purpose of advertising is to bring to the attention of third parties interested in certain legal situations or operations, but it can also constitute a means of acquiring or preserving certain legal situations or operations that are in the process of being established or consolidated.

Movable publicity is a record of rights, legal acts, and legal facts related to movable property. In order to be able to keep a record of the owners or ownership of movable property, of the rights, legal acts, and legal facts that refer to movable property, Romanian legislation did not have strict regulation.

The record of this category of goods cannot be organized in the form of a general advertising system. There are special regulations for these, from the former Electronic Archive of Real Estate Securities (which became the National Register of Movable Publicity since Law no. 297/2018) to the “estimated state.”

The estimated statement is the document or statement made in a donation contract that includes the description of each donated asset, including its value, and can be included both in the verification document of the donation contract and in a separate document (attached to the main contract).

### *3.2. The notion of "publicity" in family law*

In the field of family law, Romanian legislation currently regulates three types of publicity, respectively: publicity of the declaration of marriage (art. 283 Civil Code), publicity of the matrimonial agreement (art. 334 Civil Code), and publicity formalities (art. 344 Civil Code). In order to form an opinion on these legal regulations, we will briefly present the legal provisions mentioned above together with some comments.

“Publicity of declaration of marriage” refers to one of the stages of the conclusion of marriage and is part of the section entitled “Formalities for the conclusion of the marriage.” The Romanian legislator has regulated in the content of this article which are the legal acts that must be brought to the attention of the persons who have the status of a third party to the legal act of marriage. This information that is the subject of advertising is: extract from the marriage declaration, the place where this document is displayed, the content of the extract, the civil status data of the future spouses, the consent of the parents or the guardian (when the law requires this), as well as the information according to which any person can oppose the marriage, within 10 days from the date of publication.

“Publicity of the matrimonial agreement” is regulated in the current Romanian civil code and is part of the chapter “The rights and patrimonial obligations of the spouses,” the section of common provisions regarding the choice of the matrimonial regime. This article regulates the conditions under which a matrimonial agreement, as the will of the spouses regarding their assets, can be disclosed to third parties. In this sense, reference is made to the National Notarial Register of Matrimonial Regimes organized according to Romanian legislation, a register in which the respective conventions must be entered, as well as to other specialized registers (such as the land register, the commercial register, etc.).

Also, the Romanian legislator regulated the form conditions of matrimonial agreements so that they could be correctly entered in the previously mentioned registers and produce full legal effects. In addition, Romanian law recognizes the right of each of the spouses to request the fulfillment of the publicity formalities.

“Publicity formalities” can also be found in the chapter “Equity rights and obligations of spouses,” but the section “Regime of the legal community” regulates the possibility of any of the spouses to ask to be mentioned in the land register or as the case may be, in other registers of publicity provided by law about the belonging of an asset to the community that divides the family's assets/patrimony.

#### *a. The publicity in the field of administrative law*

In administrative law, we encounter another situation where we talk about publicity, namely the publicity of the administrative act. This type of publicity presumes some particularities, being a branch of public law.

Publicity in administrative law involves two situations (the rule and the exception): bringing that act to the attention of the interested taxpayers (the rule) or communicating the administrative acts to the interested persons when these acts are addressed to them directly and personally (exception). The two situations are very well defined in theory and practice because each refers to different circumstances.

#### *b. Publicity and orality of court hearings*

Publicity and orality of court hearings concern procedural law and are regulated in Romanian legislation by the fundamental law (art. 127 of the Romanian Constitution) and the Code of Civil Procedure (art. 17). The two normative acts fully preserve the regulation in their contents, specifying as follows: “Court hearings are public, except in cases provided by law.”

Through this regulation, the Romanian legislator considered the following procedural aspects that are public: the trial of cases, which involves the hearing of the parties, the

administration of evidence and (sometimes) the pronouncement of judgments can be public, if there is no reason to limit the information in the report with third parties, persons outside the court. Public access to the physical file, to the documents that belong to the file and to the execution of court decisions is limited.

The solutions pronounced in the files, which may represent examples of jurisprudence, can be made available to those interested only by protecting the personal data of the persons whose data are registered in the respective files. As a rule, this information, generically called "case solutions", can be found in the summary, in some jurisprudence collections or on court websites, where personal data is protected.

#### **4. The publicity/advertising right**

In the context of our work, we looked at the notion of "publicity" through the lens of legal approaches (public law, private law), then socio-economic approaches (marketing, economy, communication). After presenting the fields in which "publicity" can be found, I considered that we must also dwell on a too little analyzed notion, namely "advertising/publicity law," which I consider a bridge between the field of law and the socio-economic one.

When we talk about the right of publicity, we can think of a form of "lawful communication" or "communication within the limits of the law," but we can also think of a set of legal rules/provisions that govern the manner of bringing, for the attention of those interested in the information. Sometimes this information relates to rights, legal acts, or legal facts. Other times, the information is intended to promote a product or service. In any of the situations, we have rules that we must respect in a civilized society based on norms (regardless of whether they are social, moral, or legal norms).

And because we have chosen two approaches to the law of publicity, I think it is necessary to outline each of these ideas so as to give the opportunity to those interested in this subject to know it, deepen it, and even develop it.

As the first option, I stated that the right of publicity could be seen as a way of legal communication. Some authors expressed themselves in support of this opinion (Greco et al., 2016), which presented and analyzed the regulation of commercial communication (national and European legislation), the authorities that have powers in the field of advertising, types of advertising/publicity, the right to one's own image, copyright in advertising, as well as brand-brand-publicity (Zaif 2016, 213-214).

From this perspective, the right of publicity can be considered a way of legal communication, which includes the communication options, the applicable legislation, and the well-known particularities of the field of communication.

In the second variant, the advertising/publicity law could represent an interdisciplinary creation, which includes all the normative acts that regulate the field of "publicity," regardless of the approach or the scope of application. In the latter sense, I believe that the notion of "publicity" can have a unitary, complete regulation and can help to correctly apply the rules specific to "publicity," regardless of the field of activity in which we find this notion.

Of the two options presented, I lean towards the second, aiming at the interdisciplinary approach to the notion of "advertisement" and, at the same time, the identification of a set of legal norms that can regulate the widest possible field of this field: "publicity" (sometimes, can be even "advertising").

#### **5. Definition of the „publicity”**

After a review of all the fields in which we encounter the notion of "publicity," we should also identify a complete, concise definition that captures all these fields, as well as the correct and complete meaning of the analyzed notion. Thus, we will consider the legal field, the economic

field and that of communication and we will take the first step towards a right of publicity in the sense of those analyzed previously.

The “publicity,” in a broad sense (*lato sensu*), means:

1) promotion of goods, services, companies, and ideas, especially through paid messages (economic field can have “advertising” sense);

2) unpaid form of information transmission and belongs to the field of public relations (communication, also as “advertising”);

3) the set of means or ways by which certain rights, legal acts, legal facts, or legal operations are brought to the attention of the public or third parties in relation to the said act, fact, or legal operation (legal domain -the sense of “publicity”).

As forms of the notion of “advertisement” or “publicity” viewed in a narrow sense, we encounter the following situations:

1) direct advertising or direct marketing, which is specific to the field of sales promotion techniques and consists of sending a direct message (outside the mass media) and sometimes personalized to the customer (Ban 2020, 90);

2) immovable publicity (sometimes known as “real estate advertising”/“real estate publicity”) represents a set of rules and legal means which ensure evidence, safety, and opposability in relation to third parties of the legal documents through which real estate rights are established, transferred or extinguished;

3) movable publicity as a guarantee is a system for recording the priority of movable mortgages and advertising, structured by persons and goods, which ensures the registration of operations regarding movable mortgages, operations assimilated to them, other rights provided by law, as well as publicity of legal operations provided by law.

The definition that seems to encompass all the ideas previously expressed and to respect the elements and characteristics of a definition can be considered as follows:

“Publicity represents the set of means or ways by which certain acts, facts or economic, legal or other operations are brought to the attention of the public or, as the case may be, carried out in public places, with or without its participation.”

As we said from the beginning of this paper, we began to analyze the notion of “publicity” in the legal field, trying not to omit any of its meanings. Also, in order to include as many characteristics of the defined notion as possible, we also resorted to the interdisciplinary approach.

We do not claim to have included all aspects of the notion of “publicity”, but we are pleased to have brought to those interested as much information as possible about how this notion can be defined and used. There is certainly room for in-depth research on “publicity,” and this work can be considered important support for future scientific endeavors.

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