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Finance Followership

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ABSTRACT: Management Science offers the most extensive account of leadership theory and practice. Business Schools around the world teach and educate leadership skills and practical advice on how to be a successful leader. In the wealth of theoretical knowledge and practical insights on leadership, to this day, however, our understanding of followership is limited despite the facts that not everyone wants to lead on a constant basis and it is technically impossible for everyone to lead all time long. In fact, most of our lives we spend being led and following the crowd. This article addresses followership in the finance domain. The importance of attention to followership in finance is underlined by the personal gain opportunities through strategic finance followership. Guidelines on how to enhance wealth through wise followership in the finance sector are provided. The article also gives practical examples of finance followership in the global governance domain of contemporary climate change redistribution strategies. The paper ends with a future prospect and research avenues to explore followership in finance, management, business and governance research and teaching.

KEYWORDS: Corporate Social Responsibility, Behavioral Economics, Behavioral Insights, Economics, Environmental financialization, Finance, Followership, Human Resources Management, Leadership, Management, Organizational Behavior, Strategy, Strategic followership, Sustainability, Sustainable Finance

Introduction

Not everyone can be a leader all time long in every situation of life. Not everyone wants to be a leader by the nature of their character. It is also not feasible for all of us to be a leader in every situation of life. In society it breeds a competitive climate of rivalry if all people are made to believe that leadership is an aspirational goal.

Daily, we all have to constantly decide on the fly if to lead or to follow. It is thus surprising that followership is hardly being thought about in management contexts. Strategic choice patterns of when to lead and when to follow a group are not well established in the decision science literature. Advice is not given on how to be a strategic follower in business school curricula despite the workforce mainly being comprised of followers and us spending at least half of our lives as followers given the fact that children and the elder are mostly dependent on others. Given the number of people that lead in relation to the number of people that follow orders in corporate settings and management practice, the contemporary business, management and finance literature appears to be harmfully biased towards leadership.

When considering that leadership is a rather Western aspiration, it saddens to think of all the diverse cultures around the world that appreciate following are underrepresented in the European and North American business management literature and training world. Missing out on the opportunity to make future leaders well-versed in choosing when to lead and when to follow as well as embracing – for instance, Asian servant leadership and collective action followership potential – appears not only suboptimal from the diversification aspect. It also makes Western business studies suffer from motivated forgetting of cultural heritage and ignorant of an international wealth of knowledge. This leadership obsession is detached from what is actually happening and relevant for most of the workforce in the corporate world around the globe. Pitting people against each other for the sake of hierarchical leadership gain advantages also appears to be in contrast to noble aspirational goals, such as human rights and workplace ethics.

Social status drops have been found to elicit pro-social behavior (Puaschunder 2015) and this effect has most recently been independently replicated with a larger sample (Erhart 2023; Gangl, Walter & Van Lange 2022). The reverse may be true in pushing us to aspire to become leaders in the management and business literature. Economic market actors may have gotten trained to become aggressively competitive and anti-social in light that many followers are taught to aspire to claim social status in becoming the constraint and very little number of leaders. Academics have thus recently turned an eye to start investigating strategic followership.

Most strikingly in all of this is that the contemporary advent of followership guidance has not been acknowledged by the finance profession. The focus on leadership in management and business detaches from the reality of finance. In finance, there is no clear leadership as the market is too large, too complex and underlies constant changes.

This paper advocates for rethinking our leadership-focused research approach. Arguably the finance world will be portrayed as the most refined natural field experiment for when to follow and when to unfollow crowds of advisors and investors in a counter-cyclical approach. In the acquisition and departure from funding stock, financial markets' fungibility appears as the ultimate field experiment for making leading and following decisions constantly.

On a grander level, stepping away from leadership obsession in the management literature may also help alleviate unequal payment ratios from top to bottom of the finance profession hierarchy and help close the remuneration gap between the finance world and the real economy, which brings along social volatility in markets.

This paper highlights behavioral finance followership insights on the dimensions of choosing when to be a leader and when to be a follower in finance. The article is also advising on how to hone skills to detect what leadership credentials signal positive outcomes for fruitful short-term and long-term leader-follower dyads in the finance context. Lastly, the paper also contributes by addressing global inequality alleviation strategies under time constraints in the climate stabilization domain. A macroeconomic model is presented that targets at determining who should be leading and who should be following contemporary climate justice bond redistribution schemes. The article ends with a future prospect and research avenues to explore followership in research and teaching.

Finance followership

The time for addressing finance followership in business, management but also the leadership literature has come. Unraveling the decision predicament of individual choices whom to follow in buying stock, how long to follow in holding on to assets as well as when to drop out of support of an asset in selling could help gain individuals to master finance followership and make people fit to navigate more strategically through markets. Finance is an enormous web of leaders and followers. Leaders are powerful investors, e.g., such as Warren Buffet and George Soros, but also financial advisors and signaling agencies, such as Index Funds. As assets can be bought and sold an infinite number of times (e.g., think of day traders) within the personal budget constraint, financial market leading and following is on the day-to-day agenda of every finance professional. Entry of investors that have not previously owned a stock can be viewed as followership associated with more over-pricing of the leader. The exit rate resembles an unfollowing of investors in funds. Unfollowing a financial leader is associated with an underperformance of stock.

Economic bubbles develop out of overconfidence in leaders, which is rewarded in markets (Hong & Kubik 2003). Massive unfollowing resembles the burst of bubbles. The trading volume appears to be an indicator of leadership-followership sentiment. Leadership signaling occurs in finance through stock indices, whereby the inclusion in one of the major stock indices is associated with a price jump for the respective stock, while the exclusion from an index is likely associated with a price decline (Chang, Hong & Liskovich 2014).

Behavioral finance insights allow drawing conclusions on how to be a strategic finance follower with attention to *diversification*, *time discounting*, *information* and *social influences* from a finance followership point of view (Puaschunder 2022).

Diversification applies in the followership domain in the advice to choose wisely if being a leader or a strategic follower in different situations in response to the overall market. Diversification also implies following different leaders. When you go on vacation and do not know how the weather will be, you pack sunscreen and an umbrella. Diversification prepares you for every season. The same holds true for leaders. Do not get mesmerized by one leader and understand that multiple options are better than putting all your eggs in one leader's basket. Stay flexible to follow new leaders at every point in life. During the COVID-19 pandemic economic shock, it became apparent that those who could switch options faster were better off (Puaschunder 2021). Finance had a superiority in the nature of its fungibility over the stickiness of terms and obligations in the real economy (Puaschunder 2021).

Question your leaders' confidence levels. Cautious followers should be aware of overconfidence in markets. Analysts who are optimistic relative to the market consensus are more likely to experience favorable career moves (Hong & Kubik 2003). This overconfidence bias of brokerage houses rewarding optimistic analysts as erroneous leaders exaggerates during market downturns (Hong & Kubik 2003).

Discount how long you can and want to follow. Once you estimate how long an option is preferred, from there you know if you should invest in the option a long selection and deliberate followership-leadership process or if you can simply choose quickly. Do your homework and test for the long and costly to change decisions. Make the quick gut choices for the ones you are ready to scramble for others. For instance, if your choice sticks around and the costs of changing the option are high (e.g., in a marriage, job, child), make an informed decision and invest in cultivating a fruitful leadership-followership dyad. If you are a day trader, your leadership-follower deliberation in the finance domain may not need as much time but flexibility and spreading out risks in diversification may be called for.

Strategic followership depends on past market information. Past price development impacts the perceived uncertainty of options as well as the equilibrium feedback to prices (Hong & Rady 2002). As a strategic finance follower, search for leaders with reliable information and abandon incredible resources for making market decisions. Theories of reputation and herd behavior suggest that herding among young career novices is more common than with their more mature counterparts (Hong, Kubik & Solomon 2000; Scharfenstein & Stein 1990; Zwiebel 1995). Security analysts are more likely to be terminated for inaccurate forecasts than more experienced ones, leading novices to be less likely to deviate from the expected. Young early career analysts' career concerns causing inexperienced analysts to fall for herding behavior leads to the conclusion to trust older, wiser and more mature analysts (Hong, Lim & Stein 2000; Scharfenstein & Stein 1990; Zwiebel 1995).

Social online media now has become a source of information that gets attention from law, governance, economics and finance. Social online platforms though are heavily skewed towards younger users – for instance, 38.5% of Twitter ranges between 25-34 years. Social online platform providers are also incentivized to feature emotionally-aggravating content, which binds users to stay on the platform for a longer duration. The consequences of risky conformative youngsters on Twitter sharing financial market information that gets boosted when being aggravating may create social online volatility in today's finance world. How social online representations and collective market movements change in public discourse – and these days are also heavily influenced by online social media – is one of the most exciting research questions in the digital age.

With growing digitalization and quickening of transfer speed, information exchange in the individual involvement breaks trends online on a global scale, which imposes unknown

systemic risks in causing novel social online volatility in international economics. Research may explore how human beings' communication and interactions result in socially-constructed volatility that echoes in economic correlates. Heterodox economic cycles theories may explore the role of leadership communication and followership trust in market communication to create social volatility underlying economic downturns.

Understand market dynamics that are attached to time prospects and stickiness of choices. In communities that care about choices personally, e.g., socially responsible investments that are rather chosen as a value-statement and ethical act, market options are robust in times of crises (Puaschunder forthcoming a, b). These should be the long-term leadership choices that would develop in your family community and churches (Hong & Xu 2015). Diversify and mix and match here as well. Hold a few stable options and be flexible on some others.

Social influences play a role in financial choices. Followership can be seen as an implicit friendship effect. Finance followership is determined by friendships and social ties (Hong & Xu 2015). Finance followership depends on social networks. Stock market price expectations develop from word-of-mouth and social information sharing (Hong, Hong & Ungureanu 2012).

Price efficiency plays an important role in financial markets. Firms influence it, particularly when they issue public equity. They can hire a reputable underwriter with a leading analyst to generate public signals about profits to reduce uncertainty and increase valuations (Chang & Hong 2016). These means have a signal function that shapes a favorable image transfer, which tends to raise the price of an option.

Stock market participation is a social phenomenon and therefore highly dependent on the social reference group (Hong, Kubik & Stein 2004). Bubbles seem to build up slowly based on word-of-mouth recommendations. Market crashes or market downturns are significantly related to days of high trading as investors tend to depend on and learn from signals of their commemorates and adjust their leadership-followership relations accordingly (Hong & Stein 2003; Hong, Torous & Valkanov, 2005).

Investor relations are established and maintained for the sake of liquidity securitization (Hong & Huang 2005). Latent social networks of investors play a role in their investment choices, such as stock holdings to investors' linkages but also university alumni connections in that city (Hong & Xu 2015). Social influence also becomes visible in political party affiliations' and presidential election outcomes' impact on financial markets. Party affiliations help predict investment behavior insofar in the United States as Democratic investors are more likely to hold or engage in SRI funds than Republican citizens and institutional investors (Hong & Kostovetsky 2010). Republican presidential elections in the U.S. lead to a market up, while assassinations and the entrance of the market country into war have led to an overall market down (Cutler, Poterba & Summers 1988).

News shape markets in determining followership strategies by about one-fifth of movements of stock prices (Cutler et al. 1988). Political development determines future policy expectations. International events influence risk premia, which set pricing (Cutler et al. 1988). Stock markets react to major non-economic events such as elections, international conflicts, environmental catastrophes and pandemics (Cutler et al. 1988). A sample of events derived from the Chronology of Important World Events from the World Almanac identified that news reports coincident with stock prices up to substantial movements in the aggregate market (Cutler et al. 1988). Certain market industry leaders are predictors of the overall stock market performance. In the U.S. and eight other international markets, a significant number of industry returns – including retail, services, commercial real estate, metal, and petroleum – can help forecast the stock market by up to two months (Hong, Torous & Valkanov 2005).

Unfollowing arbitrageurs tend to amplify economic shocks insofar as speculators holding short positions switch options making highly shorted stocks excessively sensitive to shocks compared to stocks with little short interest (Hong, Kubik & Fishman 2011). The price of

highly shorted stocks overshoots after good earnings news due to short covering compared to other stocks (Hong, Kubik & Fishman 2011).

Leadership-followership dynamics

Understanding the larger picture of finance followership dynamics could help the finance community to improve the overall market performance and curb harmful volatility. Finance followership on the agenda of leadership-focused business studies, management science and teaching faculty promises to soothe fickle financial market dynamics. Calming hurtful finance followership that fuels bubbles that burst and let prices implode through understanding when and why investors follow and unfollow trends appears as innovative market stabilizing means. Overall, elucidating how followership imbues irrational exuberance when herds follow or get spooked to unfollow and lemming away from previously-overrated leadership appears as the most needed behavioral finance insights micro- and macroeconomists have long waited for to come from business and management theorists and practitioners.

As behavioral finance finds, financial followership is a fickle concept that varies by time and under constraints as people can get only absorb so much and get distracted. Stock markets appear to react to certain media stronger than others. This may be the result of limited cognitive capacities, time constraints, and focused information consumption. For instance, events that the *New York Times* carried as lead story or in the *New York Times Business Section*, are having a significant effect on stock market participants (Hong, Torous & Valkanov 2005). Political, military, and economic policy developments reported in the *New York Times* were associated with a percentage change in the *Standard & Poor's 500-Stock Index* (Hong, Torous & Valkanov 2005). While the *New York Times* or *Times* front covers are good indicators of stock moves, the top scientific journals like *Nature* and *Science* are not (Hong, Torous & Valkanov 2005). What follows is the conclusion that if scientific breakthroughs get first reported in scientific outlets, one may invest in the stock of a company holding the copyright or trademark for the innovation and simply wait until the good news hit popular media.

In addition, the time of information release plays a role as behavioral finance has found. Trading and returns vary in periods of market closure leading to time variations in equilibrium returns (Hong & Wang 2000). There is more trading activity around close and open of markets (Hong & Wang 2000). There are also more volatility open-to-open returns than close-to-close returns (Hong & Wang 2000). This effect reflects information piling until the opening of markets that investors want to react to (Hong & Wang 2000).

Firm announcements on a Friday lead to a less positive outcome on the market than any other day of the week (DellaVigna & Pollet 2006). The interpretation is that investors are distracted by the weekend and partially forget about the implications of the news (Hong & Stein 2007). In addition, trading volume is lowered during summer months, assumed due to investors being on vacation (Hong & Yu 2007). There is a so-called January effect, showing that stock prices tend to rise in January, particularly the prices of small firms and firms whose stock price has declined substantially over the past few years. Also, risky stocks earn most of their risk premiums in January (Thaler 1987a). Overall weekend, holiday, and turn of the month and intraday effects show trading patterns follow calendars (Thaler 1987b).

Availability biases also influence followership. People overestimate the value of what they are familiar with and what is close, such as their home. Followers' underdiversified stock portfolios concentrate in firms headquartered near the city where they reside (Choi, Hong & Scheinkman 2014; Hong, Jiang, Wang & Zhao 2014). Followers are also prone to trade excessively in potentially suboptimal local stocks. The explanation for this is the proximity bias in generating an informational advantage or a familiarity bias that leads to excessive followership (Branikas, Hong & Xu 2016).

Building on the availability heuristic, excessive media coverage may help to explain extraordinary levels of trading volume in stocks and the elevated prices of so-called overpriced glamor stocks (Hong & Stein 2007). An example of overpriced glamor stocks is the Internet bubble period from 1998 to 2000 but also the current cryptocurrency hype. Overpriced stocks also occur for firms that have local advantages of low competition and risk exposure (Hong, Kubik & Stein 2008). Cryptocurrencies and especially social online media-promoted e-currencies are believed to be another form of glamor stocks with market pricing that has become detached from the actual fundamental value. Harmful leadership effects occur if major corporations are overrepresented in the news causing followers to pay less attention to news for smaller firms (Hong, Lim & Stein 2000). The underlying mechanism is that information only gradually diffuses among the investment public, and this is especially the case for smaller firms (Hong, Lim & Stein 2000).

Leadership-followership in global governance

Finance leader- and followership in the global governance domain underlines the importance of research to unravel leader-followership dyads on the global level. Today's urgent global challenges in regard to climate change demand fast action of the global community. Recent research has elucidated the economic impact of climate change on the world and found stark national differences in Gross Domestic Product (GDP) prospects under climate change around the world (Puaschunder 2000). Climate inequality arises within society, between nations as well as inbetween generations (Puaschunder 2000). Climate inequalities are proposed to be alleviated by redistribution mechanisms enacted by a taxation-and-bonds strategy (Puaschunder 2023b).

A 9-index redistribution model for economic prospects under climate change is currently introduced (Puaschunder 2023b). In order to offset the costs of economic losses due to climate change, leadership-followership strategies could help a fair redistribution of relative expected short-term economic gains under global warming. Determinations of who should be a leader and who should be a follower in a global tax-and-bonds redistribution scheme are proposed based on economic, ecological, historic and political factors. The model determining redistribution patterns throughout the world considers individual countries' contribution obligations dependent on the geo-impact of climate change, the financial crisis resilience capabilities as well as the global connectivity and science diplomacy leadership of a country (Puaschunder 2023b).

Empirically, nine indices provide a basis to determine which countries should be using a taxation strategy and which countries should be granted climate bond premiums in order to enact a fair redistribution between countries (Puaschunder 2023b). A country's starting ground on the climate gains and losses spectrum, a country's climate flexibility in terms of temperature zones and a country's CO₂ emissions contributions in production and consumption levels as well as a country's CO₂ emissions levels changes and the historically-grown bank lending rate, as well as resilient finance strategies coupled with science diplomacy leadership and economic connectivity on the international level, determine whether a country is on the taxation regime for funding mutual climate stabilization or whether a country will be on the receiving end of the climate bonds solution (Puaschunder 2023b). The countries economically gaining from climate change and being climate flexible as well as countries with high CO₂ emissions and not changing CO₂ emissions levels as well as consuming goods and services from other countries but also having favorable bank lending rates and a history of resilience finance and crisis intervention expertise as well as embodying science diplomacy and trade leadership advantages could be taxed to transfer funds via climate bonds for regions of the world that are losing from global warming and are not climate flexible as well as countries with low CO₂ emissions and lowering CO₂ emissions levels that are producing goods and services that are consumed in other parts of the world as well as having unfavorable bank lending rates and missing resilience

finance expertise as historic science diplomacy and trade followers (Puaschunder 2023b). The proposed taxation and bonds strategy could aid a broad-based and long-term market incentivization of a transition to a clean energy economy. But for this climate justice redistribution strategy to work, a better understanding of finance leadership and followership is hoped for.

Discussion

This paper introduced the idea of the importance of attention to strategic followership in the overall focus on leadership in management, business and governance. Given the fact that human beings decide on a constant basis whether to tackle a situation as a leader or follower but also wear different hats of being leaders and followers in different domains at the same time; it is shocking that followership has been neglected until recently from the academic discourse on how to improve personal wealth and community management.

Future research could now target at outlining personality characteristics that predestine to be a leader or a follower. Situational cues that elicit leadership or followership potential should be studied. Behavioral insights could follow up on how to improve leadership skills and followership strategies implicitly by nudges and winks. The domain of finance followership could be expanded to other areas where wise followership and strategic followership insights could be useful – for instance, in health, partnership, educational and career choices, followership could become a vibrant research field of tomorrow. Over lifetime experiences could be studied when considering that children and elders are prone to be followers. What child followership strategies set children on a favorable path to success could become subject to scrutiny by educational psychologists or early career business management experts. Overall, followership focus promises to democratize management and leadership theory for the masses who voluntarily decide to be followers or do not strive to be leaders. Opening eyes for followership excellence for the broad population could help every human simply navigate more efficiently through life in a more conscientious leadership or followership choice.

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The Applied Music Studio: Teaching Students With Special Needs

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ABSTRACT: With recent advances in technology, it is essential that music educators become knowledgeable of various software programs that could assist in the teaching of students with special needs in applied music lessons. Computer software music programs can be categorized into six areas: listening, transcribing, tuning, developing a steady tempo, accompanying and recording. When listening to music to be learned in the applied lesson, two applications that could assist special needs students are Spotify and YouTube. When transcribing music, Anytune and Tempo SlowMo are two programs that could assist students with transcription. Before beginning a lesson, it is necessary that students tune their instrument. InsTuner is an application that allows performers to chromatically tune any instrument. During a performance, it is essential that students keep a steady tempo. Pro Metronome is a software program that assists in developing this skill. When special needs students are learning their repertoire, Smart Music and Band in a Box are two popular software programs that will accompany them. When recording a performance, Audacity and Garageband are two software programs that will allow students to make a quality recording. Incorporating computer technology into the teaching of applied lessons allows students with special needs to progress at a faster rate and makes learning more exciting and enjoyable. With so many advances in technology occurring every day, applied music teachers should take full advantage of new software applications when teaching students with special needs so maximum learning can take place.

KEYWORDS: Music Education, Music Technology, Applied Music, Special Needs

Introduction

With recent and continuing advances in technology, it is essential that music educators become and remain knowledgeable of various software programs that could benefit special needs students in applied music lessons. In the area of musical performance, there are many software applications specifically designed to assist students in the learning and performing of repertoire for their instrument and also in the recording of performances. Computer software programs used in the teaching of applied music lessons usually can be categorized into six areas: listening, transcribing, tuning, developing a steady tempo, accompanying and recording.

Listening Software

When listening to music to be learned in the applied lesson, two resources that can assist special needs students are Spotify and YouTube. Spotify is a free commercial music streaming service launched in 2008 that allows users to listen to millions of songs from a variety of artists and musical styles. This free service is made possible by the use of advertisements, which are shown as the music is being played. In 2012, the number of Spotify users reached twenty million out of which around 5 million were paying a monthly subscription for upgraded services. This service is available for almost every desktop computer operating system and on all mobile devices allowing users to browse music by artist, album, genre, playlists, record label, as well as directed searches. On computers, a link also allows listeners to purchase desired songs through partner retailers (Spotify 2023). Even though Spotify is a very popular resource, it is not available worldwide. However, it is available to listeners in most of Europe, as well as Africa, the Americas, Asia and Oceania, with an availability in 184 markets. In March 2022, there were 188 million paying Spotify subscribers and 433 million total users (Porter 2022).

Another free resource that can assist these students in the learning of repertoire is YouTube. YouTube is a free online public communications site where registered users are allowed to upload videos for public viewing. The site also allows users to search through and view an enormous quantity of videos posted on the site. There are videos on every topic imaginable which makes this site an excellent resource for musicians to see and hear performances of repertoire they wish to perform. This site, like Spotify, is able to offer users free viewing due to the advertisements presented as videos are shown and more than a million advertisers use YouTube, the majority of which are small businesses. YouTube, which was founded in February 2005 by three previous employees of the PayPal online payment service, has become one of the most popular web portals in the world. More than one billion users visit the YouTube website each month watching over six billion hours of video. Almost every communication device can access YouTube with approximately 80% users living outside of the United States. In 2006, YouTube had become so popular that it was purchased by communications giant Google for 1.65 billion dollars (YouTube 2023).

By February 2017, one billion hours of YouTube were watched every day, with 400 hours of video uploaded every minute. Two years later, uploads had risen to more than 500 hours per minute (Hale 2019).

Transcription Software

Another category of computer software used in learning musical repertoire is transcription. Transcription is the process of notating existing music that has not been previously written down or rewriting an existing musical piece for an instrument other than the one it was originally written for. This task can be especially difficult for students with special needs. When transcribing music, it is helpful to slow down the musical examples so notes and rhythms can be heard more easily. Two programs that do this, which makes transcription much easier, are Anytune and Tempo SlowMo.

Anytune is a free application, produced by Anystone Technologies, designed to slow down the tempo of songs without any loss in sound quality or affecting the pitch. Musicians use this application to play, transcribe and practice songs imported from iTunes, video recordings and other audio sources. The user can mark and loop sections for practicing and also record, share and stream live audio directly to other compatible applications. Anytune is a universal program that will work with most devices and supports files found in the user's music library, except those that are Digital Rights Management (DRM) protected (Anytune 2023).

A second program for changing the tempo of songs is Tempo SlowMo, produced by Martian Storm Ltd. This application is an ideal practice tool for musicians because it allows the tempo of songs to be changed, either faster or slower, between a range of 20% slower to 250% faster than the original tempo, without affecting the pitch. A microphone can be used as the input device for this application but tracks can also be imported from a computer, an iPod music library or from other sources. Tracks can be looped to master difficult sections and users can record and save their own edited tracks (Tempo SlowMo 2023).

Tuning Software

Before beginning a lesson, it is essential that musicians tune their instruments. Students with special needs often find this task difficult. InsTuner Lite is a free chromatic tuner, marketed by Xiao Yixiang, which allows musicians to tune instruments quickly and accurately. It is highly accurate, well designed and easy to use. Features include a unique fixed note wheel for detecting pitch easily, a line-in mode as well as a built-in microphone mode. It can also be used as an electronic pitch pipe allowing students to tune by ear by matching the generated tones. The tuning range is from C0 to B8, which covers the range of almost all musical instruments

and since InsTuner Lite is a universal application, it will operate on all iOS devices including iPhone, iPhone5, iPod, iPad (InsTuner Lite 2023).

Tempo Software

When performing, it is also essential that performers keep a steady tempo. Pro Metronome is a free software program that assists musicians in developing this skill. This application, also marketed by Xiao Yixiang and designed for all iOS devices, (iPhone, iPod, iPad), is extremely precise and easy to use. Features include volume adjustment, seven metronome tones, dynamic accent settings of forte, mezzo forte and piano, a tap mode that calculates the beats per minute and a power-saving mode. Pro Metronome will also keep working if the device screen is locked, if the application is placed in the background, or opened with other applications (Pro Metronome 2023). By using this software, special needs students will have a much greater chance of performing with a steady tempo.

Accompanying Software

Another software category used in the process of learning music is accompanying. When students are learning their repertoire, it is very helpful if a software application can accompany them, performing the piano, band or orchestral parts as they practice. Two very popular accompaniment programs are Smart Music and Band in a Box.

SmartMusic is an accompaniment, software program designed to assist woodwind, brass, string musicians and singers at all levels, in developing music performance skills. When using SmartMusic, students perform into a microphone connected to a computer and then receive detailed feedback on their performance. The program has a vast repertoire library of over 30,000 song accompaniments in both classical and jazz styles and 50,000 exercises to assist students in the mastery of their instrument. As students play these songs and exercises, the program immediately assesses the student's performance on pitch and rhythm using green notes when the piece is performed correctly and red notes where the piece is performed incorrectly. A percentage score is then calculated and displayed for each exercise (Makemusic 2023).

To assist the student, SmartMusic will perform the solo line, the accompaniment, or both at once if the student desires. This allows the student to practice with the solo line at first and to hear how it fits with the accompaniment. When ready, the student can perform with the solo line and accompaniment and eventually with accompaniment alone. In addition, the program will perform songs at any speed so students can practice slowly at first and then gradually increase the speed until they reach the performance tempo. The program contains a loop feature, allowing students to practice short difficult passages of a piece over and over until they are performed perfectly. A metronome is included, so students can develop the ability to play evenly with a steady tempo. Note fingering charts are included with the program, allowing students to look up the fingering of a note if they are unsure (Makemusic 2023).

SmartMusic also allows students to develop their tonal memory and aural skills. When working on these skills, students first hear a passage of music and then play it back using no music, just their ears. For development of improvisation, the program includes many improvisation patterns and scale/chord exercises that will help students to learn to improvise and play in any key. The program allows students to record themselves as they perform for self-evaluation. The recorded files can be saved to the computer or burned to a CD (Makemusic 2023).

Students can download the SmartMusic software program in both Window and Macintosh formats from the Makemusic website for a yearly subscription fee of \$29.99 US. Music Instructors can download the educators' version with the ability to create and send assignments for a yearly subscription fee of \$39.99 US (Makemusic 2023).

Another excellent accompanying program is Band-in-a-Box, published by PG Music Inc. This program generates complete professional-quality backing arrangements of piano, bass, drums, guitar and strings or horns for songs in a wide variety of popular styles. To use this program, the user types in the chords to any song using standard chord symbols or chooses a tune from the music library of saved songs, and selects the musical style from the hundreds available. The user can also choose the key, tempo and select the exact instrumentation desired from the above listed instruments. The program will also generate samples of improvised solos for each song in a variety of musical styles. Band-in-a-Box has formats for both Macintosh and Windows operating systems and is sold in a variety of packages with prices ranging from \$129 to \$669 US (Band in a Box 2023).

Recording Software

After students have mastered the selected repertoire they have been practicing, they may wish to record and edit their performance. Software programs designed to do this are Audacity and Garageband.

Audacity is a free, easy-to-use, multilingual audio editor and recorder that operates on Windows, Mac OS X, and GNU/Linux systems. It was developed by a group of volunteers and distributed under the GNU General Public License. With Audacity, students can record live audio through a microphone, mixer, line input and USB/Firewire devices at sample rates up to 192,000 Hz with 16-bit, 24-bit and 32-bit samples. The program also allows students to cut, copy, splice or mix sounds together and change the speed or pitch of a recording. The envelope tool can be used to fade the volume up or down smoothly and the automatic crash recovery feature saves information in the event of abnormal program termination (Audacity 2023).

Audacity can also digitize recordings from cassette tapes, records, and with some sound cards, it can capture streaming audio. In addition, students can dub over existing tracks to create multi-track recordings and record multiple channels at once. Static, hiss, hum or other constant background noises can be removed and frequencies can be altered with equalization, bass boost, high/low pass and notch filter effects. Vocals can also be removed from suitable stereo tracks and voice-overs for podcasts or DJ sets can be added. Sound files can be imported, including MPEG audio, MP2 and MP3 files, edited and combined with other files or new recordings. Recordings can be exported in many different file formats including WAV, AIFF, AU, and FLAC. WAV or AIFF files can also be created that are suitable for burning to an audio CD (Audacity 2023).

Another program designed to assist students with the recording of performances is GarageBand. This application is a digital audio workstation, developed by Apple for use on the Mac OS X system, can record and play back multiple audio tracks in both 16-bit and 24-bit audio resolution. GarageBand also allows the user to add various effects such as reverb, echo, and distortion to audio tracks and includes a tuning system, which assists with pitch correction. In addition, GarageBand is a music sequencer, which contains a large selection of realistic, sampled instruments and software modeled synthesizers that can be used to create original compositions or play music live. GarageBand can also import and edit MIDI files allowing the user to manipulate such aspects as pitch, velocity and duration (GarageBand 2023).

Summary

With recent and continuing advances in technology, computer software programs can now be used to assist the teaching of students with special needs in applied music lessons. When computer technology is incorporated into the learning and performance of musical repertoire through the following six areas: listening, transcribing, tuning, developing a steady tempo, accompanying and recording, special needs students progress at a faster rate and learning is

made more exciting and enjoyable. With so many advances in technology occurring every day, music teachers should take full advantage of new software applications by incorporating them into the applied music lesson so maximum learning can take place.

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Bullying among Kazakhstan School Learners and Overcoming Strategies

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ABSTRACT: Bullying often involves harm to others, especially adolescents. The purpose of this study is to assess the prevalence of bullying, identify risk factors, and assess the relationship between bullying and the psychological status of adolescents who face this problem in the region of Kazakhstan. The research was conducted on 224 students between the ages of 11 and 16 using an online survey in a validated Google Form to investigate the prevalence and risk factors of bullying, as well as questionnaires to assess the psychological consequences of bullying. In response to the question, Where is bullying most common?, 42.8% of the participants answered “on social networks,” 33.5% answered “in the yard, on the street,” and 23.7% answered “at school.” About 20% of the participants spent more than 12 hours on the Internet every day, and the overall estimated prevalence of bullying and cyberbullying was 42.8%. In addition, 26.3% of the participants had a significant deterioration in academic performance due to cyberbullying. Approximately 20% of all participants considered dropping out of school, 19.7% considered stopping Internet use, and 21.1% considered harming themselves as a result of bullying. Furthermore, 75% of schoolchildren were victims of bullying. Unfortunately, schools are not entirely safe environments for children. Schoolchildren talked about the negative effects of bullying, negative childhood experiences, and trauma. Currently, researchers focus on "bullying" and its psychological consequences. Some researchers have identified characteristics of bullying victims, such as low self-esteem, poor social connection, aggression, anxiety, and complicated family relationships.

KEYWORDS: Bullying, cyberbullying, adolescents, psychological consequences, public health, Kazakhstan

Introduction

The development of society and the use of technical tools and digital technologies in our everyday life have made human life easier, but have also led to more complicated relationships between people. This creates difficulties in the relationships of adolescents, who do not have much life experience and can have harmful effects on them. One of them is the problem of bullying and cyberbullying among today's adolescents.

Bullying is considered a serious public health problem with short- and long-term physical and socio-emotional consequences for adolescents. A large amount of research shows that adolescents who have been bullied have an increased risk of mental, emotional, medical, and

behavioral problems, especially intrapersonal problems such as low self-esteem, depression, anxiety, and loneliness. According to numerous surveys, the estimated rates of traditional and cyber-bullying among school children range from 9% to 49% (Carlyle & Steinman 2007; Greenleaf et al. 2014; Griffiths, Wolke, Page, & Horwood 2006; Ringwalt & Shamblen 2012; Wang, Iannotti, & Nansel 2009; Wang, Iannotti & Luk 2010). In Kazakhstan, there is a lack of reliable information about adolescents in the regions. While a sufficient amount of research on bullying is available worldwide, it has not yet been well-studied in Kazakhstan.

According to UNICEF, in 2020 in Kazakhstan, 63% of children witnessed violence and discrimination, 44% were victims and 24% committed acts of violence and discrimination against other children in school. It is almost impossible to establish exact statistics of bullying in Kazakhstan due to the fact that school administrations prefer to hide cases of bullying.

Even the fact that from March to July 2022, the telegram bot Bala Qorgau of the Committee for the Protection of Children's Rights received more than 500 appeals and this fact speaks of the relevance of the problem of bullying among the adolescents. Most of the questions related to conflicts in families, relationships between children and teachers, benefits for large families, bullying and organizing summer holidays.

Bullying always aims to harass the victim, cause fear in her, demoralize, humiliate, subjugate. UNESCO highlights some features of bullying in schools:

- It is asymmetric - on the one hand, there is an offender who has strength and power (physical and/or psychological), and on the other - a victim who does not have such resources, but there is a need for support and assistance.
- It is carried out intentionally, aimed at causing physical and mental suffering.
- Undermines the victim's self-confidence, destroys health, self-respect and human dignity.
- This is a group process that affects not only the offender and the victim, but also the witnesses of violence, the whole class (group) where it occurs.
- It does not stop on its own: protection and help are always needed, both for the victims and the initiators of bullying (offenders), and witnesses.

According to the increasing awareness about bullying as a public health problem and understanding of how bullying affects physical, mental, emotional and behavioral health, as well as academic performance, significant efforts have been made at the level of programs and policies to address bullying behavior.

The connection and cooperation of a child or adolescent with other adult people is an important buffer against problems caused by bullying. The family is one of the strongest factors influencing the development of the adolescent.

As a result, families can also play a role in prevention of bullying. Parents can and should recognize symptoms that may indicate that an adolescent is being bullied, such as:

- Physical injury, headaches, sleep disturbances, or other physical symptoms that are not fully explained by a known medical condition.
- Depression, anxiety, self-injurious behavior (common in girls) and anger, aggression and risk-taking and impulsive behavior (more common in boys).
- Lower grades or test scores than in previous years.
- Poor peer relationships, health problems and aggression, which can be experienced by both persecutors and victims.

School bullying is defined as physical, verbal, psychological assault/intimidation in a physically/psychologically unequal environment, committed intentionally, voluntarily and systematically at intervals against a less powerful peer without an element of incitement, with the

intent to cause fear and anxiety/harm in the victim. Therefore, this study is important for identifying bullying behavior, where the adolescent could face bullying and contributing to information about bullying in school and among adolescents.

School bullying is observed among people of all levels of education, but adolescents aged 13-15 years are at the highest risk group. Bullying has this kind of symptoms such as social isolation, physical and verbal bullying. The verbal and physical bullying can be seen, and it is considered as a direct bullying, while social isolation is considered indirect bullying because it occurs in a less visible way. A number of different factors have been identified in school bullying, and generally we could divide it into three main groups: individual, family, and school factors. School bullying strongly affects student achievement, physical and psychological health, and these negative consequences can last in their lives for many years. For this reason, school bullying is a problem that health professionals such as teachers, school administration, school nurses, psychologists, counselors and physicians must handle with care. Identifying the reasons for bullying in schools and taking effective measures to prevent bullying must be ensured by a multidisciplinary team so that adolescents cannot be harmed by bullying behavior.

Results

In 2022, we conducted a research within the framework of the project BR18574152 "Development of measures to prevent bullying against children and study of relevant aspects" which will be published jointly with the Ministry of Science and Higher Education of the Republic of Kazakhstan within the target-funding program of the Science Committee. The aim of this study is to improve understanding of the current situation and explore the role of bullying at the school and prevention of this issue in educational organizations.

Why it is important to know about situations from the lips of adolescents who are living with this, they can provide information for educational organizations, managerial decision-making in order to own the situation and have knowledge in terms of regulation and further development of policy and to take measures about bullying in Kazakhstan.

One of the main barriers to the development of affordable and high-quality pedagogical and psychological help for adolescents who are bullied in Kazakhstan is the lack of information about bullying among schoolchildren.

The results of the research within the framework of the project BR18574152 "Development of measures to prevent bullying against children and study of relevant aspects" will be published jointly with the Ministry of Science and Higher Education of the Republic of Kazakhstan. It shows the leading role in the treatment, prevention and support of adolescents who suffer from bullying and cyberbullying in Kazakhstan.

In the first stage of the research, was chosen a quantitative method - a questionnaire survey of adolescents. The project team developed a program and questionnaire for 5-10th grades of pupils at the school, which consists of 18 questions, including open-ended and alternative questions. The results were processed in the SPSS program. Several regions were selected, including districts of Turkestan city, Shymkent city, Oskemen, Atyrau and Astana.

The number of respondents was 224.

The results of the questionnaire we can see in the table below (Table 1):

Table 1. The comparison of the answers among the regions in Kazakhstan

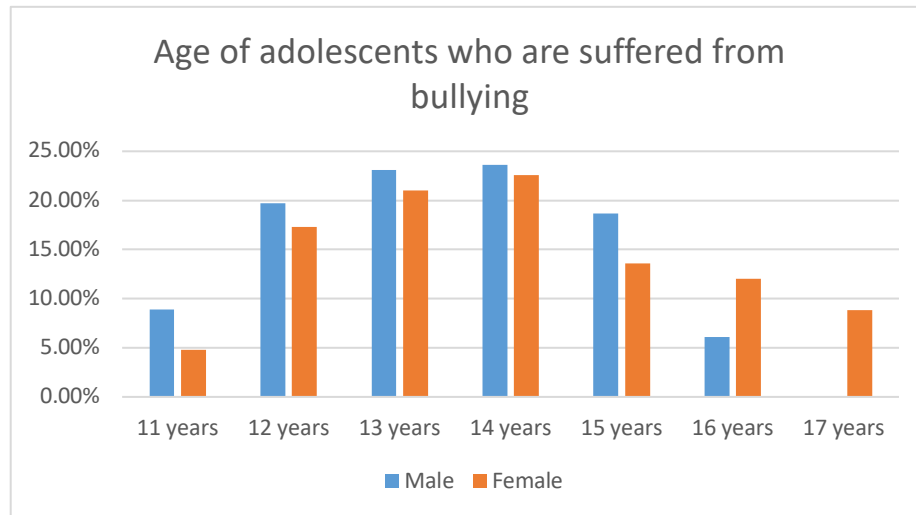
Questions	11-16 years adolescents							
	Astana		Atyrau		Shymkent		Oskemen	
	yes	no	yes	no	yes	no	yes	no
Do you know what bullying is?	76%	24%	42.5%	57.5%	76%	24%	72%	22%
Have you come across situations where some people bully others?	55.6%	42.1%	46.4%	52.6%	55.6%	42.1%	54.1%	44.1%
Have you been a victim of bullying?	7%	87.7%	2.6%	92.4%	7%	87.7%	5%	92.1%
Have you come across situations where teachers put pressure or bullied on schoolchildren?	26.3%	67.8%	3.3%	75.8%	26.3%	67.8%	26%	67%
Do you feel that adults are not doing enough to help adolescents who are victims of bullying?	17%	19.3%	14.7%	13.1%	17%	19.3%	17%	20%
Do you think bullying can be prevented in an educational organization?	57.9%	14.6%	61.5%	15.2%	57.9%	14.6%	54.9%	14%
Do you believe that you are underestimated and disrespected in class?	25.1%	69%	6.8%	69.3%	25.1%	69%	24.1%	69%
Do you often feel lonely and anxious?	15.2%	51.5%	13.5%	54.7%	15.2%	51.5%	14.2%	62.1%
Do you think my classmates are better than me?	9.4%	65.5%	10%	69%	9.4%	65.5%	9.2%	68.5%
Do you have friends among your classmates?	73.7%	21.6%	74.8%	3.2%	73.7%	21.6%	74%	26%
Are there any classmates in your class that you don't like?	42.1%	52.6%	38.2%	55.1%	42.1%	52.6%	39.1%	60.9%

It is difficult to reach pupils who suffer from bullying. Currently, pupils who suffered from bullying are separate categories that live with stigmatization and some kind of persecution (victimization), which makes this category out of reach. And the strategy of working with educational organizations was chosen precisely for this reason.

Discussion

It is difficult to see the whole situation, to get more informative and reliable answers for in-depth analysis, to learn more from the questionnaires, because people avoided answering some questions. It is likely that these questions were more sensitive to them than others (see Figure 1).

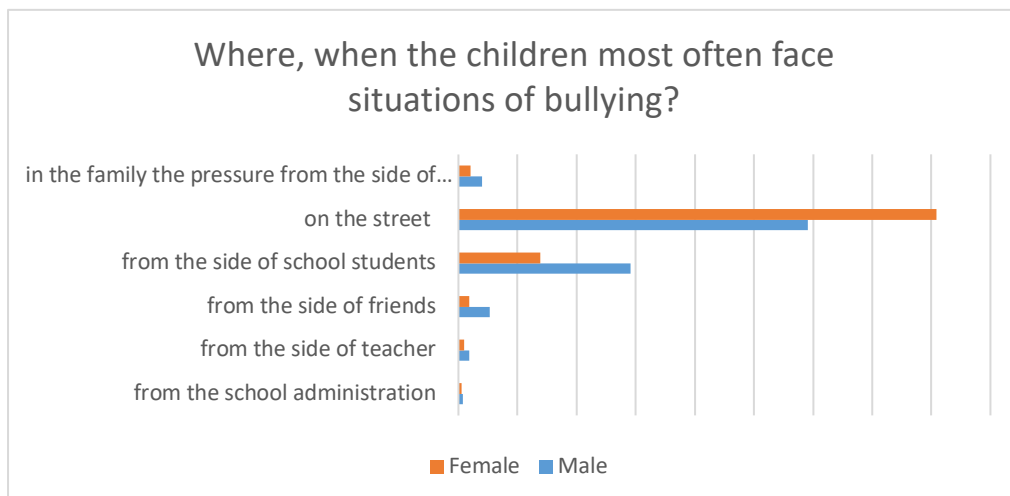
Figure 1. The age of respondents in the two groups, male and female



We put the results of the survey on a special chart and compared their indicators. Clearly, we could say that 76% of the pupils at the school who are surveyed are aware of what bullying and cyberbullying are. Only 24% said that they were not aware of this issue.

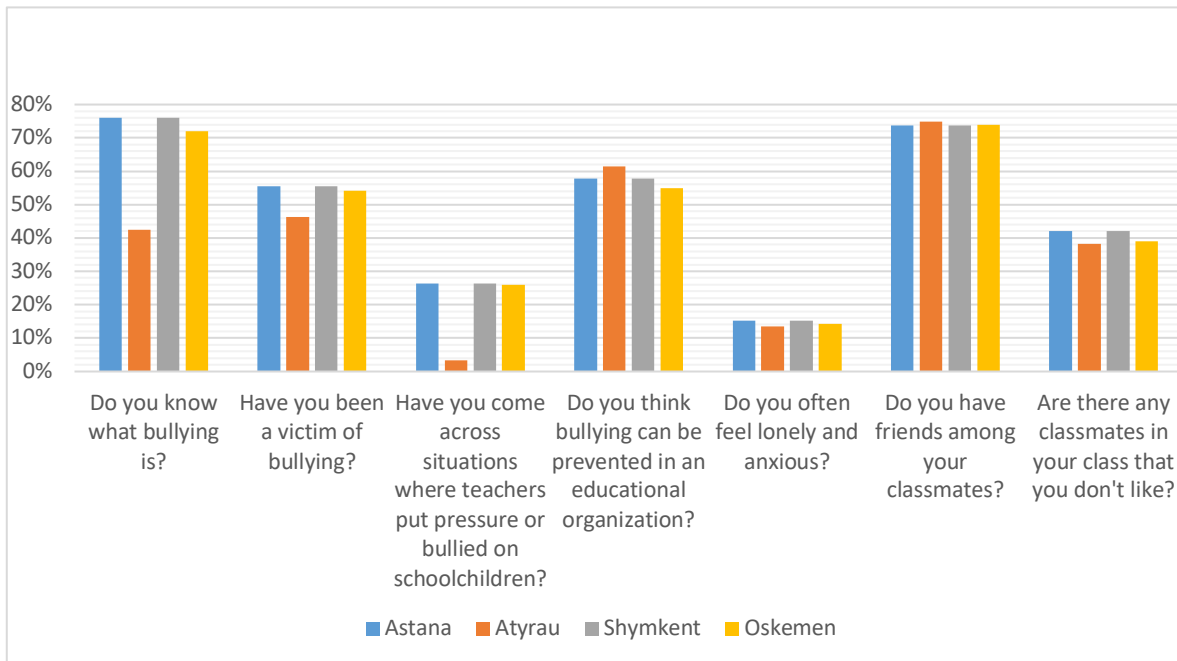
In response to the question, "If you have met bullying, in what form have you seen it?" mostly pupils (55%) emphasized insults, 38% of the respondents said that they were humiliated and mocked, while 7% of the pupils said that they used physical force and violence. From the respondents' answers, we can see that bullying can happen anywhere in our society. The main evidence for this is the question, "Where is bullying most common?" with 46.2% of pupils saying that they experience it at school, 46.2% saying they experience it on social networks, on the Internet, and 32.7% writing that acts of pressure and violence take place in the yard and on the street. Based on the results of this study, we can conclude that violent incidents occur in all places where teenagers gather. We received the largest scattering of opinions for the East Kazakhstan region, where answered that 59,1 % in the Kazakh group and 80,8 % in the Russian group wrote that acts of pressure and violence occur in the yard and in the street (see Figure 2).

Figure 2. The groups which faced bullying



According to the answers of the respondents, 20% of the participants spent more than 12 hours on the Internet every day, and the overall estimated prevalence of bullying and cyberbullying was 42.8%. In addition, 26.3% of the participants had a significant deterioration in academic performance due to cyberbullying. Approximately 20% of all participants considered dropping out of school, 19.7% considered stopping Internet use, and 21.1% considered harming themselves as a result of bullying.

Figure 3. The regional comparison of the bullying



In their answers, the majority of adolescents described that the victims of bullying and cyberbullying are often children with weak character, physical health, unclear vision, unstable and low self-esteem (see diagram Figure 3).

If we consider the responses of adolescents at school, it can be seen that there are gaps in the prevention of bullying and cyberbullying by adults. In this direction, it is felt that students notice phenomena such as insufficient conducting of explanatory work and educational measures or failure to recognize and prevent them in time. It seems that pupils don't speak openly when they face violence because they don't expect help from the side of adults, teachers. Most of the adolescents noticed such a phenomenon on the part of adults in time and said that such violence could be prevented if the aggressor received his punishment.

Adolescents at school reported that they turn to different categories of people as the first people they turn to for help when dealing with bullying and cyberbullying. It was also of great interest to us to know this. As we can see from diagram 3, schoolchildren said that in case of violence or pressure from others, they think that it is better to go to the school administration, then they ask help from their parents, thirdly, they expect help from the school psychologist, and also they expect help from the teaching staff. Of course, the reason why the help of classmates is in the last place is understandable, even if they defend themselves, it would not be bad. However, classmates may not be indifferent to the oppression of their peers. He did not hide that he expected help from his classmates, as he knew that they would help him when he was closed.

As we can see from the table, it is possible to know that most of the children of teenage age are victims and witnesses of violence. They also have different beliefs and attitudes regarding self-protection and the provision of safety by school administration and parents.

Conclusion

From the responses of the adolescents shown in the above diagrams and tables, it can be seen that the phenomenon of bullying and cyberbullying among adolescents in school is taking place, and this phenomenon is perceived by every pupil as a normal everyday activity. However, given that each student's perception leads to different emotional consequences, we predict that their defensive actions and attitudes will also end up with different results. Therefore, we provide specific recommendations for timely prevention of bullying and cyberbullying by adults.

Recommendations

- In order to prevent bullying and cyberbullying among adolescents, it is necessary to strengthen the organization of measures to improve human qualities through systematic educational influence and workshops, talking with school social pedagogues, psychologists and class leaders.
- In order to prevent bullying and cyberbullying among the parents of teenagers, it is necessary to carry out literacy work on the part of the school.
- It is necessary to identify children who are victims or perpetrators of bullying, to work with them individually through school social pedagogues, psychologists and class teachers.
- Collective measures should be taken to establish cooperation with teaching staff and parents.
- Psychological and educational activities, weeks and decades should be held among schoolchildren to educate them about about bullying and cyberbullying, its consequences and their individual responsibility to prevent it.

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Medicare Recipient Characteristics and Utilization of Emergency Departments

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ABSTRACT: The Affordable Care Act (ACA) was enacted to enhance access to care, primarily among non-elderly and low-income populations. The ACA has three primary goals, first, to provide affordable health insurance available to more people; second, to expand the medical program to cover all adults with income below 138% of the federal poverty level; and third, to support innovative medical care methods designed to lower the cost of healthcare. Accountable Care Organizations (ACOs) were created as part of the Quality Payment Program to appropriately incentivize physicians based on high-quality and cost-efficient care of Medicare beneficiaries and lower healthcare costs. Despite the significant reduction in Medicare spending from ACOs, a great proportion of Emergency Department (ED) visits by the Medicare population is considered preventable. This study analyzed a sample of Medicare claims of all ED visits between 2015 and 2020 of a cohort of Medicare patients that enrolled in an ACO in 2017. The aim of the study was to evaluate the changes in ED visits, mortality rates, and institutional paid amount before and after ACO policy intervention, while identifying whether there were differences in ED utilization by gender and insurance plan.

KEYWORDS: Affordable Care Act, Quality Payment Program, Medicare, Emergency Department (ED), Accountable Care Organizations (ACOs), Claims, Gender, Age, ED spent

Introduction

Medicare is a federal health insurance program under the Centers for Medicare and Medicaid Services (CMS) for individuals 65 years or older or with a disability or end-stage renal disease (ESRD). As of October 2021, the total Medicare enrollment was 63,964,675 (CMS, n.d.). Older adults, who are part of this program, use emergency departments (EDs) more than any other age group and are more prone to subsequent adverse events (Gruneir et al. 2011).

The Innovation Center was created by the Affordable Care Act to test new healthcare delivery and payment models, offer technical support to providers to improve care coordination, and diffuse lessons learned and best practices throughout the healthcare system (CMS 2011). The new payment models evolved into different initiatives that include accountable care organizations (ACOs), which focus on transforming the quality of healthcare for programs like Medicare, and ACOs which are groups of doctors, hospitals, and other healthcare providers, who come together voluntarily to give coordinated, high-quality care to their Medicare patients (CMS 2022.).

Despite ongoing interest in improving health outcomes among Medicare beneficiaries, a growing body of evidence suggests that various factors influence emergency department (ED) utilization. Many contributing factors of avoidable ED utilization include social determinants of health (SDOH), which are defined by the CDC (2022) as the nonmedical factors that influence health outcomes. While not all ED utilization can be averted, the focus is shifting to what utilization could be avoided, the contributing factors, and how to address those issues and concerns (Majewski & Lobick 2022). While often dismissed as a mere inconvenience for patients, the impact of ED crowding on avoidable patient morbidity and mortality is well-documented but remains largely underappreciated (Kelen et al. 2021).

ACO Participation

Since its implementation in 2012, ACOs have saved Medicare \$13.3 billion in gross savings and \$4.7 billion in net savings (NAACOS n.d.). Shared savings are generated from decreasing overutilization of preventable services, including ED visits that could have been treated at a physician's office, and focusing on preventative care to slow or stop the likelihood of emergency care and high-cost admissions.

Although ACOs independently work towards improving key factors impacting social determinants of health, supporting evidence remains limited, suggesting the implementation of quality metrics and performance benchmarks under the Medicare Shared Savings Program (MSSP) to solve social needs. The standardization of metrics and domains of quality lack flexibility and consideration for vulnerable groups. Kovach et al. (2019) found that while payment reforms could provide the funding mechanisms to support social determinants of health in primary care, there is currently insufficient evidence to support the use of the practices.

D'Aunno et al. (2018) assessed high-performing ACOs and found a fundamental and distinctive insight from the analysis. Evidence from the study indicated that high-performing ACOs were distinguished from low-performing ACOs in that they had relatively large, well-established physician groups that provided cost-effective care before their involvement in an ACO (D'Aunno et al. 2018). Similarly, Quayogode et al. (2017) found that organizations with prior experience with risk-bearing contracts positively correlated with savings and significantly increased the likelihood of receiving shared savings payments. Evidence from these studies suggests that experienced ACOs are more likely to achieve positive outcomes than ACOs without experience or resources. Therefore, Quayogode et al. (2017) suggest that CMS should encourage diversity in organizational structures for ACO participants and provide alternative funding and risk-bearing mechanisms to allow a diverse group of organizations to participate.

Demographics

A report published by the Assistant Secretary for Planning and Evaluation (2021) reported that emergency department (ED) visits continue to be the highest for patients in communities with lower median income and greater social vulnerability. Minority Medicare patient populations are more likely to utilize ED resources, potentially demonstrating decreased access to continuing care and adequate disease management (Hanchate et al. 2019).

Most recently, COVID-19 hospitalizations by race and ethnicity persisted during the pandemic. A study by Chang et al.'s (2021) on the association of chronic conditions among Medicare beneficiaries on hospitalizations showed that substantial variation exists between hospitalized and non-hospitalized Medicare beneficiaries with COVID-19 by demographic attributes, including age, gender, race/ ethnicity, geographic region, urbanization, Medicare entitlement, Medicare and Medicaid dual-eligibility status, and comorbidity.

Wang et al. (2021) examined the differences between ED visits of patients with end stage renal disease (ESRD) versus ED patients without ESRD. The investigation aimed to identify the geographical characteristics of ED visits of patients with ESRD. This study's results showed a prevalence of ED visits among ESRD patients with Medicare in the South. These findings are particularly relevant for southern states such as Texas, the second largest state in the United States. According to data released by the Texas Comptroller (2020), almost 84 percent of the South Texas region's total population was Hispanic, more than double the state's Hispanic share. Risk factors for non-communicable diseases (NCDs) and decreased healthcare access make Hispanics disproportionately vulnerable to illness and death (Velasco-Mondragon et al. 2016).

Social Determinants of Health

While substantial research on social determinants of health and health equity exists, limited research is available on the effectiveness of accountable care organizations (ACOs) and population health management in reducing preventable ED visits. The CDC (2022) defines social determinants of health (SDOH) as the conditions in which people are born, grow, work, live, and age and the broader set of forces and systems shaping the conditions of daily life. Healthy People (2030) identified obstacles of SDOH to include lack of health insurance, language-related barriers, disabilities, inability to take time off work to attend appointments, geographic and transportation-related barriers, and a shortage of primary care providers.

Lack of provider access has various implications on individuals and the utilization of health services. Nyweide and Bynum (2017) performed a study to assess the relationship between continuity of ambulatory care and risk of emergency department episodes among older adults. Findings from the study suggest that in comparison to individuals without a primary care physician, higher continuity of care by a primary care provider resulted in more appropriate referrals to the ED (Nyweide & Bynum 2017). Haber et al. (2017) also found a correlation between the percentage of months with a PCP visit and whether the patient maintained the same usual source of care after nursing home admission and having fewer inpatient admissions and ED visits.

Disparities due to a shortage of clinicians continue to have a detrimental effect on the quality of health of rural populations. Various studies have documented the lower quality of ambulatory care for people with chronic conditions and lower preventative screening rates in rural areas compared to urban areas (Johnston et al. 2019). In a nationally representative study of older adult Medicare beneficiaries, Johnston et al. (2019) found that rural beneficiaries with complex chronic conditions had higher preventable hospitalization and mortality rates than their urban peers. Shoff et al. (2019) also evaluated geographic variations as predictors of ED use and found that the association between healthcare market concentration, healthcare delivery, and socioeconomic/sociodemographic factors with ED admissions differed across communities.

Research

This quantitative study aims to determine whether the ACO intervention in 2017 resulted in changes in the volume of ED visits, mortality rates, and institutional paid amount, while identifying any significant differences in ED utilization by gender and insurance plan. The following research questions will be assessed:

RQ1. How does ACO intervention impact volume of ED visits over time?

RQ2. How does ACO intervention impact mortality rates?

RQ3. How does ACO intervention impact institutional paid amount?

RQ4. How does gender impact ED visits?

RQ5. How does insurance plan impact ED visits?

Methodology

The data source used for the study includes Medicare claims data from 2015 to 2020. The data includes all outpatient claims for Emergency Department (ED) visits of Medicare beneficiaries that participated in an Accountable Care Organization (ACO) in South Texas in 2017. Information such as age, gender, insurance plan, dates of service, diagnosis, institutional charges/paid amount, and date of death, if present, were available for review.

The use of claims data for this study was subject to review to ensure patient health information (PHI) remained confidential. All patient identifiers were modified or removed as necessary to comply with HIPAA regulations. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a federal law requiring national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge (CDC 2022). Only the minimal required data was used to conduct this study.

Statistical Analysis

A series of statistical tests using Stata software were completed. A total of 48,861 ED visits were reviewed. Figure 1 includes total ED visits between 2015-2020 by year. The results of a line graph show that although ACO policy intervention in 2017 resulted in a sharp increase in ED visits during the first two years of enrollment (2017-2018), a significant reduction in ED visits in the years after (2019-2020) occurred. Forty-Eight percent of the total ED visits between 2015-2020 occurred between 2017 and 2018 alone.

Clarke et al. (2019) suggest that the impact of any intervention is likely to be shaped as much by the context (e.g., communities, workplaces, homes, schools, or hospitals) in which it is delivered, as the details of the intervention itself. Therefore, a simple before and after study is not sufficient to evaluate the impact of ACO intervention on ED visits. The following number of ED visits occurred by year: 2015 (1)- 5,683, 2016 (2)- 8,163, 2017 (3)- 9,598, 2018 (4)- 13,530, 2019 (5)- 7,322, and 2020 (6)- 4,185.

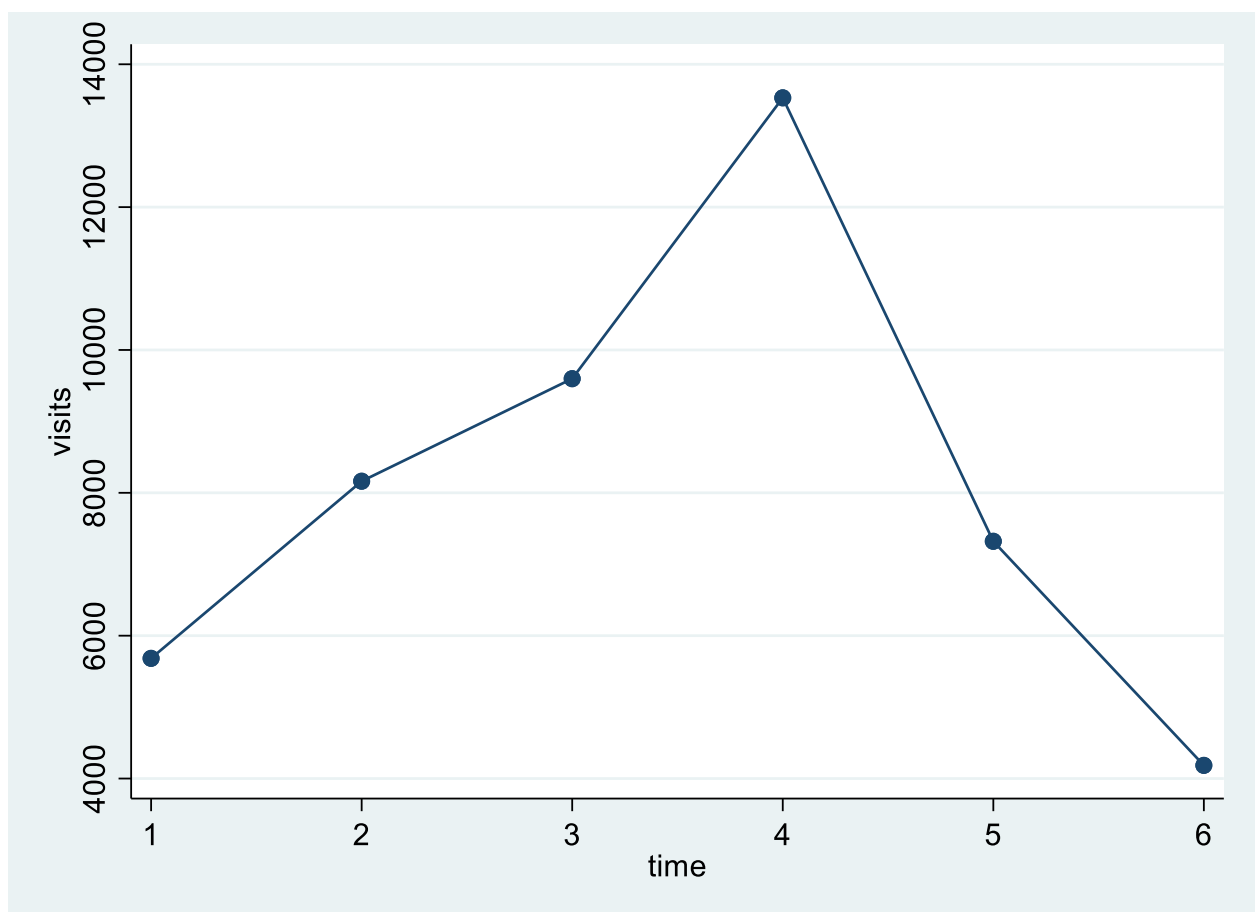


Figure 1. ED Visits of Medicare Beneficiaries Enrolled to an ACO between 2015-2020

Additionally, table 1 below represents the regression of the data with time and time squared (sqtime) as dependent variables. The negative coefficient seen on time squared (sqtime) represents an inverse relationship between ED visits over time, partially due to the temporary

increase in ED visits during the first two years of ACO intervention (2017-2018). As shown in table 1, the analysis results represent significant findings below the level of statistical significance.

Table 1: Regression of ED Visits Over Time

	DV TIME
	Total
time	7158.382* (2342.253)
Sqtime	-1047.446** (327.5532)
_cons	-1,087.900 (3580.183)
N	6
r2	0.7754
ar2	0.6257
Prob>F	0.1064

Standard errors in parentheses

*p<0.10, **p<005, ***p<0.01

Mortality Rate

To assess mortality rate, two categorical variables were created to measure mortality before and after ACO intervention. A categorical value assigned as 1 represents the time frame after ACO policy intervention (2017-2020), while 0 represents pre-ACO intervention (2015-2016). As shown in table 2, the proportion of patients who expired post-intervention equaled 0.1676 compared to 0.2035 prior to ACO intervention. These findings demonstrate an improvement in mortality rates after ACO intervention that could be due to an increase in quality metrics, improvement in access to care, and preventative screenings as part of the expectations to improve the quality of care for Medicare patients participating in ACOs. The results were statistically significant at below the 1% level of statistical significance.

Table 2: Two-Sample Test of Proportions for Deceased Patients

	Observations	Mean	Std. Error
0	13,846	0.20345	0.00342
1	34,634	0.16755	0.002

Gender

In relation to gender, a difference in proportions test presented in table 3 demonstrates a substantial difference between the percentage of ED visits between males and females in the sample. A categorical value of X was assigned to male participants, while Y was assigned to the female counterparts. Sixty-Four percent of ED visits between 2015-2020 were from females, while 36% were from males. The result from the two-sample t-test is statistically significant at below the 1% significance level.

Table 3: Difference in Proportions Test by Gender

	Observations	Mean	Std. Error
X	17,458	0.3601	0.00363
Y	31,023	0.6399	0.00273

Institutional Paid Amount

Institutional billing claims are generated by hospitals and other facilities to bill payors/ individuals for the services provided. The test shown in table 4 consisted of a two-sample t-test to examine the degree to which institutional paid amount varied between two categories, before and after ACO intervention. A categorical value assigned as Inter=1 represents the time frame after ACO policy intervention (2017-2020), while Inter = 0 represents pre-ACO intervention (2015-2016). The results from the data in table 6 are statistically significant at below the 1% level of statistical significance. There was a total of 13,486 observations before the ACO intervention (366.25 mean paid) and 34,635 (352.97 mean paid) observations after ACO intervention. While ED visits temporarily increased between the 2017-2018 ACO intervention, the average paid amount to institutions for ED encounters relatively decreased after ACO intervention by 4%.

Table 4: Institutional Paid Amount (Mean) by Intervention Period

	Observations	Mean	Std. Dev.
0	13,846	366.2498	592.964
1	34,635	352.9685	637.2251

Insurance Plan

A difference in proportions test of the following two Medicare eligibility criteria groups was performed to determine whether there is a difference in proportion of ED visits between aged only population (65 years and older) and their aged-dual counterparts, which are Medicare beneficiaries who are also enrolled to Medicaid, a low-income government assistance program. Table 8 shows that the majority of the ED visits between 2015-2020 were from Medicare-Medicaid (aged-dual) beneficiaries. Results are statistically significant at below the 1% level of statistical significance.

Table 5: Difference in Proportions by Insurance Plan

	Freq.	Percent	Cum.
0	6,436	40.24	40.24
1	9,559	59.76	100
Total	15,995	100	

Policy Implications and Discussion

As shown in figure 1, there was an improvement in the total volume of ED visits year over year, likely due to ACO policy intervention in 2017. Improvement in the average paid amount to institutions for ED visits was also reduced following ACO intervention (2017-2020). We also assessed mortality among Medicare beneficiaries and found a significant improvement in mortality rates after ACO intervention.

In a gender comparison of the proportion of ED visits between 2015-2020, 64% were ED visits by females. Lastly, differences in proportion of ED visits from Medicare aged-non dual beneficiaries were significantly lower between 2015-2020 as opposed to the Medicare

aged-dual beneficiaries who receive additional financial support under the dual-eligibility program with Medicaid, a low-income benefit program.

Coordinated care within ACOs aims to ensure that patients get the proper care at the right time while avoiding unnecessary duplication of services and preventing medical errors (CMS n.d.). Several noted improvements following ACO intervention were achieved among this South Texas cohort of Medicare beneficiaries. To our knowledge, this is the first study to address changes in outcomes of a single ACO group in South Texas.

Alternative payment models and value-based care were designed to improve care quality and patient outcomes. Findings from this study suggest that ACO interventions led to a reduction in ED visits. As we noted from the results of multiple analyses throughout the study, we also measured key improvements in Medicare spending and mortality rates following ACO intervention. This study enables a better understanding of the impact of ACO intervention among Medicare beneficiaries and their utilization of the emergency department (ED) in relation to key factors related to SDOH. This study also raises awareness of key characteristics that are more prevalent among Medicare beneficiaries who make ED visits, such as the role of gender and access to insurance coverage by Medicaid.

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Building Peace through Communication in an English Language Classroom at a Higher Education Institution

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ABSTRACT: As the interaction and exchange of cultural diversity through globalization increase in our modern world so does the need for strategies to reduce the risk of cross-cultural conflicts. This qualitative action research study aimed to explore the intersection of language learning and peace education in a multicultural university setting. Specifically, this study focused on the researcher's role as an English professor to encourage intercultural exchanges that promote peaceful communication and explore pedagogical tools to incorporate in class to help students manage, resolve, and transform conflict. Using a two-cycle exploratory action research approach, data were collected through student surveys, individual interviews, focus group discussions, student feedback forms, and reflection journals. The first cycle involved fifteen participants in a course on conflict resolution skills taught by the researcher, and the second cycle involved nine students in a low-intermediate English class where the content was incorporated into the language course. Thematic analysis was conducted on the interviews and focus groups. The findings from the student feedback and reflection journals helped to create a curriculum to be implemented in the English-medium classroom. The findings confirmed the importance of implementing conflict resolution skills in the English as an Additional Language (EAL) classroom at a multicultural university. The implications for social change from this research include the development of valuable tools to be used in the classroom to guide students to utilize appropriate language to bring about peaceful communication so that they can graduate with the necessary skills to become competent cross-cultural communicators.

KEYWORDS: Conflict resolution, English as an additional language (EAL), peace language, English-medium instruction (EMI), intercultural dialogue, higher education

Introduction

As the interaction and exchange of cultural diversity through globalization increase in our modern world so does the need for strategies to reduce the risk of cross-cultural conflicts. An inclusive and diverse society requires tolerance and intercultural understanding. The purpose of this qualitative action research study was to explore the intersection of language learning and peace education in a multicultural university setting. Specifically, this study focused on the following research questions: a) How can I use my role as an English professor to encourage intercultural exchanges that promote peaceful communication? and b) What are some pedagogical tools that I can incorporate in my class to help students manage, resolve, and transform conflict? For the purpose of the study, the theoretical framework for this research drew from the theories of critical pedagogy and intersectionality (Crenshaw 1989). A review of selected literature was conducted in the fields of peace education and language education as a transformative learning experience, with a focus on incorporating intercultural dialogue and multi-dimensional peace (Oxford 2013) into an English-medium classroom.

In order to become global communicators living in a more peaceful world, students must understand how to resolve conflicts and use the appropriate language in communicating across cultures. This area of study is significant in that it sought to add to the current research on best practices for incorporating peace education principles into an English as a Foreign Language (EFL) or English as an Additional Language (EAL) setting (Curtis 2018; Friedrich 2007; Lirola 2016; Oxford 2013). In particular, the study addressed a research gap regarding

the implementation of intercultural dialogue and how it can serve as a platform for instilling empathy, openness, acceptance, understanding, and respect for others from different backgrounds and cultures. In addition, this study contributed to the research being done in regards to peacebuilding in language education (Olivero 2017; Oxford 2017; Oxford et al. 2018; Olivero & Oxford 2019; Oxford et al. 2021) through utilizing the classroom as a platform to promote peaceful communication.

Using a two-cycle exploratory action research approach, data were collected through student surveys, individual interviews, focus group discussions, student feedback forms, and reflection journals. The first cycle involved fifteen participants in a course on conflict resolution skills taught by the researcher, and the second cycle involved nine students in a low-intermediate English class where the content was incorporated into the language course. Thematic analysis was conducted on the interviews, focus groups, and journals while content analysis was used for the survey and feedback forms. The findings from the student feedback and reflection journals helped to create a peace module to be implemented in the English-medium classroom. These findings confirmed the importance of implementing conflict resolution skills in the English as an Additional Language (EAL) classroom at a multicultural university. The implications for social change from this research include the development of valuable tools to be used in the classroom to guide students to utilize appropriate language to bring about peaceful communication so that they can graduate with the necessary skills to become competent cross-cultural communicators. By preparing the students with the competencies required, a contribution was made to the university's mission of creating agents of social change with a deeper understanding of intercultural peace and civil dialogue.

Methodology

An action research design was chosen to explore one teacher's role in encouraging peaceful dialogue in the classroom while providing tools to help students transform conflict.

A. Sampling

1) Target population and research context

The participants of this study were undergraduate students attending the same university in rural Costa Rica. The university is self-contained, with all of the students living on campus in dormitories. The classroom setting for this research was conducted virtually due to the COVID-19 pandemic that affected the campus beginning in March 2020 and was still present for the duration of the research, which commenced in September 2020 and continued until May 2021. Therefore, for the first cycle, Microsoft Teams was used for HUM405 "Conflict Resolution Communication Skills", a thirteen-week class, which met once a week for three hours. The syllabus described the course as an introduction to conflict resolution for students who have plans to be global communicators.

In the second cycle, a section of the course, ING402 "English: Independent User (Threshold: B1d)", was chosen. ING402 represents the last course for the university students taking English as an additional language. Successful completion indicates an Intermediate level of English. This section was chosen to participate in an intercultural dialogue project with a university in Hawai'i. The premise for the project was to offer an online cultural exchange with students from a different institution in order to develop cultural exchange relationships, become more aware of the globalized world, and practice English language skills. The class was taught from January to May 2021, utilizing the Zoom platform for the meetings and Moodle and Google Drive for content information. This class met three hours a week, with one-hour segments over the course of fifteen weeks.

2) Sampling Procedures

In order to obtain the participants in the study for the first cycle, two introductory webinars were given in June 2020 regarding the purpose of the study. The goal was to introduce the new class that would be offered in September called “Conflict Resolution Communication Skills” as well as inform students about the study. Although students could enroll in the class without enrolling in the study, all students who enrolled agreed to be participants in the HUM405 course “Conflict Resolution Communication Skills.” Once the students were selected and an overview of the project was given, individual interviews were conducted in order to facilitate the formation of focus groups based on their individual answers. The focus groups in the first cycle served to give voice to the students who worked together with the innovations set forth in the class.

A “Call for Participation” email was sent out to invite the fifty-two students taking ING402: English: Independent User (Threshold: B1d), referred therein as ING402, to participate in the second cycle starting in January 2021. Unfortunately, no one replied to the email; therefore, it was decided to choose one of the four groups taught and asked them as a group to be part of the research within the class. This group was also chosen to be a part of the intercultural dialogue project based on the availability of the students participating from outside the university. There were eleven students enrolled in this section of ING402, and nine chose to participate in the research. Their participation in the study was strictly voluntary, and they were permitted to leave at any point without explanation or prejudice. For each participant, a signed informed consent form was received and participant information was collected.

3) Participant profile

The participants in both cycles were in their last year as undergraduates at the same university. Their age range was between 21 and 28. They came from different countries in Latin America, the Caribbean, and Africa. The first cycle consisted of 15 participants, with 31% from Latin America and 69% from Africa. Thirty-one percent were male. In the second cycle, there were nine participants with 100% coming from Latin America and the Caribbean, with 33% female.

B. Data Collection

The purpose of this study was to research how I, as a language educator, can facilitate to improve the communication skills among students from different cultures who may approach interpersonal conflict differently. Providing valuable conflict resolution tools to students was the ultimate goal and purpose. The action research plan implemented provided the organization of the project including action steps/activities, timeline, methods and tools used for gathering the data.

1) Data Collection Methods

A school wide survey was implemented through an online questionnaire using Google Forms and administered through the university’s internal email server to assess the extent of intercultural conflict on campus. Creating a research questionnaire requires the ability to write appropriate questions and organize them in a logical meaningful manner. It also involves understanding which types of questions to ask to yield optimal results. In addition, the questions that are written needed to be done so in a way that invites the respondent to answer them honestly (Dilman, Smyth, & Christian 2014). Moreover, using purposeful sampling (Creswell & Poth 2018) targeting the entire current university student population on campus gave the broadest view of the extent that conflict exists on campus.

Interviews are the most common method used in qualitative research. For this study, individual semi-structured interviews were conducted with the participants from both action research cycles, with one hour being the average length of each interview. The protocol used consisted of a series of open-ended questions designed to allow the person being interviewed to open up and provide their story in a natural way (Creswell & Poth 2018). This semi-formal,

semi-structured format helped give insight to the nature of intercultural conflict on campus. The questions created centered on the particular theme of conflict on campus, but they were designed to allow the participant to elaborate their story and served more as a guideline than predetermined questions typical in a more formal, structured interview. The students participating in the interviews were students who already consented to participate and had chosen to talk. Due to the COVID-19 pandemic, the interviews were conducted through a virtual setting at a mutually convenient time. For the first cycle, the Microsoft Teams platform was used due to the ability to record with accurate transcriptions. In the second cycle, Zoom was utilized because the participants were more comfortable with this platform after using it in their other classes for the previous ten months.

In action research, using processes that involve groups is common and can complement the other methods employed. Focus groups were chosen in order to generate a collective view on intercultural conflict on campus. Since the members of the focus groups were also of an intercultural dynamic, care was taken to ensure successful discussions. Having an awareness of cross-cultural sensitivity in a culturally diverse student body shapes how I approached my teaching and dictated how I would conduct the focus groups. Moreover, it was very important to conduct culturally responsive focus groups as this best aligns with my identity as a professor.

For the first cycle, the participants were divided into focus groups based on the answers to the individual interviews with the reasoning that if the group was comprised of people with similar views, they would be more likely to share deeply on the topic. From the answers given in the interviews, a shared experience relative to the interview topic was identified. Three groups were created: one group who thought intercultural conflict on campus was a very serious issue, one group who perceived it as a moderate issue, and the other group who did not have strong feelings about the issue or thought it was not a serious issue. Group size was between 4-5 participants. Focus group was structured around 10 questions written from general to specific and designed to elicit open-ended answers. Time for each focus group discussion was between 30-60 minutes and was held virtually using Microsoft Teams during a convenient time for the participants. After each focus group, a debriefing questionnaire was administered in order to receive feedback and allow the participants to provide any additional information that they were not able to share during the discussion.

During the second action research cycle, the participants were divided based on the groups made in the beginning of the term with the intercultural dialogue project previously explained. There were three groups formed with four participants in two groups, with only one student who agreed to be a participant in the third group. The focus group format was designed around five open-ended questions regarding the activities imparted in class as well as working in groups in general. The average length of each focus group was twenty-four minutes. They were conducted virtually using the Zoom videoconferencing platform. In lieu of a debriefing questionnaire directly related to the focus group, a feedback questionnaire was given to provide the participants a chance to elaborate on what was discussed in the focus group while providing feedback on the activities conducted in class.

Observing participants in action is a common way of collecting data in an action research study (Creswell & Poth 2018). Due to the COVID-19 pandemic, the observations were executed slightly differently than first anticipated. All classes and lessons were delivered through a virtual platform, either through Zoom or Microsoft Teams. This came with several drawbacks. In the first class, Microsoft Teams was utilized. At the time of observation, in order to simulate group work, channels were utilized and one member of each group was assigned the task of recording their channel when a group activity was assigned. I then was able to watch and/or listen to their discussion. In the second class, the Zoom platform was used, which utilizes breakout rooms for group work. Unfortunately, there was no way to record each breakout room, so I needed to enter each room to listen and observe, much like

circulating around the classroom without the ability to eavesdrop simultaneously on other groups.

When role-plays were executed, students were given options to present them through pre-recording a video or presenting during online class. Most chose to record their role-play videos using the online platform of Flipgrid. These were saved on their site and only those with the class code could view the videos. This method had the added advantage of allowing students to comment on the videos through writing comments or adding a personal video. The same technique was used for final presentations. Those who created videos shared them through Flipgrid or created a private YouTube link. The success of the lesson was measured through participant feedback using Google Forms. Lastly, a reflective journal was kept to record observations and thoughts related to the lesson plans and the activities presented.

Results and Discussions

Summary of Findings

The results identified in the exploratory stage confirmed a need for incorporating peacebuilding skills in the classroom at the university where the investigation took place. Of those who experienced an interpersonal conflict on campus, 84% percent of the respondents to the school-wide questionnaire felt the conflict situation had at least some cultural element. Of those who experienced intercultural conflict, 42% indicated that it was not resolved amicably. Eighty-four percent felt that intercultural conflict was a problem on campus, and 98% were interested in learning communication skills to help manage and transform conflict.

Conducting the first cycle of research revealed sources of intercultural conflicts as well as reasons for the breakdown in communication. Sources included differences in language, culture, and expectations in classroom behavior. The results of the role-plays and reflections indicated the reasons for the breakdowns were connected to poor communication skills, no empathy, and lack of active listening. The findings of the first cycle guided the creation of pedagogical tools to be utilized in the second cycle. These tools, which included intercultural dialogues, role-plays, and reflection, were favorable in helping students address conflict situations more constructively.

Interpretation of the Findings

Answer to RQ1: Using my role as an English professor to encourage intercultural exchanges that promote peaceful communication

The research conducted helped to answer the first research question of how I could use my role as an English professor to encourage intercultural exchanges that promote peaceful communication. The research was influenced following an on-campus email exchange between two students with differing languages, cultures, and sexual orientations. This incident prompted the investigation of my teaching practice and how students can become peaceful communicators. What I found was the importance of teaching with an intersectional pedagogy and with empathy. Moreover, this required respect for student differences as well as offering safe spaces for communication.

1. Teaching with an Intersectional Lens

Conducting this research in the classroom guided me to understand the importance of teaching with an intersectional lens. The term “intersectionality” was first used by Crenshaw (1989) to highlight the oppression of black women within society. It has come to be understood as the overlapping of identities and its place in society. Over the years, intersectionality framework has been adopted into different disciplines, one being education (Case 2017). What makes intersectionality appealing as an educator is that it encompasses elements of critical race theory, feminist pedagogy, and culturally responsive teaching while acknowledging the various social

identities of an individual. Being cognizant of these identities and offering students in the classroom an opportunity to learn about themselves as well as their classmates can lead to powerful discussions.

Through this research, the value of establishing trust and open dialogue through storytelling activities was learned. Key elements like fostering dialogues, embracing diversity, and listening to students are all integral components of classroom teaching practices. I was interested in discovering how these elements play a part in the English language classroom at a multicultural university. This research has confirmed the value of incorporating an intersectional lens for building peace through communication in a classroom setting.

2. Teaching with empathy

Teaching with empathy provides students in the classroom with the perspective that approaching conflict situations with an empathic attitude can help transform conflict. When the participants conducted their role-plays, they were able to see that one reason for conflicts not to resolve is the lack of empathy the participants have towards each other. The role of a teacher is to support the students as they go through the process of self-reflection and strengthen their ability of empathy by actively communicating with them while they become better communicators (Galtung & Webel 2007).

One recommendation that came out of the focus groups was to offer these focus groups regularly in the form of discussions in order “to build tolerance and empathy among the students.” This insight confirms the need to bring people together to talk openly about conflict and ways to be better communicators. When students are able to dialogue, linguistic understanding (Comins Mingol & París Albert 2009) and cooperation are evident when they are learning from each other and building trust (Stearns 2018). This was seen as an aspect of the course that was most useful and valuable. Furthermore, empathy was cited as a skill to possess when approaching conflict situations. Empathy also played a pivotal role in the intercultural dialogue project conducted in the second cycle. The participants felt that this experience helped them to have more empathy.

In essence, what was found regarding teaching empathy and teaching with empathy supports the literature that states empathy promotes peaceful communication through genuine intercultural exchanges resulting in more positive outcomes when involved in conflict situations (Abarca Obregón 2014; Lirola 2016). Moreover, it is the responsibility of the teacher to teach with empathy. Keeping a reflective journal throughout this research and cataloging feelings and emotions while also writing down reactions to classroom situations indicated that I had the ability to teach with empathy. Moreover, the participants indicated through course feedback the appreciation they had to my positive attitude while teaching during this pandemic. One participant wrote, “she never gave up on us, although it was not easy; I appreciated that.” Having a positive attitude throughout my teaching has helped in creating an environment that is conducive to learning.

Teaching empathy and teaching with empathy contribute to a safe environment important for learning and acquiring communication skills. Although teaching virtually compounded the difficulties in creating an open and safe teaching and learning environment, several lessons were learned that can carry over when classes return to the classroom. The first lesson involved the importance of listening actively. Active listening is a key component in transforming conflict through communication. As learned through the literature, adopting a problem-posing approach in the classroom involves the incorporation of listening, dialogue, and action (Wallerstein 1983; Freire 2000; Auerbach & Wallerstein 2004a, 2004b; Wong 2011) which strengthens the relationship among the teacher and the students. The participants were able to see that when active listening is not present, communication tends to break down, as shown in their reflections from their role-play assignments. Furthermore, those in the first cycle who completed their final projects submitted positive feedback regarding active

listening. Interviews revealed that they felt possessing active listening skills improved their chances of communication across cultures.

Another lesson learned pertains to the importance of cooperation and group work. The necessity to meet with the students online instead of in the classroom proved challenging to foster group collaboration. Despite this setback, the participants were motivated to meet outside of designated class time whenever possible to collaborate on their assignments. This dedication supports the learning by doing approach (Freire 2000; Wong 2011) that is cultivated over the course of their university experience. It also gave the students agency over the learning process. Under typical class conditions, there would be time in class to circulate physically to offer support and guidance. While this approach resumes upon returning to the classroom, this research showed that learning in community can be transformative when the participants are given the opportunity to learn outside the class period. A driving force behind conducting this project was to create safe spaces for dialogue and reflection with the prospect of being intentionally inclusive to those who have historically been excluded and marginalized. The findings supported this while also highlighting the importance of accepting cultural differences.

3. Acceptance of cultural differences

Conducting this research has confirmed the need to teach towards an acceptance of cultural differences. When students are in a multicultural environment, they have brought with them their own values and beliefs as well as stereotypes and biases. They bring these into the classroom, which can affect how and what they learn. What this research has shown is the importance of being responsive to the cultural diversity existing in classrooms. In addition, as the literature on intersectionality corroborates, many different facets of culture intersect. Drawing out the different cultures and identities within the classroom can help address the inequities that those from marginalized cultures experience on campus.

Recalling the incident that catapulted this study, there were several intersecting identities in play (race, religion, sexual orientation, and language). Therefore, while exploring the answer to the first research question, the participants were offered the opportunity to explore the different identities and discover how these identities shape how conflict is transformed. Using a culturally responsive approach (Ladson-Billings 1994; Gay 2000; Nieto 2004) allowed me to connect with the participants while building relationships and fostering an open dialogue. This was important to confront the inequities that occur and, consequently, may be a contributing factor to intercultural conflict. A driving force behind conducting this project was to create safe spaces for dialogue and reflection with the prospect of being intentionally inclusive to those who have historically been excluded and marginalized. This was seen through the activities we engaged in both cycles. Getting to know each other, sharing stories and exploring our identities while learning different communication styles set the stage for incorporating pedagogical tools in class to manage, resolve, and transform conflict.

Answer to RQ2: Pedagogical tools to incorporate in the class to help students manage, resolve, and transform conflict

The second research question sought to answer what pedagogical tools could be incorporated to help students manage, resolve, and transform conflict. Throughout this investigation, several pedagogical tools were used in the classroom to help students utilize skills for peaceful communication. In both classes, role-plays were a proven way to illustrate positive ways to approach conflict situations. The first cycle confirmed the use of role-plays which focus on interpersonal experiences and social elements using empathy supporting Mercer's work (2016) on empathy in language learning and teaching. Another tool that was utilized in both classes was the reflective journal. Role-plays and reflective journals can have the added benefit of allowing the participants to practice their language skills and peacebuilding skills (Burns 2009; Jakar &

Milofsky 2016). Therefore, these tools were continued in the second cycle. One modification made for the second cycle was to incorporate a video aspect so that those involved in the intercultural exchange could weigh in on the different topics discussed in class.

Two other pedagogical tools that were incorporated were the use of counterstories and the potential of intercultural exchanges to help students manage, resolve, and transform conflict. The findings on intercultural exchanges added to the research (Council of Europe 2008; Malescu & Pareschiv 2016) on exploring how students view other cultures and how learning a language while also learning about other cultures can improve overall communication and lead to better management of conflict situations. Another powerful tool incorporated in the second cycle was the use of counterstories (Solórzano & Yosso 2002; Yosso 2006). This method was new to me, but as the findings showed it was a very transformative experience for the students and something to continue to use in class. Drawing from existing literature and studies conducted by Olivero & Oxford (2019) on peacebuilding activities in the language classroom in teacher education programs, students developed skills to acquire empathy, acceptance of cultural differences, and intercultural understanding that will help them with communication in a global world. What was found supports the use of experiential learning using the content of intercultural conflict within the context of language education. Furthermore, using the experiential learning model for fostering peace in the language classroom is something that has been proposed as part of the “peacebuilding triad” brought forth by Olivero & Oxford (2019) in their research consisting of contemplative, holistic, and experiential learning modes. The tools used encouraged active participation as well as cooperative learning. Furthermore, the university’s model of “learning by doing” complements the strategies employed in the classroom.

Implications

The findings of this study highlight several implications for practicing educators in the fields of peacebuilding and language education as well as provide insights into future implementations of peace-related activities within the EAL classroom. Given that this was a qualitative action research study with a small number of participants, however, care should be taken in the application of these implications of practice. The outcomes of this study support the feasibility of approaching the language classroom with an intersectional lens. It can be a meaningful experience for the students, as the feedback from both cycles illustrated. An increased confidence in expressing themselves along with opportunities for intercultural exchanges can lead to awareness that can bring more peaceful dialogues. A logical and advantageous place for teaching these skills is in the English language classroom, either as part of an EAL course or as a CLIL course. The research conducted illustrates the importance of incorporating peacebuilding activities to help equip students with the necessary skills to be better communicators. It validates what Olivero (2017) and Olivero & Oxford (2019) discovered in their study of pre-service language teachers: incorporating peacebuilding activities in the language classroom is integral for creating a more peaceful society. The research addressed a gap with the intersections of language and peace education while supporting the need to incorporate peacebuilding and CRS in a multicultural university.

Limitations

The researcher intentionally chose to utilize her classes to generate the data. The instruments incorporated like the individual interviews, focus groups and reflective journals, aligned with tools used in qualitative research. When conducting qualitative research, there is an assumption that the participants involved answer the questions truthfully. The two main limitations that affected this study were the pandemic and the time constraints and the boundaries set forth by the university administration. Despite these limitations, I felt satisfied that my research questions were adequately answered.

Recommendations for future research

The results of this project highlighted a few topics on which further research would be beneficial. Teachers who are interested in utilizing a peace education approach in their language classes can benefit from the various pedagogical tools implemented in the classroom. Role-plays and journals are not new tools for implementation in language classrooms. Therefore, teachers can enrich this experience more deeply through incorporating themes that would promote peaceful communication. By doing this, they would be contributing to what is currently being done in the field to foster peace in the language classroom. Allowing students to choose topics that are meaningful to them and working on ways to resolve these issues can work towards building a culture of peace needed in society. Furthermore, these tools could improve critical thinking and conflict resolution skills, which can develop a more empathic and safe learning environment. Teachers looking to address the many facets of discrimination in their classroom may be interested in introducing the counternarrative as a pedagogical tool. Storytelling is a common tool in language classrooms where students practice narration, verb tenses, and chronological vocabulary. Counterstories, or counternarratives, take storytelling one step further by allowing the participants to voice inequities.

The intersections of peacebuilding and language education are burgeoning fields with a variety of opportunities to explore in depth the value this would have on contributing to a more peaceful society. While research has been done in teacher education programs (Olivero 2017), more research in the classroom by current language educators can help strengthen the validity of the field and highlight the importance of incorporating peacebuilding activities in the classroom to help students manage, resolve, and transform conflict situations. Further research could plan to use larger sample sizes to strengthen significant findings. The use of a longitudinal study could deepen the insight gained by following a select group throughout their university studies. The pedagogical tools could be measured to evaluate their effectiveness in achieving peaceful communication. While this is being done, more empirical evidence is needed to validate the pedagogical interventions in language education courses intended to foster peace. The findings of this type of study could indicate valuable information on teaching practices regarding teaching students to be more open minded, empathic, and accepting of diversity. Conducting this type of research in different settings would also contribute to the field. Moreover, conducting this research in a more homogenous setting, like the participants in the second cycle, may provide the field with comparative results that could contribute to the impact of developing tools within the classroom.

Conclusion

The hope is that this research illuminated the importance of incorporating peace activities within an EAL classroom through an intersectional lens. An additional hope is that the research supports the fields of peace education and language education that are already utilizing valuable peacebuilding activities in language classrooms. Overall, this study was able to address the problem of how I, the researcher/practitioner, approached intercultural conflict in the classroom to help students become peaceful communicators. I recognized the importance of acknowledging the existence of intercultural conflict on a higher education campus while understanding that the classroom can serve the void of transforming these conflict situations while equipping the students with the skills necessary to be better global communicators. For me, this study has provided a glimpse into the complex nature of intersecting two scholarly fields. One goal of this study was to understand the extent of intercultural conflict on a higher education campus. In doing so, it aimed to contribute to the literature regarding building peace through communication in an English-medium classroom. Through the invaluable help of the participants in my study, I was able to gain a better understanding of how the intersection of language education and peace education can bring about better global communicators with more empathy, acceptance of cultural

differences, and intercultural understanding that will bring about a more peaceful world. Thus, my hope and belief for a more peaceful world were immensely deepened. I also hope that others will join in the journey to contribute to the consciousness of peace in the world. Together, we can work towards building a more just, equitable, and peaceful world.

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Biometric Identification: Opportunities and Challenges in the Digital World

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ABSTRACT: Biometrics involves automatic methods of recognizing individuals based on physical or behavioral characteristics. These methods include fingerprints, retina and iris scanning, hand and finger geometry, voice feature recognition and facial recognition. Biometric technologies have become the preferred solutions for a wide range of applications. Biometrics is already incorporated in national security solutions, such as improving airport security, border control, verifying identification documents and visas, preventing identity fraud. Electronic identification systems have several advantages over well-known traditional identification methods, namely paper documents or personal verification. They are safer, much more efficient and very convenient. Consequently, biometric recognition systems are now being implemented in many government applications, including electronic identity cards, electronic passports, but also civil applications such as logging into a PC, laptop, mobile phone, internet access, smartcard etc. Identification elements cannot be lost, forgotten or stolen, as happens with passwords, identity cards or bank cards, as physiological characteristics have the advantage of being relatively stable over time.

KEYWORDS: identity, identification, authentication, biometrics, biometric identification

Introducere

The term *biometrics* comes from the Greek words' *bio* - life and *metreia* - to measure. Automated biometric systems have been available for several decades because of significant advances in computing power. Many of these new automated technologies are based on ideas born hundreds or even thousands of years ago.

The first modern biometric systems were introduced commercially in the 70s of the last centuries at the University of Georgia and later on Wall Street in the USA. They consist of simply scanning the hand to measure the length of the fingers. This system, called hand geometry, developed in the following years with a high implementation rate, especially in institutions where high security devices were required. In essence, biometric technology consists in the automatic identification or verification of a person using their anatomical and behavioral characteristics (Aron 2010, 12).

Biometrics is defined as the study and application of scientific and/or technological methods designed to measure, analyze and/or record the unique physiological or behavioral characteristics of humans. In fact, many of us already use biometrics in the form of our fingerprints and face (Goodner 2023).

Biometrics is a traditional method of identifying the individual with the help of modern technical and scientific means, based on his anatomical and behavioral characteristics. These characteristics must be universal, unique, permanent, collectable and measurable (Nechita 2009, 260). In other words, it refers to the use of identifiers and distinctive behavioral and anatomical features for the automatic recognition of a person. As biometric identification becomes more common and reliable it is increasingly used as the default authentication technology.

Biometrics implies the physical presence of the person at the identification point. Therefore, it is not enough for the individual to have an ID just as it is not enough to remember a code or a password. By replacing identity documents, keys or passwords, biometric techniques

help prevent fraudulent use of banking systems, cell phones, computers, automobiles, the Internet etc. The rapid evolution of biometric technology has allowed a wide application of them in the field of identifying criminals as well as in securing state institutions or those at risk including those of detention (Aron 2010, 12-13).

Identity, identification, authentication

When we are discussing about biometrics, the terms identity, identification and authentication are often confused with each other.

Identity constitutes one of the fundamental concepts of thought and, at the same time, an important means of researching the objects of the material world, with wide application to the most diverse fields of science: physics, chemistry, biology etc., including forensics. There is almost no thought process outside of the principle of identity. However, knowledge is not limited to identification, but includes it as a constituent element of a complex and multilateral process (Ionescu and Sandu 2011, 29). In the research stage of certain legal phenomena, the auxiliary sciences use scientific means specific to other sciences – physics, chemistry, medical sciences, mathematics, etc. (Boghirnea 2013, 13).

Identity is the character of what is identical (unique) or “the property of an object to be and remain at least for a certain time what it is, its quality to preserve for a certain time its fundamental characters” (Colectiv 1978, 341). Therefore, identity is a concept that many fields of knowledge cannot dispense with. In logic, it represents one of the basic forms of correct thinking. In other sciences, the notion is used as a means of research in accordance with the tasks of each.

From an etymological point of view, *to identify* a person refers to the activity of *ascertaining the person's identity*, that is, to individualize him in society, but also in the set of social relations.

The identification of a person is possible not only through technical methods, but also based on the statements of an eyewitness or the victim, within procedural activities, such as, for example, group recognition carried out in accordance with forensic tactical rules. This process is possible due to the perception of objective reality and awareness of the properties, characteristic features of a person or an object that is individualized within the broader category of similar beings or things. We are in the presence of the recognition of persons or objects, resulting from a thought process through which the characteristics of several objects or persons were compared in order to establish their identity or non-identity (Suciu1972, 16).

Electronic identity. One of the essential pillars of Romania's digitization is the electronic identity. Simplifying access to electronic public services requires a unique identification element, which is recognized by all institutions and authorities, so that access to several electronic public services does not involve repeating authentication procedures. Electronic identification will provide citizens with a valid, verified identity. In relations with public institutions, documents signed with the digital certificate in the virtual space will have the same value as documents signed holographically, on paper (Authority for the Digitalization of Romania 2023).

The identification of a natural person has the legal effect of individualizing him within the legal relations in which he participates. For the individualization process of the person, it is necessary to identify them according to criteria regulated by legal norms from different branches of law. In Romanian Civil Law, the identification data are only the name and surname and the domicile of the person (the classic identification attributes of the natural person are the name, domicile and marital status).

All other data are personal data protected by law that have a special regime, they are not disclosed in any situation, but only to institutions and companies authorized to manage them.

Biometric identification answers the question of *who you are* - the one-to-many matching process compares the data entry biometric data with all other entries in a database. For example, an unknown fingerprint found at a crime scene will be processed to identify who it belongs to.

Personal data is any information that relates to an identified or identifiable natural person. The various information collected can lead to the identification of a certain person also constitute personal data (European Commission 2023).

According to the definition in Art. 4, point 14 of the General Data Protection Regulation (Regulation no. 679 of April 27, 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/CE (General Data Protection Regulation), published in the Official Journal with number L119 of May 4, 2016), the notion of *biometric data* encompasses personal data “resulting from specific processing techniques related to physical, physiological characteristics or behavioral information of a natural person that allows or confirms the unique identification of that person, such as facial images or dactyloscopy data”. These types of data are part of the category of sensitive data, the processing of which is, in principle, prohibited according to the provisions of Art. 9, par. (1) from RGDP (Goicovici 2021).

According to art. 3 point 1 of Regulation (EU) no. 910/2014 of the European Parliament and of the Council of 23 July 2014, on electronic identification and trust services for electronic transactions on the internal market and repealing Directive 1999/93/EC, published in OJ L 257, 28.8.2014, pp. 73 -114 *electronic identification* means “*the process of using personal identification data in electronic format, uniquely representing either a natural or legal person, or a natural person representing a legal person*” (For the repeal of the Directive see more details Vâlcu 2012, 40-42).

The most common types of biometric authentication are fingerprint recognition, facial recognition, and voice recognition. The aforementioned regulation defines in art. 3-point 5 *authentication* as “*an electronic process that allows to confirm the electronic identification of a natural or legal person or the origin and integrity of data in electronic format*”.

Biometric authentication answers the question of whether *you are the person you say you are* - the one-to-one matching process compares biometric data entry with a single input (typically you that has been previously recorded for reference) in a database.

Biometric techniques

As biometric techniques (Nechita 2009, 266-267) we list:

- fingerprints;
- palm prints;
- hand dimensions;
- thermal image of the hand;
- digital image of the hand;
- eye photography (iris photography and retina scan);
- facial recognition;
- dynamic control techniques (keystrokes, signature traces, voice recognition);
- some techniques are based on visual characters (ear geometry, lip design, shape of pores on the skin, being also attached the analysis of biological traces – blood, saliva, DNA);
- and not in last line, voice recognition technology.

As an example, devices that use biometric security are telephones, computers with their accessories or specialized installations such as building access systems or USB sticks with fingerprint readers, tablets, peripherals etc.

The purpose of using electronic identification means is to gain access to certain online services, for example to bank accounts, health, fiscal, e-Administration and e-Government services.

RFC 6973 (Cooper et al. 2013) defines a *fingerprint* as “a set of information elements that identify a device or application instance”. The Directive uses the term *lato sensu*, meaning it includes a set of information that can be used to identify a user, user agent or device over time.

According to Art. 3, point 10 of Regulation (EU) no. 910/2014 of the European Parliament and of the Council of 23 July 2014, *electronic signature* means “data in electronic format, attached to or logically associated with other data in electronic format and used by the signatory to sign”; *advanced electronic signature* means “an electronic signature that meets the requirements set out in article 26 - art. 3, point 11”; and *qualified electronic signature* means “an advanced electronic signature that is created by a qualified electronic signature creation device and that is based on a qualified certificate for electronic signatures - Art. 3, point 12”.

Conclusions

The health crisis caused by the SARS-Cov2 virus highlighted the strategic importance of the digitization of public services in Romania. If before the pandemic the digitization of public services could be considered a measure to make the public apparatus more efficient, during it, especially during the period of isolation of the population at home, it showed that digitization is a strategic priority and a national security objective.

Biometric recognition provides better security, greater efficiency and, in many instances, increased user convenience.

As no security system is impenetrable, the one that uses biometrics is not without some vulnerabilities, especially in a world where we are all interconnected.

The efficiency of biometric authentication systems can be strengthened if we use, in addition, a classic authentication method, such as a card or a password.

Data privacy is another issue raised in the debate on the level of security offered by biometric authentication systems, as data and identifiers can be stolen or misused.

From a technical point of view, the disadvantages are related to the fact that these technologies are quite expensive and to the fact that all biometric systems work on the fact that the scanning cannot have a degree of accuracy of 100%. For now, biometric security has proven more useful than passwords ever have been and has begun to be integrated into more and more major platforms and services.

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Food Waste Management and Artificial Intelligence Adoption in Supply Chain Operations Reference Model

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ABSTRACT: Unused food is discarded, lost, or uneaten; these are the three types of food waste. Despite their similarities, all three have critical differences within their definitions. Food waste or loss causes are numerous and occur at the production, processing, retailing, and consumption stages. Current estimates put global food loss and waste between one-third and one-half of all food produced. Loss and wastage occur at all food supply or value chain stages. In low-income countries, most loss occurs during production, while in developed countries, much food – about 100 kilograms (220 lbs.) per person per year – is wasted at the consumption stage. Everyday households around the world throw away tons of food while many people on the same planet are dying from hunger. Our reality is full of contradictory facts that we can ignore or not. For someone, this will be a good reason to get concerned and take care of their food waste, while others will need more reasons for that. A good reason would be the collection of data by local community to show the reality of the percentage of food waste in households. The U.S. Department of Agriculture estimates that more than 130 billion pounds (about 58966960000 kg) of food is wasted in this country alone every year – an average of more than 200 pounds of food per person. It is a staggering number, and combined with the approximately 17 percent of food going to waste in the rest of the world, it has real consequences for people everywhere ([embrace relief.org](http://embrace.relief.org)). The cost of food for the preparation of meals is the second largest expense in households, right after personnel costs. This study aims to explore ways to reduce food wastes and losses and establish a better management of food disposal in households. Data was collected through a survey of local households in New Jersey. An in-depth survey was conducted with the help of Survey Monkey and 1000 local households were contacted in November 2022, with a brief introduction to the research topic. 891 respondents replied and showed interest in sharing their views on the topic and ready to share the data of their household food waste. To maintain confidentiality, I have anonymized the respondents as a number. The purpose of the descriptive data analysis was to show how important food waste management is and what the several reasons are for household food waste. With single-family settings, I also try to analyze the amount of food waste per family. The results of my analysis show the amount of food wasted in this area every month. Based on the analysis, there are suggestions about how we can minimize food waste. To give lots of suggestions, I implemented the SCOR (Supply Chain Operations Reference) model facilitated by Artificial Intelligence.

KEYWORDS: Artificial Intelligence, Data analysis, Food waste, Survey, SCOR model

Introduction

Food waste occurs in developed countries during the consumption phase, or you can say when the consumers are consuming the food. In developing countries however food waste occurs during the production and distribution phase. Due to its environmental, social, and economic impacts, food waste is attracting increasing attention in global food supply chains.

There are many phases at which nourishment can be wasted. Firstly, there is the agricultural stage at which food losses occur when, for example, a dry or very cold period or a plague will cause plants to die. This is a bigger problem in developing countries, by the reason that farmers often do not have the means to purchase fertilizer or pesticides or to water their crops and therefore will have greater losses at the agricultural (Ngoc, Kumar and Lin 2015).

Secondly, there is the harvesting stage at which the greatest losses happen if crops are in org delivered to Europe or the USA, because trading regulations and high demands cause wrong-sized or non-perfect-looking, but perfectly too be thrown away. This can be up to 50 percent of the whole harvest, but on average is 5-10 percent (cf. Thurn, 2011, 22 ff). Thirdly,

there is the post-harvest stage at which food is stored by farmers until it is picked up. At this phase much of it spoils, especially at very. Fourthly the logistics stage either brings a crop directly from the field to a distributor or takes it to processing first and delivers the end-product to a grocery. Losses at this stadium occur due to spilling and interruptions at the cold chain which especially cause meat and fish to decay. Fifthly, there is the processing phase at which waste occurs for many reasons such as wrongly calculated amounts or too long or wrong storage causing stocks to decay or as one-size cutting for example in fries' production at which many producers want equally shaped and sized fries and therefore do not use the outer parts of potatoes. Sixthly, there is the distribution stage at which food is squandered because of unhappiness about the quality or, if new commodities have arrived, the oldest ones are thrown away to make space for the new ones. In most cases this happens due to the best before date being expired or about to expire, even though the best before date is attached to no law which would forbid to sell nourishment after its expiration, but it just assures the food to keep certain characteristics. As opposed to this, the use-by date must not be expired because it assures products like meat to be harmless to health. Because bakeries often must keep their whole assortment available with the evenings being no exceptions, for example Austrian bakery.

Literally finally, the consumer stage causes a huge part of food waste, since end users are afraid of expired best before dates, just do not need certain ingredients for cooking any more or have leftovers from their meals which they throw away.

Consequences of food waste

Food waste could be used to alleviate the worldwide hunger problem. Second, food waste generates a huge amount of greenhouse gases, estimated to about 3.3 billion tons of CO₂ equivalent. food waste represents monetary losses, both for individuals and national economies. (Bravi, Francioni, Murmura, and Savelli 2020).

Methodology

In my research, I tried to find out main cause of food waste in household. I conducted in-depth survey with the help of survey monkey and contacted 1000 local households of new jersey in November2022 and provided a brief introduction to the research topic. After multiple reminders, 891 respondents replied and showed interest in sharing their views on the topic and ready to share the data of their household food waste. To maintain confidentiality, I have anonymized the respondents as a number. According to survey result 21% responded that there is no food wasted in their houses, 22% responded yes, there is food wasted in the family weekly basis and 57% households agrees that food wasted occasionally. In my research article I tried to cooperate SCOR model with Artificial inelegance to give better solution/suggestion for food waste management in households.

Community survey

Drawing on Surveys with community household about food waste, this research study construes the boundaries between food surplus and food waste, avoidable and unavoidable food waste, and between waste prevention and waste management. This study suggests that the first step towards a more sustainable resolution of the food waste issue is to adopt a sustainable consumption approach and tackle food surplus and waste throughout the food supply chain. The authors examine the factors that give rise to food waste in household and propose a framework to identify and prioritize the most appropriate options for prevention and management of food waste. It considers the three dimensions of sustainability (environmental, economic, and social), offering a more holistic approach in addressing food waste. Additionally, it considers the materiality and temporality of

food. The food waste hierarchy posits that prevention, through minimization of food surplus and avoidable food waste, is the most attractive option. The second most attractive option involves the distribution of food surplus to groups affected by food poverty, followed by the option of converting food waste to animal feed. Although the proposed food waste hierarchy requires a fundamental re-think of the current practices and systems in place, it has the potential to deliver substantial environmental, social, and economic benefits.

Factors that give rise to food waste in households according to survey

- Cooked more than required.
- Ordered more than required.
- Fresh eating habits.
- Guest.
- Eating habits of kids.
- I do not make shopping plans.

Table 1: Data collected by survey

Household Number	Average number of people in the family living together	About how often do you eat fat food (homemade or from outside)	Response about the importance of Recycling, waste management, and waste reduction	Does food get wasted in your family	How much quantity of food wasted weekly? In grams /lbs. (you can answer in decimals) Average of response.	Reason for food waste at home?
869	4	weekly	-Extremely - Important -Important -Somewhat important -Not sure	Mostly answered yes	Average 2.5lbs	Cooked more than required. Ordered more than required. Fresh eating habits. Guest. Eating habits of kids. I do not make shopping plans

Table 2: Data Analysis - For sample 869, N= 869

Category of Food	Mean	SD
Fruits and vegetables	2.06	0.966
Meat and meat products	1.58	0.780
Bread and bakery products	2.27	1.093
Milk and dairy products	1.82	0.883

*** significant at 0.1% level

Table 3: Descriptive statistics

Statistics	Result	Formula
Mean(average)	2.703932584	=Average
Median	1.321806479	=Median
Standard Deviation	3	=STDEV.S
Variance	1.747172369	=VAR.S
Skewness	0.266326492	=SKEW
Mode	3	=Mode

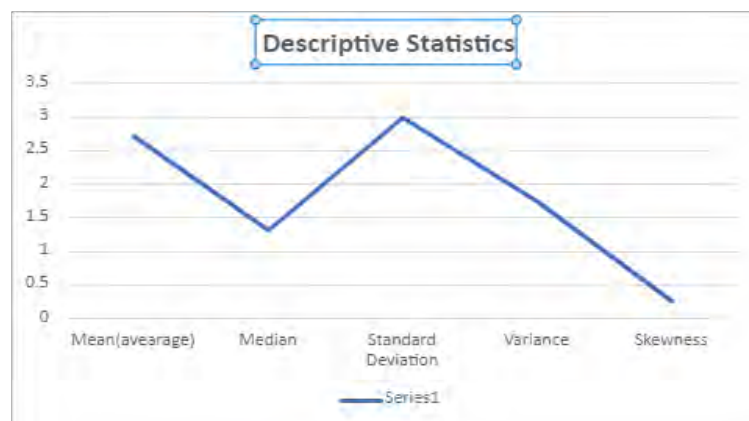


Figure 1: Descriptive Statistics

From the collected data set we have descriptive statistics for the data set. The average amount of food waste is 2.70 pounds. Since median is different from mean, this data set is not symmetrical, so waste distribution is not smooth and central. There is a mode of 3 and a skewness of 0.2663, which is slightly positive.

Table 4: Does food get wasted in your family – Survey response in percentage

Does food get wasted in your family	Response in percentage
No	21%
Occasionally	22%
Yes	57%

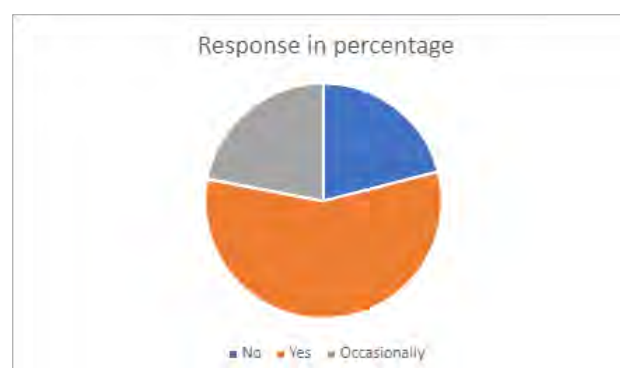


Figure 2: Response in percentage

In 891 who replied survey and showed interest in sharing their views on the topic and ready to share the data of their household food waste. To maintain confidentiality, I have anonymized the respondents as a number. According to survey result 21% responded that there is no food wasted in their houses, 22% responded yes, there is food wasted in the family weekly basis and 57% households agrees that food wasted occasionally.

Table 5: Reasons of food waste – Survey response in percentage

Reason for food waste	Response in percentage
Because of eating habits of kids	12%
Because of Guest	3%
Cooked more than required	33%
Fresh eating habits	23%
Ordered more than required	3%
I do not make shopping plan	26%



Figure 3: Reasons of food waste

After asking about the reason, they replied to several distinct reasons food waste. I tried to keep the most common one and the other reasons I mentioned in the categories of other. Mostly agrees with the cooked more than required which is 33%, 23% percent answered fresh eating habits are the reason for food waste in their family so leftovers wasted. 12% percent answered because of kids eating tantrum food got wasted, 3% because of guest, they answered guest did not come so food got wasted and that give the reason of food waste as ordered more than required is also 3%.

According to collected responses through survey, data show the average food waste per family in the community is **about 3 lbs. weekly**, with the 4 count average family members living together.

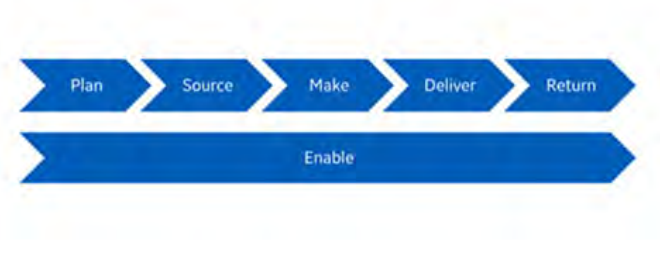


Figure 4: How to implement the food waste management to control food waste. SCOR model

Plan - Planning is the first step and describes the activities used to develop the plans that run the supply chain. This includes gathering information about the available resources, determining requirements, and predicting customer demand. process that balances aggregate demand and supply to develop a course of action which meets sourcing, production, and delivery requirements.

Source - process that procure goods and services to meet planned or actual demand. Sourcing deals with procurement and obtaining materials from suppliers to meet market demand.

Make - process that transform products to finished state to meet planned or actual demand. The making process would be the production phase and is the transformation of raw materials into a finished product ready for the consumer.

Deliver - Processing that provides finished goods and services to meet planned or actual demand typically including order, transportation, and distribution management. The following process is the delivery step which is the transportation of the finished product to the customer.

Return - process associated with returning or receiving returned products for any reason.

Enable - process being associated with management of the supply chain. Including business rules, data, resources, facilities, contracts, supply chain network management, managing regulatory compliance and risk management.

Food Waste management process

From the food collection point, there would be a sorting point that sorts the food based on texture and transports it to a waste collection station. The waste collection station was responsible for disposing of waste in the most efficient way possible. Transport it to the fertilizer industry to be used to make organic fertilizers, transport it to the landfill site to be disposed of if it cannot be used, transport it to the incineration site to produce energy, or transport it to the gas production station to produce gas.

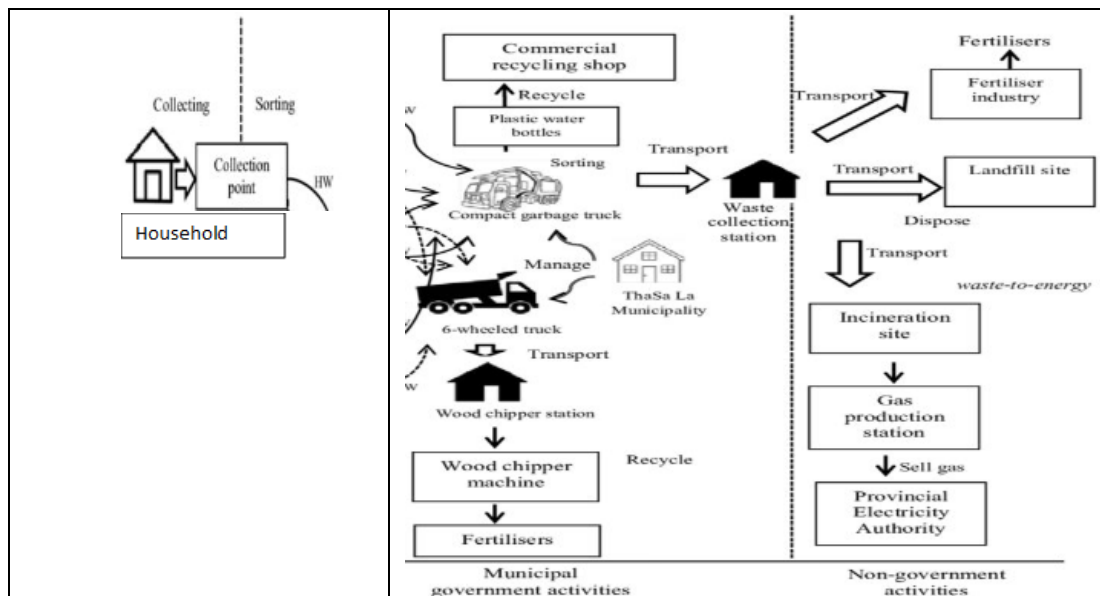
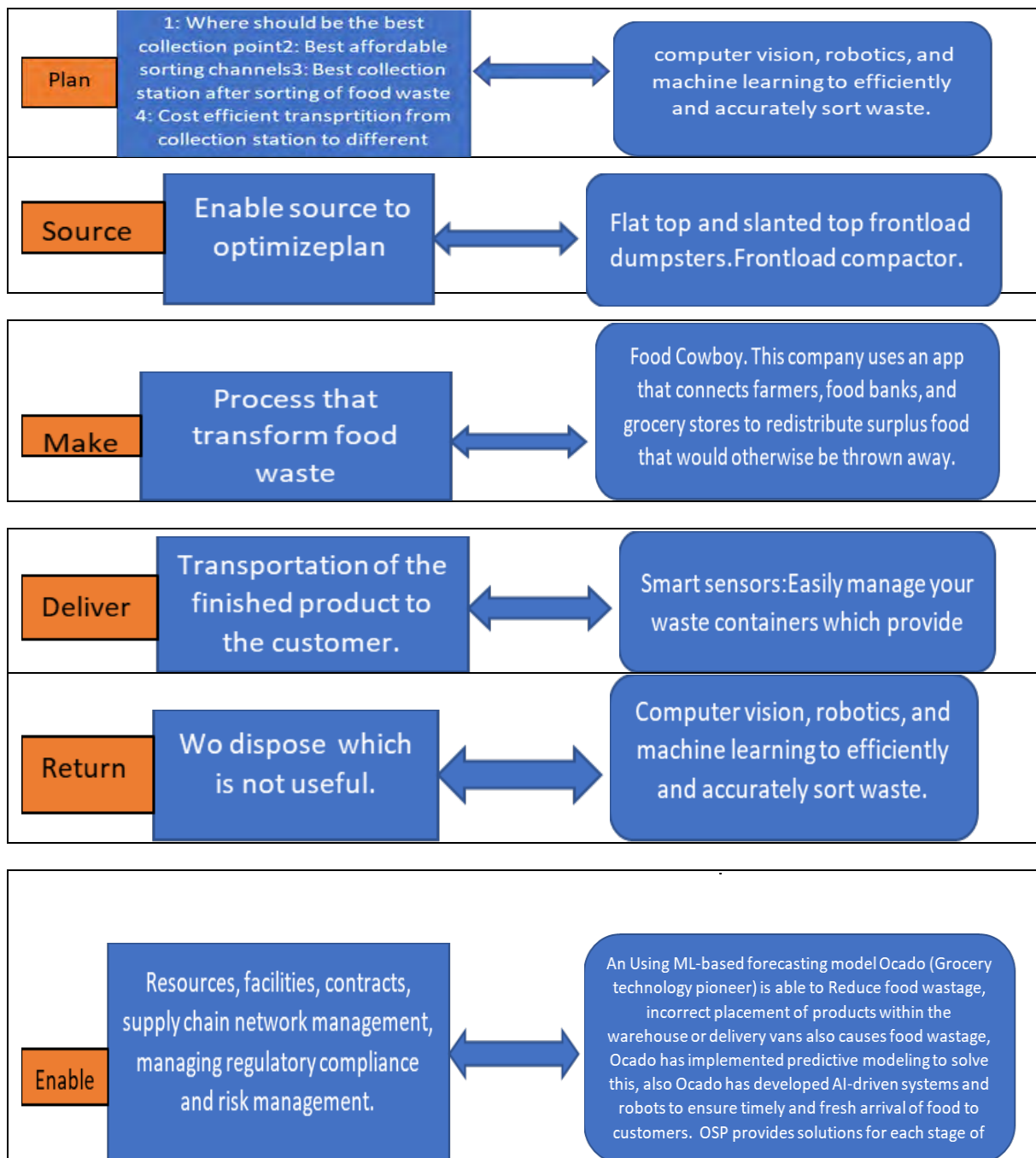


Figure 5: Food Waste management process

Table 6: Artificial Intelligence and SCOR Model Implementation in waste management process



AI-based Approaches to Reduce Food Waste

Artificial Intelligence (AI) can play a significant role in reducing food waste. AI can be used to optimize supply chain management, predict demand, and reduce food spoilage.

One way AI can be used is by using Machine Learning (ML) algorithms to predict demand for food products. This can help to reduce food waste by ensuring that the right amount of food is cooked and served to the right people at the right time.

For example, a retail company can use historical sales data and weather forecast data to train an ML model to predict the demand for specific products. This can help the household

also to optimize its inventory management and reduce the amount of food waste (Simarenjeet 2023).

One example of a company using AI to reduce food waste is Food Cowboy. This company uses an app that connects farmers, food banks, and grocery stores to redistribute surplus food that would otherwise be thrown away. The app uses machine learning algorithms to match surplus food with the nearest food bank or shelter in need. As a result, Food Cowboy has been able to redistribute over 10 million pounds (about 4535920 kg) of food that would otherwise have gone to waste (Simarenjeet 2023).

Here is an example of python code that shows how to use a machine learning model to analyze kitchen data and provide insights on how to reduce food waste:

```

y_test. iloc[i]:
    print ("Menu item", X_test.iloc[i]['menu_items'], "is generating more waste than expected.
Consider adjusting portion size or ingredients.")" data-snippet-
id="ext.c7ba3d02d7c5191d1d7a71cea55925ec" data-snippet-saved="false" data-codota-
status="done"># Importing necessary libraries
import pandas as pd.
from sklearn. linear_model import LinearRegression
# Reading the data
data = pd.read_csv('kitchen_data.csv')
# Splitting the data into training and test sets
X = data [['menu_items', 'portion_size', 'ingredients']]
y = data['waste']
X_train, X_test, y_train, y_test = train_test_split (X, y, test_size=0.2, random_state=42)
# Creating and training the model
model = LinearRegression ()
model.fit (X_train, y_train)
# Evaluating the model
score = model. score (X_test, y_test)
print ("Model accuracy:", score)
# Using the trained model to make predictions
predictions = model.predict(X_test)
# Analyzing the data and providing insights on how to reduce waste
for i in range(len(predictions)):
    if predictions[i] > y_test. iloc[i]:
        print ("Menu item", X_test.iloc[i]['menu_items'], "is generating more waste than expected.
Consider adjusting portion size or ingredients.")

```

This code uses a linear regression model to analyze kitchen data and provide insights on how to reduce food waste. The model is trained using data that includes information about menu items, portion sizes, and ingredients. The model is then evaluated using the test data and its accuracy is printed out. Once the model is trained, it can be used to make predictions on new data and help identify which menu items are generating more waste than expected and suggest adjustments to reduce waste (Simarenjeet 2023).

Solutions

World food network implemented some solutions. WFN introduce AI to meet first two goals:

- First to minimize the amount of time food travels and help plans to grow more efficiently with less cost.
- Second to collect the requirement before process any food making.

Suggestions

Food waste can be reduced by developing technology that can be utilized in various parts of the food value chain and through education programs that focus on consumers' behaviour on healthy lifestyles and sustainable consumption.

Different techniques, such as education-based or structure-based, are used to encourage food waste prevention and management. Therefore, highlighting the current development in food waste management becomes important.

We can plan web application to have a login form and registration form. Dashboard design to fill different forms categories like - add food form and remove food form and for wastage entries we have food waste entry form, food waste entry form and food item waste entry form. Web application provides the user to generate analysed data in table and chart format. The extra food recipe can be collected by the nearest Orphanages who requested for the food and the food waste were given to the agricultural land for fertilization.

Conclusion

As a result, AI-based solutions can make a significant contribution to reducing food waste through optimal supply chain management, demand prediction, and spoilage reduction. We must, however, consider the ethical and societal implications, including the exacerbation of existing inequalities, job loss, and privacy concerns. The design and implementation of AI solutions must involve different stakeholders to ensure that they are ethical, fair, and socially responsible.

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Military Recruiting: Determining Minority Representation Across Air Force Occupational Specialties

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ABSTRACT: The United States Air Force aims to inspire, engage, and recruit the next generation of Airmen with an annual goal of over 30,000 recruits across 130 career fields. The Air Force Recruiting Service and its recruiters stationed around the globe are tasked with recruiting, screening, and placing applicants into their assigned Air Force Specialty Codes (AFSC) or occupational specialties. As the military services experience challenges in recruiting, it is crucial to recruit and retain personnel in essential roles within the service. Career placement and career progression are important factors regarding recruiting and retention goals. This study examines applicant data to include race, gender, and occupational specialty information from fiscal year 2019 and outlines applicants that were recruited and successfully sent to basic military training. This study aims to evaluate occupational specialties for applicants across South Texas and Eastern Louisiana and determine if minority groups are equally represented in their Air Force career field allocations. The study addresses gaps in the literature by focusing on a segmented portion of the United States and outlining minority representation in Air Force Specialties. Gaining a better understanding of demographic in recruiting can provide an avenue to reallocate resources to meet accessions objectives.

KEYWORDS: Air Force, military, recruitment, occupational specialties, minorities

Introduction

The Department of Defense is one of the largest organizations in the nation, with over 2 million uniformed personnel, 700,000 civilian employees, and a budget of over 3 percent of the country's gross domestic product (Knutson 2019). An organization this size should be adequately resourced through funding and an appropriate workforce to meet its objectives. The Department of Defense is shifting the National Defense Strategy focus from war in the Middle East and counterterrorism operations to the threat of great-power conflict and emerging nations like the People's Republic of China (Twardowski 2019).

As the Department of Defense and the Department of the Air Force continue to grow and resources stretch thin, the military services must retain high-caliber young men and women to fill their ranks. The Army, Air Force, Navy, and Marine Corps all have an assigned organization to oversee, manage, and continuously execute their recruiting programs; however, a shrinking applicant pool has made recruiting more challenging than ever. Krueger et al. (2022) posit that only 29 percent of youths aged 17 to 21 are eligible for military service due to disqualifying factors such as medical, weight, education, and prior drug use. Knutson (2019) stated that even as the propensity to serve in the military decreases, the Air Force has not missed their fiscal year goal since 1999. Recruiting has been a challenge for the Department of Defense, as they compete with higher education, trade schools, and the local job market. Defense leaders should aim to better understand the applicant pool and how recruits are assigned occupational specialties to ensure they recruit the right people for the right job.

Career Options – Air Force Specialty Codes

Career choices in the Air Force are classified into air force specialty codes (AFSC). Applicants meet with recruiters and are then qualified for service through a background check, medical evaluation, and standardized testing using the Armed Services Vocational Aptitude Battery (ASVAB) test. The ASVAB score determines the air force specialty code or an aptitude area in the general administrative, mechanical, or electrical fields. An applicant may join under an aptitude area such as mechanical, and during their time at basic training, they will be assigned an AFSC in the mechanical field. Air Force Specialty Codes are broken into nine categories outlined in Table 1.

Table 1: Air Force Specialty Code Overview

Category	Career Field Examples
1 - Operations	Aircrew, Cyber, Intelligence, Special Warfare
2 – Logistics and Maintenance	Aerospace Maintenance, Fuels, Transportation, Munitions
3 – Base Support	Engineering, Personnel, Public Affairs, Security Forces
4 – Medical	Medical Services, Administration, Public Health, Dental
5 – Professional	Paralegal, Religious Affairs
6 – Acquisitions and Finance	Contracting, Finance
7 – Investigations	Office of Special Investigations
8/9 – Special Duty/Reporting Identifiers	Career Advisor, Instructor, Recruiter, Air Advisor

Source: Veteran.com 2023

Air Force Demographics and Career Progression

The United States military is known as a diverse group of individuals from across the nation. Roth-Douquet (2022) highlights the all-volunteer military force as a proud organization emphasizing diversity in its ranks. Although personnel come from various backgrounds, there are still underrepresented populations across the military services. The 2021 Department of Defense Demographic Report provided the following overview of personnel demographics:

- Across all military services, there is 1,099,460 enlisted personnel, but only 17%, or 186,370, are female.
- The percentage increases for Air Force enlisted personnel with 20.9% or 55,462 out of 209,348.
- Minority applicants account for 32.5% of the 1,099,460 applicants across the Department of Defense and 31.1% of the 264,811 from the Air Force.

A diverse applicant pool brings varying life experiences, backgrounds, and thoughts that all contribute to the national defense mission. Research has found that applicants from specific backgrounds have different levels of career success. A study by Lytell et al. (2015) found that women and other minority groups are less likely to achieve career success and show lower rates of advancement and retention. A key difference Lytell et al. (2015) found among career development patterns is that women and minorities are less likely to enter operational specialties, resulting in fewer individuals in senior leadership positions. The study by Lytell et al. (2015) concluded that it is not only important to recruit a diverse workforce, but occupational classification is also a key factor in future progression in the Air Force. Losey (2017) analyzed enlisted promotions from staff sergeant (E-5) through senior master sergeant (E-8) from 2013-2017 and found that nearly half of the top 20 career fields for promotions came from the operations categories with jobs such as air traffic control, airborne cryptologic linguist, and geospatial intelligence at the top of the list. Table 1 outlines the difference in promotion opportunities across career fields. The average promotion rate from technical sergeant (E-6) to

master sergeant (E-7) was just over 23%. Promotion rates increase to 13% for operations-focused categories like airborne linguists. Promotion rates for security forces, a base support role, were 6% lower than the average and just under 20% lower when compared with airborne linguists. Recruiting the next generation of the military is important for the future of national defense; however, proper classification plays a key factor in advancing and retaining military personnel.

Table 2: Air Force Promotion Rates to Master Sergeant (E-7) in 2016

Air Force Specialty Code	Promotion Selection Rate	Time in Grade in Previous Rank (E-6)
Air Force Average	23.34%	4.60 years
1A0X1 – Airborne Linguist	36.36%	2.91 years
1U0X1 – RPA Sensor Operator	25.23%	3.09 years
3P0X1 – Security Forces	17.22%	4.98 years

Source: Losey, 2017, AirForceTimes.com

Research

This quantitative correlational study aims to determine the relationship between minority applicants, defined by gender and race, and their classification in Air Force occupational specialties defined by Air Force Specialty Code categories 1-9. A tetrachoric correlation was utilized to assess the strength of the relationship between gender and race across categories 1, 2, 3, 4, 6, and 8/9 combined. Air Force specialties in category 5, consisting of professional jobs such as paralegal and religious affairs, and category 7, consisting of special investigations, were not awarded to applicants during this time frame and not utilized in the study. This study aims to evaluate the relationship between applicant demographics and their assigned occupations, as job classification has been identified as a determining factor for future success across a career in the military.

Research Questions

The following research questions will guide this study:

RQ1. What relationship, if any, exists between the applicant's race and their assigned Air Force Specialty Code (AFSC)?

RQ2. What relationship, if any, exists between the applicant's gender and their assigned Air Force Specialty Code (AFSC)?

H₀ There is not a significant correlation between minority applicants and the Air Force Specialty Code they are assigned.

H₁ There is a significant correlation between minority applicants and their assigned Air Force Specialty Code.

Methodology

This study aims to identify if a relationship exists between Air Force applicants from South Texas and Eastern Louisiana classified as minority applicants and their job classification for the fiscal year 2019. Applicant data was provided by the 341st Recruiting Squadron, headquartered in San Antonio, Texas. Data included the applicant's age, race, gender, and zip code for the address they had on file before leaving for basic military training. All applicant personal identifiable information such as name, address, or social security number was removed before collection to protect applicant privacy.

Significance of the Study

The United States Air Force, as part of the Department of Defense, is the nation's leading employer of young Americans. In March 2023, Secretary of the Air Force Frank Kendall stated that for the first time in over two decades, the Air Force would likely miss its recruiting goal due to a decreased interest in the military (Novelly 2023). Existing policies that have traditionally disqualified candidates for military service, such as tattoos, are being evaluated and altered to increase the limited applicant pool; however, the Air Force should aim to assess the effectiveness of their current recruiting and job classification processes. Gaining a better understanding of applicants can help the Air Force improve their accession processes to improve recruiting, retention, and future workforce success.

Results

Gender

Data was provided for 1,657 applicants that completed the recruiting process and were sent to Air Force basic training in fiscal year 2019. Of the 1,657 applicants, 548 were not given specific jobs before departing to basic training; they were only given jobs in an aptitude area such as mechanical, administrative, general, or electrical. Table 3 outlines the 1,657 applicants by their gender and what job category they were assigned. Over 72% of the 1,657 applicants were male. Males are in the majority for all career categories except for medical, where females represent 57 percent of the population. The acquisition and financial management career categories represented 50 percent female and 50 percent male; however, the sample size was limited to only 12 applicants.

Table 3: Job Classification by Gender

Job Category	Female	Male	Total
1 - Operations	111	189	300
2 – Logistics and Maintenance	56	255	311
3 – Base Support	98	326	424
4 – Medical	34	26	60
6 – Acquisitions and Finance	6	6	12
8/9 – Special Duty/Reporting Identifiers	0	2	2
Aptitude Area (Not Specified)	128	420	548
N	433	1,194	1,657

Race

Table 4 outlines the 1,657 applicants by their race and what job specialty they were assigned. The subtotal reflected accounts for only African American and White applicants. African American (339) and White (1,214) represented over 93 percent or 1,553 of the 1,657-sample size. A total of 104 applicants, or just over 6 percent, were Asian, Pacific Islander, Native American, or listed multiple races and were categorized together as other.

Table 4: Job Classification by Race

Job Category	African American	White	Other	Subtotal	Total
1 - Operations	50	241	9	291	300
2 – Logistics and Maintenance	59	236	16	295	311
3 – Base Support	96	302	26	398	424
4 – Medical	14	39	7	53	60
6 – Acquisitions and Finance	2	9	1	11	12
8/9 – Special Duty/Reporting Identifiers	0	1	1	1	2
Aptitude Area (Not Specified)	118	386	44	504	548
N	339	1,214	104	1,553	1,657

Table 5 is a breakdown of applicant job classification percentages by race. The largest job classification for African American and White applicants were aptitude areas or “not specified,” meaning that just under 35 percent of African American and just over 30 percent of White applicants joined the Air Force and went to basic military training without knowing their specific job. Upon job classification at basic training, applicants were guaranteed a job in a specific aptitude area such as mechanical, administrative, general, or electric. Out of the 339 African American applicants, the largest job category was base support (28.32%), followed by logistics and maintenance (17.40%) and operations (14.75%). African American applicants had only two personnel (0.59%) placed in the acquisitions and finance career category and none in the special duty/reporting identifiers. Out of the 1,214 White applicants, the largest job category was base support (24.88%), followed by operations (19.85%) and logistics and maintenance (19.44%). White applicants had 9 applicants (0.74%) placed in the acquisitions and finance career category and one applicant (0.08%) placed in the special duty/reporting identifiers.

Table 5: Job Classification by Race in Percentage

Job Category	African American	White
1 - Operations	14.75%	19.85%
2 – Logistics and Maintenance	17.40%	19.44%
3 – Base Support	28.32%	24.88%
4 – Medical	4.13%	3.21%
6 – Acquisitions and Finance	0.59%	0.74%
8/9 – Special Duty/Reporting Identifiers	0.00%	0.08%
Aptitude Area (Not Specified)	34.81%	30.31%
N	100.00%	99.00%

A tetrachoric correlation was used to assess the strength of the relationship between gender and job classification categories. Table 7 utilizes gender and the job categories as independent variables. Operations, medical, and acquisitions/finance categories are all positively correlated as outlined in their positive tetrachoric correlation. The negative tetrachoric correlation identifies women as underrepresented in the logistics/maintenance, base support, and special duty job categories. The p-value is less than 0.10 for all categories except for the base support category. This indicates that the correlation is statistically significant below the 10 percent significance level for the operations, logistics/maintenance, medical, acquisitions/finance, and special duty/reporting identifiers job categories.

Table 6: Tetrachoric Correlations by Gender

Job Category	Tetrachoric rho	Std Error	2-sided P
1 - Operations	0.2157	0.0459	0.0000
2 – Logistics and Maintenance	-0.1837	0.0483	0.0002
3 – Base Support	-0.0750	0.0452	0.1092
4 – Medical	0.3636	0.0668	0.0000
6 – Acquisitions and Finance	0.2306	0.1270	0.0914
8/9 – Special Duty/Reporting Identifiers	-0.0813	0.0431	<u>0.0357</u>

A tetrachoric correlation was used to assess the strength of the relationship between race and job classification categories. Table 7 utilizes race (African American) and the job categories as independent variables. Base support, medical, and special duty/reporting identifiers are all positively correlated, as outlined in their positive tetrachoric correlation. The negative tetrachoric correlation identifies that African American applicants are underrepresented in the operations, logistics/maintenance, and acquisition/finance job categories. The p-value is less

than 0.10 for all categories except for acquisition/finance. The correlation is statistically significant at below the 10 percent significance level for operations, logistics/maintenance, base support, medical, and special duty/reporting identifiers.

Table 7: Tetrachoric Correlations for African American Applicants

Job Category	Tetrachoric rho	Std Error	2-sided P
1 - Operations	-0.0953	0.0516	0.0817
2 – Logistics and Maintenance	-0.0370	0.0509	0.5327
3 – Base Support	0.0602	0.0469	0.2091
4 – Medical	0.0447	0.0806	0.6243
6 – Acquisitions and Finance	-0.0508	0.1522	1.000
8/9 – Special Duty/Reporting Identifiers	0.0319	0.0452	<u>0.4776</u>

Table 8 utilizes race (White) and the job categories as independent variables. Operations, logistics/maintenance, and acquisitions/finance are all positively correlated, as outlined in their positive tetrachoric correlation. The negative tetrachoric correlation identifies that white applicants are underrepresented in the base support, medical, and special duty job categories. The p-value is less than 0.10 for all categories except for acquisition/finance identifying the correlation as statistically significant at below the 10 percent significance level for operations, logistics/maintenance, base support, medical, and special duty/reporting identifiers.

Table 8: Tetrachoric Correlations for White Applicants

Job Category	Tetrachoric rho	Std Error	2-sided P
1 - Operations	0.1545	0.0486	0.0019
2 – Logistics and Maintenance	0.0564	0.0481	0.2562
3 – Base Support	-0.0488	0.0488	0.2799
4 – Medical	-0.1082	0.0751	0.1400
6 – Acquisitions and Finance	0.0193	0.1408	1.0000
8/9 – Special Duty/Reporting Identifiers	-0.0797	0.0425	<u>0.0676</u>

Discussion and Implications

The United States Air Force aims to attract the best and brightest young men and women from around the nation to join its forces each year; however, for the first time in decades, the service is at risk of not making its recruiting goals. In March of 2023, Air Force Public Affairs cited Assistant Secretary of the Air Force Kristyn Jones, confirming that the Air Force is on track to miss its enlisted active duty goal by more than 10 percent. In response to its recruiting challenges, the service has increased marketing by \$150 million, offered loan repayment options, and removed enlistment barriers through relaxed accessions policies; however, challenges will remain as the applicant pool continues to shrink due to limited exposure to the military and increased disqualifications due to medical, criminal backgrounds, educational requirements, and drug use.

The Air Force should continue to focus on attracting, recruiting, and retaining a diverse force that can increase the propensity to serve in the military in underrepresented communities. This research outlined how certain demographic groups were underrepresented in the sample provided. Female applicants are underrepresented in the logistics/maintenance and base support job categories. African American applicants are underrepresented in the operations, logistics/maintenance, and acquisitions/finance job categories. Lastly, White applicants are underrepresented in the base support and medical job categories. Both genders and all races

were listed as underrepresented in the special duty job categories due to their limited sample size, with only two applicants being selected throughout the fiscal year.

Lytell et al. (2015) emphasized the importance of career progression and its tie to careers in the operations category, outlining that women and minority groups are less likely to enter these specialties. The data shows 50 African American and 241 White applicants were assigned jobs in the operations category. A total of 19.85 percent of all White applicants were assigned a job in the operations category compared to 14.75 percent of all African American applicants, a 5.1 percent variance. The percentages improve for the gender breakdown, with 25.64 percent of female applicants being assigned an operations career field versus only 15.82 of male applicants; however, the totals equaled 111 females and 189 males for a total of 300 for the fiscal year.

This data should be further analyzed to include a large sample size that expands outside of the Texas and Louisiana markets to include a larger region across the United States. Table 9 outlines applicants' rank breakdown by race and gender, confirming the study by Lytell et al. (2015) demonstrating that minority groups such as African American and female applicants can experience limited career progression. African American Airmen in the Air Force account for 18.4 percent of enlisted personnel at the E1 to E4 ranks; however, that decreases to 15.5 percent for ranks E7 to E9. Female Airmen account for 23 percent of personnel at the E1 to E4 ranks; however, that decreases to 20.5 percent for ranks E7 to E9. Additional research should focus on the career progression of applicants after their accession and completion of basic military training.

Table 9: Air Force Diversity Across the Enlisted Ranks in 2021

Rank Category	African American	White	Others	Women	Men
E1 – E9 (All Ranks)	16.9%	68.9%	14.2%	20.9%	79.1%
E1 – E4	18.4%	68.2%	13.4%	23.0%	77.0%
E5 – E6	15.6%	70.0%	14.4%	18.6%	81.4%
E7 – E9	15.5%	68.5%	16.0%	20.5%	79.5%

Source: Militaryonesource.com, Demographics Dashboards 2021

Conclusion

Literature has provided insight into the lack of career progression for specific demographic groups throughout their military career. Air Force and Department of Defense recruiting should analyze accession practices to better understand the recruiting and retention practices of military personnel. Recruiting the next generation of personnel to serve in the United States Air Force is proving difficult as fewer potential applicants are exposed to the military through family and friends, and those with the propensity to serve in the military are facing increasing disqualification rates due to various reasons such as their health, fitness levels, criminal background, educational levels, or past drug use. As the recruiting pool decreases, attracting the right talent is a key factor in readying the force of the future.

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Addressing Female Discrimination

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ABSTRACT: Although the anti-discrimination policy promotes the elimination of any differences, ensuring equal opportunities for women and men to the same extent, the simple provision of these things in the legal norms is not able to ensure the intended effect of gender policies. There is a need for changing mentalities, for a greater assumption by women of the roles that equal chances and opportunities imply for them, in all areas of public or private life.

KEYWORDS: discrimination, law, freedoms, gender policies

It is easy to see how in contemporary Romanian society, gender differences are encountered at all levels. Thus, in the economy, in politics, in relations with institutions, even in crime, women have a different weight compared to men, which is, as a rule, lower compared to them. Discrimination, although prohibited by law, is present and, in most cases, to the disadvantage of women but also to the disadvantage of other categories such as children, the elderly, etc.

The problem of discrimination started from the defense of human and citizen rights.

The *concept of human rights* (Mazilu 2000, 35-42), so used in the last decades, as it is received by human communities and by each of their members as a natural institution, implies:

- complete and accurate understanding of the status of the human being in its most different poses;
- knowledge of the political, legal, social and economic means necessary to comply with this statute;
- guaranteeing the fulfillment of the requirements involved in this statute through appropriate measures to punish those guilty of violating the rights and freedoms inherent to all people.

Placed in the context of the rule of law, considered "*a symbol of a civilization*" (J. Gicquel), the above-mentioned concept is enshrined by rules of behavior, which express the general will of the majority of society's members, official, impersonal, binding rules and susceptible to realization through coercion, proportionalizing and enrolling in procedures to prevent the excess, orienting not so much against the punishable, but especially for the purpose of safeguarding the general interest.

Considering the importance of human rights and public freedoms (Mazilu 2000, 29), in society, their exceptional significance for the life and existence of each of us, the concern for their consecration in national and international regulations occupies a priority place in the exercise of governance.

The norms enshrined in national European and world legal instruments must be correctly applied in social relations in each country, in each community and even in each branch and sector of activity. The exercise of governance based on democratic principles, such as: political pluralism, separation of powers in the state, legality, equality and freedom represents the *sine qua non* condition for the protection and guarantee of the fundamental rights and freedoms of the human being.

The concern for the protection of fundamental human rights and freedoms, the elimination of any differences in treatment and the assurance of full equality of the person in front of state institutions and in front of international institutions is reflected in the adoption, establishment and support of various instruments, bodies and international organizations such as: *the Commission on*

Human Rights, the Sub-committee on the Prevention of Discrimination and the Protection of Minorities, the Committee on Human Rights, the Committee on the Elimination of Racial Discrimination, the Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the European Commission of Human Rights and the European Court of Human Rights, intended to fight for the previously mentioned desideratum.

Therefore, the challenge launched many years ago regarding the defense and guarantee of respect for fundamental human rights and freedoms, which acquired various aspects over time, now has as its spearhead the fight to combat one of the important enemies, namely, discrimination (Mazilu 2000, 29). This fact has become the standard of national and international policies, translated into numerous combat instruments, in continuous improvement and transformation.

Discrimination is the differential treatment applied to a person by virtue of his or her real or supposed membership in a certain social group. It is an individual action, but if the members of the same group are systematically treated in a similar way, it also constitutes a social pattern of aggregate behavior (Banton 1998, 2). In the social sciences, the term refers, in general, to a prejudiced treatment, with negative effects on the person concerned.

The research conducted identified the existence of several types of discrimination. In general, a distinction is made between *direct and indirect discrimination*. The first type occurs when the differential treatment is generated intentionally, while the second type occurs when this treatment is based on an unfair decision taken previously. According to another opinion, a distinction is made between intentional and conscious discrimination and unintentional discrimination, as well as between discrimination practiced by individuals and that practiced by institutions (Mallick in Magill (coord.) 1995, 35).

While discrimination represents a form of behavioral manifestation, prejudice represents a negative attitude towards each individual member of a group, which is motivated only by his membership in the group (Allport, 1948, 71). Discrimination is related to stereotypes, which represent the negative component of prejudice (Capozzo and Volpato in Bouhis and Leyens, 1996, 23). These representing a stable and relatively rigid cognitive structure, help to maintain the negative attitude and to perpetuate differentiated behaviors based on them. Another phenomenon with which discrimination is related is that of stigma, the stigmatized becoming more easily *The Target* of differentiated treatments.

The groups most often subject to discrimination and on which most studies have focused are: ethnic, racial, religious minorities, immigrant groups. A particular concern existed for the discrimination against women. Recently, a special interest is given to studies regarding the discrimination of sexual minorities, people with special abilities, as well as the elderly. The most investigated areas of manifestation of discrimination were the educational system, the labor market, coexistence.

To reduce discrimination, a series of strategies have been developed to ensure equal opportunities in areas where people who belong to traditionally discriminated groups have been systematically represented. In the United States these strategies are called *Affirmative Action*, while in Great Britain they are known as *Positive Discrimination*. These strategies do not imply “*reverse discrimination*”, but are intended to ensure equal opportunities for all citizens, regardless of the group to which they belong. Positive Discrimination and Affirmative Action presuppose, on the one hand, the recognition of the disadvantages accumulated by the respective groups, as well as the development of policies and practices that help to overcome the difficulties. The main areas in which the actions of the strategies to eliminate discrimination were focused are the labor market, education and coexistence.

Researching the area of Romanian legislation, we cannot ignore the guarantees of the rule of law regarding the protection of the person given by the rule of law principle, of the subordination of power to the law by creating mechanisms designed to ensure good functionality in the process of guaranteeing the fundamental rights and freedoms of citizens (Nistoreanu and Boroi 2004), through the nomination in an entire title of the Constitution of the rights, freedoms and fundamental duties of citizens, the simple enumeration of some of these rights and freedoms being sufficient not only to highlight the weight these constitutional texts have in the economy of our fundamental law, but also to shed light on the important premises on which a genuine action to build the rule of law rests. It is about the equality of citizens before the law and public authorities, without privileges and without discrimination (art. 16); free access to justice for the defense of the rights, freedoms and legitimate interests of citizens (art. 21); the right to travel in the country and abroad (art. 25); the right to information and education (art. 31 and art. 32); the right to choose and be chosen (art. 25); the right to choose the profession and workplace (art. 38); the right to private property (art. 41); the right to life and to physical and mental integrity (art. 22) etc.

These rights are doubled by freedoms that actually constitute the framework that ensures their effective exercise. Among them we mention: individual freedom (art. 23), freedom of conscience (art. 29), etc.

The Constitution makes only one reference to the term discrimination, when it enshrines as a principle, in art. 16, the equality of citizens before the law and public authorities, “*without privileges and without discrimination*”, and in para. 3 specifies that: “*public, civil and military functions and dignities can be occupied, under the law, by persons who have Romanian citizenship and resident in the Country. The Romanian state guarantees equal opportunities between women and men for the occupation of these positions and dignities*”.

The notion of discrimination (Thomson 1997, 79-81) is regulated in two normative acts: Government Ordinance no. 137/2000, regarding the prevention and sanctioning of all forms of discrimination (G.O. no. 137/2000 underwent a series of changes through Law no. 48/2002, G.O. no. 77/2003 and Law no. 27/2004 regarding the approval of G.O. no. 77/2003) and Law no. 202/2002 on equal opportunities between women and men, appeared in the context of placing the issue of equal opportunities at the center of the *European Employment Strategy*.

Therefore, we have two normative acts that have the same regulatory area, namely, *discrimination*, with the difference that Law no. 202/2002 only guarantees equal opportunities for men and women, when discrimination is based on gender, while O.G. no. 137/2000 mentions 14 discrimination criteria.

Law no. 202/2002 defines discrimination as “*the difference in treatment of a person against him due to his belonging to a certain sex or due to pregnancy, birth, maternity or the granting of paternity leave*” (direct discrimination) or “*the application of provisions, criteria or practices, apparently neutral, which, through the effects they generate, affect people of a certain sex*” (indirect discrimination).

According to the last amendment brought to Government Ordinance no. 137/2000 by law no. 27/2004, discrimination means “*any difference, exclusion, restriction or preference, based on race, nationality, ethnicity, language, religion, social category, beliefs, sex, sexual orientation, age, disability, non-contagious chronic disease, infection HIV or belonging to a disadvantaged category whose purpose or effect is to restrict or eliminate the recognition, use or exercise, under conditions of equality, of human rights and fundamental freedoms or rights recognized by law, in the political, economic, social and cultural fields or in any other areas of public life*”.

As can be seen from the quoted texts, the spheres in which discrimination can manifest are multiple and mainly aim at: conditioning a person's participation in an economic activity or the

choice or free exercise of a profession, access to public administrative and legal services, health, to other services, goods and facilities, access to education, freedom of movement, the right to free choice of residence and access to public places, the right to personal dignity.

Conclusions

The capture of discriminatory manifestations (Thompson 1997, 83) in a given society and in a certain dimension of time represents an approach that must take into account, equally, the discriminations practiced by individuals, groups of individuals, or at the level of some institutions (Banton 1998, 5).

According to a study by the Center for Social Development Cedes Romania, regarding discriminatory manifestations in the employment process, the conclusion that would be drawn would be that - the existence of anti-discrimination laws does not ensure the solution of the problem and that it does not only require the involvement of the state authorities, but a national program of promotion, of support, with an effect on people's minds, which would lead to changes in the perspective of employers, but also of each individual. It is stated that the reduction or elimination of discriminatory manifestations cannot be achieved only by sanctioning discriminatory behaviors, or by instituting affirmative actions or special measures, but through a concentrated legislative, attitudinal and behavioral effort, invoking in this sense the sayings to Michel Crozier (Crozier 1979), according to which, "*society cannot be changed by decree*," but, we believe, it needs complete laws, aimed at achieving the purpose for which they were created.

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How Different Digital Marketing Techniques Drive and Empower Sneakerhead Purchasing Behaviors: A Theoretical Literature Review

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ABSTRACT: Marketing to consumers has become an art that needs to be further studied, particularly in the sneaker industry. The sneaker product category has exploded in the last few years, forcing retailers to be creative when developing marketing strategies. Technology has allowed consumers to be in control, extending their connection with a particular brand. Consumers have become digitally enabled and can shop at any time and on any channel. For brands to be successful, they must be able to realign their business around the consumer rather than the brand. The use of technology is a competitive force that strengthens competitiveness by using social media as an outlet to reach specific market segments, in this case, the Sneakerhead segment. Consumers will be attracted to brands that treat them intelligently and know their preferences creating a seamless experience at the time of purchase. This literature review will explore different types of marketing, as well as collaborations between brands and celebrities, and how these strategies can influence purchasing behavior.

KEYWORDS: digital marketing, hunger marketing, live-stream marketing, influencer marketing, relationship marketing, parasocial interaction, metaverse, collaborations, consumption, Sneakerheads

Introduction

Marketers have faced new and emerging challenges and opportunities in reaching consumers through digital marketing. Digital marketing is the promotion of brands to connect with consumers using the internet and other forms of digital communication. Digital marketing encompasses the actions companies take to advertise, sell, and deliver a product or service using electronic media. Digital marketing casts a wide net to include mobile phones, social media marketing, display advertising, search engine marketing, content marketing, email marketing, pay-per-click (PPC) advertising, and many other forms of digital media (Yasmin et al. 2015). Digital marketing allows brands to reach their target audience and promote their products or services. It is not difficult to see the differences between traditional and digital marketing. Traditional marketing incorporates strategies such as print, broadcast, direct mail, and telephone; digital marketing uses digital technology such as the internet, smartphones, and other emerging devices. Popular forms of digital marketing include email campaigns, mobile phones, company websites, display advertising, and social media postings and advertising. While both forms of marketing have benefits, digital marketing includes a broader reach, getting real-time analytics of customers' purchases, including clicks, device access, and email views, reaching customers via phones, and focusing on a highly-targeted audience. How customers experience a brand is now taking place online.

Due to the rapid growth in the sneaker industry, it is crucial to adopt marketing strategies that will engage the consumer from the moment they become interested in a product to the moment they complete the purchase. Consumers are known for using different devices and channels to make

a purchase; hence brands must keep all channels open for consumers to interact with them. Effective marketing is about collecting data that gains insights into particular market segments. Because consumers are now in control, marketers must play by their rules when developing marketing strategies.

Digital Marketing Techniques

Hunger Marketing

Hunger marketing has been defined as a psychological strategy that increases a consumer's desire to purchase a product that is perceived to have an attractive price point. Companies are known to create imaginary shortages that restrict supply, hence playing into consumers' emotions, who then purchase the product. Regardless of whether the scarcity is real, low supply will grab a consumer's attention which can, in turn, increase the perceived value of a product. Perceived scarcity drives consumers to make emotional purchases; such purchases are sometimes made to enhance a consumer's status, wealth, and identity.

There are three known techniques used in hunger marketing. The first technique occurs when companies create scarcity by promoting a product as *limited stock*. Consumers believe that limited-stock products are popular and valuable, leading them to purchase them. The second technique will mark a product as a *limited-time* product, encouraging consumers to purchase out of fear of missing out. The last technique occurs when companies introduce "*special discounts*." Discounted pricing may cause consumers to spend more than usual; consumers see this as an opportunity to have a product few other people have.

Live Streaming Marketing

Limited research has shed light on how e-commerce live-streaming marketing influences impulsive purchase behavior. A study by Chen et al. (2021) used a framework of "marketing-involvement-impulsive purchase behavior" to investigate impulsive purchase behaviors based on live-streaming online shopping. The study sought to investigate how *e-commerce anchor attributes*, *perceived scarcity*, and *immersion* played a role in a consumer's purchase behavior. Chen et al. (2021) defined *e-commerce anchor attributes* as a marketing strategy in live streaming retail that displays products to consumers, provides guidance by sharing experiences based on consumption, uses real-time to answer consumer questions, and interacts with consumers. *Perceived scarcity* was defined as actions by companies that further influenced panic and impulse buying, and *immersion* was described as a sense of being deeply absorbed in a world where nothing else matters. This study used *involvement* as a variable that affects purchase decision-making; *product involvement* is defined as "the perceived relevance of the product based on a consumer's needs, values, and interests" (Zaichkowsky 1985, 32). Chen et al. (2021) found that perceived e-commerce anchor attributes, perceived scarcity, and immersion positively influences impulsive purchase behavior. These findings align with other studies that report on the relationship between e-commerce anchor attributes, scarcity, and impulse purchase behaviors.

Influencer Marketing

Still another method used by marketers is the use of Influencers. Chopra et al. (2020) conducted a qualitative study on how influencers drive consumer behavior. Influencers are described as individuals with a large number of followers on a social media platform. In this sense, an influencer can be anyone with product or service knowledge that can represent or recommend brands using social media platforms. Smart Insights (2017) defined influencer marketing as commanding a mass

following using social media while reaching an intended target audience and promoting a brand's message. Through influencers, marketers can connect with consumers who would typically avoid advertisements.

Endorsements are critical in building positive brand images of certain brands. Companies have noticed that influencers can forge product engagement and brand loyalty the same as celebrity endorsers but are not as costly. Chopra et al.'s (2020) study provided strategic marketing insights to reach target markets using the right influencer and message. The study revealed that consumers who are aware and informed could tell the difference between an endorsement and a genuine recommendation. The lesson for marketers in reaching marketing goals is to use the right influencer with brand knowledge who can take a brand story and achieve maximum conversions.

Zhu et al. (2021) studied how anchors' characteristics influenced a consumer's behavior intention. This study defined an anchor as a "kind of internet celebrity who relies on social media to become popular (Gerrath & Usrey 2020; Chen et al. 2021). The scales used in the study included the anchor's physical and social attractiveness and the anchor's professional ability. According to Zhu et al. (2021), an anchor has a high level of product knowledge and appeals to the consumer by establishing a social relationship which could then translate into purchasing conversations. Findings from this study confirmed that an anchor's physical and social attractiveness and professional ability indirectly influenced a consumer's intention to follow the anchor's recommendation.

Relationship Marketing

Research by Seonjeong et al. (2017) investigated types of customer relationships on customer interactions based on social media and *parasocial interactions* (PSI). This study focused on relationship marketing. Relationship marketing focuses on customer satisfaction based on receiving personalized services that enhance satisfaction, trust, and commitment. Grönroos (1994, p. 9) defined relationship marketing as "the process of identifying and establishing, maintaining, enhancing, and when necessary, terminating relationships with customers and other stakeholders, at a profit, so that the objectives of all parties involved are met, where this is done by a mutual giving and fulfillment of promises." Like many other marketing techniques, relationship marketing serves as a competitive advantage and a strategic resource for companies. This technique strengthens relationships through interactions between the customer and the service provider (Webster 1992). The PSI theory was used to explore the types of relationships that can be used in the context of social media that lead to brand-relevant responses and conversions. Lee et al. (2017) found that customers who use social media platforms are able to form lasting relationships with a brand or service as well as other customers. When companies use social media platforms to share customer interactions, hence relationships, they are building a strong competitive advantage.

The study by Seonjeong et al. (2017) also found a relationship between customers' relationships and their *parasocial interactions* (PSI). Three different relationships, between customer and service, between customer and brand, and between a customer and other customers, were found to be positively influenced when customers used social media. Such interactions are said to promote favorable brand evaluations.

Parasocial Interaction

Few studies have been conducted on the use of parasocial interaction (PSI) theory as it relates to consumer buying behavior. Labrecque's (2014) study sought to understand how traditional PSI could be used as a theoretical lens to design successful marketing and social media strategies. PSI is described as an illusionary experience where consumers interact with personas as if they were

present (Houlberg 1984; Levy 1979; Rubin, Perse, and Powell 1985). Traditional PSI is defined as a brand's success in developing a strong relationship with consumers and includes two message components, *perceived interactivity* and *openness in communication*. Labrecque's (2014) study examined how these message components could be transferred to online environments. Perceived interactivity is signaled through message cues indicating responsiveness and listening, whereas openness in communication is the consumer's self-disclosure signaled through message content. The findings of this study showed a significant effect of openness and interactivity on PSI. PSI was also found to increase loyalty intentions and willingness to provide information. Such findings highlight the value of message cues that signal interactivity and openness to communication leading to consumer-brand relationships.

Metaverse Marketing

Metaverse marketing is typically focused on Gen Z and Millennials but has the potential to reach a larger audience by engaging existing communities. Metaverse marketing allows for an emerging experience by creating a world specific to a product or service. This type of marketing focuses on creating an experience based on a brand and target audience. According to McKinsey (2022), investment in the metaverse surpassed \$120 billion in 2022 and is expected to reach \$5 trillion by 2030. A study by Gartner (2022) found that 25% of people are expected to spend at least one hour a day in the metaverse for work, education, shopping, social media, and entertainment in 2026. Such findings offer marketing opportunities for companies that want to reach unique audiences (Emeritus 2022). Metaverse marketing examples include companies such as Shopify using AR to create 3D models of a product, Nikeland by Nike on Roblox, which allows players to unlock new gear for avatars, and Zed Run, a blockchain horse-racing game that allows players to race, buy, and breed virtual horses.

These are a large number of digital marketing techniques used to reach consumer segments based on different factors. One specific consumer group of interest is Sneakerheads. Revenue for the Sneaker segment amounts to \$86.58 bn in 2023 and is expected to grow annually by 5.34% (CAGR 2034 – 2027) (Statista 2023).

Empowering Sneakerheads Through Collaborations

The Sneakerhead culture has been defined as individuals with a strong interest in collecting sneakers because of their rare and exclusive designs and history. Sneakerheads feel a sense of belonging in an inclusive community that is built on a mutual appreciation for sneakers and the history that surrounds them. Brands must be able to build strategies that will attract this market segment by appealing to the components of history, nostalgia, culture, identity, and customized interactions. Sneakerheads expect brands to provide a sense of community that will connect them to other like-minded consumers.

Several companies have appealed to the Sneakerhead community by forming relationships that strengthen both the Sneakerhead community and marketing campaigns. Companies such as Nike and Adidas have introduced innovative and modern marketing by building a timeless brand through storytelling and purpose to reach this unique audience. Nike and Adidas have been in a competitive rivalry for nearly 60 years in an attempt to dominate the \$310 bn global sporting goods market (Marketing Dive 2022). Such competitiveness is fueled by the relationship formed with athletes and celebrities to expand product lineups and embed themselves into consumer culture,

namely the Sneakerhead culture. Both brands understand that reaching such an audience requires more than selling a product and more of appealing to the feelings and identity of consumers and the value of sneakers. This rivalry has now taken on new terrain using digital marketing and metaverse channels.

In 2019, Adidas started a partnership with the e-commerce app Storr allowing consumers to open storefronts from their phones; this partnership also allowed consumers to become *social sellers* of Adidas products. This partnership gave Adidas social sellers early access to products and social events and a 6% commission from each sale. This strategy by Adidas opens the door to marketing by consumers where Sneakerheads thrive by giving advice to other sneakerheads (Fast Company 2019). In August 2019, Footlocker announced the "We live Sneakers" digital campaign in conjunction with Nike's "Evolution of the Swoosh" shoe and apparel collection. Such partnership and content were meant to resonate with die-hard sneaker fans. Footlocker's marketing strategy and goal were to connect with Sneakerheads in their sneaker-obsessed journey (Total Retail 2019).

In 2021, eBay and Playa Society collaborated to allow sneakerhead content creators and sellers to be featured across eBay channels. This collaboration began with a month-long initiative to launch female sneakerhead merchandise. Such a strategy sought to celebrate the prominence of women in the sneakerhead community. eBay recognizes that women are one of the most passionate segments of the sneakerhead community and plans to continue meeting the growing demand of this segment. Advertising, such as Vice-President Kamala Harris wearing sneakers on the cover of *Vogue*, is one example of empowering women in fashion (EBay Inc. 2021).

Brand marketing campaigns know that celebrities and sneakers share a strong relationship. This relationship and the strong sense of identity of the Sneakerhead community has propelled a number of sneaker/celebrity collaborations such as Nike Air Jordan 1, Adidas Yeezy Boost 350 v2 x Kanye West, Billie Eilish x Air Jordan 1KO and Air Jordan 15, Rihanna x PUMA, Pharell Williams x Adidas, Adidas Stan Smith, to name a few. Collaborations have dominated the sneaker culture for many years and will continue to evolve as more celebrities team up with brands to bring in the latest trends.

While collaborations empower and drive purchasing behavior, more must be done to reach this unique segment. For Sneakerheads, sneakers are part of their identity, especially for African-American men who grew up in the 70s and 80s. Marketers must be able to tap into a consumer group's passion and respect and celebrate this audience. Companies that tell stories and connect with a consumer group's passion will build a loyal following.

Sneaker Culture and Consumer Behavior

Digital marketing, e-commerce, and the Sneakerhead culture are all impacted by the Sneakerhead's passion for nostalgia and the history of sneakers. Research has shown that *nostalgia* is a distinguishing attribute shared by Sneakerheads. BYU Communications professor Scott Church (2022) attributes the strong Sneakerhead culture to successful collaborations between brands and celebrities, such as Nike and Michael Jordan. Scott (2022) describes sneakers as an example of power and identity of whom consumers want to be and how they want to present themselves.

Research by Cassidy (2018) found that sneaker companies are introducing more limited-release sneakers in order to charge higher prices and entice consumers to purchase what is perceived as a scarce product. Examples include the remastered Nike Air Jordan and Adidas and Kanye's Yeezy line, which have led to higher profits for both companies. Cassidy's research (2018)

found that consumers may be looking for products with limited supplies rather than focusing on the product itself. The author further states that for sneakers to become popular, they must sell out quickly to have a higher resale value. Cassidy (2018) cited research by Michael Lynn (1989) that explores the impact of unavailability on consumer preference, stating that perceived scarcity of a product leads consumers to assume exclusivity, followed by a desirability behavior. High demand scarcity is about consumer demand for popular sneakers creating hype or desire to purchase such a sneaker. In most instances, consumers cannot purchase the limited supply of shoes and opt to purchase more widely available models as an alternative. This strategy by large shoe companies allows for a *limited supply of exclusive sneakers* to maintain their aftermarket value.

Conspicuous Consumption

Conspicuous consumption is a term used to convey spending on luxuries to enhance a consumer's prestige or status. Conspicuous consumption occurs when consumers seek products associated with a particular celebrity, athlete, or unique group. Wu and Lee (2016) found that quality and product features are not the only factors determining conspicuous consumption; other factors include scarcity, popularity, and uniqueness, which also trigger spending. Branding has been found to play a role in conspicuous consumption. Brands carry certain connotations and values, enhancing a consumer's status. Based on prior research, Sneakerheads are inclined to make a purchase if the product is perceived as a limited product, limited availability, is tied to a celebrity athlete, or the product depicts them as having a higher social status (O'Cass & Frost 2002).

Discussion

There is much non-academic content related to the sneaker market, but very few academic articles concerning digital marketing and collaborations targeting a specific market segment. The marketing strategies presented in this paper are only a few of the many ways brands reach a target market segment to promote a product or service. Consumers browse, shop, work, and share content online, hence the importance of digital marketing and connecting brands and consumers. Digital marketing is also known to strengthen brand awareness. Regardless of the segment a brand is trying to reach; digital marketing is the most reliable way to introduce sneaker collaborations and limited-release sneakers. High-profile companies such as Nike and Adidas are well aware of how consumers respond to limited-stock and limited-time marketing, leading to conspicuous consumption. There is much more to learn regarding consumer behaviors of what is perceived as a scarce or exclusive product, especially in a highly competitive and dynamic sneaker industry.

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European Energy Policies

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ABSTRACT: An energy revolution based on renewable sources and energy efficiency is needed not only to accelerate progress and economic development, but also to reduce the emissions that are rapidly warming and transforming our planet. The energy transition is not a one-size-fits-all process. It involves a combination of objectives, tools, policies, technologies, financing and resources. While the destination is common the path to the final goal depends on economic, social, ecological or security circumstances. However, the process must be fair, comprehensive and systemic so that no one is left behind, and international and regional policies and cooperation are essential to facilitate the exchange of experiences and best practices. The energy transition can no longer be limited to small transformative steps. It is time for it to become a transformational, system-overhaul effort based on the rapid expansion and deployment of all available technologies. This is the right time to reassess long-held assumptions and adopt the most appropriate policies and strategies at European Union level. European policies cover a wide range of areas, from trade and competition, to the environment and climate change, transport, energy, education and more. European energy policy aims to ensure the EU's energy security, promote a transition to a low-carbon economy and encourage the use of sustainable energy resources. This involves making decisions about the energy market, energy efficiency, the diversification of energy sources and the promotion of renewable energies.

KEYWORDS: energy security, green energy, energy trends, energy transformations

1. The need for policies in the current energy transition

A range of authors and organizations provide a critical analysis of current EU energy policies and propose solutions to meet the ever-changing energy challenges. From this perspective, the foundations of sustainable energy development are based on a series of principles that coexist and develop simultaneously. Here we mean energy efficiency (using energy resources more efficiently by reducing energy consumption and improving the energy performance of buildings, industry and transport), renewable energy (promoting the use of renewable energy sources to reduce dependence on energy sources fossil and greenhouse gas emissions), diversity of energy sources (ensuring a mix of energy sources to reduce risks to security of supply and price volatility, as well as to meet the demands of different sectors of the economy), energy security (ensuring a secure, sustainable and affordable energy supply by developing adequate energy infrastructure and promoting international cooperation) to which is added population involvement and participation (involvement of citizens and non-governmental organizations in energy decision-making processes to ensure transparency and responsibility for the decisions made).

Samuele Furfari, a recognized expert in the field of energy, developed a theory related to the sustainable energy development of the European Union (EU), called "The Theory of Triple Sustainability" (The Theory of Triple Sustainability) which brings together, as the foundations of sustainable energy development three major dimensions: economic, social and ecological sustainability (Furfari, 2021). Starting from the mentioned study, we believe that sustainable energy development can only be achieved if these three dimensions are taken into account, which we try to detail in the following.

The economic sustainability of the energy transition lies in the fact that the new energy system must be affordable and financially viable so that it can be sustained in the long term. This involves the development of innovative and cost-effective energy technologies that enable

a gradual and sustainable transition to a low-carbon economy. Within this dimension production costs and access to finance are extremely important elements considering that currently the production costs of renewable energies are still higher than those of fossil fuels and that a significant reduction in these costs is required to make the transition to renewable energy sources more affordable and economically viable. A market-based and competition-based approach can be suggested to ensure economic sustainability but this involves creating an appropriate legislative and regulatory framework to ensure fair competition between energy sources and to encourage innovation and investment in renewable energy sources.

It is also important that access to financing for investments in renewable energy is achieved through appropriate fiscal policies and through European funds. Added here is the importance of cooperation between EU member states to ensure a gradual and sustainable transition to renewable energy sources. Thus, it follows the particular importance of creating a common framework for energy policy and encouraging the development of common infrastructures, interconnected energy networks, in order to improve the EU's energy security and reduce production costs.

Moreover, we add the need for all economic branches to adapt to the new technology generated by the use of renewable energy, which implies a special technological leap, policies that favor development and adapted financing. Thus, economic sustainability involves ensuring the accessibility and financial viability of the transition to renewable energy sources and involves the creation of an appropriate legislative and regulatory framework, access to financing and cooperation between EU member states.

If we refer to the social sustainability of the new energy system, we have in mind the fact that energy development has a major impact on society, and in this sense both the needs and the rights of citizens should be taken into account. This involves involving local communities in decisions about energy infrastructure and taking the necessary steps to develop it in a way that does not have a negative impact on communities and the environment. Thus, the transition to cleaner and more sustainable energy sources should be inclusive and socially equitable, so as not to negatively affect local communities and ensure a fair distribution of the benefits and costs of the energy transition. Therefore, the importance of involving local communities in decisions about energy development and consulting them before making important decisions so that they can understand the impact on their lives and express their opinion should not be neglected.

A transition that does not adversely affect jobs is equally important in this complex process. It is therefore important to convert workers from the fossil fuel industry to the renewable energy industry and develop local economies around renewable energy sources. In addition, it has a major impact on society to ensure access to energy for all communities, including the most vulnerable, so as to ensure sustainable social development and reduce energy poverty and its effects as much as possible.

Ecological sustainability is the dimension that refers to the fact that energy development must have little or no impact on the environment and contribute to the reduction of greenhouse gas emissions. This involves the development of renewable energy sources such as solar or wind energy, and reducing the use of fossil fuels. In this sense the EU must invest in cleaner and more energy-efficient technologies such as solar, wind and hydropower, and promote energy efficiency in all economic sectors and encourage innovation in renewable energy and ensure financial support for the research and development of these technologies.

In addition, the development of transformation strategies and policies requires the protection of biodiversity and natural resources, so that energy development does not negatively affect ecosystems and human health. We conclude that ecological sustainability refers to ensuring a sustainable energy development that has a positive impact on the environment and contributes to the reduction of greenhouse gas emissions. This involves investing in cleaner and

more energy-efficient technologies, protecting biodiversity and natural resources, and promoting innovation in renewable energy.

The dependence of the EU's regional security on the energy independence of the area should not be ignored in this construction. It is proven that the energy security of the EU is closely related to the energy independence of the area, as too much dependence on external suppliers can affect the energy security of the EU as a whole as happened following the armed conflict in Ukraine. This dependence can create vulnerabilities to unexpected events, such as disruptions in energy supplies or sudden changes in energy prices, which cause shocks to economies and societies across the region. It should also be emphasized the importance of regional cooperation between EU member states and the strengthening of crisis management capacity to deal with unexpected events and to ensure energy security as a whole. This may involve, for example, the creation of common energy infrastructures and solidarity mechanisms between member states in the event of an energy crisis.

However, energy experts and researchers say that the EU's energy security is essential to protect its economies and citizens, but there are still a number of challenges that need to be addressed to achieve this goal (Tagliapietra 2020). Among these challenges, the EU's increased dependence on energy imports and the concentration of energy supply in a few member states and from a few external suppliers are processes that can create vulnerabilities in the face of unexpected events. Recently there have been disruptions to energy supplies in European states as well as sudden price changes with major effects throughout the European economy. Also, the impact of climate change on energy security and the need to promote a sustainable energy transition to cleaner and less polluting energy sources are part of this series of challenges generated by the transition to a sustainable energy.

The solutions to these challenges are embodied in the diversification of energy sources so as to reduce its dependence on fossil fuels and encourage the use of renewable and clean energy sources such as solar and wind energy. At the same time, the EU improves its energy efficiency by developing more advanced technologies and promoting energy conservation policies (Mabey, 1997). Solutions also lie in strengthening regional cooperation between EU member states and developing closer relationships with external suppliers to ensure a secure and sustainable energy supply.

We believe that there are several aspects that must be addressed through European strategies and policies to ensure a sustainable and efficient energy security in the EU states. Thus, we believe it is essential for the EU to diversify its energy sources, so as to reduce dependence on fossil fuels and encourage the use of renewable and clean energy sources - solar and wind energy. At the same time, it is complemented by improving energy efficiency through the development of more advanced technologies and by promoting energy conservation policies.

The development of better-connected energy infrastructure in Europe, enabling the efficient transfer of energy between Member States and ensuring a secure and sustainable energy supply is another pillar of the sustainable energy transition. In this sense, we consider that promoting the interconnection of energy networks between EU member states is a priority in the factors that lead to the need for modern policies in the EU.

When it comes to climate change, the EU focuses on reducing greenhouse gas emissions and encourages the development of cleaner and more energy efficient technologies. Considering the latest EU green energy directives - the EU Renewable Energy Directive of 2018 (also known as RED II), which aims to boost the development and use of renewable energy across the European Union we can say that the EU is playing a leader in the fight against climate change and promote a strong international agreement in this regard.

In conclusion, we believe that the energy security of the EU can be ensured by the integrated approach to the issues related to the diversification of energy sources, energy efficiency, the interconnection of energy infrastructure and the fight against climate change, all

these factors clearly determining the need for real, concrete and well determined at the European level.

2. European policies in the field of energy

Energy demand management is an important tool that gives the Union the opportunity to influence the global energy market and consequently the security of energy supply in the medium and long term. In this sense, the financial instruments of the European Union are used in order to obtain practical effects regarding the objectives of the directives developed in this field.

Thus, in addition to Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources, the EU also adopted other directives and regulations related to green energy, such as Directive 2010/31/EU on the energy performance of buildings and Regulation 2018/ 1999 of the European Parliament and of the Council on the governance of the energy union and climate action (<https://eur-lex.europa.eu/homepage.html>). All these initiatives aim to promote a sustainable energy transition towards the use of renewable energy sources and the reduction of greenhouse gas emissions.

The Renewable Energy Directive (RED II) is part of EU legislation and must be transposed into the national legislation of the Member States in order to be implemented. Among the main objectives of the Directive are: increasing the proportion of renewable energy used in the EU to 32% by 2030; increasing the use of energy from renewable sources in the transport and heating and cooling sectors; promoting the development and use of energy from renewable sources at the level of local and regional communities and simplifying and harmonizing administrative procedures for the development of renewable energy projects in the EU.

Each member state has the obligation to adopt the necessary measures to comply with the Directive and to draw up national plans for renewable energy. These plans must include national targets to increase the proportion of renewable energy used in the EU to 32% by 2030 (<https://eur-lex.europa.eu/homepage.html>) as well as specific measures to stimulate the development and the use of renewable energy in the transport, heating and cooling sectors, and at the level of local and regional communities.

To date, most EU Member States have adopted measures to comply with the Renewable Energy Directive and have developed national renewable energy plans. However, the degree of implementation and the performance of each member state in achieving the objectives set by RED II may vary and will be monitored by the European Commission within the Member States' Reporting and Verification Mechanism.

Romania has adopted a series of measures to increase energy security, which include various directions of action. Thus, regarding the diversification of energy sources, the solution lies in the fact that Romania has a diversified energy mix, which includes hydropower plants, nuclear plants, coal plants, but also energy production from renewable sources (solar, wind, biomass). This diversification helps reduce dependence on a single energy source and increases the country's energy security.

Regarding the improvement of the transport and distribution infrastructure, Romania has invested in the modernization and expansion of energy transport and distribution networks, in order to reduce the risk of power interruptions and increase the efficiency of energy delivery.

At the same time, Romania adopted a series of policies and measures to increase the production of energy from renewable sources, including a system of green certificates and support programs for investments in renewable energy.

In the area of increasing energy efficiency, Romania has developed programs and policies to improve energy efficiency in various sectors, including buildings, transport and industry.

In addition to the development of international cooperation, Romania collaborates with its partners in the EU and in the region to increase energy security and to reduce dependence

on a single source of energy. For example, Romania has developed a network of interconnections with neighboring countries to ensure greater security of energy supply.

In Romania, the energy market is an important one, considering the country's considerable energy resources and at the EU level, the realization of a fully functional and resilient energy union would transform the Union into a vanguard region for innovation, investment, growth and social and economic development, also providing a good example of how the pursuit of ambitious climate change mitigation goals goes hand in hand with measures to boost innovation, investment and growth.

Energy economy market planning and energy policies are two interrelated aspects of the efficient management of energy resources and energy supply. Energy economy market planning focuses on the development and implementation of strategies to ensure the supply of energy so that it is sustainable, secure and affordable. The planning of energy economy markets is based on the assessment of energy needs, the identification of energy sources, the development of energy transport and distribution infrastructure, the establishment of prices and tariffs for energy produced and consumed, the promotion of renewable energies and the improvement of energy efficiency.

Energy policies are a set of measures taken by governments, institutions and organizations to manage energy resources and ensure energy supply. These policies include setting clear targets for renewable energy, reducing greenhouse gas emissions, improving energy efficiency, promoting the diversification of energy sources and encouraging innovation and investment in the energy sector. In the EU there is a planning of the energy market which is carried out at the level of the European Commission and is based on the objectives established within the Common Energy Policy of the European Union.

Energy market planning at EU level is based on the legal and political framework of the Union, which includes, in addition to the Renewable Energy Directive, the Energy Efficiency Directive and the Clean Energy Package Directive for all Europeans, the EU Strategy for an Energy Union with an Economy of Sustainable, Secure and Competitive Resources, as well as other normative acts and strategic documents. As part of this planning, the European Commission analyzes the EU's energy needs and develops strategies to ensure energy supply, improve energy efficiency and promote renewable energy sources. The European Commission also collaborates with EU member states and other relevant organizations to coordinate efforts to achieve the objectives set at EU level.

In addition, the European Commission monitors the evolution of energy markets within the EU and reacts to any problems or changes that could affect the EU's energy supply or energy security.

3. Conclusions

The European Union has developed and adopted a series of initiatives in the field of sectoral energy policy, especially regarding energy from renewable sources, energy efficiency, including the energy performance of buildings, and market organization. These initiatives form a package under the overall theme of “energy efficiency first”, the Union's world leadership in renewable energy and a fair solution for energy consumers, including by tackling energy poverty and promoting competition loyal on the domestic market.

The binding target of at least 40% domestic reduction of economy-wide greenhouse gas emissions by 2030 compared to 1990 has been approved since 2015 and is based on the integration of strategic planning and policy implementation climate and energy as well as coordination between the actors responsible for energy and climate policies, at Union level and at regional and national level.

Another conclusion is that a socially acceptable and equitable transition to a sustainable low-carbon economy requires changes in investment behavior, both in terms of public and private investment, as well as incentives at the entire political spectrum.

4. Materials and methods used

In writing this article I used various methods. The dialectical method of knowledge allowed the identification of the basic laws and categories of energy security viewed from the perspective of science. The dialectical method of knowledge, a philosophical concept defined as a very old form of finding the truth, allowed the identification of the basic laws and defining elements of the energy transition viewed from a scientific perspective, as well as the socio-economic roots of economic, social and ecological transformations.

When writing the article, I also used specific scientific methods. The analytical method was used as a basis for the analysis of European policies and strategies by comparing them with the provisions of the works of experts in the field and the legal-logical method was used to reveal the concept and essence of the energy transition as well as its main determining factors. Subsequently, the methods of analysis and synthesis were used to summarize the theoretical material and formulate conclusions based on them. Sociological methods allowed the analysis of the consequences of the current socio-economic situation and also allowed the estimation of some trends that we find in the chapter devoted to conclusions.

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European Union Cohesion Policy and Euroscepticism: A Literature Review

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ABSTRACT: The aim of this article is to provide a consolidated overview of existing knowledge on the relationship between European Union Cohesion Policy and voter support for Eurosceptic political parties, identify gaps in research, and suggest recommendations for further studies. The literature review is conceived from the perspective of regional economics and politics. Our analysis will investigate whether the increased levels of investments in creating jobs, enhancing human capital, promoting innovation, improving the quality of life, infrastructure, environment, and other attributes through the European Union Cohesion policy have resulted in a decline in support of voters for Eurosceptic political parties. Furthermore, we will examine whether these investments have no effect in this context or have actually contributed to increasing such support. Our literature review will be limited to studies that have examined this issue at the regional level of current or former European Union member states and which are based on the disciplines of regional economics and politics.

KEYWORDS: Euroscepticism, cohesion policy, voter support, populism

Introduction

Could the EU's cohesion policy have an impact on the attitudes of European citizens towards the processes of European integration? Is there a greater level of support for the European project among citizens who directly benefit from this policy? There are two reasons why we raise these questions at the beginning of this article. Firstly, the cohesion policy is a crucial instrument of the European Union, with a significant portion of its financial resources allocated to less developed regions. As such, we assume that its interventions have a substantial impact on people's daily lives. Secondly, the redistributive nature of the cohesion policy can mitigate socio-economic asymmetries that arise in regions disadvantaged by the European integration process and directly decrease the current level of Eurosceptic threats. Utilitarian economic theory suggests that individuals have a positive view of the European Union if they benefit from the integration process and the various tools of EU policies (Verhaegen, Hooghe, and Quintelier 2014). For the period of 2014-2020, the European Union spent nearly a third of its budget on cohesion policy, which represents approximately €351.8 billion to support job creation, competitiveness of firms, economic growth, sustainable development, and improving the quality of life for inhabitants in regions and cities of the European Union (European Commission 2020). Based on the theory of utilitarianism, we might assume that the investment and effects of EU policy would result in positive attitudes towards the EU among European citizens. However, based on recent events we can assume that there is a growing discontent with the EU and a rise in Euroscepticism among Europeans. This discontent, as argued by several authors (Rodriguez-Pose 2018; Dijkstra et al. 2020), stems from long-term economic decline, regional socio-economic disparities, persistent poverty, and limited opportunities in underdeveloped regions within individual countries. The recent phenomenon of "places that don't matter" seeking revenge, which refers to areas deemed unimportant in the UK, and whose residents voted to leave the EU in the referendum (Rodriguez-Pose 2018), may serve as evidence for these conclusions. Nevertheless, Eurosceptic attitudes are not confined to the UK alone. The mounting conflict between Hungary and the European Union and the increasing voter support for the French movement Marine Le Pen are further examples of the current era of Eurosceptic political parties. While the manifestation of populism and Euroscepticism varies slightly in each country, there are commonalities across all cases. The ascent of populist attitudes could be seen as a sign of

a return to confrontational political leadership and political polarization, where policies become more personalized and leaders play a disproportionately large role, leading to widespread distrust of institutions. The rise of populism and Euroscepticism is concerning because it signifies a rebellion against the liberal principles and institutions that underpin the European Union, according to Muller (2016). The European Commission is actively seeking ways to promote integration and cohesion within the EU. The EU Council has recognized the importance of improving the efficiency and visibility of cohesion policy for European citizens, while the European Parliament views it as a means of combating Euroscepticism and restoring public confidence, as stated by the Council of the European Union in 2017. Our aim is to offer a literature review that concentrates on examining the connection between the EU's cohesion policy and the level of backing from voters for Eurosceptic political parties, based on the assumed correlations.

EU Cohesion Policy and Euroscepticism

The EU is a distinctive integration bloc established to foster an economic and political partnership among its partner member states. Its values, which encompass human dignity, democracy, equality, the rule of law, and the protection of minority human rights, are articulated in Article 2 of the EU Treaty. Moreover, the Treaty emphasizes that these values apply to all member states in a pluralistic, non-discriminatory, tolerant, just, solidary, and gender-equal society (EU Treaty 2012). European integration has long played an important role in strengthening national democracies. In addition to fulfilling its initial commitments to maintaining peace and prosperity, the EU has also created policies aimed at addressing problems that are increasingly difficult for individual national governments to effectively solve in a globalized world. It can be argued that deepening European integration has been beneficial for individual member states of the European Union, but it has also brought unexpected negative effects, which have resulted in deepening regional disparities among individual member countries. The issue was recognized at the Paris Summit in 1972, where the leaders of member states agreed to create the European Regional Development Fund (ERDF) through a formal mandate. The need for the ERDF was driven by expansion pressures, with Ireland and the United Kingdom leading the way, as well as the establishment of the economic and monetary union, which was anticipated to exacerbate regional disparities within member countries. The EU's cohesion policy as we know it today is the European Union's strategy to promote overall harmonious development of its member states and regions. Its aim is to strengthen economic and social cohesion by reducing development gaps between regions through improving conditions in key areas (Dür and Zimmermann 2016). Financial resources from the EU's cohesion policy are provided through the European Structural and Investment Funds (ESIF). These EU cohesion policy funds are implemented through operational programs that focus mainly on research and innovation, digital technologies, support for low-carbon economies, sustainable management of natural resources, and small businesses (European Commission 2020).

As we mentioned in the introduction of our work, the European Union is currently experiencing an interesting paradox. On one hand, the EU has allocated 355.1 billion euros for cohesion policy for the 2014-2020 period through regional policy, which represents one-third of the total EU budget (European Commission 2020). On the other hand, despite the EU's enormous effort towards regional development, we can observe several indications of growing dissatisfaction among European citizens resulting from regional disparities (Rodriguez-Pose 2018). The most extreme expression of such dissatisfaction was perhaps the outcome of the Brexit referendum, with 51.9% of votes in favor of "leaving" the EU. However, dissatisfaction is not limited to Brexit, as evidenced by the results of Eurobarometer surveys, which indicate that nearly 45% of the EU population expresses a certain degree of distrust in European projects. Finally, we can also observe the rise of Euroscepticism through the results of elections

at the regional level, where we see increasing preferences for political parties that are either partially or completely opposed to European integration (Rodriguez-Pose and Dijkstra 2020). Euroscepticism, as one of the possible expressions of dissatisfaction, represents a form of hostile attitude towards the EU and European integration. Leconte (2015) defines Euroscepticism based on a more detailed discussion of the philosophy of skepticism as: *"Eurosceptics are those who call for a closer examination of European integration, believing that support for European integration should not be based on theoretical or normative conviction, but on a practical analysis of costs and benefits, and its respect for individual national differences, whether political, cultural, or normative diversity."* In our work, we define Euroscepticism, based on an expert survey by the University of Chapel Hill¹, as a group of political positions expressing varying degrees of conditional or absolute opposition to the EU and European integration, with political parties strongly against European integration, against European integration, or only having moderate reservations about European integration. The causes of Euroscepticism, as well as the effectiveness of cohesion policy, are the subject of rich scientific discussions, but we believe that the question of the relationship between EU cohesion policy and voter support for Eurosceptic political parties still receives little attention. In the following section, we will try to summarize important findings of current available research on the relationship between cohesion policy and voter support for Eurosceptic political parties. We will evaluate whether higher levels of investment from EU cohesion policy towards job creation, human capital stimulation, innovation, and improving the quality of citizens' lives have led to a decrease in voter support for Eurosceptic political parties or have been irrelevant, or conversely, have led to increased support for Eurosceptic political parties.

In general, research on EU cohesion policy and voter support for Eurosceptic political parties can be classified into two categories - those that have found a relationship between the two, and those that have not. The publication "Money can't buy EU love: European Funds and the Brexit referendum" by Fidrmuc et al. (2016) suggests that their quantitative analysis found no such relationship. Their study used data from the Brexit referendum, analyzing 382 electoral districts in the UK and the EU's report on funding allocation under the cohesion policy to regions in the UK, as well as variables such as GDP per capita, average hourly wage, employment rate, and migration rate. The results indicated that previous EU investment activities had little to no impact on the referendum outcome, and that cohesion policy had only a small effect on the results. This suggests that regions supported by EU cohesion policy funds did not show stronger pro-European sentiments. Similar results were obtained by Becker et al. (2017), who studied the relationship between cohesion policy and the Brexit referendum results. Their analysis of voting shares and turnout rates in 380 territorial districts in the UK showed that provided EU structural funds have no impact on the decision to remain or not in the EU, despite their initial theoretical prediction that such funds and benefits from EU membership would be important variables.

As previously stated, the second set of studies on this topic uncovered a correlation between EU cohesion policy and the backing of Eurosceptic political parties by voters. However, a closer examination of this group is required, dividing it into subcategories - studies that concentrated on examining the relationship within regions exclusive to one country, and those that incorporated regions from multiple EU member countries into their investigation.

¹ The Chapel Hill expert survey is one of the most commonly used sources for determining the attitudes of political parties in individual EU countries. The survey methodology is based on the principle of selecting experts from countries included in the survey, who are tasked with evaluating the attitudes of political parties not only towards European integration, but also towards specific EU policies such as security, foreign, or cohesion policies. The Chapel Hill questionnaire offers experts the opportunity to assess political parties from the perspective of their overall orientation on the question of European integration on a scale from one, which corresponds to the attitudes of political parties expressing strong opposition to European integration, to seven, which expresses a position "for" European integration.

The first subgroup definitely includes the research of authors Bachtrogler and Oberhofer (2018), who examined the relationship between Euroscepticism and cohesion policy in terms of the effectiveness of cohesion policy on voting behavior. They studied this relationship at the micro level. The aim of their research was in response to previous studies that could not determine the relationship or only estimated an ambiguous effect of EU cohesion policy on the voting shares for the possibility of "leaving the EU" in regions of Great Britain. They consider that the main drawback of these studies is that they only take into account the amount of funds paid out, which is insufficient to explain the perception of EU cohesion policy by European citizens. Therefore, they focused on the presidential elections in France in 2017. They created a case study from these elections, which not only takes into account the amount of expenditure from EU cohesion policy funds but also their effects in the target region as potential determinants for pro-European or Eurosceptic voting behavior. The results of their model reveal a statistically significant negative relationship between the effectiveness of EU funding allocation and the share of votes for Eurosceptic candidate Marine Le Pen. They also found a positive relationship between higher regional income, lower unemployment, and votes cast for pro-European candidate Emmanuel Macron. A similar question was addressed by Grescenzi et al. (2020) in their work entitled "It's not about the money. EU funds, local opportunities, and Euroscepticism". They also criticized the authors of previous works for studying too large, aggregated units without attempting to identify causal factors. They also pointed out that different results within these studies may be due to the omission of more significant local factors that mediate the impact of EU funds on EU electoral support. The subject of their research is the question of under what conditions can EU cohesion policy influence support for the EU. They assume that if the basic motive for Eurosceptic preferences by European citizens is economic hardship, then improving economic conditions in regions that are recipients of funds should improve their perception of European integration and therefore minimize Eurosceptic voices. To address these questions, they used a database of the results of the 2016 British referendum at the constituency level, supplemented by information on socio-economic and demographic conditions and labor market conditions. They used Regression Discontinuity Design (RDD) as a quantitative method, with the treatment group being constituencies in West Wales and The Valley, which represent highly funded regions, and the control group consisting of constituencies in East Wales. The RDD analysis suggests that there is no difference between the groups, meaning that highly funded regions do not differ in their support for remaining in the EU compared to regions that received lower levels of funding. On the contrary, voters were more likely to support remaining in the EU only if EU funding was tied to tangible improvements in local labor markets, such as the creation of new jobs and positive socio-economic transformation of regions. Albanese et al. (2019) also identify the relationship between EU cohesion policy and voter support for Eurosceptic political parties in their work. Based on their results, they conclude that financial transfers from EU regional policy to underdeveloped regions in Italy were able to change the political preferences of local citizens, with a significant decrease in voter support for Eurosceptic parties such as Lega and Cinque Stelle.

Regarding the second subgroup, it should be noted that research on the relationship between EU Cohesion Policy and Euroscepticism is relatively recent and involves a larger sample of regions from different EU member states. As a result, only four studies were identified, which will be discussed in greater detail in the following section. The University of Zurich was the first to attempt to determine the causal effect of redistributing EU funds within Cohesion Policy on improving public attitudes towards European integration and political preferences. The authors recognized the limitations of previous studies in establishing causality between EU transfers and attitudes towards the EU, as well as the potential bias in their estimates due to omitted variables not included in their models, creating a reverse causality problem. To address these issues, they developed a new database using data from the European

Social Survey (ESS), political party data, and records of financial transfers from European institutions. The authors found that financial transfers from the EU have reduced the growth of Eurosceptic attitudes in long-term recipient regions. Increasing the transfer to one person in the region by 1000 euros for the period 2000-2014 decreased the share of Eurosceptic individuals by 8 percentage points and voter support for Eurosceptic political parties by 10 percentage points. However, the authors' use of voter preferences from surveys rather than actual election results is a significant disadvantage, and the sample of 98 regions used in the quantitative RDD method is too small from a regional perspective. Similarly, Schraff (2019) followed a similar approach, using data from the ESS along with information on regional financing for 123 EU regions. In his work, he points out that the probability of voting for Eurosceptic political parties increases and is almost highest in regions where EU funds were insufficiently compensated. According to him, cases of insufficient compensation occur in regions with medium income that are cut off from most financial resources due to the targeted approach of regional policies. At the same time, he also highlights the fact that such situations occur even in the poorest regions, as more developed areas are preferred over poor ones in redistributing financial resources.

Henceroth and Oganesyanyan (2019) brought about a change in the existing research by fulfilling the requirement to expand the analysis to include real election outcomes. By utilizing the latest results from the European Parliament elections, the authors aimed to answer the practical question of whether voters in these elections are willing to reward current governments for directing funds towards their regions. Their findings suggest that EU structural and investment funds have increased to the point where they are beginning to play a role akin to macroeconomic variables such as GDP growth and unemployment, which are known to influence voting behavior. The authors conclude that EU cohesion policy spending has a small but growing influence on voters in European Parliament elections. While the use of real election results is commendable, the study has limitations. The authors only examine two program periods of structural and investment funds, each lasting seven years, whereas European Parliament elections take place every five years. As a result, their analysis has a limited number of observations and lacks flexibility. Moreover, their research exclusively focuses on whether voters in regions reward incumbent political parties for providing structural and investment funds.

We consider Rodriguez-Pose and Dijkstra's (2021) article "Does Cohesion policy reduce EU discontent and Euroscepticism?" to be the most comprehensive and current research on the relationship between cohesion policy and support for Eurosceptic political parties. The study addresses several deficiencies in prior research by including 63,000 electoral districts from 27 EU member states, including the United Kingdom, and using a comprehensive database of election results from the included countries to overcome the limitations of previous research that relied on secondary elections to the EP. The authors differentiate between the three EU cohesion policy funds over various program periods and degrees of Euroscepticism adopted by political parties, ranging from strongly against European integration to moderately opposed. To test their research question, the authors use an OLS model supplemented by an instrumental variable to minimize endogeneity problems. Fertility is used as the instrumental variable since the authors argue that it will influence the economic performance of the region, prosperity, and level of EU cohesion support, assuming that geographic differences in fertility do not affect election results. The authors' conclusion is that investments in regional development through EU cohesion policy have led to a reduction in support for all eurosceptic political parties, regardless of the degree of their euroscepticism.

Discussion

Given the previous section, it can be argued that the relationship between EU cohesion policy and voter support for Eurosceptic political parties remains unclear. The first reason for such a claim is the studies that have been conducted at the regional level of individual countries. Depending on the country selected, a difference in EU support due to the implementation of EU cohesion policy was either found or not found. Differences in the results of individual studies may be due to the chosen quantitative method, as well as other unobserved characteristics. Some studies relied solely on including voter preferences or only results from the European Social Survey, which may not fully reflect reality. Other studies used a small sample of regions, which could lead to insufficient geographic completeness. All these factors could have led to different results in the context of determining the relationship between EU cohesion policy and voter support for Eurosceptic political parties, and the overall picture in this context remains unclear.

Despite the fact that some of the studies we presented have concluded that EU cohesion policy may lead to a decrease in voter support for Eurosceptic political parties, it is necessary to consider whether this relationship is sufficiently strong and reflective of reality. We should not forget about studies that did not identify such a relationship and in fact came to the conclusion of no differences in EU support among citizens, regardless of whether they came from regions that were recipients of higher or lower support from EU cohesion policy funds. The question that arises in this context is: why has EU cohesion policy not been able to stop the growing trend in Eurosceptic voting? Of course, it should be noted that the goal of EU cohesion policy is not to decrease voter support for Eurosceptic political parties. However, as we have already stated in our work, EU cohesion policy can be the best and most viable candidate to combat the growing wave of Euroscepticism, regardless of its stated goal. Just as a reminder, if we assume that the increasing level of dissatisfaction with the EU, along with the growth of Eurosceptic voter voices, is caused by long-term economic and industrial decline in lagging regions, then the investments provided by EU cohesion policy funds could be the solution to this problem. So why can it be, but may not be so? The first and most obvious reason could be the fact that, despite the significant financial resources allocated to lagging regions in EU member states, they may still not provide sufficient compensation to balance out the growing economic and social insecurity. The second factor causing the failure of the EU cohesion policy may be the insufficient or even incorrect estimation of the needs of citizens living in the regions receiving funding. From this perspective, it is possible to view the issue from a human factor, in that citizens of funded regions have unrealistic expectations of the EU cohesion policy and what can be achieved through it, which can significantly contribute to their dissatisfaction with the EU. Another interesting perspective is the level of perception and awareness of EU cohesion policy activities. For example, in the case of the difference between studies conducted on Brexit, where the authors did not identify a relationship between EU cohesion policy and voter support for staying in the EU, despite some regions of Great Britain being recipients of significant investments from EU cohesion policy funds. In comparison to the study by Bachtrögler and Oberhofer (2018), which concluded that the employment growth generated by EU cohesion policy financial resources led to a statistically significant decline in voter support for Eurosceptic candidate Marine Le Pen. The only reason for this difference may be the assumption that French citizens had better awareness and were better informed about the activities and results of EU cohesion policy than British voters, who, despite the implementation of EU cohesion policy, voted to leave the EU. Lastly, it remains to be considered to what extent and whether EU credits are appropriately attributed to the financial resources provided at the national level by individual government officials.

We believe that research on the relationship between EU cohesion policy and Euroscepticism is still in its early stages and there is considerable room for further investigation of this relationship. From our perspective, it would be interesting to link research that attempted

to determine the causal effect of EU cohesion policy on the decline of Eurosceptic support with those that met the requirement of geographic complexity and used a sample of election results from all EU member states. Certain limitations are also found in a closer examination of this relationship in Eastern European countries, which to our best knowledge, has not yet been carried out.

Conclusions

The aim of this literature review was to provide a consolidated overview of existing knowledge regarding the relationship between EU cohesion policy and voter support for Eurosceptic political parties, to identify research gaps, and to suggest recommendations for further studies. We sought to investigate whether a higher level of investment by EU cohesion policy in creating jobs, improving human capital, innovation, quality of life, infrastructure, environment, and other attributes in recipient regions led to a reduction in voter support for Eurosceptic political parties, or whether it was irrelevant or even stimulated such support. We believe that we have achieved this goal. In the literature review, we provided an overview of current research, focusing exclusively on studies that investigated this issue at the regional level of current or former EU member states and drew from the disciplines of regional policy and economics. We divided the available research into two groups. The first group consists of studies that did not identify a relationship between EU cohesion policy and voter support for Eurosceptic political parties. The second group consists of studies that did identify this relationship and is further subdivided according to whether the authors conducted analyses at the regional level of a specific country or took into account a larger sample consisting of regions from multiple EU member states.

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The Evolution of the Property Concept in Roman Law

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ABSTRACT: In primitive times, people used things from the environment to satisfy their basic needs. Initially, things were used to satisfy elementary needs. Later, the production of the three social divisions of labor contributed to the development of society and to the increase of the role those certain categories of objects had in everyday life. Along with this, people became aware of the importance of regulating the control they exercised over these things and the necessity of enshrining the right of ownership. In Roman law, the institution of property crystallized after a long process. This process began in the very Ancient Era, when movable property came under the scope of private property, and land came under the scope of collective property, continued in the Classical Era, when private property manifested itself in several forms, and completed in the Post-Classical Era, with their unification.

KEYWORDS: the collective property of the *gens*, the *quiritary property*, *dominium ex iure quiritium*, *rem in bonis habere*, *possessio vel usufructus*, peregrine ownership, *proprietas*

The Need to Enshrine the Right of Property

In the Primitive Era, people sought to obtain the things necessary to satisfy their primary needs. Practicing certain activities for a long time helped them to understand that those things could be used for other purposes. This fact determined the emergence of new occupations, contributed to increasing the role that things had in the economy and helped people to become aware of the idea of control that they can exercise over them, dominion that manifests itself in the form of property rights.

Among all the peoples of antiquity, the Romans played an important role in the evolution of law. They included property in the category of real rights and considered that this right establishes the greatest power that a person can exercise over a thing (Cătuneanu 1927, 201). The study of the concept of Roman property is of great importance, because Roman Law has lived a millennial life, which allows us to thoroughly study the emergence and evolution of this legal concept, as well as the creation of the most effective models for regulating the control over things that enter a person's patrimony.

In the mentality of the ancient Romans, property was exercised over *res corporales* (Longinescu 1922, 45); initially, they were identified only with movable goods, because only they could be held by hand; later, the production of the first social division of labor, which divided society into shepherds and farmers, and the accumulated experience on the legal level determined the expansion of the scope of *res corporales* also on immovable property. This was also observed by the jurisconsult Gaius, who affirmed that corporeal goods are those that can be touched, such as a fund, a slave, a garment, a piece of gold or silver (*corporales haec sunt, quae tangi possunt, uelut fundus, homo, uestis, aurum, argentum*) (Girard 1890, 193). Even under these conditions, it is curious that the Romans continued to confuse the property right with its object. Fortunately, however, the subsequent evolution of legal ideas determined the inclusion of property in the sphere of subjective rights.

During the existence of Rome, the inhabitants of the Eternal City knew several forms of ownership. Thus, in the Pre-State Era, they knew the primitive forms of property: the collective property of the *gens* and the family property. In Ancient times, they knew the quiritary property and the collective property of the state. In the Classical Era, they knew the quiritary property, the praetorian property, *possessio vel usufructus* and the peregrine ownership. In the Post-

Classical Era, they knew a unique form of property (*dominium*), resulting from the completion of the process of unification of the forms of private property.

Property Forms in the Pre-State Era

In the Pre-State Era, Romans knew two forms of property: the collective property of the gens and the family property. Both forms of ownership were exercised over the land. Their existence was due to the fact that the Romans were in the process of transitioning from gentis to political organization and that the first social division of labor had recently occurred, and this fact had not allowed them to consecrate private ownership of the land.

The collective property of the gens was a form of primitive property that consisted in the control exercised over the land. The existence of this form of property was attested by Varro and Dionis from Halicarnassus (Molcut 2011, 119). Varro wrote several works. One of them, entitled *De lingua latina*, conveys the information that the entire territory of Rome was divided between the three founding tribes: the Latins, the Sabines and the Etruscans. And Dionis of Halicarnassus mentions the existence of this form of property. In his opinion, the land of Rome would have been divided into 30 lots, one for each of the 30 curias. It would seem that the two historians gave us contradictory information. In reality, the two texts do not contradict each other, because they show us the evolution of legal ideas from two different periods.

Family property was another form of property that existed in the Pre-State Era. And this one had the land as its object. Roman legal texts designated it by the term *heredium*, which would translate as a place of house and garden. This form of ownership represents the first control exercised over some immovable property that had gone out of the scope of the collective property of the gens. However, the place of house and garden did not fall under the scope of private property, because *heredium* was not considered *res mancipi* (Georgescu 1936, 325). The place of house and garden was considered as a form of co-ownership, proof that the jurisconsult Paul said about it that it represents, rather, the continuation of an existing property than an actual inheritance (*in suis heredibus evidentius apparet continuationem domini eo rem perducere, ut nulla videatur hereditas fuisse, quasi olim hi domini essent, qui etiam vivo patre quodammodo domini existimantur. Unde etiam filius familias appellatur sicut pater familias, sola nota hac adiecta, per quam distinguitur genitor ab eo qui genitus sit. Itaque post mortem patris non hereditatem percipere videntur, sed magis liberam bonorum administrationem consequuntur. Hac ex causa licet non sint heredes instituti, domini sunt: nec obstat, quod licet eos exheredare, quod et occidere licebat*) (Krueger and Mommsen 1872, 374). This situation lasted until the era of the Law of the Twelve Tables, when the indivision could cease by filing an action to exit the indivision (*haec actio familiae erciscundae proficiscitur e Lege XII Tabularum*) (Girard 1890, 13-14).

Forms of Property in Ancient Times

In the Ancient Era of Law, the Romans knew two types of property: the collective property of the state and the quiritary property. The collective property of the Roman state included the things that were used by all the inhabitants of the state, the lands that entered the *ager publicus*, the treasury and the public slaves.

The quiritary property was the private property exercised by Roman citizens (*quirites*). Quiritary property was exercised by persons who enjoyed *ius commercii* and who had full legal capacity (*patres familiae*). It represented one of the powers that the *pater familias* exercised over things. The Romans included the right of quiritarian property in the category of real rights and designated it with the expression *dominium ex iure quiritium*. Initially, it had only corporeal things as its object, proof that the owner said "*haec res mea est ex iure quiritium*" (Tomulescu 1973, 173). Starting with the era of the Law of the Twelve Tables, when society developed, and

the effects of the first social division of labor became more and more visible, the quiritary property also extended to immovable things (*usus auctoritas fundi biennium est, ceterarum rerum omnium annuus est usus*) (Girard 1924, 274). Against the background of the Roman expansionist policy specific to the end of the Ancient Era, it was also exercised on *ager italicus* (the lands located in Italy), but especially on the lands in the provinces that enjoyed the fiction of *ius italicum* (Hamangiu and Nicolau 2022, 293). This measure contributed to the colonization of the provinces and to the romanization process.

The quiritary property is the first form of Roman property that resembles the private property known to contemporaries. It has a perpetual, exclusive and absolute character (Axente 2020, 251).

Forms of Property in the Classical Era

Roman legal texts from the Classical Era mentioned the existence of four types of property: quiritary property, praetorian property, *possessio vel usufructus* and peregrine ownership.

The quiritary property survived the old era. Even though society developed in the Classical Era, this form of private property continued to be accessible only to Roman citizens and became anachronistic, as it did not allow legal protection of things owned by provincials and pilgrims. This justified the jurisconsult Gaius to state that “someone is either an owner or is not considered an owner” (*aut enim ex iure Quiritium unusquisque dominus erat aut non intellegebatur dominus*) (Popescu 1982, 133). Under these conditions, the ancient Roman conception regarding the exercise of quiritary property was likely to create social instability. In order to prevent such consequences, the praetor and jurisconsults contributed to the flexibility of the forms of ownership of things.

Praetorian property is the possession in good faith exercised by the *accipiens* over a *res mancipi* acquired through *traditio*. This form of ownership was designated by the expression *rem in bonis habere* and appeared towards the end of the Ancient Era, when trade had taken off. It has its origins in the sale by the state of prisoners of war to private individuals. There were many prisoners of war, and the transfer of property to them was done, for easy-to-understand reasons, by simple material remittance or by means of gestures that symbolized handing over the work. Due to the advantages, it presented, this practice also began to be used between individuals, although they were obliged to resort to civil law acts, which, through their excessive formalism, were likely to block commercial transactions (Axente 2022, 242).

In these conditions, some parties, in bad-faith, took advantage of the fact that *traditio* could not be used to acquire *res mancipi*. According to the norms of the Roman Civil Law, ownership of *res mancipi* was acquired through *mancipatio*. That’s why the people who transmitted the things started to use the *rei vindicatio* to challenge in court the use of *traditio* in this hypothesis. Following the initiation of the *rei vindicatio*, the *accipiens* ended up in the unfair situation of being left without the price, but also of being dispossessed of the good acquired in good-faith. To stop this practice, the praetor intervened in favor of the possessor in good faith, to whom he made available two legal procedures: *actio publiciana* și *exceptio rei venditae et traditae*. Thus, the good-faith possession exercised by the *accipiens* was effectively protected; the thing which had been handed down by *traditio* was considered to be *in bonis* and remained in the possession of the praetorian owner; instead, *tradens*, he remained with the *nudum dominium* according to the Law of the Quirits (*sed postea diuisionem accepit dominium, ut alius possit esse ex iure Quiritium dominus, alius in bonis habere*). If the *tradens* tried to dispossess him of the work through a *rei vindicatio*, the *accipiens* had the possibility of invoking *exceptio rei venditae et traditae* (Appleton 1889, 130). If, however, the *accipiens* had been dispossessed of the work, he could regain his possession with the help of the *actio publiciana*.

Therefore, the praetorian property is not a property in the true sense of the word. It is a possession in good-faith, legally protected, which leads to the acquisition of the right of freehold

ownership if the other conditions necessary for the *usucapio* were met. The jurisconsult Gaius states, in this sense, that “*nam si tibi rem mancipi neque mancipauero neque in iure cessero, sed tantum tradidero, in bonis quidem tuis ea res efficitur, ex iure Quiritium uero mea permanebit, donec tu eam possidendo usucapias: semel enim impleta usucapione proinde pleno iure incipit, id est et in bonis et ex iure Quiritium tua res esse, ac si ea mancipata uel in iure cessa esset*” (Girard, 1890, 197).

Possessio vel usufructus consisted in the use that the free people of the provinces exercised over the land. For practical reasons, the Romans left a large part of the conquered land to the inhabitants of the provinces. In this way, the Roman state obtained a triple advantage: the land did not remain unexploited, social conflicts were prevented, and the free people of the provinces paid a tax (*tributum*) in exchange for the use of the land. The use exercised by the provincials over the land presented the features of a real right. In this way, the matter was in the civil circuit; the provincial owner could sit in court, sell the thing, encumber it with duties and pass it on to the heirs through the will as long as he paid the tax by which he recognized the existence of the property that the Roman state exercised over the land. In the Post-Classical Era, provincial ownership merged with quiritary ownership, as quiritary owners began to pay taxes.

The peregrine ownership was that form of control that the peregrines exercised over movable things and over buildings. It did not have the land as its object, because it was included in the scope of the quiritary or *possessio vel usufructus*. This form of rule was created for practical reasons. The Peregrines were the main trading partners of the Romans; they did not have access to the norms of Civil Law and could not be owners of the quiritary property. As a consequence, the control they exercised over some assets could not be protected with the help of legal acts of Civil Law. In order to ensure order in society and the safety of transactions with the pilgrims, the Romans recognized them a distinct property right, which was protected by an action created according to the model of the *rei vindicatio*. This form of ownership survived until 212, when Caracalla granted Roman citizenship to almost all freemen in the provinces.

Property in the Post-classical Era

In the Post-Classical Era, the process of unification of private property was completed. The unification of the legal regime of property began towards the end of the Classical Era when the peregrine ownership and the *possessio vel usufructus* disappeared, continued in the Post-Classical Era, when the *possessio vel usufructus* merged with the quiritary and was completed in the time of the emperor Justinian, who created a new form of property, *proprietas* (Tudor 1982, 276), resulting from the unification of quiritary and praetorian property.

Conclusions

The Romans had a master mentality. This mentality was perfectly reflected in the way they enshrined the right to private property. The evolution of this concept began in the very old era, when the object of property ownership was movable property, and the land was the object of collective property. The subsequent development of society determined the expansion of the scope of private property and the creation of several forms of private property, which would ensure the exercise of ownership of goods by the different categories of people existing in Roman society. The evolution of the concept of private property ends in the Post-Classical Era, with the completion of the romanization process and the unification of the forms of private property.

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Cacophony of Bleats: Insider's Response to Sustainability of Private Universities in Nigeria

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ABSTRACT: An unprecedented number of new private universities were chartered in 2021 (20) and 2022 (12), bringing the total number to 111 which have been issued operating licenses since 1999 when the first four were registered. This act of proliferation (massification) has brought to the fore the raging issue about the sustainability of private universities in Nigeria. This growing concern formed a larger part of the theme of the summit on the sustainability of private universities in Africa organized a little over a decade ago (2012) by the Association of African Universities (AAU) in collaboration with the African Union (AU) in Addis Ababa, Ethiopia. Using an insider perspective, this paper tries to explore how government excessive consideration of the need to create access to higher education for young applicants and subtle regional balancing created a cacophony of bleats as the universities grapple with insufficiency of critical infrastructure (finances, equipment and human resources) with which to deliver on quality assurance. This paper discusses how the universities adopt survivalist strategies and the impact on late entrants to the circle vis-à-vis knowledge production, societal relevance, and innovation. It recommends a moratorium on further charter of more private universities and a consolidation of the existing ones.

KEYWORDS: Private universities, Quality assurance, Access, Proliferation, Massification, Sustainability

Introduction

The issue of sustainability of private higher education institutions, especially universities, has been subject of concern to proprietors and other categories of stakeholders including regulatory agencies, national policy makers, Association of African Universities (AAU) and the regional governments' body, the African Union (AU). A policy meeting on the sustainability of private universities was organized by the AAU and the AU in Addis Ababa, Ethiopia in 2012. This has been followed by the various editions of the African Centers of Excellence projects funded by the World Bank to transform higher education into a sustainable enterprise and a critical unit of societal development.

In Nigeria, in particular, sustainability has been a main issue as previous efforts to allow private initiative in higher education were unsuccessful until 1999 when the federal government, through the Federal Ministry of Education approved the charter of the first four private universities. Out of these four only three (Babcock University, Igbinedion University and Madonna University) formally took off. The fourth one, Heritage University did not take off. Each of these three was located in the three geopolitical zones of the south (south-west, south-south and south-east respectively). Nigeria has six geopolitical zones, meaning that the three other zones in the North (north-west, north-central, and north-east had none at take-off. Heritage University, the only one that was approved for take-off in the North-west geopolitical zone did not take-off).

About twenty years after the first three private universities took off (1999-2019), a substantial number of 79 private universities had been chartered. The main issue around the establishment of these private universities is the question of lack of access by numerous applicants who are desirous of higher education opportunities in the universities owned by the federal and state governments, but could not gain access due to low enrollment capacity. Of course, there are other pertinent issues as time goes by with the increase in the numbers of registered private universities. A few of these important issues include:

The critical issue of funding vis-à-vis sustainability. It was discovered that a number of the established private universities do not have enough capital votes to set up required

infrastructure that can guarantee that adequate learning is taking place. The initial capital outlay of N200 million required by intending proprietors soon became insufficient with gradual devaluation of the naira within the context of a pressurized global finance system. The Nigerian currency that was less than N50 to \$1 at the take-off years is currently N460 to \$1 at the government rate or as much as N760 to \$1 at the parallel market.

Then, there is the attendant issue of quality assurance (Erinosho, Aina, Okhomina, and Temilola 2007, 1) of the course offerings and unacceptable status of campus facilities leading to aberrant behaviors (Aina 2002, 1). Where finances have become hydra headed problem, it was logical that quality would be compromised as the universities grapple with inability to acquire needed equipment to guarantee effective teaching and laboratory works by the sciences. These universities were unable to attract high quality personnel as many of them became financially unstable and a few owing salary arrears to staff and faculty. The outcome of this is the continued low labor productivity in Africa due to poor educational quality (Oyelaran-Oyeyinka 2020, 7)

There are also corporate governance issues in human resources management. Some of the proprietors of the universities resort to sharp practices in appointment and human resources management. It is common to see principal officers of the universities appointed from family members and friends of the proprietors rather than based on global best practices of competency and capacity.

The worst case scenario is the *massification* of private higher institutions, especially universities in response to political expediency of regional balancing. Like they do with the establishment of government owned universities, conscious efforts are now made to establish or approve private universities based on unacceptable regional balancing sentiments. This policy inconsistency (Joseph 2019, 2), (Aina, Nwogwugwu, Joseph, 2019, 28) has been pursued with reckless abandon in the last two years, 2021 and 2022. This act has become part of the overall practice of a thieving vampires and insensitive elite corps who exhibits perfunctory commitment to corporate good (Mimiko 2010, 46), (Adebanwi 2012, 12), and (Aina 2016, 5). In the end, the youth feel marginalized, manipulated, and used (Efuntade 2021, 36), (Efuntade and Aina, 2019, 67). Given such an outlook as this, we face a generation of students for whom much in life has lost its meaning, for whom education may have lost its attraction (Aina 2005, 192).

Statement of the problem

The charter of private universities has been a deliberate response of government to the critical question of inadequate access of eligible candidates who are interested in university education. This is occasioned by the low enrolment capacity by government owned universities and their inability to absorb the surging numbers of applicants. While the first two decades (1999-2019) in Nigeria saw the registration of 79 private universities, the last two years (2021-2022) witnessed a dramatic turn of event with an unprecedented *massification* of private universities with 32 new ones chartered without a corresponding justification for adequacy of manpower and finances required to run these institutions. The obvious introduction of regional representation into the approval process and attendant *mushrooming* has now raised the question of sustainability to the level of a red alert. This gap in policy consciousness and the ridiculous outcomes on quality assurance is what this paper attempts to fill by giving an insider's perspective to the growing concern about the future of private universities. The insider's perspective is a view of a practitioner, who was not only a pioneer staff of one of the first three private universities, but one who has served as pioneer/foundation President/Vice Chancellor (CEO) of one of the universities (Adeleke University: 2011-2013); third substantive President/Vice Chancellor of another (Caleb University: 2016-2019). He currently serves as Provost of the college of postgraduate studies in one that is arguably the most influential, Babcock University, 2020-2023.

Categories of Founders or donors and philosophy of education

There are four broad categories of founders of private universities in Nigeria. These can be highlighted as follows:

1. Church/religious institutions owned or funded ones like Babcock, Bowen, Covenant, Al-Hikmah, Fountain and Crawford universities.
2. Individual philanthropists' owned or funded universities like Lead City, Igbinedion, Afe Babalola, Bells and American University of Yola.
3. Individual philanthropists-church/mosque inspired or funded universities like Adeleke, Crescent, Caleb universities.
4. Foreign interests' collaborators funded universities like Turkish-Nile University, and American University, Yola.

For the church/religious institutions funded universities, the philosophy of education seem to see education as part of the redemption goal of the missionary institutions (Aina 2006, 18). For them, to educate is to redeem (*educat et redemi*). The religious institutions-funded universities claim that they engage in wholistic education involving training of the hands, the heads and the mind (Aina 2005, 195). It is their assumption the moral and character basis of educational objective are sacrosanct in a society where morality is looking southward or as Segun Ayobolu (2023, np) puts it, part of the “decay of values which heightened state fragility and developmental degeneracy”.

The philosophical focus of the individual philanthropists funded institution is slightly different. For this group, education is perceived as a form of philanthropy. It could also assume as it were, a form of status symbol, a sign of affluence. Some of the promoters of these institutions see the setting up of the universities as platform for building social capital as the universities somehow contribute to social economic transformation of the rural communities where they are located. The individual philanthropists-religious bodies' inspired universities share similar objectives as the one just explained above. Education is both a philanthropic gesture and a source of social capital networking and net worth.

Lastly, the foreign interest collaborators funded universities perceive education as a tool for cultural exchange and a means of livelihood for the practitioners or investors.

The political economy of setting up private universities

Chapter II of the 1999 Constitution of the Federal Republic of Nigeria deals with the Fundamental Objectives and Direct Principles of State Policy. It makes it the duty and responsibility of government to “conform to, observe and apply... (its)...provisions” (Constitution of the Federal Republic of Nigeria 1999, 11). Article 18 says “Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels”. Education therefore should be seen as public good. This means government ought to strive to ensure no citizen is left without level plain field in the legitimate pursuit of education and self-development.

The political economy of setting up private universities seems to have highlighted the government as not placing education as priority. While the government embarked on *massification* of private universities on the one hand, it displayed utter neglect to the funding and sustainability of the publicly owned universities. In the end, the private universities that are supposed to be complimentary to the public ones then wear the toga of the alternative or substitution to state owned universities and colleges. While government owned universities languish in total neglect, the private ones were experiencing patronage by those who can afford their fees.

With attention almost significantly shifted to the private universities, especially the ones that are doing well, the tendency to grant licenses became very attractive and the idea of regional balancing set in. The figure below collated from the Monday Bulletin of the National

Universities Commission (NUC), the agency of the federal ministry of education saddled with the responsibility of licensing universities indicated an incredible imbalance in favor of three southern geopolitical zones as against those of the three northern geopolitical zones in the first two decades as extracted from the NUC Bulletin of March 20, 2023:

Private universities as instruments of regional balancing:

- South West (1999-2019) 39.
- South East (1999-2019) 14.
- South South (1999-2019) 13.
- North Central (1999-2019) 09.
- North West (1999-2019) 03.
- North East (1999-2019) 01.
- Total: 79

The south west geopolitical zone was host to about 50% in the first 20 years while the entire south accounted for about 84% for same period, and the entire north accounted for just a little above 15%. The reasons are not far-fetched: the influence of Christianity and western education was more predominant in the southern states than those of the north where emphasis was mainly on Islamic education; also the legacies of colonialism left the southern states to be more educationally advantaged over the north.

Cacophony of bleats

To address this seeming regional imbalance, 32 private universities were approved in 2021 and 2022 representing about 29% of the number approved since 1999 (or in 22 years). Of the 32 private universities approved in 2021 and 2022, the North accounted for 68.8% while only 31% was approved for the entire South. In just two years (2021 and 2022) the demography of private intervention saw the dominance of the South West reduced to 40%; the entire south now stands at 68.5%. while the North moved from 14% to 31.5%. This cacophony of bleats portends danger for quality assurance as the basic tenets of human and physical infrastructure seem to be in short supply, thereby creating undue pressure bothering on sustainability. Some universities stated with two or three professorial members, who often times are the aging personnel who for some years have disengaged or retired from active service.

The marginal increment in the number of private universities in the three geopolitical zones of the north however did not positively affect the north east geopolitical zone. The zone with all the efforts at mushrooming had only three out of 111 private universities nation-wide, and out of 35 in the entire North. The various approvals for the two years and the previous figures of each geopolitical zones extracted from the Monday Bulletin (NUC Bulletin, March 20, 2023) can be presented as below:

- South West (1999-2019) 39+2 =41.
- South East (1999-2019) 14 +3 =17
- South South (1999-2019) 13 + 5 =18
- North Central (1999-2019) 09 + 11=20
- North West (1999-2019) 03 + 09=12
- North East (1999-2019) 01 + 02 = 03

Donors and founders interventionist models

The mushrooming and *massification* of private universities have left the higher education sector in Nigeria gasping for breadth in the area of adequate infrastructure financing and human capital development. Research and development have therefore taken the back seat in a good number of the private universities with efforts largely concentrated at getting manpower to cater for teaching. In the process, and as a result of this growing concern which partly has become an African

regional issues as private universities in other African countries suffer similar challenge, various efforts are being collated to address the malaise.

In 2012, the Association of African Universities (AAU) in collaboration with the African Union (AU) organized a summit on sustainability of private universities in Africa. At that conference and in most other meetings by concerned stakeholders in Namibia, Cote D'Ivoire, Senegal, Cameroon and Nigeria, a number of funding sources were highlighted to address the challenge of sustainability created by the chartered of many private universities. Some of these are summarized below:

1. Proprietor/promoter grants: It is envisaged that promoters of private universities should consider substantial grants.
2. School fees: Private universities apart from the promoters' grants which are largely for capital development should charge tuition and fees that can take care of overhead or running costs.
3. Short term and long term bank facilities: Those facing critical survival threats have had to resort to short term bank facilities to augment operating costs while they access long term credit facilities for capital (infrastructure) development.
4. Development of capital campaigns and advancement: Most of the early starters have had to embark of donor funding drive, research grant writing to international agencies and the yet to be resolved debate on the need for the federal government to accommodate private universities under the state tax accruable fund code named: Tertiary Education Fund (TETFUND).

Challenges facing sustainability discourse

Higher education in general and private higher education in particular in Nigeria are experiencing huge challenges that are existential. Private universities, wrongly perceived as profit making by entities in and out of government face a number of challenges:

1. There is the challenge of hostile/volatile operating economic environment. Components of hostile operating environment include the forex regime that is south bound and spiraling inflation. Additionally, some private universities come under the harassment of state tax authorities who insist certain taxes that are supposed to be meant for profit making organizations are also paid by private universities.
2. Related to the volatile operating environment is the unstable operating cost. The cost of power generation has become almost a death knell on private and public universities. Power generation is central to academic activities, research and development.
3. Perhaps the most devastating of late is the crisis of manpower or acute human resources in the nation with exodus to Europe, Asia and the Americas by few qualified hands in a move that has been nick-named as *japa* syndrome.
4. Added to the crisis in the private universities is the industrial action by Academic Staff Union of Universities (ASUU). This has negatively affected some private universities as areas of collaboration with public universities whose staff are on long industrial action (the latest industrial action in year 2022 lasted eight months) suffer fatal neglect. A good instance is the problem of resource sharing by those who run medical programs and have joint clinical rotation with the public institutions.
5. Still on manpower issue is the cost of training additional manpower in and out of Nigeria.

Recommendations

The sustainability issues confronting private universities in Nigeria are not insurmountable. The first task is to ensure that the universities develop realistic strategic plans. The strategic plan should ensure minimum of five years to be devoted to massive infrastructure support by the

promoters of such institutions while management set up operations funding flow from enrolment fees and donor cum grant seeking ventures.

The strategic plan to be developed should clearly highlight program development schedule. Programs or course of studies when haphazardly added is a sign of desperation and inadequate or realistic strategic plans. Experience shows that some private universities commissioned people who instead of developing a strategic plan that fits purpose merely reproduce or copy those of existing universities.

There should also be a structure development of funding sources and partnerships with private subscribers and promoters. Struggling private universities should give strong considerations to widening its ownership base to integrate additional promoters who can subscribe to the vision. The system should encourage those struggling to survive to allow additional investors to come in within agreed equity participation.

The federal government of Nigeria should urgently consider the integration of private universities into national TETFUND program for research grant and ICT infrastructure funding. The promoters of private universities are not calling on government to help them pay salaries or defray overhead but to assist staff and students of private universities to access funds for research and development. If the outcome of the research and development is in the overall interest of the nation or humanity, there is no justification that should exclude those in the private sector from being listed as potential beneficiary on a competitive basis.

The government should make real the mentorship scheme that allow deliberate institutional support of private universities by older universities in the areas of manpower development and institutional consolidation.

In view of the challenges of quality assurance, a moratorium on further charter of new private universities should come into effect for minimum of five years to allow the agencies of government saddled with the responsibilities recalibrate its charter instrument and consolidate on monitoring of those struggling to survive.

Conclusion

Sustainability has become a major issue among stakeholders of private universities in Nigeria. This is due partly to the indiscriminate licensing of more private universities at a time that when even the ones established in two decades are still struggling to find fit, and at a time that in the operating environment that has become so increasingly hostile. This has implications for regulatory agencies, the government, as well as the promoters, employees, and students. Funding has dwindled, so is human resources as well as basic infrastructure that are supposed to guarantee effective delivery of teaching and research. Many coping strategies have been developed by stakeholders but a lot still need to be done to stabilize and sustain private investment in higher education at the university level. This includes, but is not limited to arresting the mushrooming of private universities under the guise of providing access and creative ways of funding university operations and capital needs.

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Jokes – Legally Speaking (Part two)

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ABSTRACT: Continuing the legal research on jokes, this article outlines how jokes, satire and sarcasm – all forms of discrepancy between appearance and essence – may affect the validity of contracts; also, the research follows the civil legal implications of making jokes or pranks on someone focusing on the liability that stems from law. Jokes, satire and sarcasm are, most of the times, taken lightly but nevertheless, if certain conditions are met, they can produce legal consequences everyone must be aware of.

KEYWORDS: jokes, pranks, *jocandi causa*, null contracts

1. Joking – a contractual perspective

There has always been a strong correlation between the level of economic development of a country and the frequency contracts are being concluded; the contract of sale, stemming from a perfected contract of exchange, represents one of the pillars of a healthy market economy since ancient human times. (Rosetti-Balanescu and Baicoianu 1943, 277)

The law must provide versatile juridical atoms that make an efficient legal system for the ever growing and developing free market. This was the premise for Romania’s new legal framework renewal of the Civil Code (entered into force 2012), Civil Procedural Code (entered into force 2013), Criminal Code (entered into force 2014) and Criminal Procedural Code (entered into force 2014).

The adoption of the new Civil Code represented a change in the way Private Law was set up: the old system of autonomy of civil and commercial field has been abandoned, and the unified theory of private law was embraced. This was a change long overdue, considering the old Civil Code was adopted in 1864, in a time where contracts, compared to today’s standards, were scarcely concluded.

The theory of Romanian contract law, borrowing from the French definition for contract (Art. 1101 of the new French Civil Code or Art. 1001 of the old French Civil Code), starts from the premise that a meeting of free wills is enough for it to be considered a contract; of course there are some exceptions where the law stipulates certain obligations especially regarding form in order for said contract to produce effects – for example, the transfer of immovable property operates in the Land Registry held by the National Agency of Cadaster and Land Registry based on a solemn deed, perfected by the public notary or, in the case of usucapion, a judge’s formal ruling; thus, a verbal contract will not produce the effect of property transfer in this case.

Having in mind the legal compulsion for a free will to manifest itself with the intention of producing legally binding effects, a question arises as to what happens if an agreement does not meet these standards: Is a contract valid if a subject accepts or makes an offer jokingly?

The answer to this question proves great implications on the very stability of transactions. The reason for the application of the *pacta sunt servanda* principle, that promotes the obligation of the word given by the parties to the contract, is to avoid the conclusion of *jocandi causa* contracts, as well as to guarantee the security of legal relations, in the sense that it does not allow the modification of the binding relations without obtaining the consent of the other party (High Court of Cassation and Justice of Romania 2013, 6).

A subject's will expressed to conclude a contract may be analyzed by two separate aspects: an internal process represented by the intellectual operation, and an external element represented by the manifestation of the psychological process (Buffelan-Lannore and Larribau-Terneyre 2010, 254). It may be concluded that juridical will is composed of: a) consent; and b) cause, or the purpose for which the contract was agreed.

According to Art. 1169 of the Civil Code, the only restrictions pertaining to contracts are the limitations imposed by the law, public order and the principles of morality; thus, having in mind these limitations, the parties may agree upon any contract, having the liberty of establishing the content of their clauses. (Boroi and Anghelescu 2012, 134)

Coming back to what joking represents and how it can interact with contracts we found three distinct situations where facetiousness affects the very validity of a contract: a) *jocandi causa* – for when a person enters an agreement without the seriousness intended for the parties to be legally binded; b) an impossible or exaggerated object of an obligation; or c) impossible condition.

The study of juridical will under different jurisdictions offers us different approaches to the preference of the internal (real) will or external will when establishing the validity of a contract. The Romanian Civil Code, like the French Civil Code, is partial to the real will principle, where the German Civil Code, like most Civil Codes under Islamic law, prefer the objective conception that grants preference to the declared will.

According to the definition of a contract offered by the Romanian Civil Code, an important element of a valid contract is that consent must be expressed with the intent to produce juridical effects (*animo contrahendi negotii*).

Among the situations when consent is not given with the intent to produce legal effects are as follows: the will is expressed too vaguely; it was made with *reservatio mentalis* and the other party knows; purely potestative suspensive condition of the debtor, meaning a condition whose realization depends exclusively on the will of the debtor; and lastly, the will has been expressed out of friendship, curtesy, or in jest (*jocandi causa*).

According to Art. 1235 Civil Code, the cause of a juridical act is the reason that determined each party to enter the agreement, thus the obligation is nothing more than a means through which their goals are reached. In order for the contract's cause to be valid it must exist; it must be lawful and it must be in accordance with good morals (Ciochină 2019, 50-51). The classical example of lack of cause is lack of discernment due to the subject's inaptitude to adumbrate the contracts' consequences. In our opinion, there is, however, another situation where we find lack of reason to contract even though a manifestation in the sense of contracting has been expressed: an agreement expressed in jest.

Jocandi causa represents a distortion of the juridical will that affects the validity of the contract. As mentioned before, juridical will is composed of consent and cause. Entering a contract jokingly affects both a) consent, because according to Art. 1204 Civil Code, it must be *serious*, free and expressed wittingly; and b) the cause of the contract, because the purpose of the contract doesn't exist, it doesn't respond to any envisioned economical need.

The sanction for *jocandi causa* is relative annullability of the contract, but we must keep in mind that a contract is available even though the cause is not expressly mentioned, the existence of which is being presumed until contrary evidence (Art. 1238-1239 Civil Code). Thus, the burden of proof for the joking manner in which a person expressed it will lie upon the said person.

In countries where the subjective theory of the manifested will prevailed, we can see the importance of the validity of the contract's cause; however, some countries that prefer dynamic security of the civil circuit, opted for the objective theory which gave precedence to the declared will. The later theory typical is represented by the German school of thought having in mind that the law governing contracts is interested in the externalization of wills, and not so much on the psychological aspect of contract formation (Bechor 2007, 272).

Saleh (1990, 107) stated in his study on Islamic and Arab contracts: “What can be inferred [...] is that a contract is formed by the conjunction of two concordant declarations of will which either has an immediate effect on the object or objects *in rem* related to their accord or generates an obligation whose performance is deferred to a later stage”.

Traditional Islam school of law offers two different approaches to contract formation: Hanaffi school of law had a great influence in Jordan, where the Civil Code adopted the overt will theory; whereas in Kuwait, for example, the Civil Code follows the Malaki teachings that promote inner will. (Saleh 1990, 110)

Title 3 of the German Civil Code, entitled “*Vertrag*” does not offer a definition for contracts, nor declaration of will; it does, however, prescribe in section 118 that a declaration of intent not seriously intended which is made in the expectation that its lack of serious intention will not be misunderstood is void (Zimmermann 2006). There is also an area of contract law where cause, or consideration as it is known in Common law systems, is not important: in matters of commercial contracts.

According to Art. 3.1.2. of UNIDROIT Principles of International Commercial Contracts 2016, a contract is concluded, modified or terminated by the mere agreement of the parties, without any further requirement, limiting the possibility of *jocandi causa* contracts. Thus, taking into account that in commercial matters there can be no jest, between professionals, UNIDROIT extends the dispensation of cause in all commercial contracts; the Vienna Convention on International Sales of Goods stipulates in a similar manner, but Art. 29(1) of CISG only applies to international contracts on sale of goods. (Bobei 2016, 99-100)

Moving on, another way in which a contract may be manipulated jokingly on the expense of a co-contractor is through an exaggerated and impossible object of a contractual obligation. Of course, there can't be talks of punitive damages based on non-compliance in a contract where one party assumes the obligation of bringing the moon to the other (Alexandresco 1898, 110). The object of an obligation, be it a good or an action or abstention from an action, must exist, or the least it must be physically or legally possible. Under the sanction of absolute nullity, Art. 1226 par. 2 imposes the object of the obligation to be determined or at least determinable and lawful. The object of the assumed obligation may take two forms: either the transfer of a right to the creditor or a performance from the debtor. Any material implausibility in determining the object of the obligation makes the contract objectless thus null (*impossibilium nulla est obligatio*) (Afrasinei et al. 2012, 489-490). Not far from the ludicrousness of the previous situation is the premise of an impossible condition.

According to Art. 1402 Civil Code, the condition that is impossible, unlawful and against principles of morals it is considered unwritten, unless the condition represents the cause of the contract, when the sanction is absolute nullity. In the old Civil Code, Art. 1009 provided that the condition of not doing something impossible doesn't make the obligation contracted in such modality to be null; it is an interpretation that holds under the new Civil Code. An impossible condition of an obligation may have material or juridical limitations which make it impossible to perform. Thus is the contract in which a person promises to donate an apartment to the someone under the condition of receiving information telepathically. (Costin and Costin 2010)

2. Joking – a juridically significant fact

After analyzing jokes in the context of contracts, now we must focus on jokes, satire and pranks as juridical facts that produce legal effects. The difference between contracts and juridical facts is that, even though both are sources of rights and obligations, a contract generates them through common will while a juridical fact generates rights and obligations by the power of law, without the consenting will of the performer (Dogaru and Draghici 2009, 202).

Juridically significant facts consist of behavior or events to which legislation attaches legal consequences. Juridical events are circumstances produced independently from the will of a subject and sometimes even from their perception or knowledge (like thunder, passing of time or actions out of negligence or imprudence). A human behavior, unlike juridical events, are human voluntary deeds to which the law binds certain juridical effects even though the subject did not intend for those effects to be created. They may be lawful (eg. *negotiorum gestio*, unowed payment, unjust enrichment) and unlawful (civil delict). Jokes and pranks are often sources of prejudice and sorrow, making the subject entitled to reparations.

The right to dignity is a social value that in Romania has Constitutional protection. Art. 30 par. 5 states that freedom of expression cannot prejudice the dignity, honor, private life of the person, nor the right to one's own image. Also, according to Art. 1349 par. 1 Civil Code, every person has the duty to respect the rules of conduct imposed by the law or local custom and not to harm, through his actions or inactions, the rights or legitimate interests of other people. Whoever, having discernment, violates this duty is responsible for all the damages caused, being obliged to repair them in full.

In a surprisingly manner, it has been noticed that on the level of the European Convention on Human Rights there is a surprising textual absence of the word “dignity”, even though through jurisprudence the European Court of Human Rights sought to fill the gaps (Costa 2014, 401).

ECtHR made a strong correlation between “dignity” and degrading conduct: it was held that degrading treatment happened “the applicant was subjected to a strip search in an inappropriate manner, such as the making of humiliating remarks (Iwańczuk v. Poland, 2001, § 59; see also Valašinas v. Lithuania, 2001, § 117 where the applicant was stripped naked in front of a female prison officer and prison guards examined his sexual organs as well as the food he had received without gloves” (ECtHR Registry 2022, 10). Of course, protecting dignity must not become pretext for restriction of rights of individuals to free speech (Fikfak and Izvorova 2022, 24). A delictual civil liability case may be brought to court against a person that made jokes in poor taste that affected the reputation or dignity of a subject, or pranks that caused prejudice.

Harm is an essential element of delictual civil liability; lack of harm does not give rise to juridical action. The negative effect of one’s deed might take material or moral form and it needs to be established a direct causal relationship.

The prejudice caused by joking and pranking we may find in two natures: patrimonial prejudice and nonpatrimonial prejudice. Patrimonial prejudice may refer to damages suffered that can readily be economically evaluated like the destruction of a good; nonpatrimonial prejudice can’t be easily evaluated in money and usually imply infringements on honor, reputation or dignity. The damages sought for the later are called moral damages.

In a recent case, Cluj-Napoca Court, Romania, offered a teacher moral damages equivalent to 6.000 Eur (30.000 lei) to be paid by the parents of two 7th grade students for making fun by editing pictures of the teacher and creating a Facebook page in her name where similar pictures were uploaded, all in a manner that affected her honor and reputation.

3. Conclusions

Jokes and pranks, seen as juridical facts, in certain cases can be a source of great sorrow. The Bible, in Ephesians 5: 3-4, addresses the issue of joking stating: “Let no dirty words be heard, nor rash words, nor bad jokes, which are not proper; but rather words of thanks”. In a similar manner, Islam teachings touch on jokes and pranks: a) making fun of Islam is forbidden; b) the jokes should be truthful; c) pranking people by scaring them or making fun of them is forbidden; d) excessive and persistent joking is also forbidden.

Joking in contracts can have different outcomes: the absolute nullity of a contract/obligation, relative nullity of a contract/obligation, reinterpretation of the affected contract/obligation. Art. 1266 Civil Code states that contracts shall be interpreted through the concordant will of the parties and not through the literal sense of the terms. Thus, a contract to borrow money where the lender states he wants the money back “when pigs fly,” is obviously not valid as a lending contract but it may be considered a donation. Even though we usually treat humor lightly, not every time the liability waiver “it’s just a joke!” protects us from civil juridical repercussions, be it concerning contracts or our actions.

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Autonomy of the Person with Disabilities in Romania

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ABSTRACT: The topic "Autonomy of the person with disabilities in Romania" aimed to investigate the level of autonomy of people with disabilities in Romania, as well as the factors influencing this autonomy. The study is important to identify the needs of these people and to help develop policies and programmes that support their autonomy and social inclusion. The results of the research showed that people with disabilities in Romania have low autonomy, influenced by factors such as limited access to care and support services, stigma and discrimination. Therefore, it is necessary for authorities and society in general to pay more attention and provide support to ensure that people with disabilities have access to the necessary resources and benefit from their rights to develop their autonomy.

KEYWORDS: disability, autonomy, person, physical impairment, mental impairment, discrimination, protection

1. Introduction

Autonomy and disability are two important concepts that are interlinked but at the same time different. Autonomy refers to a person's ability to make decisions and control their own life without being influenced or controlled by others. Autonomy is essential for an independent and fulfilling life. People with high autonomy are able to organize their lives according to their own needs, make decisions that protect their interests and act according to their own values and goals.

Disability refers to a physical or mental limitation that prevents a person from carrying out everyday activities or participating in social life in a normal way. Disability can be caused by a variety of conditions, including physical or mental illness, disease or trauma.

In the Romanian context, autonomy and disability are important and debated topics. Unfortunately, people with disabilities often face discrimination and limited access to the resources needed to ensure their autonomy. In addition, the social and health care system in Romania is often insufficient, making life difficult for people with disabilities and their families. However, there are initiatives that encourage autonomy and support people with disabilities. Several non-governmental organizations and patient associations are fighting for the rights of people with disabilities and promoting access to services and resources. In addition, there are government programmes that provide financial support and medical care for people with disabilities.

In conclusion, autonomy and disability are important and relevant topics in the Romanian context. It is important to promote autonomy and ensure access to resources for people with disabilities so that they can live an independent and fulfilling life (Rotaru 2016, 29-43).

2. Description of the gradual mechanisms of protection for people with disabilities

In Romania, there are graduated care mechanisms for people with disabilities, which are applied according to the degree of disability of the person. These mechanisms are:

- Evaluation and certification of the degree of disability - this evaluation is carried out by a medical specialist, the disability degree certificate establishes the degree of

disability and the type of disability, which allows the establishment of specific support measures for people with disabilities (cf. art. 74 Law no. 448/2006).

- Social assistance - this measure is available for people with mild and moderate disabilities who need support to ensure their independence. Social assistance includes services such as personal care, transport, care at home or in day centers.
- Social protection - this measure is available for people with severe disabilities who require permanent care and specialist support. Social protection includes care in specialized centres and specialized medical and therapeutic services.
- Social and professional integration - this measure is available for people with disabilities who can be integrated into society and who want to find a job. For these people, there are training and vocational integration programmes as well as sheltered employment (cf. art. 74 Law 448/2006).

In general, disability support mechanisms are designed to provide appropriate support according to the person's degree of disability to ensure that they have access to quality services and can fully exercise their rights.

2. Legal aspects of autonomy for people with disabilities in Romania

In Romania, the autonomy of people with disabilities is protected by law through Law 448/2006 on the protection and promotion of the rights of people with disabilities. This law states that people with disabilities have the right to independent living and active participation in society (art.1 law 448/2006).

Also, under Law 448/2006, the Romanian state is obliged to provide support and assistance services for people with disabilities so that they can live independently and participate in social life. These services include, among others, home care services, occupational therapy, physiotherapy, but also accessibility of public buildings and spaces (art.6 Law 448/2006).

In addition, in 2018, Law No 59/2018 on ensuring accessibility of information and communication in the public sector for people with disabilities was adopted, which obliges public institutions to provide accessible information for people with disabilities. However, in practice, there are still issues regarding accessibility of public spaces, discrimination in the workplace and access to health services, the right to marriage and education. It is therefore important to continue efforts to ensure real autonomy and equal opportunities for people with disabilities in Romania.

In Romania, people with intellectual or psychosocial disabilities were not allowed to marry, divorce, be parents, adopt children and could not access a bank loan, there are still problems with the accessibility of public spaces, discrimination in the workplace and access to health and education services. It is therefore important to continue efforts to ensure real autonomy and equal opportunities for people with disabilities in Romania. Under the law, many of these people have been banned by the courts (Romanian Government 2021).

Despite the existence of a legal framework, people with disabilities in Romania still face a number of problems in terms of autonomy. These problems include lack of access to quality services, discrimination in professional and social life and recognition. In addition, there are not enough vocational training programmes for people with disabilities, nor adequate measures to encourage their employment.

Romania has made significant progress in protecting the rights and promoting the autonomy of people with disabilities, but further efforts are still needed to ensure their equal participation in all areas of life.

3. Autonomy of the disabled person in family relationships

The autonomy of people with disabilities in family relationships is an important issue as it can influence the quality of life of people with disabilities and their ability to develop and fulfil their potential.

Firstly, it is important to understand that people with disabilities have the same need for autonomy as other members of society. Autonomy implies the ability to make decisions and manage their own lives. In the case of people with disabilities, this may be hampered by certain physical or cognitive limitations, but these limitations should not be imposed as inaccessible barriers to them making decisions and taking control of their lives.

To support the autonomy of people with disabilities in family relationships, it is important that they are involved in decisions that affect their lives and are given resources and support to develop self-management skills. This can include access to health care services and therapy, as well as support to develop social and communication skills.

It is also important that families recognize and respect the needs and wishes of people with disabilities and encourage them to pursue their own interests and develop their own talents and abilities. In this way, people with disabilities can become more independent and more able to take responsibility and lead their lives in a positive and productive way.

The autonomy of people with disabilities in family relationships can be supported and supported in some aspects of their lives such as:

- Encouraging autonomy in daily activities: families can encourage autonomy by encouraging children to carry out daily tasks and make small decisions, such as choosing clothes or dinner menus. This can be more difficult in the case of severe disabilities, but encouragement in this way can be very important for developing independence and self-confidence.
- Developing communication skills: communication is essential for autonomy. The family can help develop communication skills by encouraging the person with a disability to express their opinions and negotiate with other family members.
- Providing access to information and resources: access to information and resources can be essential for autonomy. The family can help identify available resources, such as health care, therapy or training programmes.
- Respecting autonomy in terms of personal choices: it is important that the disabled person has control over their own life trajectory. The family should respect the decisions and choices of the person with a disability and support them in achieving their personal goals.
- Ensuring financial independence: people with disabilities can be financially restricted and this can negatively affect their autonomy. The family can help ensure financial independence by identifying available financial resources or encouraging the development of money management skills.

The autonomy of people with disabilities in family relationships can be improved through education, awareness and support. It is important that society recognizes the importance of this issue and pays attention to the needs and wishes of people with disabilities in order to develop them as independent and valued individuals.

In conclusion, the autonomy of people with disabilities in family relationships can be improved by recognizing their needs and wishes, supporting the development of self-management skills and providing access to information and resources. The family can be a crucial factor in the development of autonomy and independence for people with disabilities and can play an important role in promoting a fulfilling and fulfilling life for people with disabilities (Rotaru 2011,5).

4. Autonomy of the disabled person within the educational system

Autonomy is an essential aspect of the personal and professional development of all people, including those with disabilities. As far as the education system is concerned, autonomy refers to the ability of the disabled person to control and manage their own learning and development, to set their own goals and to find their own resources to achieve them. Here are some ways in which the education system can support the independence of people with disabilities:

- Adapting the learning environment: the learning environment must be adapted to the needs and abilities of each learner. People with disabilities may need certain modifications in the learning environment, such as physical accessibility, assistive technology or adapted learning materials, in order to learn and develop independently.
- Developing communication skills: the education system can help develop the communication skills of people with disabilities by providing programmes and tools to enable them to express their opinions and communicate with other students and teachers.
- Supporting the development of self-management skills: students with disabilities can be supported in developing self-management skills through the provision of relevant information and resources, as well as emotional support and guidance.
- Recognizing the individuality of each learner: the education system should recognize that each learner is unique and provide individual opportunities for learners with disabilities to develop their unique skills and talents.
- Promoting independence and responsibility: The education system can help promote independence and responsibility in students with disabilities by encouraging them to make decisions and take responsibility for their own actions.
- Providing access to relevant services and resources: In order to develop independence, students with disabilities should have access to relevant services and resources, such as counselling, therapy or training programmes, that enable them to develop their skills and find their own path in life.

The education system should support the autonomy of people with disabilities by providing an appropriate and adapted environment, developing communication and self-management skills, recognizing the individuality of each learner, promoting independence and responsibility, and providing access to relevant services and resources. In this way, they can develop their unique skills and talents and find their place in society.

It is also important that the education system encourages a positive approach to disability and promotes a culture of inclusion. In this way, students with disabilities can be seen as an integral part of the school community and can benefit from the support and respect of peers and teachers.

Finally, autonomy is an essential aspect of the personal and professional development of all people, including those with disabilities, and should be promoted in all areas of life, including the education system.

5. Autonomy of the disabled person in the employment system

Autonomy is an essential aspect of the personal and professional development of all people, including those with disabilities. In terms of the employment system, autonomy refers to the ability of a person with a disability to control and manage their own career, to set their own goals and to find their own resources to achieve them.

Here are some ways in which the employment system can support the autonomy of people with disabilities:

- Adapting the workplace: The workplace must be adapted to the needs and abilities of each employee. People with disabilities may need certain modifications in the workplace, such as physical accessibility, assistive technology or adaptation of work tasks to enable them to work independently.
- Developing communication skills: The work system can help develop the communication skills of people with disabilities by providing programmes and tools to enable them to express their opinions and communicate with colleagues and supervisors. (National Strategy for the Rights of Persons with Disabilities 2021–2027).
- Supporting the development of self-management skills: Employees with disabilities can be supported in developing self-management skills by providing relevant information and resources, as well as emotional support and guidance.
- Recognizing the individuality of each employee: The employment system should recognize that each employee is unique and provide employees with disabilities with individual opportunities to develop their unique skills and talents.
- Promoting independence and responsibility: The work system can help promote independence and responsibility for employees with disabilities by encouraging them to make decisions and take responsibility for their own actions.
- Providing access to relevant services and resources: In order to develop autonomy in the workplace, employees with disabilities should have access to relevant services and resources, such as training, counselling or coaching programmes, to enable them to develop their skills and find their own career path.
- Promoting inclusion: It is important that workplaces promote a culture of inclusion and encourage the employment of people with disabilities (National Strategy for the Rights of Persons with Disabilities 2021–2027).

6. Conclusions and recommendations for improving the protection of the autonomy of people with disabilities in Romania

Autonomy is an essential aspect of the development and inclusion of people with disabilities, and protecting this autonomy is an important responsibility of society. In Romania, there are already a number of laws and policies aimed at protecting the autonomy of people with disabilities in different areas, such as education, the workplace or independent living. However, there are still many aspects that need to be improved to ensure more effective protection of the autonomy of people with disabilities. Recommendations for improving the protection of the autonomy of people with disabilities in Romania include:

- Develop training and education programmes for professionals from different fields working with people with disabilities to improve their skills to support the autonomy of people with disabilities.
- Increase access for people with disabilities to services and resources that enable them to develop their skills and achieve their personal and professional goals.
- Improve physical accessibility and assistive technology in different areas to support participation and independence of people with disabilities.
- Promote a culture of inclusion and diversity in different areas, such as education or the workplace, to support the autonomy and participation of people with disabilities.
- Develop policies and programmes to provide financial support for people with disabilities who want to establish independent living, to enable them to manage their own finances and organize their own lives.
- Increase the participation of people with disabilities in decision-making and consulting them on policies and programmes that affect them.
- Strengthen the legal protection system for people with disabilities and ensure effective enforcement of existing laws and policies.

- Promote public awareness campaigns on the rights and needs of people with disabilities to reduce discrimination and stigmatization and to increase awareness and empathy towards people with disabilities.
- Develop partnerships between disability organizations, public authorities and the private sector to promote the inclusion and empowerment of people with disabilities in different areas.

Finally, protecting the autonomy of people with disabilities is not only a moral and legal responsibility, but also an investment in a fairer, more inclusive and progressive society. By improving access to services, resources and opportunities, supporting skills development and promoting a culture of inclusion, we can ensure better protection of the autonomy of people with disabilities and their better participation in the social and economic life of the country.

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The Unilateral Promise to Enter a Contract

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ABSTRACT: The conclusion of a contract can occur in a spontaneous manner, by unequivocally accepting an offer, or preceded by negotiation between parties, whether extensive or simpler. Within these negotiations, the parties can conclude certain preparative contracts which precede the conclusion of the main contract. Among these is the unilateral promise to enter a contract. In practice, it is often difficult to choose between the options provided by the lawmaker so that the document is an accurate expression of the parties' will. Therefore, legal construction requires clear and precise theoretical approaches that establish the validity conditions, the nature, and legal effects of the contract to efficiently protect the parties. The current paper presents an extensive study of the unilateral promise to enter a contract, from a historical perspective, by pointing out and commenting on the controversial aspects of specialty literature. By using the comparative method, the paper describes the institution of the unilateral promise to enter a contract in relation to other systems of law, thus being a useful tool for both doctrinarians and practitioners.

KEYWORDS: negotiations, contract, legal nature, conditions, effects, compared law

Introductory issues

Contract is undoubtedly an expression of the freedom of the individual, as it is unanimously acknowledged that individual will is the fundament of contract (Panțu 2021). According to Article 1166 of the Civil Code, „the contract is the agreement of wills reached by two or more people with the intention of creating, changing or terminating a legal relation.” Given these legal provisions, doctrine has correctly stated that the existence of an agreement represents the fundamental characteristic of a contract (Schmidt-Szalewski 1990, 545). However, achieving the agreement of wills does not occur instantaneously, as it is often the result of negotiation. The term *negotiation* – with a meaning close to the one we use nowadays – appears for the first time in the sixth century BC, in ancient Rome, at a time in which the population of the citadel, the rich and the free, but not the nobles, needed to handle private business or held certain public offices. The means by which negotiation operates is represented by the mutual concessions of the parties, by the compromise determined by the declared intent to reach a solution mutually acceptable and beneficial for both parties. Concession represents the unilateral rescinding of one or more of the positions previously held by one of the parties in order to create favorable conditions for an agreement (Almășan 2013, 127). When concession is mutual, compromise occurs. Negotiation, whether direct or assisted, which occurs with the purpose of concluding an agreement, is characteristic to the precontractual phase. Within these negotiations, the parties can conclude a series of legal acts or facts, some without any contractual value, other of variable contractual value (Pop, Popa and Vidu 2015, 58), but which need to respect the principles of negotiation. These can be classified in contract of negotiations, namely these conventions by which the parties establish the means in which the negotiation will occur, partial contracts, namely conventions by which the parties agree on the negotiation points on which they are in agreement and preparatory contracts, namely those contracts which precede the conclusion of the main contract. One of the preparatory contracts is the unilateral promise of entering into a contract, a legal construction which requires a clear theoretical approach regarding the legal nature, content and legal effects, in order to allow the parties to choose the most appropriate means to reach their purpose. The present paper aims to achieve an exhaustive study on this contract, from a practical and theoretical point of view, as regulated in internal provisions and also in relation to other systems of law.

A short history of the unilateral promise of entering a contract in Romanian law

The promise to enter a contract is not a new institution, as it has roots in the old Roman law. The old Roman law regulated only unilateral contracts, which provided obligations for just one of the parties. The distinction between unilateral and bilateral contracts occurred only in modern law and their classification was made by the parties, by considering the effects they produced (Levy J.- Ph., Castaldo A., 2010, 725).

In Romanian law, the promise to enter a contract is regulated for the first time in the Calimach Code, in Articles 1152 and the following. In the light of the Calimach Code, the promise held the form of an understanding or a specific promise, depending on whether it is accepted or not by the other party. Article 1155 of the Calimach Code distinguished between unilateral understandings, which stipulate obligations for just one of the parties and bilateral understandings, which regulate obligations for both parties.

The Caragea law also contains provisions regarding these understandings in Chapter I of the Third Part, seen as promises “of two or more people.” Unlike the Calimach Code, the Caragea law does not regulate the institution of unilateral promise or understanding.

The 1864 Civil Code did not expressly regulate the promise to enter a contract, as it is a creation of practice and jurisprudence as an answer to the policy of the communist regime of removing immobile goods from the civil circuit.

Although it is not expressly regulated in the current Civil Code, there are numerous texts which reference this institution, as it represents the archetype of the promise to enter a contract (Maurie Ph., Aynes L., Gautier P.-Y., 2009, 66).

Thus, Article 1279 of the Civil Code states that “the promise to enter a contract must contain all the clauses of the contract; in lack thereof, the parties are unable to execute the promise”. Also, Article 1669 third alignment of the Civil Code states that “the provisions of the first and second alignment apply to the unilateral promise of sell or buy, as it is the case”; the fourth alignment of the same article states that „in case of the unilateral promise to buy an individual determined good if, before the promise was executed, the owner sells or mortgages the good, the obligation of the buyer is considered to be rescinded.”

The notion, legal nature and area of enforcement of the unilateral promise to enter a contract

The unilateral promise to enter a contract is that certain contract by which a party, called a *promissory seller* is obliged, to the benefit of the other party, called a *beneficiary*, to conclude a certain contract, at a specific time, if the latter will still opt to enter the contract.

From the point of view of **legal nature**, the unilateral promise is a contract which contains the irrevocable commitment of the promissory seller to enter a contract, in the terms established in the content of the promise on one hand, and the right of choice for the beneficiary, on the other hand. What is specific to the unilateral promise is the fact that the promissory seller is obliged to enter the contract under the conditions of the promise, whereas the beneficiary only has a right and not an obligation of enter the contract under the same conditions. Regarding its content, doctrine stated that it “represents a contract with specific content” (Popa 2018, 189), as it is unanimously acknowledged that it can’t be considered an offer.

The promise of contract is a bilateral judicial act, unnamed, free or onerous, mutual and consensual (in the concept of the new Civil Code, the classification of legal acts in mutual acts and random acts is no longer conditioned by the onerous character of the contract). It represents a main and preparatory contract at the same time: it is a main contract as its existence does not depend on another contract and it is a preparatory contract as its purpose is to guarantee the promised contract.

Regarding the **area of enforcement**, most times, the object of the promise is the future conclusion of a sale contract, but it can also have a practical enforcement in case of many other types of contracts (for example, exchange, lease and so on).

The validity conditions of the unilateral promise to enter a contract

As it is a contract, the unilateral promise is subject to the **general rules of validity** regarding capacity, consent, object and cause, as well as form. Thus, the parties need to have the capacity to enter a contract. Even if the promise does not transfer property, but merely a right of debt, one must consider the serious consequences which might occur on the patrimony of the parties given the possibility of a court decision which can replace the contract or the payment of damages; thus, the parties must have full exercise capacity and must meet all legal requirements in regard to representation of the guardian, as well as those pertaining to the authorization from the guardianship institution and the notice from the family council. Both the promissory seller and the beneficiary must have capacity at the time the unilateral promise of contract is concluded and at the time the main contract is concluded (For the opinion according to which the beneficiary must have capacity only at the time the option is exercised, see Malaurie, Aynes and Gautier 2009, 74). In case the promissory seller dies within the term, his obligations will be passed on to his heirs, who will be obliged to enter the contract under the conditions established in the promise. In case the beneficiary dies within the term established in the promise, his right will be passed on to his heirs, who will be able to exercise the option in the place of their author. The right of the beneficiary to exercise this option will be registered in the successor mass as a right of debt.

Regarding the consent of the parties, it must come from a person who has judgement and must not be affected by any vice. Regarding consent, it is necessary to distinguish between consent provided when the promissory contract is concluded, consent provided when the option is exercised, and the consent provided at the time the main contract is concluded. From this point of view, we believe that the conclusion of the contract, preceded by a promise to enter a contract occurs in three stages: the first one is the conclusion of the promise to enter a contract, the second is the acceptance of the option and the third stage is the conclusion of the promised contract.

As for the vices which can affect consent expressed by a party, we believe that lesion is incompatible with the unilateral promise, as the provisions regarding this vice of consent only pertain to mutual acts; given its content, it is unconceivable in case of unilateral contracts (for contrary opinion according to which lesion can be granted even in case of unilateral acts, see Chirică 2014). As an exception, when the promise is of bilateral character, lesion is possible.

The object of the unilateral promise is the obligation to conclude the promised contract in the future and the cause must exist and it must be licit and moral.

In regard to the **form** of the contract, it is consensual, as the principle regulated by Article 1178 of the Civil Code applies in this case, according to which „the contract is concluded by the simple agreement of will of the parties, who are capable of entering a contract, if the law does not require a certain formality for its valid conclusion”; therefore, validity is not subject to any formal conditions, even if the promised contract would be subject to such conditions. As an exception, under the sanction of annulment, the promise to donate is subject to authentic form. The exception is justified, as there is a need to draw the attention of the promissory donor to the effects of the act on his patrimony, as is the need to verify consent of the person who willingly renounces one of his goods without receiving anything in exchange.

The unilateral promise to enter a contract must contain, according to Article 1279 first alignment of the Civil Code “all those clauses of the promised contract, in lack thereof, the parties are unable to execute the promise”, namely those aspects considered as essential by the parties, regarding the nature of the promised contract. The following clauses can be considered

as essential: the obligation to conclude the contract, if the beneficiary chooses to; the establishment of the essential elements of the promised contract (the identification of the good and the price) and so on.

In case of promissory contract whose object are immobile goods, registration in the cadastral registry is not a validity condition, but merely an opposability condition. Registration in the cadastral register only occurs if the promise regulates the term in which the contract must be concluded, in case the good is already registered in the cadastral registry or in case the promissory seller is registered as the owner of the promised good. Registration can only be requested in the term agreed upon for its execution, 6 months from the expiration of this term is the latest.

Effects of the unilateral promise to enter a contract

Effects of the unilateral promise to enter a contract can be classified in two categories (Bamde 2017):

- a. effects on the beneficiary and
- b. effects on the obligations of the promissory seller

The unilateral promise to enter a contract provides the beneficiary with a right to choose, thus allowing him to enjoy, for a certain period, contractual exclusivity regarding the conclusion of the contract (regarding exclusivity clause, see Matefi and Cardiş 2017, 51-62). Regarding the legal nature of the beneficiary's right of choice, doctrine did not express a unified point of view. Although there were opinions according to which the beneficiary's option is a personal right of debt, most authors claimed that is a conditional right providing the beneficiary with the right to choose whether to conclude the promised contract in the term granted by the promissory seller.

We share this opinion, as we believe that the beneficiary's option meets the three elements which characterize conditional rights: a) the preexistence of a legal situation in which the rights and interests of a person or several are included, namely the promise to enter a contract; b) the power of the holder of the right to change, rescind or recreate the preexisting legal situation, by unilateral act, namely the absolute right of the beneficiary to accept or refuse the conclusion of the contract; c) the people who have rights and interests in the preexisting legal situations must accept the change, rescind or recreate, by unilateral manifestation of will by the holder of the conditional right (Stoica 2023).

The beneficiary's right of option is not a right of debt, as its exercise does not entail a specific action of the passive subject – to give, to do or not to do – but merely provides the holder the right the possibility to act on a preexisting legal situation, thus causing direct effects on the promissory seller, who must obey the will of the beneficiary (Avram 2006, 141).

The beneficiary's right of option is an exclusive right, protected from abuse, as conditional rights are not compatible with the abuse of law (Avram 2006, 141). Based on his right, if the term of option is not expired, the beneficiary can freely accept or refuse to conclude the promised contract. Accepting the promise represents a unilateral legal act which must not meet a special form, as by accepting, the promised contract is not concluded, but the beneficiary merely expresses his agreement in order to conclude the contract under the form stated by law.

Therefore, acceptance can be express or tacit, in which case it can come from the conclusion of the act. The refusal of the beneficiary to conclude the promised contract can also be express or tacit. Tacit refusal results from the passive demeanor of the beneficiary who allows the term to expire without expressing an option.

The beneficiary's right of option can be assigned to another person, freely or of an onerous character, in which situation the third party who is assigned the right replaces the beneficiary. The assignment can occur under the conditions of Article 1315 and the following

of the Civil Code regarding the assignment of the contract, except for the situation in which the parties of the promise expressly agreed upon the inaccessibility of the rights of the beneficiary.

This is a unilateral act of the beneficiary thus resulting in the obligation of the parties to conclude the contract under the form required by law. By accepting the promise, it acquires a bilateral character.

As for the effects of the bilateral promise on the obligations of the promissory seller, we can see that it gives the promissory seller two obligations: an obligation to do, to which it corresponds an obligation to not do.

The content of the obligation to do includes the obligation to conclude the promised contract under the term and conditions which were agreed upon. The promise provides a mandatory contractual nature for the promissory seller's obligation and disrespecting it draws contractual liability.

In regard to the terms of the promise, most times the parties establish a fixed term in which the beneficiary can express choice. This term can be suspensive, when it starts from a certain subsequent time or extinctive when the beneficiary can opt in a certain predetermined term. Disrespecting this term leads to the rescinding of the promise (Benabent 2013, 74).

Doctrine raised the question of which will be the fate of the promissory contract without a specific term. One opinion stated that these contracts were subject to relative annulment (Tița-Niculescu 2017), an opinion which we do not share. Annulment is a civil sanction of the act which was concluded by disrespecting the validity conditions of contracts. The essential validity conditions of contracts are, in accordance with Article 1179 of the Civil Code, the ones regarding capacity. Consent, object, cause and form of the legal act. Lack of term is not a validity condition of the legal act, but a forming element of the contract which affects its execution and opposability. In lack of a term, as an exception from the rule regulated in Article 1669 second alignment of the Civil Code, the execution of the promise can be demanded under the conditions of Article 2524 first alignment of the Civil Code, stating that, in case of legal relations which do not contain a term of execution, the statute of limitation starts from the time the legal relation is concluded. In other words, if the promissory contract does not contain a date by which the contract must be concluded, the statute of limitation starts from the time the convention was concluded. Also, in lack of a term of option, by considering the provisions of Article 906 first alignment of the Civil Code, the request to register the promissory contract in the cadastral registry will be denied. However, this will not lead to the annulment of the promise, but it will render it unopposable to third parties.

Also, in the execution of the obligation to do, the beneficiary will have to conclude the contract under the predetermined conditions, as these are negotiated aspects which pertain to the execution of the contract.

The obligation to not do is the obligation of the promissory seller to not conclude contract with third parties, pertaining to the promised good, within the established term. This is a consequence of Article 627 fourth alignment of the Civil Code, according to which "the unimpeachability clause is presumed in conventions which result in the obligation to pass on property to a determined or determinable person".

The promissory seller's fail in executing the unilateral promise to enter a contract can come from the violation of the obligation to do or from the violation of the obligation to not do. Thus, in case the promissory seller violates his obligation, namely he refuses to conclude the contract as he promised, the other party is entitled to damages or, based on Article 1279 of the Civil Code, he can file a complaint before the court of law, requesting a court decision which replaces the contract. As it is a unilateral contract which provides obligations for just one of the parties, the right to damages or the right to file a complaint belongs only to the beneficiary of the promise and not the promissory seller.

As an exception, these provisions can't be enforced in case of the sale contract. According to Article 1279 second alignment of the Civil Code, "if the promissory seller refuses to conclude

the promised contract, the court of law, upon request from the party who fulfilled its own obligations, will pronounce a decision which can replace the contract, when the nature of the contract allows it and the legal requirements for validity are met". These provisions are corroborated with Article 1669 of the Civil Code and Article 896 first alignment of the Civil Code, according to which, in all cases where the person who is obliged to pass on, change or modify a real right to the benefit of another party, does not execute the obligations needed for the cadastral registration, the court of law, upon request from the interested party, will rule on registration in the cadastral registry.

Given these legal provisions, we can conclude that it is possible for a court decision to replace the actual conclusion of a contract, but this path is acknowledged only for the beneficiary of the promissory contract against the party who was obliged and only if the validity conditions of the contract are met. Or the unilateral promise of sale is a unilateral contract which provides obligations only for the promissory buyer; the creditor, beneficiary of the promise to sell and owner of the goods did not assume any obligation, as he is merely the holder of a right to opt, namely, to sell or not to sell. Consequently, a court decision which replaces a contract is not possible in case of the unilateral promise to buy. In cases in which, before the promise to buy is executed, the owner of the good, who is the beneficiary of the promise and who has no contractual obligation, sells the good or mortgages it, the obligation of the promissory buyer remains without an object and, consequently, becomes extinguished. If the good was already sold to a third party, the promissory buyer can only request damages for the actual damage he caused.

Also, an exception from the rule regulated in Article 1279 second alignment of the Civil Code, in case of the promise to donate, in case the promissory - donor fails to execute, the beneficiary only has the right to claim damages equivalent with the expenses he made and the advantages he granted to third parties in consideration of the promise. This exception is justified by the liberality character of the donation, which entails an objective element, namely an impoverishment of the promissory donor, a decrease in his patrimony, but also a subjective element pertaining to the liberal intention or *animus donandi*. The liberal intention is the very essence of liberality and is based on the wish of the promissory donor to decrease his patrimony in a uninterested manner, to impoverish himself to the benefit of another party; or in the case stated in Article 1279 of the Civil Code there is no *animus donandi*.

In case the promissory seller contracted with a third party within the option term, by violating his obligation to not do, the beneficiary can invoke any of the specific sanctions for disrespecting this clause, namely payment of damages as stated in Article 628 fifth alignment of the Civil Code, resolution of contract or annulment of any subsequent act.

The unilateral promise to enter a contract in compared law

The unilateral promise to enter a contract is known not only in the Romanian system of law, but also in other systems of law, with certain specifics.

Thus, Article 1124 of the French Civil Code regulates that „the unilateral promise is the contract by which one of the parties, the promissory seller, grants the other party, the beneficiary, the right to opt to conclude a contract with determined essential elements, thus requiring consent of the beneficiary.” Seeing the provisions of Article 1124 of the French Civil Code, we notice that the promise to contract has a different legal regime in French law. Although it represents a unilateral contract which provides obligations only for the promissory seller, it is essentially different from the promise to enter a contract regulated by the Romanian lawmaker, as the formation of the contract occurs by the simple acceptance of the option by the beneficiary; thus, a new agreement of wills is not necessary. From this point of view, it resembles the institution of the pact of option, as found in our internal law.

The Belgian Civil Code also regulates the unilateral promise to contract in Book 5, Article 5.25, which states that the option to enter a contract or the unilateral promise of contract, is a contract by which one of the parties grants the beneficiary a right to opt in regard to the conclusion of the promised contract; its essential and substantial elements were established and the agreement of the beneficiary is sufficient in order to conclude a contract. However, we note that, in the vision of the Belgian lawmaker, the pact of option is equivalent with the unilateral promise to enter a contract and entails, similar to French law, that the formation of the contract occurs by the simple acceptance of option by the beneficiary.

In the Canadian province of Quebec, Article 1396 of the Civil Code states that an offer to contract made to a certain person represents a promise to conclude a contract, provided the receiver clearly states his intention of considering the offer and responds in a reasonable time. The exercise of choice can lead to a commitment to subsequently conclude the sale contract, thus transferring property, or the immediate conclusion of the sale contract by which property transfers from one party to another. The exercise of this choice will result in immediate sale only when it is accompanied by the immediate transfer of property to the promissory buyer, according to Article 710 of the Quebec Civil Code, as well as the possession of the immobile good by the promissory buyer.

In Spanish law and doctrine, the unilateral promise of contract is acknowledged as an atypical convention. Article 1541 of the Spanish Civil Code states that the promise to sell or buy, based on agreement regarding the good and price, will allow the parties to mutually claim the respect of the contract.

The Mexican Civil Code regulates the institution of the promise to contract, similar to that in Romania. To be valid, the Mexican Civil Code states that the contract must be concluded in writing, it must meet the validity conditions of the promised contract and must be limited to a certain time.

Conclusions

The unilateral promise is a preparatory contract, concluded in the negotiation phase, with the purpose of guaranteeing the promised contract. After a time of legislative void, as a result of the reopening of the civil circuit and with the purpose of ensuring its security, the Romanian lawmaker chose to acknowledge, in an indirect manner, this legal institution. Although French law was always a source of inspiration for the Romanian lawmaker, we can see that the Romanian lawmaker chose his own way, not necessarily an original one, of acknowledging the unilateral promise. Although acknowledged, we notice that the manner of legislative regulation is superficial; thus, doctrine has the task to point out the nature and means of functioning of the unilateral promise to enter a contract, so as to respond to the needs of practice.

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Intergenerational Followership of Small and Medium Enterprises (SMEs)

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ABSTRACT: The contemporary business and management literature offers an ample account of leadership theory and practice guidance. Future corporate employees are trained to climb up the hierarchy to obtain the aspirational goal of leadership. Leadership theory in the Western world appears to focus on large corporations and multi-national businesses. Most recently, literature emerged that points at drawing attention to small-medium enterprises (SMEs), which are actually the majority of businesses, especially dominating in smaller more fractionate market economics, such as the European continent. SMEs are also the most predominant form of business in developing and transition economies. This article draws attention to the importance of shedding light on SMEs in the overall business, economics and management literature. Currently there is also literature emerging on the importance of attention to followership in the wealth of insights already derived for leadership management and practice. Strategic followership aids decision-makers decide wisely how to follow, whom to follow and when to follow. This paper will address followership in SMEs. Lastly, this paper also contributes by drawing attention to an overlooked feature of SMEs in mainly being family firms. The SMEs nature of family business will be investigated from an intergenerational aspect in order to derive strategic followership advice with respect for intergenerational family influences. The paper closes with an outlook of future research in the field of SME strategic followership with respect for intergenerational family business characteristics.

KEYWORDS: Behavioral Economics, Behavioral Insights, Development, Economics, Family firms, Followership, Human Resources Management, Intergenerational Dynamics, Intergenerational Leadership, International Development, Leadership, Management, Organizational Behavior, Small-Medium Enterprises, SMEs, Strategy, Strategic followership, Transition economies

Introduction

The contemporary business, management and strategy focuses on leadership. The corporate sector literature is also primarily addressing multi-nationals and large corporations. In reality, most corporations are small-medium enterprises (SMEs). The vast majority of SMEs are family businesses that get passed down from one generation to the next. SMEs often play important parts in the local communities or are essential keys in the supply chain of larger multi-nations. SMEs are also the important economic driver of developing and transition economies around the globe.

This article sets out to study followership in SMEs in contrast to the wealth of knowledge derived on leaders of multi-nations. The particular aspect of family SMEs and intergenerational followership dynamics are highlighted to address a key essential of successful SMEs that has largely been ignored by the contemporary business and management literature.

The paper gives advice to study particular aspects of intergenerational followership as a strategy in order to enhance the pass-over success of family businesses. Intergenerational care is attributed to hold two dimensions of social responsibility and future-orientation. Understanding the dynamics of social responsibility and future-orientation will help derive key insights for family-run SMEs vital intergenerational knowledge transfer.

In empirical work, joint decision-making in directly comparing two viewpoints concurrently has proven to be eliciting intergenerationally more harmonious choice patterns. This decision-making peculiarity may benefit family-run SMEs implicitly. Looking out for the full representation of old and young decision-makers throughout all hierarchical layers of

family businesses and training the upcoming generation on the job from an early age on is practical advice derived from this joint decision-making advantage.

An ongoing dialogue between generations and a recognition of the challenges of the mix of family and corporate endeavors may help foster a climate of understanding and openness to discuss problems and solve them together in the family compound. Having healthy and vital intergenerational dynamics on a constant basis promises to foster a climate of open sharing of successes but also concerns to be surmounted together in the family.

Lastly, the discussion concludes with future research avenues in the intergenerational followership domain with particular attention to SMEs.

Small-medium enterprise (SMEs) family businesses

In the business world, most corporations are small-medium enterprises (SMEs). In 2022, 99.9 percent of corporations in the United States and the United Kingdom are estimated to be SMEs (Main & Bottorff 2022; Prowle & Barnes forthcoming).

Most of these SMEs are family businesses or family firms (Gomez-Mejía, Nuñez-Nickel & Gutierrez 2001). Family business are oftentimes SMEs in which two or more family members own 15% or more of the stock, family members are employed in the business, and the family intends to retain control of the business in the future (Allioui 2023a; Schulze 2001). In family business, family members hold onto ownership, participate in governance and management decisions through strategic direction, direct family involvement in day-to-day operations, and/or maintain voting control (Allioui 2023a; Astrachan 2002). Family business feature ownership control of the family, strategic management decisions within the family compound, concern for family possession and the hope to continue the business and transmit it successfully to the next generation (Allioui 2023a).

Family businesses make up the majority of corporations in the Western world. Between 80 and 95 or 98 percent of businesses in the United States and Latin America and more than 80 percent of businesses in Europe and Asia are believed to be owned and managed by families (Allioui 2023a). Family businesses are believed to make up more than half of the Gross Domestic Product (GDP) of the advanced economies (Allioui 2023a).

The vast majority of SMEs are family businesses that get passed down from one generation to the next. SMEs often play important parts in the local communities or are essential keys in the supply chain of the oftentimes studied larger multi-nations. SMEs are also the important economic driver of developing and transition economies around the globe.

It is thus striking that about 67% of family-run businesses do not survive beyond the founding generation under the control of the same owning family, and only about 12% make it to the third generation (Allioui 2023a). Problems attributed to SMEs concern productivity, lack of professional leadership and financial illiteracy. The SME culture is often influenced by family ownership, which brings along problems of interfamily passages of power and non-merit-based leadership control. The intergenerational dynamics of family-run SMEs is yet hardly studied or subject to scientific investigation.

In the international arena, SMEs are vital pillars of international community development. To this day, however, SMEs are largely unstudied as the standard Western leadership literature is primarily focused on leadership in multi-national organizations. Strategic followership in SMEs and intergenerational dynamics of family-owned businesses is – until now – scarce in the management literature.

Studying SMEs with particular attention to intergenerational aspects of power transfers during pass-over of the business from one generation to the next could help build resilience and sustainability throughout the entire economy for the large amount of family businesses in the overall economy. Not only effective leadership but also strategic followership is required to make family-owned business thrive long-term and conserve knowledge transfer from one

generation to the next. Especially in cultures and contexts where education is scarce and training happens mostly on the job, positive essentials for strategic followership and efficient passing on information within the family compound can be key in international development. Contingency strategies for SMEs to thrive – if families lack sufficient followership in their own family – should become subject to scrutiny to advance resilience finance and sustainable economic persistence in vulnerable cultures and marginalized communities.

In the recruitment and development of human capital, information on the family dynamics and intergenerational communication within the family compound are missing in the SME context literature. Family businesses are believed to possess advantages based on the interaction and involvement of a family in business (Allioui 2023a). Altruism on agency relationships (shareholder-management relationships) are considered to be favorable in family businesses (Allioui 2023a). The interfamily ties but also the active involvement of family members may be crucial influence factors for family-run businesses (Allioui 2023a).

The particular transfer of power of one generation to the next generation of family business owner dynasties is hardly studied in management science. The selection of inheritance within the family but also the next generation's influence on the business decisions being intertwined with personal accounts within the familial compound are hardly subject to scrutiny. The formal and informal transfer of knowledge and culture of leadership and followership within the SME family business context are hardly studied. Studying success factors of inter-familial implicit information transfer that leads to successful SMEs outperform non-family counterparts but also obstacles with non-merit-based nepotism constraints could become subject of a critical analysis for the SME context to strengthen the vitality and sustainability of SMEs, especially in international development (Allioui 2023a).

Intergenerational leadership and followership of SMEs family businesses

SME family businesses have a distinct character and culture, which features advantages but also drawbacks compared to non-family run multinational organizations.

Advantages of family run SMEs

Family-run SMEs offer the personal involvement of family members and a familial trust in the support of family members in leadership and management relations. Family cohesion allows for building a benevolent culture of trust and stability.

“The natural advantage of family businesses” is believed to lie in “natural governance” due to the melting together of family values and entrepreneurial culture (McCracken 2020). Success, reputation and personal well-being of the family depending on the company appears to be a vital driver of performance (Gomez-Mejia et al. 2007).

Crime and theft may be crowded out in the environment of family trust and personal reputation in the long-term endeavor of the entire family. The family holding capital and voting rights under control makes family-run businesses more prone to concerted action and personally-deliberated thoughtful market moves.

The socio-emotional attachment and identification of family members with the higher causes of the corporation as a family endeavor spanning over generations offer an additional layer of protection and motivation to any family-run enterprise (Allioui 2023b; Micelotta & Raynard 2011).

The transfer of power within families likely features longer learning-by-doing and training-on-the-job handover periods. Family-run corporations tend to have slower and less groundbreaking transfer processes compared to corporations that face a hostile takeover or merger and acquisition process (McCracken 2020).

In terms of finance, family businesses are described in multiple studies as rather stable, long-term endeavors (Allioui 2023b; Allouche & Amann 1997; Calvi-Reveyron 2000;

Charreaux 1991; Gallo & Vilaseca 1996; Hirigoyen 1984; Mahéroult 1998). Financially, family businesses are characterized by comparatively low debt levels as families tend to avoid financial debt risks (Gallo et al. 2004).

Family businesses not only have a personal financial long-term stake (Anderson, Mansi & Reeb 2003). Family-run corporations are assumed to have a longer-term horizon over generations (Gomez-Mejia, Haynes, Núñez-Nickel, Jacobson & Moyano-Fuentes 2007)

Drawbacks of family run SMEs

Family structures, at the same time, bring along a constrained pool of resources and less likely merit-based appointment of family members in leadership and management positions (Allioui 2023a). The concentration of power in one family and transfer degrees of freedom losses curbs diversification potential. The next generation may simply lack the enthusiasm and work ethics of the previous generation that brought up the business. In fact, the reality shows that only about 12% of family-run corporations stay in the family up to the third generation (Allioui 2023a, b; Xi, Kraus, Filser & Kellermanns 2015).

Family-run businesses may face multiple layers of overlapping interests ranging from corporate success, family dynamics and ownership performance comparisons of the different family members (Allioui 2023a). Family-run businesses require management of firm relations and family relations concurrently, which brings along the risk of a clash of managerial innovation and family traditions (Allioui 2023a, b). Respect for family values and cultural tradition seems to be pitted against agile flexibility of the young generation to rebel against the old (Allioui 2023b). The following generation tends to be more risk averse than previous ones (Allioui 2023b). The extra layer of family history and protection of causes over generations may become a socio-emotional burden when corporations are tested during crises to be resilient and adaptable to changing trends.

From an intergenerational perspective, children always have to live up to the parental shadow expectations and family-run businesses are therefore doomed to be “locked in the past” (Allioui 2023a, p. 29; Miller et al. 2003). Children tend to rebel against the parental career, as the saying goes that children of artists want to become bankers and children of bankers want to become artists. If this is somewhat the case and true, there is the risk of children explicitly or implicitly rebelling against their parents’ values and thereby run into the problem of destroying or neglecting the wisdom of their parents that was essential for the success of the family-run business (Allioui 2023a; Miller et al. 2003).

The transfer of power within families may be tainted with familial traumas and life-long competitive situations among siblings, which may play out in business structures. The passing on of the business from one family generation to the next can thereby be influenced by family rivalries and power struggles that have built up from early childhood on (Allioui 2023a; Miller, Steiner & Le-Breton-Miller 2003).

Intergenerational SMEs family business management

Research about intergenerational insights may offer helpful guidance to navigate family-run SMEs. Intergenerational care stems from social responsibility and future-orientation. Fostering a climate of social responsibility and future-orientation in family-run SMEs may benefit intergenerational knowledge transfer.

In empirical work, joint decision-making has proven to be eliciting intergenerationally more harmonious choice patterns. The joint decision-making technique benefits from placing two options next to each other or evaluating options through a spectrum of information derived from different viewpoints. This decision-making peculiarity may benefit family-run SMEs implicitly. Looking out for the full representation of old and young decision-makers throughout all hierarchical layers of family businesses and training the upcoming generation on the job

from an early age on, is practical advice derived from this joint decision-making advantage (Puaschunder & Schwarz 2012).

An ongoing dialogue between generations and a recognition of the challenges of the mix of family and corporate endeavors may help foster a climate of understanding and openness to discuss problems and solve them together in the family compound. Having healthy and vital intergenerational dynamics growing out of vital dialogue on a constant basis promises to foster a climate of open sharing of successes but also concerns to be surmounted together in the family. Lastly, an open dialogue about the preferences of the upcoming generation may prevent social misery of children being pressured to take over and continue the business of their parents. In the end, if the elder force the young to repeat their work, life rests in the past or would turn somewhat stagnantly going back.

Discussion

Future research avenues could first address the problem of leadership focus in the contemporary management and business literature. A recognition for the need to study followership could then be applied in the family-run SMEs context and the transfer of power between generations.

The corporate and management research community is also encouraged to form literature around SMEs with particular attention to family-run ones. The overall focus on large-scale multinationals could be complemented with a vital stream of insight on SMEs, which make up the majority of firms.

While research exists on the specificities of family business (Bloch, Kachaner & Stalk 2012; Carney 2005; Zahra, Hayton & Salvato 2004), in particular intergenerational dynamics and critical family events of passages of responsibility should become subject to further scrutiny. Alloui (2023b) raises the important question of the dilemma between maintaining traditions and the need for innovation implied in family business structures. Research on intergenerational equity of the past has more focused on global governance concerns and may now also turn an eye on the multitude of SMEs and their intergenerational aspects (Puaschunder 2017, 2018, 2019).

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Some Aspects of Custom, Written Law and Pravila seen as Sources of Medieval Romanian Law

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ABSTRACT: The concept of "source of law" is the starting point of social relations, as it provides the foundation for rules of conduct, the behavior of parties, and the concept of legal order. It is said that 'in the beginning was the word', meaning that legal customs provided the basis for social relations, which later became known as legal relations. As society evolved, so did the evolution of law, leading to the emergence of non-specialized written law, and later, specialized written law. This evolution can also be observed in Romanian law.

KEYWORDS: source of law, custom, legal custom, written law, pravil, non-specialized written law

Introduction

Following the thread of history, especially the thread of the history of law, we trace the concept of the source of law from its origin and then over time in its evolution. And because we start from the unwritten law or custom, we will make a presentation of it, as we find it in Romanian law in the medieval period. Then, with the evolution of society, we find unspecialized written law, and pravila, sources of medieval Romanian law. We have chosen to talk about these sources of law in the following, in order to bring to the attention of those interested in some landmarks of medieval Romanian law.

1. Romanian Customs in the Medieval Period

The notion of "custom," "legal custom" or "unwritten law" had the same name both in Wallachia and Moldova, namely "prava". In Transylvania, cutuma was designated by the word "ritus," "lex" or "lex olahorum," depending on the documents in which this legal norm appeared or on the social classes that used this notion (Condurachi 1935, 33). The name "custom of the land" was attributed to Romanian customary law because it was first analyzed in terms of its agrarian character. Therefore, in the studies of the history of Romanian law, the idea that the "law of the land" or "custom of the land" is, in fact, a local form of agrarian law is found.

Undeniably, the legal relationships that involved the institution of property, and especially those concerning land, were of legal importance and significance, but they could not be limited to Romanian customary law in the agrarian or land domain. Romanian customary law also regulated other areas, such as those relating to the family, and those relating to basic occupations such as shepherding, hunting, pottery, etc. In fact, these concerns, which we find among the Romanian population in the medieval period, were also present in earlier times, among the Geto-Dacians.

Until the end of the medieval period, the cutuma was the only source of Romanian feudal law with a representative character and specific peculiarities of each medieval Romanian state, with a number of similar or even common elements. The common elements of ancient Romanian law are found alongside ethnic and socio-economic aspects (Dariescu 2008, 17-22).

The emergence of written law under the overwhelming influence of Byzantium has often been described as being in conflict with the custom of the land, but the "pravila" was not a "law of occupation" intended to replace the custom of the land. On the contrary, since it

could not be considered a foreign and inimical right, the *pravila* began to apply at the same time as local law, in many cases even having the same content. At the beginning of the 19th century, a new stage of change in Romanian law was reached. In this phase, customary law and written law come to coexist and intertwine. As a result, Romanian countries develop a dual system of law, with customary law taking precedence over written law. This represents a transitional phase that links up to a system of law based predominantly on written regulations.

Another influence that the Romanian legal system experienced was the Hungarian-German influence, especially in Transylvania and areas where there was Austro-Hungarian dependence. Some authors argue that the influence of Hungarian law on Romanian customs can only be discussed after the birth of royal law. This law was intended to establish the relationship between the person who worked the land and the person who owned it, thus complementing Romanian customary law (Hanga 1993, 29). Hungarian customary law is not to be found among the legal customs of the Romanian Lands, but in Romanian written law there are regulations of Hungarian law which have been indirectly transmitted with the help of general principles of law.

The influence of German origin on Romanian law, which was in full formation, could be recognized in areas such as: town organization, the form of acts issued by the chancellery, terms referring to property such as "border", the custom of "aldămaș", etc.

2. Romanian law in the medieval period

2.1. The "Law of the Land," a specifically Romanian legal institution

The notion of "law" can be seen from several perspectives, namely: a broad meaning, encompassing the norm of conduct in general, but also a narrow meaning. In the latter sense, the Romanian medieval world understands the notion of "law" as a written legal norm.

At the same time, the historical sources bring to our attention the meanings that the concept of law had in the medieval period, namely: unwritten law, which represented all the traditional rules according to which the village communities functioned; written law, which represented the legal norms of the category of written law and imposed on communities by the coercive force of political power; Christian law, which represented the rules of conduct contained in the collections of orthodox church descriptions.

The concept called Law of the Land belongs to the category of unwritten (customary) Romanian law that was formed during a long historical process and that had as its main source the social norms existing on the Romanian territory. The earliest known customs and legal norms were formed in connection with land ownership (Marin 2015, 47-48).

Thus, as a result of the expansion of land areas through clearing and deforestation, there is an increase in personal property. Most of the land is being developed through the work of a single family, which is seeking to remove these properties from the regime of land-use regulation. In place of the rules which firmly forbade members of the community to alienate parts of the community's territory, a very important change was made to the right of preference (In Romanian *protimis*) (in the case of alienation of parts of the community's territory, the relatives of the alienator and the other members of the community were given preference in the purchase) (Herlea 1997, 38, 46).

Alongside the rules on property, the Law of the Land regulates the status and quality of persons (natural and legal persons, as well as the difference between landowners and foreigners, free or dependent peasants, degrees of kinship, family, inheritance, matters of obligations, especially in terms of civil liability within the community).

With the advent of the serfs, from the 11th century onwards, legal rules appear establishing their privileges, rights and duties. In the field of justice, the traditional legal rules concerning the institution of good and old men, as well as the evidentiary system with jurors, witnesses and the oath with furrow are maintained (Marin 2015, 47-48).

The Law of the Land was the same in each of the Romanian countries, regardless of their names, speaking the same language, reflecting the ethnocultural and institutional unity of all Romanians. The Law of the Land is a Romanian creation, the historical product of the ancestors' way of life under the conditions of their organization into village communities and then into feudal political formations.

It is important to mention that until the end of the 14th century, the Law of the Land was the only source of law in Romanian countries. From the 15th century onwards, written laws were adopted, represented by church pravileles. This was due to the fact that the rule was supported by the church, as part of its policy of centralization and consolidation of power.

2.2. Written law in Medieval Romanian countries

The written law represented the legal norms of the category of written law and imposed on collectivities by the coercive force of political power. Written law in medieval Romanian countries was one of the most important components of the system of government of that period and was based on principles specific to that period, including the division of rights and obligations between the nobility and the population. The notion of "written law" has been used to define social relations and set the limits of rights and obligations. Written law was used by the nobility to maintain their position and reinforce their authority. It was also used to establish the rules and regulations of conduct that the population had to follow.

3. Pravileas applicable in Romanian countries in the medieval period

The notion of "pravil" takes us back to the beginning of this paper, when we mentioned the name given to the custom in Wallachia and Moldova, in the medieval period ("prava"), but it also brings us to discuss the categories of pravulas applicable in Romanian countries in the same period, namely: ecclesiastical pravillas and secular pravillas.

3.1. Church Pravils

The religious factor influenced most areas of medieval life, so that legal regulations suffered the same fate. The first layer of religious terminology is Latin. However, in the age of feudalism, Slavic states were formed south of the Danube. This explains the Christian influence of Byzantium exerted through the Slavic line.

Simultaneously with the beginning of the medieval Romanian states, the rule was established according to which all the regulations of the Orthodox Church had to be modelled on the Byzantine nomocanons. These were represented by collections of Byzantine imperial laws and decisions of the synods of the Orthodox Church of Constantinople. The rulers of the Romanian countries understood to respect this rule, but they did not take over the Byzantine nomocanons directly, but with the help of the Slavic states. In this way, the language of the royal chancellery and religious worship was the Slavonic language. (Carp et al. 2002, 23, 45). Thus, the first church pravils were written in Slavonic, even though the population and not even all the high priests knew this language.

The Romanian language began to be used in the writing of church pravils in the mid-16th century. Initially, manuscripts were used for the reproduction of church prayers written in Slavonic and Romanian, and later, from the 17th century onwards, printing was used.

Historical sources also speak of the pravile written in Slavonic. The Targoviste Pravila is the oldest pravila written in Slavonic. It was written in 1452 by the grammarian Dragomir at the behest of Vladislav. In 1474 the hieromonk Ghervasie wrote the Pravila of the Monastery of Neamt. These were followed in 1512 by the Pravila of Bisericani (in the county of Neamt), in 1557 by the second Pravila of the Monastery of Neamt, in 1581 by the Pravila of Putna, in 1618 by the Pravila of the Monastery of Bistrita of Moldavia and in 1636 by the Pravila of the Monastery of Bistrita of Oltenia.

Because they are based on the same sources, these pravils, written in Slavonic, are characterized by unity of content. The sources consisted of the texts of Byzantine laws, the works of the church fathers, provisions referring to the hierarchical organization of the Orthodox Church and the alphabetical syntagma of Matthew Vlastares. The latter was drawn up in 1335 in Thessaloniki and consisted of a series of rules of conduct in society as well as rules of law. It was widely circulated and highly appreciated among the Orthodox (Peretz 1928, 48-52).

The Pravileas were written using the Romanian language. The first church pravils written in Romanian appeared in the mid-16th century. These were the following:

- "Pravila of the Holy Apostles" (In Romanian „*Pravila Sfinților Apostoli*”), written and printed in Brasov by Deacon Coresi between 1560 and 1580, also called Pravila of Ieud, because a fragment of this pravila was discovered in 1921, at Ieud, in Maramureș;

- The "Pravila of the Saints according to the teaching of the great Basil" (In Romanian „*Pravila Sfinților după învățătura marelui Vasile*”), written in Moldavia at the beginning of the 17th century, whose content is almost identical to that of the "Pravila of Ieud";

- The "Chosen Pravila" (In Romanian „*Pravila aleasă*”), was written in 1632 by the logophile Dragoș Eustrație in Moldavia.

- The "Pravila de la Govora" (In Romanian „*Pravila de la Govora*”), also known as the "Little Pravila", was written in 1640 by order of Matthew Basarab.

With the advent of church pravils written in Romanian, written law gained greater importance and its scope of application increased. Church pravils written in Romanian have a unified content, because they used common sources and were addressed to the same population. The pravile circulated and were applied in all three Romanian countries.

All church pravils, both those written in Slavonic and those written in Romanian, contain legal norms, but also non-canonical provisions, which referred to the history of synods, church fathers, fragments of chronicles, tables used to calculate time and forms related to the drafting of official acts. The legal rules are not organized by subject matter, so that civil law regulations alternate with criminal law or procedural law, while canon law provisions alternate with secular ones.

Most legal texts refer to persons, family organization, betrothal, marriage, divorce and kinship. It can be seen that the rules on contracts are similar to those of Byzantine law.

The rules of criminal law are strongly influenced by the Church's understanding of crime and punishment. Thus, in the Church's view, offences are considered sins and punishments are considered to be applied in order to atone for sins. For example, homicide is called the sin of murder. The punishments prescribed in these prayers were either physical - beating, mutilation and capital punishment - or spiritual - matins, prayers and fasts (Mitra-Niță 2015, 237).

With the elaboration of the church pravileas, the second layer of the influence of Romanian law is received. However, unlike the Law of the Land, which received the Romanian influence directly, in the church pravile the Romanian influence was exerted indirectly through Byzantine channels, primarily through the nomocanons and the emperor's laws, which adapted the provisions of Romanian law to the feudal realities of Byzantine society (Peretz 1931, 31).

3.2. Lay Pravils

In the middle of the 17th century, secular pravils were adopted. Two of the most important works that were known as lay pravils were the "Romanian Book of Teaching" (In Romanian "Cartea românească de învățătură") and "The Correcting of the Law" (In Romanian "Îndreptarea legii") (Rotaru 2016, 649-682). The first lay pravila in the history of Romanian law was the work entitled "The Romanian Book of Learning", which was drafted by the logophile Dragoș Eustrație by order of the ruler Vasile Lupu and printed in 1646 at the printing house of the Trei Ierarhi Monastery in Iași.

The sources of this law were the following earlier legal documents: the Law of the Land, the basilicas (the Emperor's laws), the Byzantine agrarian law, and the modern treatise on criminal law and criminal procedure drawn up by Prosper Farinnaci in the 17th century, which was particularly famous in Europe at the time.

Some authors have erroneously claimed that this legislation had a didactic role, as they misinterpreted the word "teaching". In reality, the term 'teaching' was used with the meaning of a legal norm. In fact, the Eustration logophor states in the introduction that all those who do not follow those teachings will be struck by the royal curse (Vasiu 2009, 79-80).

In 1652 the work entitled "The Correction of the Law" (In Romanian "Îndreptarea legii"), also called "The Great Pravila", was printed in Targoviste. The work was printed at the behest of the ruler Matei Basarab (the author of this law was the monk Daniil Panoneanul, later to become Metropolitan of Ardeal). "The Correction of the Law" (In Romanian "Îndreptarea legii"), is essentially a version of the *Romanian Book of Teaching* (In Romanian "Cartea românească de învățătură"), but also includes some translations and reworkings of Byzantine nomocanons. Both laws have a similar structure, their provisions being arranged in chapters (referred to as 'pricini'), sections (referred to as 'glave') and articles (referred to as 'zaciae').

Provisions in laws can be classified into two categories, namely provisions relating to agricultural relations and provisions of civil, criminal and procedural law. The rules on agricultural relations stipulated the binding of peasants to the land they worked or the right of landlords to pursue runaway peasants and return them to their estates.

Civil law provisions cover institutions such as property, persons, family, obligations and succession.

In property matters, goods are classified into movable and immovable property, with immovable property having a higher value and thus being better protected. There is also a classification of goods into movable and immovable. Myrenetic goods belonged to the laity, while sanctified goods belonged to the church. It is specified that the action for reclaiming the property is imprescriptible, which means that the action could be brought at any time.

In the matter of persons, they are divided according to social status into free and enslaved people. The free were further divided into landlords, peasants and paupers. Landlords who held certain lordships were called lords, and landlords who did not hold lordships were called good, chosen kinsmen, useful to the country. Peasants were referred to by terms such as 'thick peasant', 'unwise' and 'man of gios'. The serfs were assimilated to the things and constituted property included in the master's patrimony. Over a slave, the master had a very extensive right of correction. A serf could obtain freedom by disrobing or by denouncing the master who committed certain offences.

The age of maturity was set at 25, while the age of liability for one's own actions was 18. The provisions on the organisation of the family are based on rules taken from the previous pravileas.

Marriage continues to be a religious act. It ended in front of the priest in church. The betrothal produces certain legal effects. The husband exercised parental power over his offspring and marital power over his wife, including a very broad right of correction. Dissolution of the marriage could be done by the church or by repudiation for acts expressly stated in the pravile, such as adultery, witchcraft, kinship and excessive beating. As for beating beyond measure, the practice was not to break the stick.

In the area of obligations, it is specified that debts and claims may arise from contracts and torts. Any contract may be concluded either by the parties or by their representatives. Contracts of sale, hire, loan and gift are provided for in the pravile. Personal guarantees (chezășia) and real guarantees (zalogul) are also mentioned.

In matters of succession, both intestate and testate inheritance have been established. The written will was called a *zapis*. Those convicted of crimes against morality, known as nevolnici, as well as murderers of those to be inherited, could not inherit.

Legal heirs were classified as descendants and collateral. It was specified which was the inheritance reserve that could only be acquired by family members and which was the available share, which could be acquired by non-family members.

In the field of criminal law, we find the most evolved regulations of the two laws, because their inspiration was Prosper Farinnaci's treatise, considered to be the most legally evolved of criminal law at the time. The word 'vini' was used to designate offences. Serious offences were called "vini mari" and less dangerous offences were called "vini piccoli".

In order to assess the social danger of the criminal offence, the intentional aspect, the place and time of the offence and its flagrante delicto nature were analysed. Modern criminal law concepts such as attempt, conspiracy, complicity and recidivism were used for the first time. The facts that remove criminal liability (insanity, self-defence, age under seven and superior's order) are shown, as well as the facts that reduce criminal liability: ignorance, anger, passion, sleepwalking and mistake without deceit.

The punishments envisaged were physical (beheading, hanging, impaling, burning with fire and mutilation), custodial (hanging, dungeon and banishment to a monastery), fines, exposure of the offender to public opprobrium (such as wearing through the fair), application in certain cases of the law of retaliation, called soul for soul, religious punishments (such as: apurisy, fasts, matins and prayers) (Vasiu 2009, 77).

Among the offences regulated in those two laws are: hicienia, calpuzania (counterfeiting of money, originated from a Turkish term), murder, theft, false testimony, abduction of a virgin or a woman, incest, bigamy, adultery, hieratia, hierosilia (the scope of the offence of hierosilia is widened to include sexual intercourse with a nun or sexual intercourse in church, punishable by death).

Instead of conclusions

In the evolution of Romanian law, we start from the customary stage which began with the formation of the Romanian people and had as its limit the period of the first pravile, in the early 17th century. During this period, customs, written law, and pravil (also known as "God's gift") were prevalent, as were the teachings of the sages. And on this basis, if we start from the idea that 'in the beginning was the word', which can be likened to custom/custom, we find on the road of the evolution of social relations in the medieval period and the need for the evolution of law, i.e. the transition to written law.

When the pravileas appeared, based on Roman law, which had penetrated mainly by Byzantine means, rules from the old legal customs, which bore the stamp of Roman legal rationalism, were also inserted. Thus customary law, transmitted orally, was, together with Byzantine law, a powerful source of inspiration for those who drew up the first written laws called pravile (Rotaru 2014, 93-132).

We note from the above that the medieval Romanian world, like that of other peoples, knew and recognized as legal sources the custom, written law and pravila. However, there are particularities, aspects specific to the medieval Romanian countries, which were determined by the social relations existing at that time, economic and cultural influences, etc.

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Reflections on the Causes of the Disastrous Moral and Political Decline of the Kingdom of Judah, Leading to their Conquest by the Babylonians

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ABSTRACT: This article addresses the causes of the moral and political decline of the Kingdom of Judah, which led to its conquest by the Babylonians in 586 BC. Speaking of the history of the kingdom of Judah in the last days of its existence, the last four kings were very wicked, totally against their father, King Josiah. They did not respect the word of the Lord at all, nor the word of the prophet Jeremiah, without having a vision of their time, going against the current of the time, which led things to a national disaster. Thus in 586 BC, Jerusalem was conquered, the temple was burned and completely destroyed and the people taken into slavery, so for 70 years Jerusalem was a ruin. No one believed it could ever be rebuilt. In the last 20 years of the Kingdom of Judah's existence lived and worked the great prophet Jeremiah, who understood that Babylonian suzerainty was a thing ordained by God, counselling the king and the people to understand this. Unfortunately the prophet's messages were not heeded, and in the end, things went according to the predictions of the prophet Jeremiah.

KEYWORDS: Kingdom of Judah, causes, moral decay, political decay, disaster, conquest, captivity, Babylonians

„The first years of Jehoiakim's reign were filled with warnings of approaching doom. The word of the Lord spoken by the prophets was about to be fulfilled. The Assyrian power to the northward, long supreme, was no longer to rule the nations. Egypt on the south, in whose power the king of Judah was vainly placing his trust, was soon to receive a decided check. All unexpectedly a new world power, the Babylonian Empire, was rising to the eastward and swiftly overshadowing all other nations” (White 2011, 292).

At the end of the Kingdom of Judah, the last king considered good was King Josiah, who was the sixteenth king in the Southern Kingdom, also called the Kingdom of Judah, and ruled in Jerusalem from 638 to 608 BC. He ascended the throne at the age of eight, after a period of more than half a century of moral and spiritual decline under the rule of his father, Amon, and his grandfather, Manasseh, two of the Kingdom of Judah's worst kings. Yet, unlike his forebears, Josiah "did what was right in the sight of the Lord" (2 Kings 22:2), even though the social, political and religious environment was against him.

Josiah died at a fairly young age, after being involved in the battle with the Egyptians at Megiddo (608 B.C.) Involvement in that battle was a military-political mistake, because he, who was a pro-Babylonian leader, tried to stand in the way of the Egyptians going into a military confrontation with the Babylonians and unfortunately died too soon. Scripture describes the event: After all this, when Josiah had prepared the temple, Necho king of Egypt came up to fight against Carchemish by Euphrates: and Josiah went out against him. But he sent ambassadors to him, saying, What have I to do with thee, thou king of Judah? I come not against thee this day, but against the house wherewith I have war: for God commanded me to make haste: forbear thee from meddling with God, who is with me, that he destroy thee not. Nevertheless Josiah would not turn his face from him, but disguised himself, that he might fight with him, and hearkened not unto the words of Necho from the mouth of God, and came to fight in the valley of Megiddo. And the archers shot at king Josiah; and the king said to his

servants, Have me away; for I am sore wounded. His servants therefore took him out of that chariot, and put him in the second chariot that he had; and they brought him to Jerusalem, and he died, and was buried in one of the sepulchres of his fathers. And all Judah and Jerusalem mourned for Josiah (2 Chronicles 35: 20-24).

After the death of King Josiah, he was succeeded to the throne by four more kings, three of whom were his sons, and the fourth was one of his nephews. Jehoahaz (Joahaz) (2 Chronicles 36:1-4) is the first to reign for only 3 months, because he was on the same anti-Egyptian policy of his father, but the Egyptians on his return changed him and took him as a slave to Egypt, and in his place became king, his younger brother Jehoiakim (Joiachim) (Doukhan 2013, 19), who reigned 11 years, being the worst and with the greatest negative effects on the people of the Kingdom of Judah (2 Chronicles 36:4-5). Jehoiakim was the prophet Jeremiah's greatest opponent, and was on the verge of capturing and killing him, but the prophet Jeremiah escaped only because of divine intervention. He was followed by his son Jehoiachin, who reigned only 3 months and was taken as a slave by the Babylonians and taken into bondage in Babylon and spent most of his life as a slave, only to be rehabilitated in the last years of his life. The last of them was Zedekiah (2 Chronicles 36:10-13.), who reigned for another 11 years until Jerusalem was finally conquered and destroyed by the Babylonians in 586 BC.

„Within a few short years the king of Babylon was to be used as the instrument of God's wrath upon impenitent Judah. Again and again Jerusalem was to be invested and entered by the besieging armies of Nebuchadnezzar. Company after company—at first a few only, but later on thousands and tens of thousands—were to be taken captive to the land of Shinar, there to dwell in enforced exile. Jehoiakim, Jehoiachin, Zedekiah—all these Jewish kings were in turn to become vassals of the Babylonian ruler, and all in turn were to rebel. Severer and yet more severe chastisements were to be inflicted upon the rebellious nation, until at last the entire land was to become a desolation, Jerusalem was to be laid waste and burned with fire, the temple that Solomon had built was to be destroyed, and the kingdom of Judah was to fall, never again to occupy its former position among the nations of earth” (White 2011, 292).

During this period of about 20 years, in which 4 kings, 3 brothers and a nephew reigned, Jerusalem was conquered by the Babylonians three times, in 605, 597, 586 BC. Each conquest was well marked by an event that we can remember more easily. In 605 BC Daniel was taken as a hostage, along with a group of young men, who were taken to Babylon, where they entered the Babylonian schools. The bondage at that time was not very severe. For the most part Jerusalem remained the same. The people did not suffer any deportations, only a certain number of hostages were taken from them and they had to pay tribute.

If they remained in this relationship, that is vassals of the Babylonians, subject to them, and paid their tribute to the Babylonians their situation would have been relatively good, but the Jews were not satisfied with this status and in the course of time, King Jehoiakim, stopped paying his tribute, and entered into relations and alliances with the peoples of the west, mainly Egypt and their neighbours, preparing an anti-Babylonian military coalition. Learning of these events, the Babylonians intervened very decisively, and Jerusalem was conquered a second time, in 597 BC, this time suffering a great defeat, a great disaster. First of all, 10,000 men, the most able, the best, the leading men were taken from Israel and taken into slavery in Babylon. They were taken with their families, and among them was taken into captivity the young Ezekiel, who was to take up the priesthood. He was from a priestly family, and we believe he would not have become a priest, having been taken into bondage at the age of 25, and only after that time could he enter the ministry. So, after the Babylonians' second military campaign against Jerusalem, Ezekiel is taken as a slave along with 10,000 of his countrymen and a large part of the Temple vessels. Everything of value, all the gold objects, were taken from the Temple by the Babylonians, leaving only the second-hand objects so that the Temple could still function.

The last (21st) king (ca. 597-586 BC), the third son of King Josiah, to take over the kingdom was Zedekiah, a descendant of the line of David, a king who swore to the king of Babylon that he would remain loyal and faithful, an oath that was made in the name of Yahweh, the God of the Jews, and which was probably made in the Temple of Yahweh itself, because it was a custom of the time for covenants and oaths of loyalty to be made in a temple of one deity and in the name of the same god. His name was changed from Mattaniah to Zedekiah, indicating his vassalage to Babylon (2 Kings 24:17).

The prophet Jeremiah understood that the Babylonian suzerainty was a thing ordained of God (Jeremiah 27; cf. 28:12-14), advising the king to understand this. In 594 BC a revolt took place in Babylon. Knowing that there was also an anti-Babylonian party in Jerusalem, Zedekiah went to Babylon in 593 BC, perhaps even to remove any suspicion of his participation in the plot (Jeremiah 51:59). It is certain that King Zedekiah though he swore by his God, Yahweh, that he would remain faithful to the king of Babylon, it was something he did not keep (2 Chronicles 36:10-13), rebelling against the Babylonian king (2 Kings 24:20), thus breaking his covenant with the Babylonians (Ezekiel 17:12-13).

So after these events followed the third Babylonian conquest of Jerusalem in 586 BC. So in 588 BC, Nebuchadnezzar and his armies invaded the Kingdom of Judah and besieged Jerusalem. The siege was interrupted for a time in order for the Babylonian army to confront the approaching Egyptian army (Jeremiah 37:5), but as the prophet Jeremiah predicted (vv. 6-10; 34:21-22), the siege was resumed. The siege lasted some more time until all resources were completely exhausted. When the famine in the city reached its peak, the wall was breached in July, 586 BC and the city fell (2 Kings 25:3-4; Jeremiah 52:6-7). The temple was sacked and burned and the people were exiled to Babylon (2 Kings 25:17-20).

King Zedekiah and his family attempted a nighttime escape from the besieged city, fleeing to Jordan, but pursuers caught them near Jericho and took them to King Nebuchadnezzar's headquarters at Riblah. And King Zedekiah met a very tragic end. First he had to witness the murder of his family, to see his three children killed in front of him, to see them screaming, crying out in despair right in front of him, and after witnessing this heartbreaking and terrible tragedy, the king's eyes were gouged out (2 Kings 25:4-7; Jeremiah 52:7-11). The method of gouging out eyes in those days was to have the eyes pricked with a sharp object dipped in fire, a kind of reddened nail. After losing his sight he was bound in chains and taken to Babylon where he also died. Obviously he couldn't last long due to both the physical and soul torment, for the disaster that came upon him and his country, for the torment of losing his family, and for all the mistreatment he suffered, culminating in the gouging out of his eyes, so he ended his life rather quickly. What was most tragic was that this king had a correspondence, a rather close relationship with the prophet Jeremiah. Several times he had personal, even secret, one might say, meetings in which he asked the prophet to tell him what God's will and plan was, and the prophet Jeremiah explained it very clearly, and the last time he told him: There is no point in my telling you, because if I tell you, you will not believe me and you will punish me. He swore, he promised that no harm would come to him, so the prophet told him that if he did not surrender to the Babylonians, disaster would follow for him and for the land. The city of Jerusalem was to be conquered, and he as king would suffer the consequences of a stubborn, defeated king who broke his oath and whom the enemy would punish very severely: "Then said Jeremiah unto Zedekiah, Thus saith the LORD, the God of hosts, the God of Israel; If thou wilt assuredly go forth unto the king of Babylon's princes, then thy soul shall live, and this city shall not be burned with fire; and thou shalt live, and thine house: But if thou wilt not go forth to the king of Babylon's princes, then shall this city be given into the hand of the Chaldeans, and they shall burn it with fire, and thou shalt not escape out of their hand" (Jeremiah 38: 17-18).

For a religious man, for a man who asked God, but did not respect what God told him, but went against God's advice, at the moment when all the prophesied misfortunes were

fulfilled, the king suffered another trauma, the moral one, that of guilt, of disobedience, which often weighs on a man's conscience, much heavier than any other affliction. These things happened at the end of Judah's reign in the right of King Zedekiah.

Causes leading to this Kingdom of Judah national disaster

The logical question arises as to the causes, the reason why God left His people at that time, leaving them in the hands of men. The explanation can only be that those people did not let themselves be led by the word of God by the spirit of prophecy. They had prophets in their midst. They had the prophetess Huldah, who spoke to Josiah and told him what would happen.

Through the prophetess Huldah the Lord sent King Josiah a word telling him that the destruction of Jerusalem could not be avoided. Even if they humbled themselves before God, the people could not escape punishment. So hardened were their souls by their wickedness that if judgment did not come upon them, they would soon return to the same sinful life. "Tell the man who sent you to me," says the prophetess: "And she said unto them, Thus saith the LORD God of Israel, Tell the man that sent you to me, Thus saith the LORD, Behold, I will bring evil upon this place, and upon the inhabitants thereof, even all the words of the book which the king of Judah hath read: Because they have forsaken me, and have burned incense unto other gods, that they might provoke me to anger with all the works of their hands; therefore my wrath shall be kindled against this place, and shall not be quenched. But to the king of Judah which sent you to enquire of the LORD, thus shall ye say to him, Thus saith the LORD God of Israel, As touching the words which thou hast heard; Because thine heart was tender, and thou hast humbled thyself before the LORD, when thou heardest what I spake against this place, and against the inhabitants thereof, that they should become a desolation and a curse, and hast rent thy clothes, and wept before me; I also have heard thee, saith the LORD. Behold therefore, I will gather thee unto thy fathers, and thou shalt be gathered into thy grave in peace; and thine eyes shall not see all the evil which I will bring upon this place. And they brought the king word again" (2 Kings 22: 15-20).

King Josiah told his children about what was going to happen in their time and told them to do something to push the evil forward. They did nothing. Perhaps if they had followed their father's way, the situation might have been different, the misfortune might have come much later or not at all.

Another cause of the decline was that King Josiah's reform was only an outward, surface reform. The reform was only external and because it was done from the top down, under royal decree, the reform did not penetrate the souls of the people and did not convince them. So people ended up being correct, principled, but out of fear, but only outwardly, not out of conviction, from within. This was one of the causes of the disaster that came upon the kingdom of Judah. How the king died, how his decrees were no longer valid, and the people brought their idols out of hiding, because they did not destroy them all, only those that were discovered by the king's authorities. Thus they failed to destroy them all. After the death of King Josiah, the people took out the idols again, rebuilt the altars, and within a year idolatry was flourishing again in the Kingdom of Judah. That's why there's no point in forced outward reform, just rules: no this, no that. The no-go must be replaced by something else that can be done. The prophet said: The Lord does not like this, but let us do what pleases the Lord, what is moral, noble and beautiful. Man must be motivated so that he himself is convinced of the need for a reform that he should make starting first from his heart.

The fact that the people did not listen to the prophets of that time: Huldah, Jeremiah, was another cause of their decline. The prophets Habakkuk and Zephaniah also lived and worked at that time. We don't know much about their involvement in the issues of that time, but they had pretty clear solos. Jeremiah, however, was the prophet who from the beginning to the end was present in the marketplace, at the temple, at the temple gates with his very clear

messages. But what Jeremiah records, as a sad conclusion and as a cause of all this was that: "...for every one from the least even unto the greatest is given to covetousness, from the prophet even unto the priest every one dealeth falsely" (Jeremiah 8:10).

Something morally frightening was going on, namely the prophets were prophesying lies (Jeremiah 14:14), and the people liked it that way. A monstrous coalition had been formed between the prophets, the priests and the people. There were a few people led by Jeremiah, Baruch, who realized that this was not good, but this group was slowly, slowly silenced, having no influence among them.

In order for this to happen there was something else, namely a wrong theology, called Temple Theology, against which the prophet stood up with all his might. In the second sermon he presents to them: "The word that came to Jeremiah from the LORD, saying, Stand in the gate of the LORD'S house, and proclaim there this word, and say, Hear the word of the LORD, all ye of Judah, that enter in at these gates to worship the LORD. Thus saith the LORD of hosts, the God of Israel, Amend your ways and your doings, and I will cause you to dwell in this place. Trust ye not in lying words, saying, The temple of the LORD, The temple of the LORD, The temple of the LORD, are these" (Jeremiah 7: 1-4).

The Lord said to them by the mouth of the prophet Jeremiah, "It is no use for you to say, 'The temple of the Lord, the temple of the Lord.' It is no use looking upon it as a miracle worker, for it is true that in the time of King Hezekiah Jerusalem could not be conquered. But then the people went to the temple, brought the letter and laid it before the Lord, prayed for help, and worshipped (Isaiah 37:1-38).

The Jews believed that the same would happen this time. Jeremiah made it clear to them that if they did not mend their ways and their deeds, if they did not do justice in society, if they did not remove all idolatry, the Lord's temple in Jerusalem would end up like Silo, destroyed and burned: "For if ye throughly amend your ways and your doings; if ye throughly execute judgment between a man and his neighbour; If ye oppress not the stranger, the fatherless, and the widow, and shed not innocent blood in this place, neither walk after other gods to your hurt: Then will I cause you to dwell in this place, in the land that I gave to your fathers, for ever and ever. Behold, ye trust in lying words, that cannot profit. Will ye steal, murder, and commit adultery, and swear falsely, and burn incense unto Baal, and walk after other gods whom ye know not; And come and stand before me in this house, which is called by my name, and say, We are delivered to do all these abominations? Is this house, which is called by my name, become a den of robbers in your eyes? Behold, even I have seen it, saith the LORD. But go ye now unto my place which was in Shiloh, where I set my name at the first, and see what I did to it for the wickedness of my people Israel" (Jeremiah 7: 5-14).

This made them very angry and made them rise up against the prophet Jeremiah, ready, ready to kill him, if only a few chiefs had not intervened to save him. How is it possible to have a good, correct theology, a good faith in God, and then to be harsh, to be violent, very critical of your neighbor, even if he is wrong? A correct theology makes you a good man, makes you patient, makes you trust God. This wrong theology was another major cause of the disaster that came upon them as a people.

Another important element was that they didn't understand the times and times in which they lived. We have the example of the sons of Issachar, who came to David all the way from the north of the land and obeyed him and voted for his election as king, because the Bible says they understood the times and the times (1 Chronicles 12:32) and they knew what Israel should do in those times. God gives man a certain wisdom to be able to understand the times, sometimes you have to humble yourself, and sometimes you have to be resolute and tough, sometimes you have to take action, as King Josiah did, who purged idolatry, sometimes you have to worship and pray to the Lord. It takes a certain wisdom to know how to behave in every situation. This requires trust in the Lord's prophets, who convey His will.

The last message to the people from Jeremiah

Speaking of the history of the kingdom of Judah in the last days of its existence, as mentioned the last four kings were very wicked, totally against their father King Josiah. They did not respect the word of the Lord at all, nor the word of the prophet Jeremiah, not having a vision of their time, going against the current of the time, which led things to disaster. Thus in 586 BC. Jerusalem was conquered, the temple was burned and completely destroyed and the people taken into slavery, so for 70 years Jerusalem was a ruin. No one believed it could ever be rebuilt. During the last 20 years of the Kingdom of Judah's existence, the great prophet Jeremiah lived and worked. We will follow the aspects of his work, how he was received by the people and see to what extent his words, his prophecies were right.

Jeremiah was presented by commentators as a counsellor, as a priest, as a confessor, who had to stand by the bedside of a dying or condemned man and prepare him for the moment of burial, without being able to present him with messages of hope that he would live, when he knew that in a few hours he would close his eyes. Jeremiah's mission was similar to the situation described, an extremely difficult and unpleasant mission. He can be compared to a doctor who does his best to treat a patient and make him well, but the patient doesn't cooperate, doesn't want to take his medicine, does not want to eat, does not want to do anything the doctor tells him. The doctor will tell him that if he doesn't listen to him death is certain to await him, but the patient holds his ground and in the end loses his life.

The prophet Jeremiah was thus in the situation of a visionary, who announced to the people that a great abyss lay before them, and the people did not heed his words and they all fell into the abyss, and he witnessed that evil experience. Jeremiah, as a man with a soul, suffered and still suffered twice because those people were dying and going through a terrible misfortune and he also suffered because he was not listened to by them as a people.

“Yet amid the general ruin into which the nation was rapidly passing, Jeremiah was often permitted to look beyond the distressing scenes of the present to the glorious prospects of the future, when God's people should be ransomed from the land of the enemy and planted again in Zion. He foresaw the time when the Lord would renew His covenant relationship with them. "Their soul shall be as a watered garden; and they shall not sorrow any more at all." Jeremiah 31:12” (White 2011, 283).

Jeremiah was a priest living very close to Jerusalem, about 5 km away at Anathoth, and his first experience takes place at his workplace. As a rule when he went to the Temple, he would say the words passed on to him by the Lord. His classic expression was: Behold, I have spoken to you this morning. Go to the gate of the Lord's house and tell them. Either he spoke at the gate of the Lord's house or he spoke at the gates of Jerusalem, for God sent him through all the gates, for the people from the south entered through one gate and the people from the north entered through the sheep gate. The prophet was going through all the gates with the message from the Lord, so that all the people who came to the Temple and believed in God and worshipped Him could hear His message.

One of the messages is found in the experience in which Jeremiah went to the potter's house, where in the presence of several witnesses (leading men, chiefs of the people) he bought a vessel with which he came into the temple courts, fulfilling the Lord's command: “Then shalt thou break the bottle in the sight of the men that go with thee, And shalt say unto them, Thus saith the LORD of hosts; Even so will I break this people and this city, as one breaketh a potter's vessel, that cannot be made whole again: and they shall bury them in Tophet, till there be no place to bury” (Jeremiah 19: 10-11).

The prophet's message could not have pleased the people, because he had to tell them: “And say, Hear ye the word of the LORD, O kings of Judah, and inhabitants of Jerusalem; Thus saith the LORD of hosts, the God of Israel; Behold, I will bring evil upon this place, the which whosoever heareth, his ears shall tingle. Because they have forsaken me, and have estranged

this place, and have burned incense in it unto other gods, whom neither they nor their fathers have known, nor the kings of Judah, and have filled this place with the blood of innocents; They have built also the high places of Baal, to burn their sons with fire for burnt offerings unto Baal, which I commanded not, nor spake it, neither came it into my mind: Therefore, behold, the days come, saith the LORD, that this place shall no more be called Tophet, nor The valley of the son of Hinnom, but The valley of slaughter. And I will make void the counsel of Judah and Jerusalem in this place; and I will cause them to fall by the sword before their enemies, and by the hands of them that seek their lives: and their carcasses will I give to be meat for the fowls of the heaven, and for the beasts of the earth. And I will make this city desolate, and an hissing; every one that passeth thereby shall be astonished and hiss because of all the plagues thereof. And I will cause them to eat the flesh of their sons and the flesh of their daughters, and they shall eat every one the flesh of his friend in the siege and straitness, wherewith their enemies, and they that seek their lives, shall straiten them” (Jeremiah 19: 3-9).

Through that practical illustration, with the breaking of the vessel, Jeremiah tells them that what happened to that vessel would also happen to them as a people as a result of their fallen moral state: “And shalt say unto them, Thus saith the LORD of hosts; Even so will I break this people and this city, as one breaketh a potter's vessel, that cannot be made whole again: and they shall bury them in Tophet, till there be no place to bury. Thus will I do unto this place, saith the LORD, and to the inhabitants thereof, and even make this city as Tophet: And the houses of Jerusalem, and the houses of the kings of Judah, shall be defiled as the place of Tophet, because of all the houses upon whose roofs they have burned incense unto all the host of heaven, and have poured out drink offerings unto other gods. Thus saith the LORD of hosts, the God of Israel; Behold, I will bring upon this city and upon all her towns all the evil that I have pronounced against it, because they have hardened their necks, that they might not hear my words” (Jeremiah 19: 11-13,15).

The first reaction was that of Pashur, who was the supervising priest, i.e. a leader of them, he was also Jeremiah's hierarchical head. Pashur arrested him, beat Jeremiah and put him in the stocks: “Now Pashur the son of Immer the priest, who was also chief governor in the house of the LORD, heard that Jeremiah prophesied these things. Then Pashur smote Jeremiah the prophet, and put him in the stocks that were in the high gate of Benjamin, which was by the house of the LORD” (Jeremiah 20: 1-2).

In this conflict between Jeremiah and his boss, Jeremiah suffers physically, but it is possible that Pashur, had some pangs of conscience, because the next day he brought Jeremiah out of the dungeon, who gave him and his people a message of judgment: “And it came to pass on the morrow, that Pashur brought forth Jeremiah out of the stocks. Then said Jeremiah unto him, The LORD hath not called thy name Pashur, but Magor-missabib. For thus saith the LORD, Behold, I will make thee a terror to thyself, and to all thy friends: and they shall fall by the sword of their enemies, and thine eyes shall behold it: and I will give all Judah into the hand of the king of Babylon, and he shall carry them captive into Babylon, and shall slay them with the sword. Moreover I will deliver all the strength of this city, and all the labours thereof, and all the precious things thereof, and all the treasures of the kings of Judah will I give into the hand of their enemies, which shall spoil them, and take them, and carry them to Babylon. And thou, Pashur, and all that dwell in thine house shall go into captivity: and thou shalt come to Babylon, and there thou shalt die, and shalt be buried there, thou, and all thy friends, to whom thou hast prophesied lies” (Jeremiah 20: 3-6).

Interestingly, when King Nebuchadnezzar came, he took all the imperial chiefs, the palace chiefs, the priests and killed them, and Pashur also suffered this very harsh punishment of being taken as a slave and taken to Babylon. The torment experienced by the Jewish exiles, however, involves more than personal discomfort: the end of Judah actually means the demise of the last Israelites" (Doukhan 2013, 19).

As a conclusion, about the situation of the Kingdom of Judah at that time, the American author Ellen G. White wrote the following: „But now Zion was utterly destroyed; the people of God were in their captivity. Overwhelmed with grief, the prophet exclaimed: "How doth the city sit solitary, that was full of people! how is she become as a widow! she that was great among the nations, and princess among the provinces, how is she become tributary! She weepeth sore in the night, and her tears are on her cheeks: among all her lovers she hath none to comfort her: all her friends have dealt treacherously with her, they are become her enemies. "Judah is gone into captivity because of affliction, and because of great servitude: she dwelleth among the heathen, she findeth no rest: all her persecutors overtook her between the straits. The ways of Zion do mourn, because none come to the solemn feasts: all her gates are desolate: her priests sigh, her virgins are afflicted, and she is in bitterness. Her adversaries are the chief, her enemies prosper; for the Lord hath afflicted her for the multitude of her transgressions: her children are gone into captivity before the enemy."” (White 2011, 318).

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Traditio, Specificatio and Accessio - Methods of Acquiring Property in Roman Law

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ABSTRACT: At the beginning of the Ancient Era, the quiritary property had only *res Mancipi* as its object. The development of society and the evolution of legal ideas determined the appearance of *res nec Mancipi*. The master mentality of the Romans led them to legally protect the control exercised over these assets and to expand the scope of the quiritary property. The creation of *accessio, specificatio* and *traditio*, as specific ways of acquiring property over *res nec Mancipi*, had the effect of optimizing the legal regime of quiritary property and expanding the scope of application of this legal institution.

KEYWORDS: *res nec Mancipi, traditio, specificatio, accessio*

Introduction

Quiritary property was the private property exercised by Roman citizens. Initially, it had as object *res Mancipi*. These things were considered more important (*pretiosiores*), because the ancient Romans, who were shepherds and farmers, used them in carrying out these activities. As society developed and legal ideas evolved, the realities of the era of the Law of the Twelve Tables revealed a new category of things, *res nec Mancipi*. Although they were considered less important by the ancient Romans, it was necessary that the rule exercised over them be protected from a legal point of view. These realities led the Roman jurists to extend the scope of quiritary property to *res nec Mancipi* and to complete its legal regime with ways of acquiring these assets.

Traditio

Traditio was a way of acquiring property specific to the *ius gentium*, which was achieved by the simple material remittance of a corporeal thing (Popescu 1982, 128). It appeared against the background of the development of relations between citizens and pilgrims. Most of the time, the legal relations between citizens and foreigners were of a commercial nature and could not be generated by means of the old Civil Law acts, which were governed by a rigorous formalism and were not accessible to pilgrims. This primitive framework, in which the property of some *res nec Mancipi* was transmitted (Pichonaz 2008, 260), required the use of a simple and extremely effective act. In order to perfectly respond to the requirements of the exchange economy, Roman jurists created *traditio*, which assumed the existence of two elements: the material remittance of the thing and the *iusta causa*.

The material delivery of the thing consisted in the actual delivery of the thing to the acquirer (*traditio corporalis*); *traditio* implied the execution of an obligation that the *tradens* had assumed through a contract. On this occasion, the possession of the thing was handed over, since possession represented the way in which the right of ownership was manifested. The return of the thing was carried out differently, depending on the category in which it was included. If the asset to be handed over was a movable asset, then the remittance was made from hand to hand (Molcuț 2011, 132). If, on the other hand, the asset was immovable, *traditio* was carried out by going through it, if it was a plot of land (Tomulescu 1973, 184), or by visiting all the rooms, if it was a building. Towards the end of the Republic, Roman society experienced an unprecedented development, which resulted in the evolution of legal ideas and the creation of legal acts adapted to the new realities. The development of Roman Business Law requires

the identification of solutions for achieving the commercial flow. For this purpose, Roman jurists created procedures that symbolized the material remittance of the thing and made the transfer of ownership to the acquirer faster. These were *traditio longa manu*, *traditio brevi manu*, *traditio simbolica* and *constitutum possessorium*.

Traditio longa manu was the long hand tradition. It consists in indicating the boundaries of the building by the *tradens*. This gesture symbolizes taking possession of the plot of land (Hamangiu and Nicolau 2022, 363-364). It is a more evolved legal procedure, used in the Classical Era, when land was increasingly the object of legal acts. *Traditio brevi manu* was the short hand tradition (Girard 1924, 310). It represented another situation in which the remittance of the thing was done through a symbolic gesture, because the *accipiens* was already in possession of the thing, and the role of *traditio brevi manu* was to transfer the property with the consent of the owner. And the *constitutum possessorium* is an evolved procedure for transmitting the right of ownership (Axente 2020, 232). It is used in the hypothesis that the owner, after selling his house, continues to exercise acts of control over it as a tenant. From here we can draw the conclusion that *traditio brevi manu* and *constitutum possessorium* have decisively contributed to the formation of the modern conception of legal transferable acts of ownership. *Traditio simbolica* applies in the case of the transmission of a house. This time, the outdated method of visiting all the rooms was replaced by handing over the keys to the acquirer. It came to complete the scope of *traditio brevi manu* and *constitutum possessorium*. For practical reasons, *traditio simbolica* is also applied in the sphere of commercial transactions, as can be seen from a text from the Institutes of the Emperor Justinian, according to which “*item si quis merces in horreo depositas vendiderit, simul atque claves horrei tradiderit emptori, transfert proprietatem mercium ad emptorem*” (Hanga 2002, 78)

Iusta causa represents the intentional element of *traditio*. It is identified with *titulus adquirendi*, namely with the legal act through which the manifestation of the intention to alienate the property was established. It was done this way, since, in the opinion of the Romans, simple remittance had the effect of transferring ownership only if it was preceded by a sale (*numquam nuda traditio transfert dominium, sed ita, si venditio aut aliqua iusta causa praecesserit*) (Hamangiu and Nicolau 2022, 366). Later, in the Post-Classical Era, against the background of the evolution of legal ideas, *iusta causa* denoted the intention of the *tradens* to alienate and the intention of the *accipiens* to acquire (Tomulescu 1973, 185).

Specificatio

It was a way of acquiring property that consisted of creating a good from materials belonging to another person (*ex alia materia speciem aliquam facere*) (Axente 2022, 226). *Specificatio* appeared against the background of the production of the second social division of labor. The role of this legal institution was to ensure the legal protection of goods manufactured, often, from materials belonging to other people, without causing damage to the owners of the materials.

The jurisconsult Gaius tells us that the acquisition of the property of the created good generated controversies between the owners of the materials and the craftsmen. There were jurisconsults who considered that the newly created good belongs to the owner of the materials; on the other hand, others considered that the specifier must acquire the ownership of the manufactured good (Leesen 2006, 267) (*quidam materiam et substantiam spectandam esse putant, id est, ut cuius materia sit, illius et res, quae facta sit, uideatur esse, idque maxime placuit Sabino et Cassio; alii uero eius rem esse putant, qui fecerit, idque maxime diuersae scholae auctoribus uisum est*) (Girard 1890, 201). The unitary solution was found towards the end of the Post-Classical Era by the jurists who composed the legislative work of the emperor Justinian. According to a text from Justinian’s Institutes, if the thing could be returned to the material from which it was created, the owner of the matter acquired the right of ownership over the newly created good; if not, the property belonged to the one who made the thing (*et*

post multas Sabinianorum et Proculianorum ambiguitates placuit media sententia existimantium, si ea species ad materiam reduci possit, eum videri dominum esse qui materiae dominus fuerat; si non possit reduci, eum potius intellegi dominum qui fecerit: ut ecce vas conflatum potest ad rudem massam aeris vel argenti vel auri reduci, vinum autem aut oleum aut frumentum ad uvas et olivas et spicas reverti non potest, ac ne mulsum quidem ad vinum et mel resolvi potest. quodsi partim ex sua materia, partim ex aliena speciem aliquam fecerit quisque, velut ex suo vino et alieno melle mulsum aut ex suis et alienis medicamentis emplastrum aut collyrium aut ex sua et aliena lana vestimentum fecerit, dubitandum non est, hoc casu eum esse dominum qui fecerit: cum non solum operam suam dedit, sed et partem eiusdem materiae praestavit (Hanga 2002, 69-70). This solution could become inequitable because either the owner of the material lost his property, or the specifier lost his job. In order to solve this problem as well and to prevent unjust enrichment of one of the parties to the legal relationship, the one who acquired the ownership right over the newly created thing had to pay compensation either to the one who did the work or to the owner of the material (Garrido 1996, 192).

Accessio

It was a natural way of acquiring ownership over the accessory thing by incorporating it into the main asset (Plisecka 2006, 46). The Romans considered it as the main asset that did not lose its identity after the incorporation of the accessory (Schmidlin 2008, 239).

The Romans had a very developed sense of property, which was due to their practical sense, the activities in which they were involved, but above all the fact that, towards the end of the Republic, the Roman economy had turned into a genuine exchange economy. This explains the fact that the Roman legal texts established three ways of achieving the *accessio*: real estate *accessio*, *accessio* of a movable thing with an immovable one and movable *accessio*.

Real estate acquisition represented the increase of a real estate property. It was achieved through several legal procedures (*alluvio*, *avulsio*, *insula in flumine nata*, *alveus derelictus*) and was due to the farming mentality of the Romans, who constantly sought to expand the scope of property rights, so that they could exploit as many land surfaces as possible.

Alluvio was a way of acquiring property that consisted in enlarging the property of the riverside owner as a result of the deposits that formed on the bank of a river. The jurisconsult Gaius said that " *per alluvionem autem id videtur adici, quod ita paulatim flumen agro nostro adicit, ut aestimare non possimus, quantum quoquo momento temporis adiciatur: hoc est, quod uolgo dicitur per adluuionem id adici uideri, quod ita paulatim adicitur, ut oculos nostros fallat*" (Girard 1890, 200). This way of acquiring the right of ownership was only possible if the real estate properties were naturally delimited.

Avulsio was a way of acquiring ownership of a piece of land torn from a fund and attached to another real estate. In order to operate *avulsio*, it is necessary that the adhesion is not temporary but permanent. Sticking was considered permanent if the trees on the flooded bottom took root in that bottom.

Insula in flumine nata was a natural way of acquiring ownership of islands that appeared on the surface of flowing waters. The jurisconsult Gaius describes the way in which this way of acquiring ownership works: " *at si in medio flumine insula nata sit, haec eorum omnium communis est, qui ab utraque parte fluminis prope ripam praedia possident; si uero non sit in medio flumine, ad eos pertinet, qui ab ea parte, quae proxima est, iuxta ripam praedia habent*" (Girard 1890, 200).

Alveus derelictus was a way of acquiring ownership over the abandoned bed of a running water. It operated in favor of the owners of the riparian funds. Justinian, through his Institutes, shows us that " *quodsi naturali alveo in univsum derelicto alia parte fluere coeperit, prior quidem alveus eorum est qui prope ripam eius praedia possident, pro modo scilicet latitudinis cuiusque agri, quae latitudo prope ripam sit; novus autem alveus eius iuris esse incipit, cuius*

et ipsum flumen, id est publici. Quodsi post aliquod tempus ad priorem alveum reversum fuerit flumen, rursus novus alveus eorum esse incipit qui prope ripam eius praedia possident” (Girard 1890, 565).

Accessio of a mobile to an immovable is governed by the rule *accessorium sequitur principale*. By virtue of this rule, the owner of the immovable building will also acquire the right of ownership over the movable thing. This form of artificial *accessio* is realized in two ways: *inaedificatio* and *implantatio*.

Inaedificatio is a way of acquiring ownership over a construction erected on another person's land and operates in two situations: when a person builds on his own land, using materials belonging to another person, and when a person builds a house on another person's land with his own materials. Both hypotheses were mentioned in the Institutes of Emperor Justinian. In the first hypothesis, the jurists of Emperor Justinian show us that “*cum in suo solo aliquis aliena materia aedificaverit, ipse dominus intellegitur aedificii, quia omne quod inaedificatur solo cedit. Nec tamen ideo is qui materiae dominus fuerat desinit eius dominus esse: sed tantisper neque vindicare eam potest neque ad exhibendum de ea re agere propter legem duodecim tabularum, qua cavetur, ne quis tignum alienum aedibus suis iniunctum eximere cogatur, sed duplum pro eo praestat per actionem quae vocatur de tigno iuncto (appellatione autem tigni omnis materia significatur ex qua aedificia fiunt): quod ideo provisum est, ne aedificia rescindi necesse sit. Sed si aliqua ex causa dirutum sit aedificium, poterit materiae dominus, si non fuerit duplum iam consecutus, tunc eam vindicare et ad exhibendum agere”* (Hanga 2002, 71-72). In the second situation, the Institutes show us that “*ex diverso si quis in alieno solo sua materia domum aedificaverit, illius fit domus, cuius et solum est. Sed hoc casu materiae dominus proprietatem eius amittit, quia voluntate eius alienata intellegitur, utique si non ignorabat, in alieno solo se aedificare: et ideo, licet diruta sit domus, vindicare materiam non poterit. Certe illud constat, si in possessione constituto aedificatore, soli dominus petat domum suam esse, nec solvat pretium materiae et mercedes fabrorum, posse eum per exceptionem doli mali repelli, utique si bonae fidei possessor fuit qui aedificasset: nam scienti, alienum esse solum, potest culpa obici, quod temere aedificaverit in eo solo quod intellegeret alienum esse”* (Girard 1890, 567).

Implantatio was a way of acquiring ownership of things planted or sown by another person on one's land. The plantations came under the control of the owner of the soil after they took root, because only from this moment the control over them acquired a permanent character (Hamangiu and Nicolau 2022, 340). This also results expressly from the text of the Institutes of Emperor Justinian, which proves to us that “*si Titius alienam plantam in suo posuerit, ipsius erit: et ex diverso si Titius suam plantam in Maevii solo posuerit, Maevii planta erit, si modo utroque casu radices egerit, antequam autem radices egerit, eius permanet cuius et fuerat. Adeo autem ex eo ex quo radices agit planta proprietates eius commutatur, ut, si vicini arborem ita terra Titii presserit ut in eius fundum radices ageret, Titii effici arborem dicamus: rationem etenim non permittere, ut alterius arbor esse intellegatur quam cuius in fundum radices egisset. Et ideo prope confinium arbor posita si etiam in vicini fundum radices egerit, communis fit”* (Hanga 2002, 72-73). And the movable *accessio* is governed by the principle *accessorium sequitur principale*. And this way of acquiring property is due to the second social division of labor, because the craftsmen enriched the main thing by incorporating the accessory, and the control exercised over the new whole had to be protected from a legal point of view. This explains the fact that Roman jurists had to find legal solutions for the legal protection of property over the goods obtained as a result of the craft activities.

Following *accessio*, *res unita* or *res connexae* resulted.

Res unita results from the joining of two things that can no longer be separated and brought back to their original state. Roman legal texts mention the existence of four such things, designated by the terms *ferruminatio*, *pictura*, *scriptura* and *textura*. *Ferruminatio* consists in gluing the accessory work to the main one. *Pictura* was a way of acquiring ownership of the

canvas by the person who made a painting. In this situation, the Romans considered that “*si quis in aliena tabula pinxerit, quidam putant tabulam picturae cedere: aliis videtur pictura, qualiscumque sit, tabulae cedere. Sed nobis videtur melius esse, tabulam picturae cedere: ridiculum est enim picturam Apellis vel Parrhasii in accessionem vilissimae tabulae cedere. Unde si a domino tabulae, imaginem possidente, is qui pinxit eam petat, nec solvat pretium tabulae, poterit per exceptionem doli mali summoverti: at si is qui pinxit possideat, consequens est ut utilis actio domino tabulae adversus eum detur, quo casu, si non solvat impensam picturae, poterit per exceptionem doli mali repelli, utique si bona fide possessor fuerit ille qui picturam imposuit. Illud enim palam est, quod, sive is qui pinxit subripuit tabulas sive alius, competit domino tabularum furti actio*” (Hanga 2002, 74). *Scriptura* was a way of acquiring ownership of the writing by the owner of the material on which the text was written. According to the Institutes of Emperor Justinian, “*litterae quoque, licet aureae sint, perinde chartis membranisque cedunt acsi solo cedere solent ea quae inaedificantur aut inseruntur: ideoque si in chartis membranisque tuis carmen vel historiam vel orationem Titius scripserit, huius corporis non Titius, sed tu dominus esse videberis. Sed si a Titio petas, tuos libros tuasve membranas esse, nec impensam scripturae solvere paratus sis, poterit se Titius defendere per exceptionem doli mali, utique si bona fide earum chartarum membranarumve possessionem nactus est*” (Girard 1890, 568). *Texture* is a way of acquiring ownership of the fabric by the owner of a garment. The Romans considered that “*si tamen alienam purpuram quis intexuit suo vestimento, licet pretiosior est purpura, accessionis vice cedit vestimento: et qui dominus fuit purpurae, adversus eum qui subripuit habet furti actionem et conditionem, sive ipse est qui vestimentum fecit, sive alius. Nam extinctae res licet vindicari non possint, condici tamen a furibus et a quibusdam aliis possessoribus possunt*” (Hanga 2002, 70).

Res connexae can be dismantled after it has been created. In these situations, the owner of the accessory can request its restitution through a special action, called *actio ad exhibendum*.

Conclusions

These ways of acquiring property rights manage to capture the evolution of quiritary property, as well as the way in which it managed to adapt to the realities due to the three social divisions of labor. *Accessio* and *specificatio* appear with the first social divisions of labor, which introduced shepherds and farmers, on the one hand, and craftsmen, on the other, into society. Instead, the *traditio* appears at a more advanced stage of the evolution of legal ideas, marked by the development of commerce, which required simple and efficient acts, able to meet the needs of the people involved in the development of commercial flows.

Traditio, *specificatio* and *accessio* played an important role in the development of Roman Private Law. They have contributed to the optimization of the legal regime of quiritary property and to the expansion of the scope of this form of property also on *res nec mancipi*.

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Research on the Connection Between the Administrative Capacity of the National Education System and the Management of Educational Change (Part Two)

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ABSTRACT: Changes and challenges in the universal social system are also leading to obvious changes in education systems. In this context, there is a need for efficiency among national education systems, made possible by developing administrative capacity and accelerating educational change. Starting from this premise, the present article reflects a scientific approach based on the quantitative research method in order to establish the connection between the administrative capacity of the Romanian education system and the management of educational change. Thus, the phenomenon of change plays a fundamental role in the process of evolution of educational management, as educational entities become organizations in terms of structure, management, vision, mission, relationships and climate. Organizational development and good governance are therefore supported by effective management of administrative capacity in line with educational change.

KEYWORDS: administrative capacity, impact, institutional accountability, determinants of effective educational change management, responsibility

The second part of the research continues the scientific approach through which the hypothesis is validated that between administrative capacity and educational change management there is a connection possible only through a process focused on educational infrastructure development, good management and flexibility to change. In the following the means that establish the synergy of good administration-management-adaptation are presented. Specific elements are highlighted to ensure the link between administrative capacity and the management of educational provision: adaptation to change followed by a strategy of innovation supported by the benchmarks of institutional responsibility and accountability, cohesion between educational provision and the labor market, transparency and institutional integrity. Based on a new set of 12 questions, the research contributes significantly to the connection between administrative capacity and educational change management, and to the identification of educational change management priorities for affirming and increasing administrative capacity in the national education system. Following part one of this paper, part two will begin with question 13.

13. Are you satisfied with the way the administrative capacity of the education system is developing?

Out of the survey respondents, 19.5% of survey participants are very satisfied with the way the administrative capacity of the education system is developing, while 39.1% are very satisfied with the way the administrative capacity of the education system is developing. The remaining 41.5% have a neutral opinion on this issue.

Table no. 33. Are you satisfied with the way the administrative capacity of the education system is developing?

		Frequency	Percent
Validated date	very small extent	7	17.1
	small extent	9	22.0
	neither small nor large	17	41.5
	largely	6	14.6
	to a very large extent	2	4.9
	Total	41	100.0

People working in the private sector have a negative or at most neutral opinion about the way the administrative capacity of the education system is developing, while among people working in the public sector opinions are more diverse: 36.1% have a negative opinion, 41.7% have a neutral opinion and 22.3% have a positive opinion, i.e. they are satisfied or very satisfied with the way the administrative capacity of the education system is developing.

Cross tab no. 37. Area of professional activity* Are you satisfied with the way the administrative capacity of the education system is developing?

			to a very small extent	to a small extent	neither small nor large	largely	to a very large extent
Your area of professional activity:	Public	Frequency	4	9	15	6	2
		%	11.1%	25.0%	41.7%	16.7%	5.6%
	Privat	Frequency	3	0	2	0	0
		%	60.0%	0.0%	40.0%	0.0%	0.0%

$\chi^2=8,510$; $df=4$; $p=0,075$

In the following table, the frequencies and weights of respondents' answers on their satisfaction with the way the administrative capacity of the education system is developing can be followed by age. While younger people are more neutral, as they get older the proportion of those who have a negative opinion of the way the administrative capacity of the education system is developing increases.

Cross tab no. 38. Age* Are you satisfied with the way the administrative capacity of the education system is developing?

			to a very small extent	to a small extent	neither small nor large	largely	to a very large extent
Age	31-40 years old	Frequency	0	3	5	1	0
		%	0.0%	33.3%	55.6%	11.1%	0.0%
	41-50 years old	Frequency	3	2	3	3	0
		%	27.3%	18.2%	27.3%	27.3%	0.0%
	over 50 years old	Frequency	4	4	9	2	2
		%	19.0%	19.0%	42.9%	9.5%	9.5%

$\chi^2=7,469$; $df=8$; $p=0,487$

Satisfaction with the way the administrative capacity of the education system is developing is similar for teachers, whether they are in university or pre-university settings.

However, those with other professional status are very less satisfied with the way the administrative capacity of the education system is developing.

*Cross tab no. 39. Professional status** Are you satisfied with the way the administrative capacity of the education system is developing?

			to a very small extent	to a small extent	neither small nor large	largely	to a very large extent
Professional status	University teaching staff	Frequency	2	2	4	2	0
		%	20.0%	20.0%	40.0%	20.0%	0.0%
	Teaching staff in pre-university education	Frequency	2	7	13	4	2
		%	7.1%	25.0%	46.4%	14.3%	7.1%
	Trainer/Education Expert	Frequency	2	0	0	0	0
		%	100.0%	0.0%	0.0%	0.0%	0.0%
Active member educational NGO	Frequency	1	0	0	0	0	
	%	100.0%	0.0%	0.0%	0.0%	0.0%	

$\chi^2=17,528$; $df=12$; $p=0,131$

Although there are different weights of satisfaction - with how the administrative capacity of the education system is developing - according to the respondents' professional experience, the differences are not statistically significant.

*Cross tab no. 40. Professional experience?** Are you satisfied with the way the administrative capacity of the education system is developing?

			to a very small extent	to a small extent	neither small nor large	largely	to a very large extent
What is your professional experience?	5-10 years old	Frequency	0	2	4	0	0
		%	0.0%	33.3%	66.7%	0.0%	0.0%
	10-20 years old	Frequency	1	3	3	2	0
		%	11.1%	33.3%	33.3%	22.2%	0.0%
	20-30 years old	Frequency	3	3	4	2	0
		%	25.0%	25.0%	33.3%	16.7%	0.0%
	over 30 years old	Frequency	3	1	6	2	2
		%	21.4%	7.1%	42.9%	14.3%	14.3%

$\chi^2=10,528$; $df=12$; $p=0,570$

14. Specify some aspects that could improve the administrative capacity of the national education system in the current dynamics of educational change.

The most important issues that could improve the administrative capacity of the national education system in the current dynamics of educational change are, in the opinion of survey participants, the following: infrastructure development (mentioned by 45% of respondents), good administration (40%) and readiness to change (35%).

Table no. 34. Specify some aspects that could improve the administrative capacity of the national education system in the current dynamics of educational change.

		Responses		Percentage of respondents
		N	Procent	
Specify some aspects that could improve the administrative capacity of the national education system in the current dynamics of educational change.	Development of educational infrastructure	18	37,5%	45,0%
	Adapting to change	14	29,2%	35,0%
	Good governance	16	33,3%	40,0%
Total		48	100,0%	120,0%

The following table shows the weights of the responses on issues that could improve the administrative capacity of the national education system, according to the field in which the respondents work. While for those working in the public sector the main issues mentioned were infrastructure development, good administration and adapting to change, for those working in the private sector good administration and adapting to change were the main issues mentioned.

*Cross tab no. 41. Area of professional activity** Specify some aspects that could improve the administrative capacity of the national education system in the current dynamics of educational change

			Public		Privat	
			Frequency	%	Frequency	%
Specify some aspects that could improve the administrative capacity of the national education system in the current dynamics of educational change	Development of educational infrastructure	of	17	48,6%	1	20,0%
	Adapting to change	to	12	34,3%	2	40,0%
	Good governance		13	37,1%	3	60,0%
Total			35		5	

Percentages are reported on the number of respondents.

The vast majority (55.6%) of 31- 40-year-olds felt that good governance was an issue that could improve the administrative capacity of the national education system in the current dynamics of educational change, while no less than 80% of 41-50 years old indicated adaptation to change. People over 50 years of age gave higher proportions to infrastructure development (57.1%) and good administration (33.3%).

*Cross tab no. 42. Age** Specify some aspects that could improve the administrative capacity of the national education system in the current dynamics of educational change

		31-40 years old		41-50 years old		over 50 years old	
		Frequency	%	Frequency	%	Frequency	%
Specify some aspects that could improve the administrative capacity of the national education system in the change	Development of educational infrastructure	4	44,4%	2	20,0%	12	57,1%
	Adapting to change	2	22,2%	8	80,0%	4	19,0%

current dynamics of educational change.	Good governance	5	55,6 %	4	40,0 %	7	33,3 %
Total		9		10		21	

Percentages are reported on the number of respondents.

In the table below we can see the weights of the responses, regarding the aspects that could improve the administrative capacity of the national education system in the present dynamics of educational change, according to the professional status of the respondents.

*Cross tab no. 42. * Professional status* Specify some aspects that could improve the administrative capacity of the national education system in the current dynamics of educational change*

		University teaching staff		Teaching staff in pre-university education		Trainer/Education Expert		Active member educational NGO	
		Frequency	%	Frequency	%	Frequency	%	Frequency	%
Specify some aspects that could improve the administrative capacity of the national education system in the current dynamics of educational change.	Development of educational infrastructure	2	20,0%	16	59,3%	0	0,0%	0	0,0%
	Adapting to change	5	50,0%	8	29,6%	1	50,0%	0	0,0%
	Good governance	5	50,0%	8	29,6%	2	100,0%	1	100,0%
Total		10		27		2		1	

Percentages are reported on the number of respondents.

Depending on their work experience, the answers given by respondents on the issues that could improve the administrative capacity of the national education system in the current dynamics of educational change differ, as can be seen in the following table.

Cross tab no. 43. Professional experience Specify some aspects that could improve the administrative capacity of the national education system in the current dynamics of educational change*

		5-10 years old		10-20 years old		20-30 years old		over 30 years old	
		Frequency	%	Frequency	%	Frequency	%	Frequency	%
Specify some aspects that could improve the administrative capacity of the	Development of educational infrastructure	1	16,7%	4	44,4%	4	36,4%	9	64,3%
	Adapting to change	1	16,7%	6	66,7%	4	36,4%	3	21,4%

national education system in the current dynamics of educational change.	Good governance	4	66,7 %	3	33,3%	5	45,5%	4	28,6 %
Total		6		9		11		14	

Percentages are reported on the number of respondents.

15. *What is the impact of educational change management on the administrative capacity of the national education system?*

By far, adaptation to the demands of the socio-economic environment was the most frequent response (78.1% of respondents) to the question what is the impact of educational change management on the administrative capacity of the national education system. Somewhat further away were answers such as: cohesion at structural and functional level (62.5%) and institutional competence and performance (37.5%).

Table no. 35. What is the impact of educational change management on the administrative capacity of the national education system?

		Responses		Percentage of respondents
		N	Procent	
What is the impact of educational change management on the administrative capacity of the national education system?	Structural and functional cohesion	20	35,1%	62,5%
	Institutional competence and performance	12	21,1%	37,5%
	Adaptation to the demands of the socio-economic environment	25	43,9%	78,1%
Total		57	100,0%	178,1%

The following table shows the percentages in which survey participants, grouped according to the field in which they work, indicated the results of the impact of educational change management on the administrative capacity of the national education system.

Cross tab no. 44. Area of professional activity* What is the impact of educational change management on the administrative capacity of the national education system?

		Public		Privat	
		Frequency	%	Frequency	%
What is the impact of educational change management on the administrative capacity of the national education system?	Structural and functional cohesion	17	58,6%	3	100,0 %
	Institutional competence and performance	11	37,9%	1	33,3%
	Adaptation to the demands of the socio-economic environment	22	75,9%	3	100,0 %
Total		29		3	

Percentages are reported on the number of respondents.

Although different weights of the results of the impact of educational change management on the administrative capacity of the national education system are mentioned depending on the age of the study participants, the differences are not statistically significant.

*Cross tab no. 45. Age** What is the impact of educational change management on the administrative capacity of the national education system?

		31-40 years old		41-50 years old		over 50 years old	
		Frequen cy	%	Frequen cy	%	Frequen cy	%
What is the impact of educational change management on the administrative capacity of the national education system?	Structural and functional cohesion	4	57,1%	5	62,5%	11	64,7 %
	Institutional competence and performance	6	85,7%	1	12,5%	5	29,4%
	Adaptation to the demands of the socio-economic environment	3	42,9%	7	87,5%	15	88,2%
Total		7		8		17	

Percentages are reported on the number of respondents.

Mentioning the results of the impact of educational change management on the administrative capacity of the national education system was done in similar weights, regardless of the professional status of the respondent, as can be seen in the following table.

*Cross tab no. 46. Professional status** What is the impact of educational change management on the administrative capacity of the national education system?

		University teaching staff		Teaching staff in pre-university education		Trainer/Education Expert	
		Frequen cy	%	Frequen cy	%	Frecuen cy	%
What is the impact of educational change management on the administrative capacity of the national education system?	Structural and functional cohesion	7	77,8%	11	52,4%	2	100,0 %
	Institutional competence and performance	3	33,3%	8	38,1%	1	50,0%
	Adaptation to the demands of the socio-economic environment	7	77,8%	16	76,2%	2	100,0 %
Total		9		21		2	

Percentages are reported on the number of respondents.

The table below shows the percentages in which survey participants, grouped by work experience, indicated the results of the impact of educational change management on the administrative capacity of the national education system.

*Cross tab no. 47. Professional experience** What is the impact of educational change management on the administrative capacity of the national education system?

		5-10 years old		10-20 years old		20-30 years old		over 30 years old	
		Frequen cy	%	Frequen cy	%	Frequen cy	%	Frequen cy	%
What is the impact of educational change management on the administrative capacity of the national education system?	Structural and functional cohesion	2	50,0 %	6	85,7 %	4	50,0 %	8	61,5 %
	Institutional competence and performance	3	75,0 %	4	57,1 %	2	25,0 %	3	23,1 %
	Adaptation to the demands of the socio-economic environment	2	50,0 %	4	57,1 %	6	75,0 %	13	100,0 %
Total		4		7		8		13	

16. State the importance of educational change management for the development of the national education system:

The overwhelming majority of survey participants (95.1%) strongly and very strongly agree with the importance of educational change management for the development of the national education system.

Table no. 36. State the importance of educational change management for the development of the national education system

		Frequency	Percent
Validated date	neither small nor large	2	4,9
	largely	14	34,1
	to a very large extent	25	61,0
	Total	41	100,0

Both public and private sector practitioners believe that educational change management is important for the development of the national education system.

*Cross tab no. 48. Professional activity** State the importance of educational change management for the development of the national education system

			neither small nor large	largely	to a very large extent
			Frequency	Frequency	Frequency
Your area of professional activity	Public	Frequency	1	13	22
		%	2.8%	36.1%	61.1%
	Privat	Frequency	1	1	3
		%	20.0%	20.0%	60.0%

$\chi^2=3,004$; $df=2$; $p=0,223$

The level of importance of educational change management for the development of the national education system is similar for all study participants, regardless of their age.

*Cross tab no. 49. Age** State the importance of educational change management for the development of the national education system

			neither small nor large	largely	to a very large extent
Age	31-40 years old	Frequency	1	4	4
		%	11.1%	44.4%	44.4%
	41-50 years old	Frequency	0	3	8
		%	0.0%	27.3%	72.7%
	over 50 years old	Frequency	1	7	13
		%	4.8%	33.3%	61.9%

$\chi^2=2,345$; $df=4$; $p=0,673$

In the following table, the frequencies and weights of the answers given by the respondents regarding the level of importance of educational change management for the development of the national education system can be traced by professional status. They do not differ significantly.

*Cross tab no. 50. Professional status** State the importance of educational change management for the development of the national education system

			neither small nor large	largely	to a very large extent
Professional status	University teaching staff	Frequency	1	1	8
		%	10.0%	10.0%	80.0%
	Teaching staff in pre-university education	Frequency	1	12	15
		%	3.6%	42.9%	53.6%
	Trainer/Education Expert	Frequency	0	0	2
		%	0.0%	0.0%	100.0%
Active member educational NGO	Frequency	0	1	0	
	%	0.0%	100.0%	0.0%	

$\chi^2=7,019$; $df=6$; $p=0,319$

Although different weights of the degree of importance of educational change management for the development of the national education system are observed according to the professional experience of the respondents, the differences are not statistically significant.

*Cross tab no. 51. Professional experience** State the importance of educational change management for the development of the national education system

			neither small nor large	largely	to a very large extent	
What is your professional experience?	5-10 years old	Frequency	1	2	3	
		%	16.7%	33.3%	50.0%	
	10-20 years old	Frequency	0	5	4	
		%	0.0%	55.6%	44.4%	
			Frequency	0	5	7

20-30 years old	%	0.0%	41.7%	58.3%
over 30 years old	Frequency	1	2	11
	%	7.1%	14.3%	78.6%

$\chi^2=7,153$; $df=6$; $p=0,307$

17. *What are the dimensions of educational change management?*

According to those questioned, the following dimensions ensure the management of educational change: the administrative-managerial dimension, mentioned by 51.2% of participants, the axiological dimension (22%), the socio-economic dimension (19.5%) and the psychological dimension (7.3%). The reference to the administrative-managerial dimension in particular calls for greater attention to be paid by the decision-makers involved in the process of educational change.

Table no. 37. What are the dimensions of educational change management?

	Frequency	Percent
axiological dimension	9	22.0
the socio-economic dimension	8	19.5
Validated date the administrative-managerial dimension	21	51.2
psychological dimension	3	7.3
Total	41	100.0

We note that both those working in the public sector and those working in the private sector have mostly specified the administrative-managerial dimension as the main dimension ensuring educational change management.

Cross tab no. 52. Area of professional activity What are the dimensions of educational change management?*

			axiological dimension	the socio-economic dimension	the administrative-managerial dimension	psychological dimension
Your area of professional activity	Public	Frequency	8	8	17	3
		%	22.2%	22.2%	47.2%	8.3%
	Private	Frequency	1	0	4	0
		%	20.0%	0.0%	80.0%	0.0%

$\chi^2=2,459$; $df=3$; $p=0,483$

The following table shows the weight of each dimension of educational change management according to the age of the respondents. Regardless of the age category of the respondents, the administrative-managerial dimension was specified by the majority of respondents.

*Cross tab no. 53. Age** What are the dimensions of educational change management?

			axiological dimension	the socio-economic dimension	the administrative-managerial dimension	psychological dimension
Age	31-40 years old	Frequency	0	2	7	0
		%	0.0%	22.2%	77.8%	0.0%
	41-50 years old	Frequency	2	2	7	0
		%	18.2%	18.2%	63.6%	0.0%
	over 50 years old	Frecvența	7	4	7	3
		%	33.3%	19.0%	33.3%	14.3%

$\chi^2=9,072$; $df=6$; $p=0,170$

Regardless of their professional status, a high proportion of respondents mentioned the administrative-managerial dimension as important in educational change management.

*Cross tab no. 54. Professional status** What are the dimensions of educational change management?

			axiological dimension	the socio-economic dimension	the administrative-managerial dimension	psychological dimension
Professional status	University teaching staff	Frequency	2	2	6	0
		%	20.0%	20.0%	60.0%	0.0%
	Teaching staff in pre-university education	Frequency	6	5	14	3
		%	21.4%	17.9%	50.0%	10.7%
	Trainer/Education Expert	Frequency	0	1	1	0
		%	0.0%	50.0%	50.0%	0.0%
Active member educational NGO	Frequency	1	0	0	0	
	%	100.0%	0.0%	0.0%	0.0%	

$\chi^2=6,488$; $df=9$; $p=0,690$

The percentage of those who mentioned the administrative-managerial dimension is also high for the different categories of work experience.

*Cross tab no. 55. Professional experience** What are the dimensions of educational change management?

			axiological dimension	the socio-economic dimension	the administrative-managerial dimension	psychological dimension
What is your professional experience?	5-10 years old	Frequency	1	1	4	0
		%	16.7%	16.7%	66.7%	0.0%
	10-20 years old	Frequency	1	2	6	0
		%	11.1%	22.2%	66.7%	0.0%
	20-30 years old	Frequency	2	4	6	0
		%	16.7%	33.3%	50.0%	0.0%
	over 30 years old	Frequency	5	1	5	3
		%	35.7%	7.1%	35.7%	21.4%

$\chi^2=11,395$; $df=9$; $p=0,250$

18. *To what extent do you consider that educational change management responds to the challenges of today?*

Opinions on the extent to which educational change management responds to the challenges of today are divided among the participants in the survey. 53.7% think to a great or very great extent that it responds to the challenges of the present, 26.9% think it responds to a small or very small extent, while 19.5% have a neutral opinion.

Table no. 37. To what extent do you consider that educational change management responds to the challenges of today?

		Frequency	Procent
Validated date	very small extent	2	4.9
	small extent	9	22.0
	neither small nor large	8	19.5
	largely	13	31.7
	to a very large extent	9	22.0
	Total	41	100.0

Those working in the private sector are divided on the extent to which educational change management is responding to today's challenges. People working in the public sector have the following opinions: 25% have a negative opinion, 19.4% have a neutral opinion and 55.5% have a positive opinion, they believe that educational change management responds to the challenges of today to a great and very great extent. Although differences can be observed between those in the private and public sector, the result of the statistical analysis shows that they are, however, not statistically significant.

Cross tab no. 56. Area of professional activity* To what extent do you consider that educational change management responds to the challenges of today?

			very small extent	small extent	neither small nor large	largely	to a very large extent
Your area of professional activity	Public	Frequency	1	8	7	12	8
		%	2.8%	22.2%	19.4%	33.3%	22.2%
	Privat	Frequency	1	1	1	1	1
		%	20.0%	20.0%	20.0%	20.0%	20.0%

$\chi^2=2,936$; $df=4$; $p=0,569$

The following table shows the frequencies and weights of respondents' answers on the extent to which they believe that educational change management responds to today's challenges, by age. While younger people have a slightly higher proportion of neutral or negative views, the proportion of those who have a positive view of the extent to which educational change management responds to the challenges of today increases with age.

Cross tab no. 57. Age* To what extent do you consider that educational change management responds to the challenges of today?

			very small extent	small extent	neither small nor large	largely	to a very large extent
Age	31-40 years old	Frequency	0	3	3	1	2
		%	0,0%	33,3%	33,3%	11,1%	22,2%
	41-50 years old	Frequency	1	3	2	3	2
		%	9,1%	27,3%	18,2%	27,3%	18,2%

over 50 years old	Frequency	1	3	3	9	5
	%	4,8%	14,3%	14,3%	42,9%	23,8%

$\chi^2=5,460$; $df=8$; $p=0,707$

In the table below we can see the weights of the answers according to the professional status of the respondents. There is no significant association between professional status and opinion on the extent to which they believe that educational change management responds to today's challenges ($\chi^2=11.956$; $df=12$; $p=0.449$).

*Cross tab no. 58. Professional status** To what extent do you consider that educational change management responds to the challenges of today?

			very small extent	small extent	neither small nor large	largely	to a very large extent
Professional status	University teaching staff	Frequency	1	1	3	3	2
		%	10,0%	10,0%	30,0%	30,0%	20,0%
	Teaching staff in pre-university education	Frequency	1	8	5	9	5
		%	3,6%	28,6%	17,9%	32,1%	17,9%
	Trainer/Education Expert	Frequency	0	0	0	0	2
		%	0,0%	0,0%	0,0%	0,0%	100,0%
	Active member educational NGO	Frequency	0	0	0	1	0
		%	0,0%	0,0%	0,0%	100,0%	0,0%

$\chi^2=11,956$; $df=12$; $p=0,449$

Below are how the survey participants, grouped according to their work experience, responded to the question “to what extent do you think educational change management responds to today’s challenges?”. Thus, 35.7% of respondents with more than 30 years’ professional experience answered to a great extent/very great extent, 50% of respondents with 20-30 years’ experience answered to a great extent and 44.4% of respondents with 10-20 years’ experience answered to a very great extent. It can be seen that the response weights are not statistically significantly different.

*Cross tab no. 59. Professional experience** To what extent do you consider that educational change management responds to the challenges of today?

			very small extent	small extent	neither small nor large	largely	to a very large extent
What is your professional experience?	5-10 years old	Frequency	0	1	4	1	0
		%	0,0%	16,7%	66,7%	16,7%	0,0%
	10-20 years old	Frequency	0	4	0	1	4
		%	0,0%	44,4%	0,0%	11,1%	44,4%
	20-30 years old	Frequency	1	2	3	6	0
		%	8,3%	16,7%	25,0%	50,0%	0,0%
	over 30 years old	Frequency	1	2	1	5	5
		%	7,1%	14,3%	7,1%	35,7%	35,7%

$\chi^2=23,930$; $df=12$; $p=0,061$

19. *What are the determinants of effective educational change management?*

51.2% of the participants in the survey indicated all factors as drivers of effective educational change management. Of the remaining respondents, 22% mentioned institutional responsibility and accountability, 19.5% mentioned cohesion of educational provision and the labor market and 7.3% mentioned institutional transparency and integrity. It can be concluded that institutional responsibility and accountability is the main driver of effective educational change management in the view of the respondents, followed closely by cohesion, educational provision and the labor market.

Table no. 38. **What are the determinants of effective educational change management?**

		Frequency	Procent
Validated date	Institutional responsibility and accountability	9	22.0
	Cohesion of education provision and the labor market	8	19.5
	Transparency and institutional integrity	3	7.3
	All options	21	51.2
	Total	41	100.0

Almost all private sector respondents mentioned all the factors presented as determinants of the effectiveness of educational change management, while only 47.2% of public sector respondents mentioned all the options as valid.

Cross tab no. 60. **Professional activity*** What are the determinants of effective educational change management?

			Institutional responsibility and accountability	Cohesion of education provision and the labor market	Transparency and institutional integrity	All options
Your area of professional activity	Public	Frequency	9	7	3	17
		%	25.0%	19.4%	8.3%	47.2%
	Privat	Frequency	0	1	0	4
		%	0.0%	20.0%	0.0%	80.0%

$\chi^2=2,588$; $df=3$; $p=0,460$

The vast majority of people aged over 50 (71.4%) believe that all the factors presented here are factors that make educational change management more effective. In the case of 31–40-year-olds, the share of those who believe that all the factors presented are drivers of effective educational change management is 55.6%, while in the case of 41–50-year-olds the share of those who believe that all the factors presented are drivers of effective educational change management is very low (9.1%), with the vast majority (45.5%) mentioning only cohesion, educational supply and the labor market as the main drivers of effective educational change management.

The results obtained from the chi-square test, which indicates the association between age and the specification of the generating factors of educational change management effectiveness, show that it is statistically significant ($\chi^2=14.138$; $df=6$; $p=0.028$).

*Cross tab no. 61. Age** What are the determinants of effective educational change management?

		Institutional responsibility and accountability	Cohesion of education provision and the labor market	Transparency and institutional integrity	All options	
Age	31-40 years old	Frequency	2	2	0	5
		%	22.2%	22.2%	0.0%	55.6%
	41-50 years old	Frequency	4	5	1	1
		%	36.4%	45.5%	9.1%	9.1%
	over 50 years old	Frequency	3	1	2	15
		%	14.3%	4.8%	9.5%	71.4%

$\chi^2=14,138$; $df=6$; $p=0,028$; Cramer's $V=0,415$

The results of the chi-square test refute the presence of a significant association between professional status and the specification of the factors generating the effectiveness of educational change management. Regardless of their professional status, at least half of the respondents mentioned all the factors presented as generators of educational change management effectiveness.

*Cross tab no. 62. Professional status** What are the determinants of effective educational change management?

		Institutional responsibility and accountability	Cohesion of education provision and the labor market	Transparency and institutional integrity	All options	
Professional status	University teaching staff	Frequency	2	2	1	5
		%	20.0%	20.0%	10.0%	50.0%
	Teaching staff in pre-university education	Frequency	7	5	2	14
		%	25.0%	17.9%	7.1%	50.0%
	Trainer/Education Expert	Frequency	0	1	0	1
		%	0.0%	50.0%	0.0%	50.0%
	Active member educational NGO	Frequency	0	0	0	1
		%	0.0%	0.0%	0.0%	100.0%

$\chi^2=2,778$; $df=9$; $p=0,972$

In the table below, the percentages in which the study participants, grouped according to their work experience, indicated the factors that generate the effectiveness of educational change management can be seen. No statistically significant differences were found between people in the different categories of work experience.

*Cross tab no. 63. Professional experience** What are the determinants of effective educational change management?

			Institutional responsibility and accountability	Cohesion of education provision and the labor market	Transparency and institutional integrity	All options
What is your professional experience?	5-10 years old	Frequency	2	1	0	3
		%	33.3%	16.7%	0.0%	50.0%
	10-20 years old	Frequency	2	3	0	4
		%	22.2%	33.3%	0.0%	44.4%
	20-30 years old	Frequency	2	3	3	4
		%	16.7%	25.0%	25.0%	33.3%
	over 30 years old	Frequency	3	1	0	10
		%	21.4%	7.1%	0.0%	71.4%

$\chi^2=11,896$; $df=9$; $p=0,219$

20. Which form of responsibility should be reflected in educational change management?

While 24.4% said that only administrative-legal responsibility should be part of educational change management and 4.9% said only public accountability, the majority of respondents (70.7%) said that all forms of accountability should be part of educational change management.

Table no. 39. Which form of responsibility should be reflected in educational change management?

		Frequency	Procent
Validated date	Administrative-legal responsibility	10	24.4
	Public responsibility	2	4.9
	All options	29	70.7
	Total	41	100.0

80% of those working in the private sector said that all forms of accountability should be reflected in educational change management, while 69.4% of those working in the public sector said that all of them were valid.

*Cross tab no. 64. Area of professional activity** Which form of responsibility should be reflected in educational change management?

			Administrative-legal responsibility	Public responsibility	All options
Your area of professional activity	Public	Frequency	9	2	25
		%	25.0%	5.6%	69.4%
	Privat	Frequency	1	0	4
		%	20.0%	0.0%	80.0%

$\chi^2=0,392$; $df=2$; $p=0,822$

In the following table, it is possible to trace the weight of the forms of responsibility that should be found in educational change management, according to the age of the respondents. Irrespective of the age category they belong to, more than 60% of the respondents mentioned that all forms of responsibility should be reflected in educational change management.

*Cross tab no. 65. Age** Which form of responsibility should be reflected in educational change management?

			Administrative- legal responsibility	Public responsibility	All options
Age	31-40 years old	Frequency	1	1	7
		%	11.1%	11.1%	77.8%
	41-50 years old	Frequency	4	0	7
		%	36.4%	0.0%	63.6%
	over 50 years old	Frequency	5	1	15
		%	23.8%	4.8%	71.4%

$\chi^2=2,697$; $df=4$; $p=0,610$

Regardless of their professional status, a large proportion of respondents mentioned that all forms of accountability should be reflected in educational change management.

*Cross tab no. 66. Professional status** Which form of responsibility should be reflected in educational change management?

			Administrative- legal responsibility	Public responsibility	All options
Professio nal status		Frequency	4	0	6
		%	40.0%	0.0%	60.0%
		Frequency	6	2	20
		%	21.4%	7.1%	71.4%
		Frequency	0	0	2
		%	0.0%	0.0%	100.0 %
		Frequency	0	0	1
		%	0.0%	0.0%	100.0 %

$\chi^2=3,288$; $df=6$; $p=0,772$

And for the different categories of work experience, the percentage of those who mentioned that all forms of responsibility should be reflected in educational change management is high, over 66% in each category of work experience.

*Cross tab no. 67. Professional experience** Which form of responsibility should be reflected in educational change management?

			Administrative -legal responsibility	Public responsibility	All options
What is your professional experience?	5-10 years old	Frequency	0	1	5
		%	0.0%	16.7%	83.3%
	10-20 years old	Frequency	3	0	6
		%	33.3%	0.0%	66.7%
	20-30 years old	Frequency	4	0	8
		%	33.3%	0.0%	66.7%
over 30 years old	Frequency	3	1	10	
	%	21.4%	7.1%	71.4%	

$\chi^2=5,268$; $df=6$; $p=0,510$

21. *What does institutional accountability relate to in the context of educational change management?*

Professional accountability was by far the most common response (87.8% of respondents) to the question. Quite far behind were answers such as funding accountability (43.9%) and market accountability (39%).

Table no. 40. What does institutional accountability relate to in the context of educational change management?

		Responses		Percentage of respondents
		N	Procent	
What does institutional accountability relate to in the context of educational change management?	professional accountability	36	51.4%	87.8%
	market accountability	16	22.9%	39.0%
	accountability financing	18	25.7%	43.9%
Total		70	100.0%	170.7%

Regardless of their field of activity, respondents gave similar answers to the question.

*Cross tab no. 68. Professional activity** What does institutional accountability relate to in the context of educational change management?

			professional accountability	market accountability	accountability financing
Your area of professional activity	Public	Frequency	31	14	16
		%	86.1%	38.9%	44.4%
	Privat	Frequency	5	2	2
		%	100.0%	40.0%	40.0%

Percentages are reported on the number of respondents.

Although different weights of answers are given depending on the age of the study participants, the differences are not statistically significant.

*Cross tab no. 69. Age** What does institutional accountability relate to in the context of educational change management?

			professional accountability	market accountability	accountability financing
Age	31-40 years old	Frequency	7	5	4
		%	77.8%	55.6%	44.4%
	41-50 years old	Frequency	10	3	6
		%	90.9%	27.3%	54.5%
	over 50 years old	Frequency	19	8	8
		%	90.5%	38.1%	38.1%

Percentages are reported on the number of respondents.

There are also no significant differences in the grouping of respondents by professional status in their responses to what institutional accountability is reported in the context of educational change management.

*Cross tab no. 70. Professional status** What does institutional accountability relate to in the context of educational change management?

			professional accountability	market accounta bility	accounta bility financing
Professional status	University teaching staff	Frequency	8	5	2
		%	80.0%	50.0%	20.0%
	Teaching staff in pre- university education	Frequency	26	10	14
		%	92.9%	35.7%	50.0%
	Trainer/Education Expert	Frequency	2	1	1
		%	100.0%	50.0%	50.0%
	Active member educational NGO	Frequency	0	0	1
		%	0.0%	0.0%	100.0%

Percentages are reported on the number of respondents.

Below are how the study participants, grouped by work experience, answered the question. The share of responses does not differ statistically significantly.

*Cross tab no. 70. What is your professional experience? * What does institutional accountability relate to in the context of educational change management?*

			professional accountability	market accounta bility	accounta bility financing
What is your professional experience?	5-10 years old	Frequency	4	4	2
		%	66.7%	66.7%	33.3%
	10-20 years old	Frequency	9	2	3
		%	100.0%	22.2%	33.3%
	20-30 years old	Frequency	9	5	8
		%	75.0%	41.7%	66.7%
	over 30 years old	Frequency	14	5	5
		%	100.0%	35.7%	35.7%

Percentages are reported on the number of respondents.

22. *What are the necessary directions for integration market-education-work cohesion?*

The directions needed to integrate market-education-labour cohesion, in descending order of the number of mentions by respondents, are the following: linking the educational offer to the labour market demand (mentioned by 63.4% of respondents), developing the cult of education and work (56.1%), adapting the educational offer to the geographical, industrial, social area (53.7%) and developing the cult of profession and professionalism (48.8%).

Table no. 41. What are the necessary directions for integration market-education-work cohesion?

		Responses		Percentage of respondents
		N	Procent	
What are the necessary directions for integration market-education-work cohesion?	development of the cult of education and work	23	25.3%	56.1%
	development of the cult of profession and professionalism	20	22.0%	48.8%
	connecting educational provision with labor market demand	26	28.6%	63.4%
	adapting educational provision to the geographical, industrial and social area	22	24.2%	53.7%
Total		91	100.0%	222.0%

In the following table, the percentages in which survey participants, grouped according to their field of work, indicated the directions needed to integrate market-education-work cohesion can be seen.

Cross tab no. 71. Professional activity What are the necessary directions for integration market-education-work cohesion?*

Your area of professional activity:			development of the cult of education and work	development of the cult of profession and professionalis	connecting educational provision with labor market demand	adapting educational provision to the geographical, industrial and social area
			Frequency	Frequency	Frequency	Frequency
Public	Frequency	19	17	23	20	
	%	52.8%	47.2%	63.9%	55.6%	
Privat	Frequency	4	3	3	2	
	%	80.0%	60.0%	60.0%	40.0%	

Percentages are reported on the number of respondents.

Mention of the directions needed to integrate market-education-work cohesion was made in similar proportions, regardless of the age of the respondents.

*Cross tab no. 72. Age** What are the necessary directions for integration market-education-work cohesion?

			develop ment of the cult of educatio n and work	development of the cult of profession and professio nalis	connecting educational provision with labor market demand	adapting educational provision to the geographical, industrial and social area
Age	31-40 years old	Frequency	5	5	6	3
		%	55.6%	55.6%	66.7%	33.3%
	41-50 years old	Frequency	7	6	8	7
		%	63.6%	54.5%	72.7%	63.6%
	over 50 years old	Frequency	11	9	12	12
		%	52.4%	42.9%	57.1%	57.1%

Percentages are reported on the number of respondents.

Even when grouping respondents by professional status, there are no significant differences between their responses regarding the directions needed to integrate market-education-work cohesion.

*Cross tab no. 73. Professional status** What are the necessary directions for integration market-education-work cohesion?

			develop ment of the cult of education and work	development of the cult of profession and professio nalis	connecting educational provision with labor market demand	adapting educational provision to the geographical , industrial and social area
Professio nal status	University teaching staff	Frequency	5	3	8	4
		%	50.0%	30.0%	80.0%	40.0%
	Teaching staff in pre-university education	Frequency	16	16	15	16
		%	57.1%	57.1%	53.6%	57.1%
	Trainer/Education Expert	Frequency	2	1	2	1
		%	100.0%	50.0%	100.0%	50.0%
	Active member educational NGO	Frequency	0	0	1	1
		%	0.0%	0.0%	100.0%	100.0%

Percentages are reported on the number of respondents.

Below are how the study participants, grouped according to work experience, identified the directions needed to integrate market-education-work cohesion. The share of responses does not differ statistically significantly.

*Cross tab no. 74. Professional experience** What are the necessary directions for integration market-education-work cohesion?

			develop ment of the cult of education and work	development of the cult of profession and professio nalis	connecting educational provision with labor market demand	adapting educational provision to the geographical , industrial and social area
What is your professional experience?	5-10 years old	Frequency %	3 50.0%	2 33.3%	6 100.0%	3 50.0%
	10-20 years old	Frequency %	6 66.7%	5 55.6%	5 55.6%	4 44.4%
	20-30 years old	Frequency %	4 33.3%	5 41.7%	7 58.3%	8 66.7%
	over 30 years old	Frequency %	10 71.4%	8 57.1%	8 57.1%	7 50.0%

Percentages are reported on the number of respondents.

23. *What are the elements that converge to support the link between integrity and institutional transparency in ensuring educational change management?*

The most frequent response (80.5% of respondents) to the question was respect for professional ethics. Far behind were answers such as: visibility and access to decision-making (56.1%), respect for fundamental human rights and freedoms (53.7%), working in the spirit of organizational values (34.1%), and executing legal rules in good faith (24.4%). The answers given by respondents are close to the realities of the national education system. Moreover, they contribute to the identification of relevant solutions necessary to support the institutional integrity-transparency link in ensuring educational change management.

Table no. 42. What are the elements that converge to support the link between integrity and institutional transparency in ensuring educational change management?

		Responses		Percentage of respondents
		N	Procent	
What are the elements that converge to support the link between integrity and institutional transparency in ensuring educational change management?	respect for professional ethics	33	32.4%	80.5%
	performing in good faith legal rules	10	9.8%	24.4%
	respect for fundamental human rights and freedoms	22	21.6%	53.7%
	visibility and access to the decision-making process	23	22.5%	56.1%
	working in the spirit of organisational values	14	13.7%	34.1%
Total		102	100.0%	248.8%

Although there are different proportions of responses depending on the field in which the participants work, the differences are not statistically significant.

*Cross tab no. 75. Professional activity** What are the elements that converge to support the link between integrity and institutional transparency in ensuring educational change management?

			respect for professional ethics	performing in good faith legal rules	respect for fundamental human rights and freedoms	visibility and access to the decision-making process	working in the spirit of organisational values
Your area of professional activity	Public	Frequency	28	7	19	21	14
		%	77.8%	19.4%	52.8%	58.3%	38.9%
	Privat	Frequency	5	3	3	2	0
		%	100.0%	60.0%	60.0%	40.0%	0.0%

Percentages are reported on the number of respondents

Regardless of age, the ranking of the nomination of elements that converge to support the integrity-institutional transparency link in ensuring educational change management is similar.

*Cross tab no. 76. Age** What are the elements that converge to support the link between integrity and institutional transparency in ensuring educational change management?

			respect for professional ethics	performing in good faith legal rules	respect for fundamental human rights and freedoms	visibility and access to the decision-making process	working in the spirit of organizational values
Age	31-40 years old	Frequency	8	1	5	4	4
		%	88.9%	11.1%	55.6%	44.4%	44.4%
	41-50 years old	Frequency	8	3	6	8	3
	%	72.7%	27.3%	54.5%	72.7%	27.3%	
	over 50 years old	Frequency	17	6	11	11	7
	%	81.0%	28.6%	52.4%	52.4%	33.3%	

Percentages are reported on the number of respondents.

Even in the case of grouping respondents by professional status, there are no significant differences between their responses to the question asked and the elements that converge in support of the integrity-institutional transparency link in ensuring educational change management.

*Cross tab no. 77. Professional status** What are the elements that converge to support the link between integrity and institutional transparency in ensuring educational change management?

			respect for professional ethics	performing in good faith legal rules	respect for fundamental human rights and freedoms	visibility and access to the decision-making process	working in the spirit of organizational values
Professional status	University teaching staff	Frequency	9	3	4	3	3
		%	90.0%	30.0%	40.0%	30.0%	30.0%
	Teaching staff in pre-university education	Frequency	21	6	17	17	10
		%	75.0%	21.4%	60.7%	60.7%	35.7%
	Trainer/Education Expert	Frequency	2	1	1	2	0
	%	100.0%	50.0%	50.0%	100.0%	0.0%	
Active member educational NGO	Frequency	1	0	0	1	1	
	%	100.0%	0.0%	0.0%	100.0%	100.0%	

Percentages are reported on the number of respondents.

Below, it is presented how the participants in the study, grouped according to their professional experience, specified the elements that converge to support the integrity-institutional transparency link in ensuring educational change management. The weights of the responses are not statistically significantly different.

*Cross tab no. 78. Professional experience** What are the elements that converge to support the link between integrity and institutional transparency in ensuring educational change management?

			respect for professional ethics	performing in good faith legal rules	respect for fundamental human rights and freedoms	visibility and access to the decision-making process	working in the spirit of organizational values
What is your professional experience?	5-10 years old	Frequency	5	1	2	4	3
		%	83.3%	16.7%	33.3%	66.7%	50.0%
	10-20 years old	Frequency	6	1	6	4	3
		%	66.7%	11.1%	66.7%	44.4%	33.3%
	20-30 years old	Frequency	9	2	5	9	3
		%	75.0%	16.7%	41.7%	75.0%	25.0%
over 30 years old	Frequency	13	6	9	6	5	
	%	92.9%	42.9%	64.3%	42.9%	35.7%	

Percentages are reported on the number of respondents.

24. *What are the priorities of educational change management for affirming and increasing administrative capacity in the education system?*

In the opinion of the participants in the survey, the priorities of educational change management for affirming and increasing administrative capacity in the education system are, in order: good governance (mentioned by 41.2% of respondents), flexibility to change (35.3%), development of institutional resources (35.3%), and cohesion between educational provision and the labor market (23.5%).

Table no. 43. What are the priorities of educational change management for affirming and increasing administrative capacity in the education system?

		Responses		Percentage of respondents
		N	Procent	
What are the priorities of educational change management for affirming and increasing administrative capacity in the education system?	Flexibility to change	12	25,5%	35,3%
	Coherence between educational offer and labor market	9	19,1%	26,5%
	Development of institutional resources	12	25,5%	35,3%
	Good governance	14	29,8%	41,2%
Total		47	100,0%	138,2%

The following table shows the percentages in which survey participants, grouped according to the field in which they work, indicated educational change management priorities for affirming and increasing administrative capacity in the education system. Given the small number of people in the sample working in the private sector, the weights of responses are different from those working in the public sector, but the differences are not statistically significant.

Cross tab no. 79. Professional activity* What are the priorities of educational change management for affirming and increasing administrative capacity in the education system?

		Public		Privat	
		Frequency	%	Frequency	%
What are the priorities of educational change management for affirming and increasing administrative capacity in the education system?	Flexibility to change	11	37,9%	1	20,0%
	Coherence between educational offer and labor market	8	27,6%	1	20,0%
	Development of institutional resources	10	34,5%	2	40,0%
	Good governance	10	34,5%	4	80,0%
Total		29		5	

Percentages are reported on the number of respondents.

Although different weights of answers are given depending on the age of the study participants, the differences are not statistically significant.

*Cross tab no. 80. Age** What are the priorities of educational change management for affirming and increasing administrative capacity in the education system?

		31-40 years old		41-50 years old		over 50 years old	
		Frequency	%	Frequency	%	Frequency	%
What are the priorities of educational change management for affirming and increasing administrative capacity in the education system?	Flexibility to change	4	44,4%	2	28,6%	6	33,3%
	Coherence between educational offer and labor market	2	22,2%	3	42,9%	4	22,2%
	Development of institutional resources	2	22,2%	3	42,9%	7	38,9%
	Good governance	4	44,4%	2	28,6%	8	44,4%
Total		9		7		18	

Percentages are reported on the number of respondents.

Below are how study participants, grouped by professional status, specified educational change management priorities for affirming and increasing administrative capacity in the education system.

*Cross tab no. 80. Professional status** What are the priorities of educational change management for affirming and increasing administrative capacity in the education system?

		University teaching staff		Teaching staff in pre-university education		Trainer/Education Expert		Active member educational NGO	
		Frequency	%	Frequency	%	Frequency	%	Frequency	%
What are the priorities of educational change management for affirming and increasing administrative capacity in the education system?	Flexibility to change	2	22,2%	8	36,4%	1	50,0%	1	100,0%
	Coherence between educational offer and labor market	2	22,2%	5	22,7%	2	100,0%	0	0,0%
	Development of institutional resources	2	22,2%	10	45,5%	0	0,0%	0	0,0%
	Good governance	5	55,6%	9	40,9%	0	0,0%	0	0,0%
Total		9		22		2		1	

Percentages are reported on the number of respondents.

According to work experience, the answers given by respondents with on educational change management priorities for affirming and increasing administrative capacity in the education system differ slightly, as can be seen in the table below.

*Cross tab no. 81. Professional experience** What are the priorities of educational change management for affirming and increasing administrative capacity in the education system?

		5-10 years old		10-20 years old		20-30 years old		over 30 years old	
		Frequency	%	Frequency	%	Frequency	%	Frequency	%
What are the priorities of educational change management for affirming and increasing administrative capacity in the education system?	Flexibility to change	2	33,3 %	3	37,5 %	3	42,9 %	4	30,8 %
	Coherence between educational offer and labor market	1	16,7 %	4	50,0 %	1	14,3 %	3	23,1 %
	Development of institutional resources	1	16,7 %	2	25,0 %	4	57,1 %	5	38,5 %
	Good governance	4	66,7 %	2	25,0 %	2	28,6 %	6	46,2 %
Total		6		8		7		13	

Percentages are reported on the number of respondents.

25. *Do you consider that the management of educational change has a considerable contribution to make to the good management of the national education system?*

The overwhelming majority of respondents (94.9% of valid responses) believe that educational change management makes a considerable contribution to the achievement of good governance of the national education system.

Table no. 44. Do you consider that the management of educational change has a considerable contribution to make to the good management of the national education system?

		Frequency	Percentage of total survey	Percentage of validated data
Validated date	Yes	37	90,2	94,9
	No	2	4,9	5,1
	Total	39	95,1	100,0
Missing data		2	4,9	
Total		41	100,0	

The data collected provides answers, which reinforce the vital role and fundamental importance given to educational change for good governance of the education system, with a focus on administrative capacity development. Such a vision leads the research to identify valuable conclusions on the development of the administrative capacity of the national education system in the context of educational change management.

Conclusions

Quantitative research undertaken provides valuable information to validate the hypothesis that if there is a connection between the administrative capacity of the national education system and the management of educational change, then we will find that the development of educational infrastructure, good administration and the efficiency of change management contribute to the evolution of the national education system. Thus, the model to be followed is about linking educational change management with administrative and legislative issues, with a focus on administrative capacity development. In this context, adaptation to change implies the perspective of good educational management coupled with administrative capacity development. It is essential to emphasize that administrative mechanisms need greater convergence with managerial mechanisms to build a strong linkage to deliver and fulfil the national education service. The idea of connectedness lies in reinventing and adapting educational management, based on educational change, which leaves room for adaptation, innovation and progress. Such an approach produces an inevitable evolution for the administrative capacity of the education system, since "reinvention is the only possible option" (Mureşan 2012, 59). Naturally, the answers provided by respondents converge on the existence of a link between increasing administrative capacity and managing educational change management. Accordingly, more than half of the respondents (53.7%) strongly and very strongly believe that there is a connection between the administrative capacity of the education system and the management of educational change. At the same time, a higher proportion (55.5%) of those working in the public sector believe that there is a strong or very strong relationship between the administrative capacity of the education system and the management of educational change, while the proportion of those working in the private sector who agree to the same extent with the existence of this relationship is lower (40%). Moreover, the proportion of teachers who strongly and very strongly believe that there is a connection between the administrative capacity of the education system and the management of educational change is significantly higher than the proportion of people with other professional status, they agree.

For the national education system, alignment with the "national system of public administration, standards and requirements of the European Union" (*Ibidem*) is the essence of implementing change management. Therefore, 63.4% of the participants in the survey considered that all actions such as planning, organization, predictability and adaptation to change ensure a good connection between administrative capacity and educational change management. Moreover, 53.7% of respondents mentioned the balance between the vision of public authorities and the national interest in education as an element that determines a good management of the connection between administrative capacity and educational change management. Similar percentages were also mentioned by those who mentioned efficient management of educational resources (46.3%) and inter- and intrainstitutional dialogue (41.5%).

Throughout the research presented, even though there is interest in developing the administrative capacity of the national education system by accelerating change management, a number of inequities stand out. These are reflected in the demographic potential, the degree of assimilation of transversal skills among the resident school/student population, the insufficient material base in rural and sometimes urban areas, the limited access to digital resources, their poor quality or non-existence especially in rural areas. All these inequalities in educational infrastructure call into question the modernization and attainment of quality standards in education in the context of increasing the administrative capacity of the national education system. Based on these considerations, the research captured the important elements for increasing the administrative capacity of the national education system in the context of educational change management. As a result, 58.5% of respondents opted for the development of educational infrastructure, 51.2% for good management of the education system and 46.3% for strategic planning. In this context, investment in the infrastructure of the national education system must become a national priority,

as limiting it has adverse consequences for the development of education. All over the world, access to learning environments is closely correlated with the performance of the educational population, and social inequalities, especially educational inequalities, reinforce the negative effects that economic conditions have on performance of all kinds.

In the process of educational change, qualitative transformations have been distinguished at the level of infrastructure, which in the opinion of 85.4% of the respondents concern the human resource, agent of change in education, and in the opinion of 48.8% of the respondents the material resource. In the investigative journey undertaken, institutional resources become agents of educational paradigm change, facilitating a strong transformation process. This process is achieved through personal and collective efforts to adapt to educational change. If investments in human and material resources meet the essential needs of the national education system, and if the adaptation of new technologies to new contexts is associated with the development of transversal competences, then the engine of accessibility, efficiency, competitiveness and inclusion will be able to operate through “eLearning, eGovernment, eHealth” (Efraim Turban, Judy Whiteside, David King, 2017, pp. 137-163). services as fundamental elements of educational change and innovation. Investment in educational infrastructure can therefore be developed through a holistic set of criteria, integrated into a unified strategic framework, underpinned by good governance of the education system.

Factors influencing the development of the administrative capacity of the national education system were also identified in the context of the questionnaire. Almost two thirds of respondents (61%) indicated that professional development through strengthening professional, decision-making and pedagogical competence areas is the major factor influencing the administrative capacity of the education system. At the same time, the study provides valuable insights into the impact of educational change management on the administrative capacity of the national education system. The most frequent response was for adaptation to the demands of the socio-economic environment, according to 78.1% of respondents, followed by 62.5% for cohesion at structural and functional level, 37.5% for institutional competence and performance. The options indicated by respondents contribute greatly to the formulation of clear directions on the need for change in the education system on the adaptation-cohesion-competence axis.

As only 39.1% of the respondents are only slightly and very slightly satisfied with the way the administrative capacity of the education system is developing and only 19.5% of the survey participants are very and very slightly satisfied with the way the administrative capacity of the national education system is developing, we considered it necessary to identify priority issues for improving the administrative capacity of the national education system in the current dynamics of educational change. Thus, the most important issues that could improve the administrative capacity of the national education system are, in the opinion of the survey participants, the following: 39.5% efficiency of change management, 39.5% adaptation to change and 36.8% good administration.

In this context, the mission of public administration and change management in the education system is to meet the standards of good governance and develop the administrative capacity of the national education system. In this respect, it is confirmed by the overwhelming majority of respondents, 94.9% of valid responses, that educational change management has a considerable contribution to make in achieving good administration of the national education system. The overwhelming majority of respondents (95.1%) also strongly and very strongly agree with the importance of educational change management for the development of the national education system. At the same time, the dimensions that ensure educational change management were identified. According to the opinion of the respondents, 51.2% appreciate the administrative-managerial dimension, 22% the axiological dimension, 19.5% the socio-economic dimension, 7.3% the psychological dimension.

From the perspective of linking educational change management to the challenges of today, respondents' opinions are divided, as follows: 53.7% believe to a great and very great extent that it responds to the challenges of today, 26.9% believe that it responds to a small and very small extent, while 19.5% have a neutral opinion. Relating the effectiveness of educational change management

to specific drivers, in the opinion of the research participants, 51.2% indicated that all factors (institutional responsibility and accountability, coherence of educational provision and the labor market, transparency and institutional integrity) were important, and the majority of the research participants (70.7%) indicated that all forms of accountability (administrative-legal and public) should be reflected in educational change management. When we refer to responsibility in education, we have in mind the administrative-institutional and the societal-economic dimensions. The latter encompasses accountability in ensuring educational performance and thus institutional development. In terms of the three forms of accountability (professional, market and financial), 87.8% of respondents opted for professional accountability, 43.9% for financial accountability and a distant 39% for market accountability. Professional accountability leads to ongoing concern for career development and performance in the training of staff employed in the education system. Although respondents give funding accountability an indicator of 43.9%, it plays an extremely important role in providing the other two forms, as funding education is a sustainable investment for the future. From the perspective of the societal-economic dimension, institutional accountability in education determines market-education-market cohesion. In the respondents' opinion, this is supported by connecting the educational offer with the labor market demand (63.4%), developing the cult of education and work (56.1%), adapting the educational offer to the geographical, industrial and social area (53.7%) and developing the cult of profession and professionalism (48.8%). The directions that the interviewees opted for lead to a model centered on the economic sphere of approach to education, in which the market-education-market segment ensures educational change as a response to economic growth and social well-being.

In terms of the application of educational change management, the research has captured the essential elements that converge to support the institutional integrity-transparency nexus. The most common response (80.5% of respondents) was respect for professional ethics, followed at a distance by visibility and access to decision-making (56.1%), respect for fundamental human rights and freedoms (53.7%), working in the spirit of organizational values (34.1%) and good faith execution of legal rules (24.4%). The recognition of professional ethics as a fundamental element of maintaining the integrity-institutional transparency link contributes to the elimination of corruption at any level and of any nature in the education system and to the consolidation of the legal core with that of organizational values. Both visibility and access to the decision-making process and respect for fundamental human rights and freedoms reinforce the need for institutional transparency and social dialogue in education policy decision-making.

Based on these subsidiary hypotheses, the research aimed to identify the priorities of educational change management in order to affirm and increase administrative capacity in the education system. In the opinion of the participants in the study, the priorities specified are in the following order: good administration (41.2%), flexibility to change (35.3%), development of institutional resources (35.3), cohesion between educational provision and the labor market (26.5%).

Founded both on the analysis of the data collected from the respondents and on the foundations of the social science literature, we conclude that the development of the administrative capacity of the national education system is connected to the management of educational change, through the construction of the axis of good management - investment - adaptation - development - cohesion - innovation. Therefore, the application of educational change management is based on the balance between efficiency, accessibility, modernization and adaptation of administrative capacity to the needs of the system. Adapting the national education system to the new challenges of the millennium can be made possible by the common will of education decision-makers, teaching capital and, of course, direct and indirect beneficiaries. Consequently, developing the administrative capacity of the national education system in the context of educational change management is a *sine qua non* for ensuring good governance in education.

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On the Downsides of Scientific Leadership: 'Colleague Amnesia' and 'Motivated Forgetting' to Cite Generators of Ideas in Academia and What to Do about It

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ABSTRACT: The contemporary scientific discourse and academic promotion hierarchies incentivize leadership. Academic leadership is praised for innovation and groundbreaking insights that advance humankind. Rising stars and leaders-in-the-field in academia are those scientists that tell something new and add to the existing literature a novel finding. The obsession with scientific leadership has its clear merits in promoting innovation and prospering scientific advancements of humankind. This paper, however, debatably introduced the idea that an overall focus on scientific leadership may also crowd out honesty in scientific followership. Obsession with being the first to report fresh ideas may distract from accurate reporting of who initially generated ideas. Scientific innovation bias may lead to willingly neglecting to give proper account of and reference to colleagues' work. Especially when different disciplinary schools of understanding, language barriers or cultural silos on different continents exist, chances are opening for neglecting a fair reporting of who came up with an idea first. Scientists may use their language skills to soak up ideas in different parts of the world and get inspired by literature from one context, or other culture to transpose the knowledge and introduce it as something new in another research context, school or world without honest giving credit to the actual generator of the idea. This strategy is introduced in this paper as 'colleague amnesia.' Colleague amnesia occurs if the actual generator of an idea, effect or trend, who inspired subsequent research, is actively and deliberately 'forgotten' to be mentioned or not given fair credit in a reference, citation or acknowledgment in a first-introduction-of-idea publication. 'Colleague amnesia' can fuel into a more widespread 'motivated forgetting' culture when this behavior is backed by group norms and collective practices of certain scientific fields or research clans. If institutions are knowingly capitalizing on motivated forgetting as a market strategy and institutional designs tolerate and nurture this unethical and inefficient behavior, this turns into 'research capitalism.' Lastly, if institutional settings back the ideas reaper for the sake of protecting their community's overall reputation by the negative destruction of initial ideas generators in order to make victims disappear or weaken their claim of intellectual property, research capitalism turns into 'research fascism.' The negative implications of colleague amnesia, motivated forgetting, research capitalism and research fascism to the individual, the scientific collective, institutions but also the larger society are outlined in this paper. Unethical market distortions are not only seen as this kind of implicit light plagiarism. The false crediting of 'translators' as innovators and genius leaders-in-the-field breeds dishonesty in academia and discourages honest participants in academia. For the scientific community, colleague amnesia and motivated forgetting imply inefficient replication of ideas and waste of resources and time for discovery. Institutional settings perpetrating cheating individuals discredit all other honest merits and makes institutions vulnerable to being called out. The paper ends with a discussion of potential remedies for colleague amnesia, motivated forgetting, research capitalism and research fascism.

KEYWORDS: Cheating, Citation, Colleague Amnesia, Followership, Intercultural Dialogue, Interdisciplinary Research, Leadership, Leaders-in-the-field, Motivated Forgetting, Replication, Research Capitalism, Research Fascism, Scientific Ethics

Introduction

Citations are the measure of success in sciences. Research careers are evaluated on the impact a person has on the field with the optimum goal being to become an influential leader-in-the-field with a high citation score. Scientific advancement is based on the novelty of an idea and

its proof of fact in reality. Academics are trained to aim for intellectual leadership. Science leadership excellence is based on being the first to introduce an idea to colleagues, find an effect and its sophisticated proof in data as the ultimate sign of an innovative finding that has a groundbreaking impact on the scientific field and overall population in general. The focus on leadership in academia, however, comes with a price of incentivizing to pretend to be the first one to have had an idea.

This paper concerns different phenomena potentially stemming from the obsession with science leadership.

First, ‘colleague amnesia’ will be presented as strategic neglect to actually cite the source of an inspiring idea that has ignited a presented work that lacks to give an honest reference, credit or acknowledgment to the actual generator of intellectual eureka.

Second, ‘colleague amnesia’ turns to ‘motivated forgetting’ if an entire research community tolerates and practices ‘colleague amnesia’ as a common strategy and thereby implicitly sets social norms that procreate this kind of neglect of the true reporting of the actual source of creativity.

Third, ‘research capitalism’ is proposed as a term to describe if institutional settings back ‘colleague amnesia’ and ‘motivating forgetting’ with institutional competitive arrangements and day-to-day *modi operandi*. ‘Research capitalism’ neglects the idea of research ethics and creates an imperfect information market, in which those are incentivized and win, who turn an invention into an innovation that gets reception from and creates value in the market.

Fourth, ‘research capitalism’ turns into ‘research fascism’ if institutional settings back dishonesty and try to eradicate the victim, whose idea was reaped, in order to ‘bury’ the evidence for unethical behavior stemming from the institution.

Examples for all mentioned terms will be provided in the following paper. The article also covers the individual, economic and societal downsides of scientific leadership obsession in pressuring individuals to constantly strive for presenting novel ideas, which implicitly incentivizes colleague amnesia bleeding into motivated forgetting and erecting fundamentals for research capitalism that may turn into research fascism in its most destructive nature. Lastly, the article also provides preliminary remedies to cope with the lack of honesty and unfair overclaiming of credit as well as aims to provide advice on how to overcome institutional barriers to succeed as an honest academic who gives fair citation credit and remembers those who inspired.

Colleague amnesia

Scientists are trained to be creative and innovatively find research gaps to be filled with novel insights about the world that have a widespread impact. Research careers are built on being the first in the detection of new findings that inform the broad population. This focus on being the first generator of ideas in academia, however, comes with the price of ‘colleague amnesia.’

Colleague amnesia occurs if the actual generator of an idea, effect or trend, who inspired subsequent research, is actively and deliberately ‘forgotten’ to be mentioned or not given fair credit in a reference, citation or acknowledgment in a first-introduction-of-idea publication that clears a specific information market. Oftentimes colleague amnesia is hard to trace as casual and colloquial conversations take place about mutual topics of interest in academia, for instance, in meetings or at conferences. Scientists are also constantly encouraged to present ideas to colleagues anonymously, for instance, in blind peer reviews for promotions, hiring, publication and other merits, such as prizes, grants giving and/or donor funding. In these anonymous reviews, novel and preferably unpublished ideas get exposed to colleagues, who are familiar with the research field they review work for. All the mentioned circumstances and situations – informal exchange of ideas, official presentations and formally blind peer reviews

– are situations of vulnerability for the actual generator of an idea that his or her idea gets reaped without reference, credit or acknowledgment.

Disciplinary boundaries, language barriers and different schools of thought in academia potentially are moderating influence factors for colleague amnesia. Every discipline, for instance, has only a few key journals, in which information is considered so novel that the journals have a high impact factor. Researchers may end up in silos of only targeting and reading up on those leading journals, which allows to transpose ideas from other fields or journal silos oftentimes unnoticingly. Language barriers have also shown to distract information flow. In some fields different schools of thought have evolved concurrently – for instance, as in the case of behavioral economics there exist concurrent European and North American traditions. Within these two continents, scientists oftentimes work on similar ideas and are aware of similarly-minded scholars across the Atlantic but tend to ignore colleagues in fair and accurate citation credits. Multi-lingual research may have a competitive advantage in reading up on both sides and transposing ideas from one side to the other without giving proper credit to the generator of ideas.

All these conditions may lead to colleague amnesia in the active, deliberate and voluntary forgetting of giving fair credit to generators of ideas, inventors and innovators, which is debatably portrayed as a fraudulent subform of plagiarism, called implicit light plagiarism.

Motivated forgetting

Colleague amnesia turns into ‘motivated forgetting’ if an entire research community of a scientific field tolerates and practices the active, deliberate and voluntary forgetting of giving proper credit to initial idea generators, for instance across disciplinary, language or continental barriers. If cooperation in citations is only a prerogative of the in-group, which practices cooperation among valued members and neglects any citation of outside outgroups collectively as a *modus operandi*, motivated forgetting turns into overall market dynamics. The collective character of motivated forgetting leverages the problem of colleague amnesia based on group norms that breed misbehavior. Game-theoretically not participating in motivated forgetting is then a short-term drawback for those who do not comply and report external inspirational idea sources correctly and thereby become seen as not so creative and innovative in comparison to colleagues who practice motivated forgetting. In the long run, however, reputation risks incur as if being caught as a colleague suffering from colleague amnesia will discredit every other honest accomplishment of him or her. In that sense, colleague amnesia is also a short-term strategy that crowds out diversification potential, as people who develop a reputation to reap the ideas of others and present them as their own, will likely get ghosted and not be invited and not be promoted in honest research circles any longer after a while. If motivated forgetting is the norm, researchers suffering from colleague amnesia may still get ahead in their careers but the community that practices motivated forgetting actually breeds a social norm of silo thinking, in which papers are biased with circular community citation. The hierarchical motivated forgetting ladder researchers climb metaphorically may lean against a building built on one-dimensional fundamentals that are at risk of collapsing in call-out scandals. Motivated forgetting silo communities may bring along other socio-psychological drawbacks and destructive traits that are co-morbidities of cheating and unethical conduct.

Leadership has a specific role in multiplying behavior and by engaging in motivated forgetting, leaders cultivate dishonest citation neglect to a multiplying extent. Learning-by-the-example-of-leaders becomes destructive, unhealthy and unsustainable if leaders practice colleague amnesia and thereby set a negative example for the upcoming generation that multiplies and trickles down in the community. Leaders, therefore, appear to have a heightened responsibility to reflect on their own collective amnesia for their function as role models.

Vivid examples of moderator variables influencing motivated forgetting include disciplinary silos, language and continental distances that may cause entire ‘species’ of research clans or domains of research fields to neglect to give a fair and accurate reference, credit or acknowledgment to other ‘species’ or domains that initially inspired research. For instance, macroeconomists may potentially be aware of microeconomic foundations that inspire aggregate work but may be incentivized to forget citing the source of inspiration as for disciplinary divides and researchers tending to not read up on the other side of the economics micro-macro coin.

Historic examples of Nobel laureates in exile reaping ideas in their mother tongue heritage language and republishing them without giving proper credit to the initial author exist. Colleague amnesia bleeding into motivated forgetting may also entail continental barriers. In the field of behavioral economics, two schools of thought exist in Europe and North America. While both fields often discuss similar phenomena, evidence shows that citation hesitancy occurs on both sides. There seems to be a closeness bias and a neglect of physically distanced colleagues, who may yet be close-minded.

Hierarchical ghostwriter pressures are a constant and long-standing problem in academia. But also the gender divide and gender dynamics being skewed towards females having contributed to work that was more successful on the market if the male published it exist for a long time. And reviewers accepting review appointments for the sake of reaping ideas to then slow down applicants in never responding with a review or discrediting the applicant to stop or halt the publication while trying to publish the idea themselves appears – very unfortunately – to be a research strategy.

The digital age is assumed to have exacerbated the problem of motivated forgetting as knowledge is widely accessible online to inspire everyone with access to the internet as the costs and barriers for communication have decreased dramatically in the last century. Novel Artificial Intelligence and Open-Source innovations, such as ChatGPT and plagiarism software advancements, may hopefully curb the problems of colleague amnesia and motivated forgetting in the future.

Research capitalism

Colleague amnesia and motivated forgetting turn into ‘research capitalism’ when institutional settings are enabling colleague amnesia and support motivated forgetting as a competitive strategy by – for instance – erecting institutional settings to transfer ideas. Institutions thereby reap novel ideas and turn inventions into innovations on their soil. The term ‘research capitalism’ is thereby used to indicate the feature of capitalism to be oftentimes short-term oriented and in its pure neoclassical understanding to neglect the idea of ethics. Examples may include institutional support for inviting job market candidates without proper intent to hire like-minded scholars to entertain the faculty with fresh ideas despite knowing that the faculty is prone to get inspired but then forgets to cite their job market candidate muses’ idea generation.

University press publishers who promote blind review *Spiels* and accept in-house reviewers taking months for reviews of ideas that are close to theirs and finally blocking projects by either not responding at all or not providing any substantial feedback are another form of research capitalism if the university press tolerates this kind of unethical behavior. Research capitalism of university publishers occurs if the publishers do not question the credibility and integrity of dishonest reviewers if they misbehave, especially on a repetitive basis.

Research capitalism breeds competition within an institution if universities imply double research ethics standards for different schools despite knowing that the different schools thereby may flourish colleague amnesia. For instance, if the Internal Review Board (IRB) approval in one school (e.g., the business school of a university) usually flies through quickly

but takes months for approval of research endeavors in another school (e.g., the faculty of arts and sciences of the same university), ideas that would need proof in behavioral economics laboratory experiments can be quicker pursued in one school (in our example the business school) than the other (in our example the school of arts and sciences). Leaving room open for inspiration in one place and execution and marketability in another within the same institution, makes researchers prone to get inspired by inventions in one school (in our example the school of arts and sciences) and then drive in results as innovations meeting market relevance in demand quicker at their home school (in our example the business school).

Leadership obsession and the striving for being the first leader in innovative ideas may thereby breed a climate of hostile capitalism and dishonesty but also defection of trust and discouragement within one institution. Leaders-in-the-field that practice colleague amnesia in this way may not be based on their ingenious minds but rather reflect unethical cheating backed by institutional research capitalism support.

Research fascism

‘Research capitalism’ turns to ‘research fascism’ in its most destructive form when institutional settings are aware of and tolerate colleague amnesia and motivated forgetting behavior coupled with manipulation and hostile behavior to discredit the generator of an idea. Research fascism occurs if institutions tolerate this kind of implicit light plagiarism and implicitly support perpetrators in enabling to transfer ideas and discrediting of initial ideas generators to ‘bury’ the victim as evidence to uphold the reputation of the institution.

Examples may include universities backing professors who are called out for reaping ideas constantly while discrediting victims who are whistleblowers. Universities may also practice research fascism if entertaining the *Spiel* of inviting foreign scholars from abroad of particularly vulnerable populations. If the institutional settings are such that foreigners from vulnerable populations are forced to present all their ideas on a constant basis *in lieu* of visa sponsoring on a repetitive basis, especially when these foreigners are under pressure to return to unstable countries in crises if not producing and offering ideas repetitively, universities become guilty of research fascism.

Why care?

What are the downsides of colleague amnesia? First, the problem of vulnerability exists if being caught reaping the ideas of others and pretending to have forgotten who came up with them. Colleagues will notice a pattern and the most important capital in academia – reputation – will take a toll. It simply will discredit everything else and all the honest accomplishments a researcher genuinely came up him- or herself if being caught and called out for colleague amnesia.

Second, colleague amnesia turning into motivated forgetting of entire fields and research communities breeds the likelihood of inefficient repetition, which wastes money, time and resources. The obsession to become leaders thereby has a shadow of the negative externalities to burn resources that repeat what has been done and known before. There is, though, the argument that repetition to report and embrace a larger or different audience would – overall – be beneficial, despite being dishonest and fraudulent implicit light plagiarism. At the same time, noticing this pattern of dishonesty in academia may discourage noble hearts and people of integrity from choosing science as a career and ending up in academia. Giving false credit to someone who was not the initial generator of an idea may also hold the downside that the description in the literature will be less based on a personal eureka moment and therefore may lack some creative insights on how one came up with them and what is the actual rationale behind the stolen idea.

Third, when colleague amnesia and motivated forgetting culminate in research capitalism, institutions or publishing regimes back misbehaving for the sake of a short-term gain that leaves the institution vulnerable. If research capitalism is called out, it potentially leads to a full-blast scandal that causes more damage than an institution upholding scientific values and disciplining its members for wrongdoing.

Fourth, when research capitalism turns against the victim, whose idea was stolen, in research fascism, institutions or publishing regimes back unfair and hostile behavior against the initial generator of an idea in order to protect the reputation of the entire community and institutional brand. The victims of such behavior may not only take a toll on their careers but also socio-psychological damage and emotional collaterals are likely to occur. Drop-outs of honest academics may be the consequence, which discredits science per se by diluting noble values and turning its remaining members into dishonest cheating experts.

What to do about it?

Colleague amnesia appears to be a common phenomenon. First, capturing the behavior and introducing the idea of colleague amnesia as a silent form of light plagiarism will help growing awareness and foster confidence to monitor and call out suspicious behavior. Second, a registry of suspected colleague amnesia could help curb the behavior with transparency and fear of reputation drawbacks. Third, with the advent of AI-generated bots, for instance ChatGPT, the time has come to filter out colleague amnesia strategically as a state-of-the-art in academia. For instance, journals and publishers could require credibility checks and accuracy in citation behavior prior to the publication of novel material. If this requirement would become the norm, researchers would be incentivized to give fair credit to – at least – the already published ideas.

Motivated forgetting should also be tackled by setting positive social norms that condemn colleague amnesia as a silent form of light plagiarism. If entire research groups, disciplinary fields and scientific schools practice fair citing ethics and condemn motivated forgetting in writing and actions, this would certainly breed positive norms that hinder colleague amnesia. Tackling leaders' behavior who leading-by-example offers the possibility to solicit a trickle-down effect of the positive anti-forgetting norms. Like the Keynesian multiplier multiplying funding from the top that trickles down in the entire economy, leaders-in-the-field should breed positive examples by giving fair and accurate credit. Leaders should also remind colleague amnesia is cheating that will discredit everything else that is genuinely in a young upcoming scholar if being found cheating in reaping others' ideas without proper citation credit.

Ethics of inclusion in the age of social justice could also be used to draw attention to the problem and solicit fair credit giving. Attention should be given to young upcoming scholars, who may be discouraged from staying in academia if being cheated and bamboozled by fraudulent researchers above them in the hierarchy. Especially vulnerable populations of foreign researchers from crisis-struck communities that are held under repetitive visa renewal scrutiny terms should have means to report cheating and unethical ideas reaping. Anonymous channels to contact senior leadership but also awareness-building for leaders that the support of colleague amnesia by institutional protection can lead to scandals are essential ways to combat the problem on an institutional level.

Lastly, institutional fascism could also be combated by raising awareness of the problem among guilds and professional associations. For instance, international associations but also national academies of sciences, as well as professional ombudswomen and ombudsmen, may help in creating awareness of the problem. Sunlight remains the best disinfectant and so may online transparency about fraudulent institutions that back the silent light plagiarism of colleague amnesia deliberately and repetitively as a competitive market advantage that, though, is cheating and market-distorting.

Flagging reviewers who accept review appointments for the sake of reaping ideas to then slow down applicants in never responding with a review or discrediting the applicant to stop or halt the publication while trying to publish the idea themselves could be combated with tracking reviewers and taking them out of the reviewer pool if repetitive uncollegial behavior occurs.

Trademarks and patents are used in capitalism to protect intellectual property, concepts that have encroached certain competitive fields in which the stakes are high as well in academia. For instance, trademarks and patents to protect intellectual property oftentimes before it becomes marketable are common in medicine, physics and technology. Further development of similar concepts for other fields could curb inappropriate ideas reaping. Social sciences have copyright claims as an alternative to protect intellectual property. Arts use certified letters sent to oneself to protect ideas – such as theater playwriting and movie scripts – with an external certified timestamp are additional checks and easy implementable remedies to protect intellectual property. In print patterns of designers, however, the protection of ingenious ideas gets very hard, almost impossible – a fact that calls for improvement cross-disciplinary.

Discussion

Future research avenues should build on the emerging literature on the downsides of pure leadership focus. Studies could first address the problem qualitatively. Case studies and vivid examples may serve as the first recognition of the effect. In a subsequent study, colleague amnesia may be quantified in terms of its losses to the individual, academic integrity and scientific advancement for society. From an awareness of the problem in society naturally follow the remedies and opportunities to rise to a higher ground through the darkness of motivated looking away and brain-fogging in the literature what others have known before.

The Dilemma between the Pursuit of Sustainability and the Cultural Heritage of Moroccan Family Businesses: A Contextualization Study

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ABSTRACT: The objective of this research is to explore the relationship between the cultural specificities of governance in the Moroccan context and the sustainability of unlisted Moroccan family businesses in times of crisis. To produce our results, we opted for a qualitative approach based on semi-directive interviews with 20 CEOs of unlisted Moroccan family businesses, 6 of which are large companies, 8 are SMEs, and 6 are VSEs. Our results explain that the search for sustainability by family governance in times of crisis is dependent on three cultural specificities, explicitly: family reputation, religiosity norms, and the logic of strategic imitation. These specificities drive the governance of Moroccan family businesses in terms of internal sustainability, external sustainability, family-enterprise interactions, emotional involvement, risk aversion, and innovation in times of crisis.

KEYWORDS: Family governance, sustainability, culture, innovation, family reputation, business imitation

Introduction

One of the main characteristics of family businesses, often highlighted in the literature, is the search for sustainability. Moreover, several studies have shown that these firms draw from their family dimension the capacity to build certain competitive advantages, including the capacity for innovation that they develop. Thus, as a continuation of this work, we focus on family firms that manage to achieve sustainability through specific innovation capacities. Only half of the newly created firms are still present after five years of existence, and the firms created in a given generation have only a 15% chance of belonging to the same group of shareholders three generations later (Mahmoud-Jouini, Bloch, and Mignon 2013).

The scarcity of companies that have been able to defy these statistics arouses a certain curiosity and deserves the researcher's interest. While there has been growing interest in family businesses, the study of their longevity remains largely unexplored, especially in the case of unlisted Moroccan family businesses in times of crisis, which operate in a context rich in cultural backgrounds. Beyond their singularity, the interest of a study of sustainable Moroccan family firms lies at another level: it is necessary to consider whether the search for the sustainability of firms is not an alternative model to the search for value by the financial market.

As a result, the owners of family businesses, when they are founders or when they assume the management function, may be led over time to develop a culture of independence, to confuse their destiny with that of the firm, and to adopt protective attitudes towards a territory that they feel they have largely constructed. The prospect of opening up capital, for example, generates a certain number of fears that may lead them to favor non-growth at the expense of maintaining or improving their competitive position (Gomez Mejia and al. 2011).

The passage of time exposes the family governance to various issues, risks, and challenges. How do you ensure the survival of the family governance when the challenges of business, market, and technology dynamics are accompanied by the challenge of increasing the number of family members with the passage of generations? This is a long-standing theme, that it has prompted multiple investigations into how family businesses manage to

survive over time, in the face of economic changes and shocks (De Massis, and Kotlar 2014), and in the face of the constraints and cultural specificities of each country and region (Allioui and Habba 2020).

However, this question deserves to be analyzed from the point of view of the family's capacity to maintain an entrepreneurial mindset (Ramadani, and al. 2020), which alone can ensure the performance of the business, and from the point of view of family unity and involvement (Cadiou and Cadiou 2014), which are just as central to the family's desire to maintain the common project that is the family business.

Consequently, **the purpose of this article is to explore the connection of sociocultural issues with governance and family firm sustainability in times of crisis.** Furthermore, these firms, because of their mode of control and their declared long-term views, have an undeniable social and economic impact by preserving employment in the countries in which they are allowed to survive. We would like to show that this dual characteristic (family capital and the desire for sustainability) gives these firms originality in terms of their operations, the strategies they pursue, and the allocation of resources. These specificities contribute to form what can be called a model specific to perennial family businesses in times of crisis.

To highlight this model, the approach will be as follows: a diverse sample of sustainable family businesses will be studied using 20 semi-structured interviews with open-ended questions. The methodology used (content study based on a thematic analysis) will make it possible to highlight the characteristics of family firms. This exploratory approach sheds light on the issue and helped to provide elements of response to the problems raised.

This article concentrates on literature centered on the family business, recalled in its broad outlines in a first point, highlighting its intrinsic perennial qualities, its fragilities, and the weight of family values (1). It then seeks to identify the methodological approach (2). Finally, we present and discuss the results of the qualitative approach (3).

1. Literature review

1.1. Framework and multiplicity of dimensions of the concept of sustainability in management

The study of sustainable firms has been the subject of relatively few studies, except for study by Collins, Porras (1996). Nevertheless, several theories directly or indirectly address the problem. Indeed, it seems that, beyond the different currents, sustainability symbolizes the very purpose of management: the mission of the manager seems to us to be that of allowing the emergence and realization, in a viable form of organization (which exists over time) of a defined project to be undertaken.

On the one hand, deterministic currents such as population ecology (Denrell, and Kovács, 2020) emphasize environmental selection processes. They postulate that, far from adapting to changes in the environment through the implementation of a conscious and coherent strategy, organizational structures are essentially inert due to a series of heavy internal and external constraints. Given these constraints, the environment selects the businesses that are best adapted to it. The models on the organizational life cycle synthesized by Bolman, and Deal (2017) are there to remind us that organizations are not eternal and are inevitably led one day to disappear.

On the other hand, other currents argue that the firm not only reacts through a process of adaptation but also acts through a process of building its organization and environment (Julien, 2018). The resource-based and competency-based theorists (Lorino and Tarondeau 2015) are at the origin of significant advances in the field of pro-active strategy.

From this perspective, the development of the firm's internal resources enables it to generate and maintain a privileged position over the long term. This voluntary behavior

towards its environment implies, of course, the ability to progress. It is, therefore, necessary to encourage the right to make mistakes, experimentation that is a source of learning, but also the unlearning necessary to achieve ruptures leading to the strategic reorientation of the firm (Tushman and O'Reilly 1996). Thus, are perennial firms inert and little subject to the visible hand of the manager, or, on the contrary, are they moving, capable of taking their destiny into their own hands. Mignon (2000) has shown that reality oscillates between these two extremes and that these points of view, far from being antinomic, are very complementary. Evolutionists have shown that the behavior of firms is structured by deliberate random processes (Camisón, and Moreno 2020). Routines (stable and predictable behavioral patterns) govern the change operated by firms through a research process. Consequently, these routines and the inactivity they generate play an ambivalent role: a learning factor, on the one hand, and therefore a factor of change, a source of selection by the environment, on the other hand. Adaptation and selection are therefore not mutually exclusive but, on the contrary, are fundamentally complementary processes. Thus, change and continuity are indeed two opposing forces whose confrontation is a source of evolution.

Indeed, we wish to highlight the specificity of sustainable firms concerning a particular mode of control: that exercised by a family group. The nature of the firm's control provides additional insight into the study of the sustainability of an organization.

1.2. The effect of the mode of governance on the sustainability of businesses

The concept of property rights (Alchian and Demetz 1972) seems appropriate to the study of this question since it highlights the impact of the nature of property rights on the efficiency of firms. Their analysis tends to prove the superiority of private property rights over other forms of property (commercial, collective, mutual, public) but above all, in its original meaning, the theory of property rights emphasizes the advantages of a non-separation between the function of manager and owner. Indeed, two essential dimensions characterize the analysis of property rights: the allocation of residual return and the holding of residual control. The latter results from the payment of the various resource providers following contractual obligations. The right of residual control is the right to make any decision regarding the use of the asset that is not explicitly excluded by law or specified in contractual relationships (Mezzourh, and Nakara 2009). In its simplest conception, the owner of a firm is identified with the person entitled to the residual return. Under these conditions, the incentive power of ownership rights would lie in the close coupling of the residual control right and the residual return right (Scott, 2013), because, in this case, the manager (holder of the residual control right) has a strong incentive to ensure the best possible use of resources, which makes it possible to solve the problems of imperfect information and moral hazard inherent in team-based production (Mezzourh, and Nakara 2009). Consequently, the principle characterizing perennial family firms is also the one that founds the classical firm. Nevertheless, as subsequent developments in the field of property rights and agency theory (Jensen and Meckling 1976; Fama and Jensen 1983) attest, the interest of researchers has shifted towards the study of public limited corporations, and more particularly listed public limited businesses.

Besides, the trend for value-based management (Hirigoyen 2008) illustrates the priority given to shareholder value in corporate management. The methods of Mac Kinsey have indeed the particularity of integrating the cost of capital into their management methods and thus linking performance indicators to stock market values. Basing management on the creation of shareholder value is not, however, free of deviations. Indeed, the maximization of shareholder wealth often results in an excessive valuation of financial capital obtained at the expense of human capital. Second, it also results in decision-making focused on the short term, concealing a long-term vision of the firm's strategies. Finally, it appears (Albouy 2016) that disinvestments (disposals of subsidiaries or productive units) create value for the shareholder. In the same perspective, the financial markets very often welcome staff

reductions even though their impact on business performance is far from being unequivocal (Albouy 2016).

Is it not the pressure or the fear of a sanction from the financial markets that leads to these abuses? Wouldn't other modes of control be able to promote other types of objectives than the sole satisfaction of shareholders, such as the sustainability of companies?

Many authors have studied the link between the nature of the ownership and the performance of firms (Gallo and Vilaseca 1995). The synthesis by Allouche, Amann, and Garaudel (2007) highlighted the influence on performance, but also on the specificity of the firm's processes and strategies.

1.3. Managerial heterogeneity of family governance and sustainability

Family businesses have been the subject of important literature over the last two decades. Several surveys or studies, both professional (KPMG 2007) and academic (Arrègle and Mari 2010), point to the often-superior performance of family-owned firms compared to non-family firms, based on strategic, social, financial, or organizational criteria. Allouche, Amann, and Garaudel (2007) identify and articulate the literature on explanations related to the outperformance of family-owned firms. Two major theoretical frameworks are mobilized: on the one hand, the contractualist current, for which the reduction of the costs of control and incentives for non-family managers and the patient nature of shareholding provides the most convincing explanations; on the other hand, the neo-institutionalist current, which relies on the homogeneity of the value system of family firms and the interweaving of family-enterprise social systems.

Moreover, the long-term orientation of family shareholders, the long duration of managerial mandates, the importance given to the objectives of business continuity and family control (Mignon 2000) would limit any inefficient short-term decisions encountered in the context of the managerial firm where the manager must be disciplined because he is by nature negligent, incurs discretionary expenses, seeks to increase his prestige by favoring the size of the business rather than its profitability.

The most visible manifestation of this preference for the long term is undoubtedly to be found in studies showing the least recourse to debt (Allouche, Amann, and Garaudel 2007), the large share of reinvestment of earnings, and the correlative weakness of the dividend distribution policy, whether the firm is listed or not. For Antheaume, Robic, and Barbelivien (2013), this shareholding policy is the pillar of the long-term success of the family governance because it allows the provision of capital at a lower cost, held by family members who do not demand a rapid return on investment, but rather a long-term increase in the value of the firm (patient capital).

In this same explanatory corpus, regarding a resource and skills-based approach, some authors have developed the concept of familiness designating the unique resources that a business possesses as a result of the interactions between the family, its members, and the business activity (Habbershon and Williams 1999). Inherent family values, the goodwill, commitment, and enthusiasm of family members, the valuing of ethical behavior, the perception of the business by stakeholders as trustworthy, a strong sense of belonging, and better quality and sharing of information are all elements that give the family governance distinctive cognitive resources (Anderson and Reeb 2003). These elements are also found in stewardship theory approaches to family businesses: Miller, Breton-Miller, and Scholnick (2008) argue for empirical comparisons that these approaches portray family firm owners as deeply committed to the continuity of the business, to fostering the community of employees, and to nurturing loyal and enduring relationships and connections with their customers.

In order to explain the difficult trajectory of private equity backing for a firm, we referred to certain rationality of non-growth. Since one of the first characteristics of family ownership is that the firm is generally one of the family's main assets, this may lead it to adopt a less risky management style in terms of investment, financing, or innovation and limit

the growth opportunities that external shareholder financing would allow. Thus, the over-cautiousness or conservatism of family firms, frequently noted (Sharma, Chrisman and Chua 1997), can lead to strategic movements limited to narrow markets, weak growth, or even premature disappearance (Miller, Breton-Miller and Scholnick 2008). For Mignon (2000), the weight of experience and the focus of resources on a single field of activity can lead to a certain strategic bias, aggravated by the feeling of invulnerability generated by significant seniority.

The second major weakness pointed out by the literature on family businesses is linked to the possible appearance, after a certain lifespan, of phenomena of negative rooting or nepotism that generate conflicts. In several studies, age seems to be an explanatory variable for the emergence of this type of phenomenon (Morck, Shleifer, and Vishny 1988).

For Gomez-Mejia, Nunez-Nickel, and Gutierrez (2001), the consequences of the rootedness of the manager can be even more serious in family businesses than in non-family businesses. Hirigoyen (2008) thus observes that family ties evolve over the life cycle and affect the firm through significant conflicts of interest, specific asymmetric information, and altruism between family members. The author points out the gradual alteration, over the life cycle of the family business, of the bonds between family members. In periods of succession, the family governance faces changes in the patterns of family ties that diminish the degree of mutual trust. If the costs of supervision or control are lower in a family business, costs of sibling rivalries or costs related to autocratic or nepotistic behavior may emerge (Kets de Vries 1988). Some members of succeeding generations may prefer to reclaim their share rather than have it tied up in a business in which they are not directly involved.

Therefore, the family cannot always be considered as a stable and cohesive entity. With each generation, the dynastic nature of the family increases, and the bonds between its members are likely to weaken. When the family becomes what some call a consortium of cousins, potential conflicts increase, informal systems of mutual control become less effective, and branches of the family that are removed from the first circle of power may feel that they have been harmed by the dominant family nucleus and that they can decline relevant investments that are unilaterally considered too risky or require the acquisition of new skills (Schulze, Lubatkin and Dino 2003).

1.4. The effect of social and cultural values on the family governance

Management researchers interested in family businesses have relied heavily on resource theory as a conceptual framework in their work (Habbershon and Williams 1999). Habbershon and Williams mobilized resource theory to understand the competitive advantages and disadvantages of family businesses. This research gave rise to a concept widely used today to characterize family business: familiness which is defined as the unique bundle of resources a particular firm has because of the system's interaction between the family, its members, and the business. Alongside familiness, Dyer (2006) evokes what he calls the family effect. The family effect is made up of a set of elements in which family values play a pivotal role. This family effect would result in a reduction in agency costs due to the trust and shared values of family members involved in the business, and this reduction in agency costs would have a positive impact on the performance of the family governance (Dyer 2006). This distinctive resource (familiness or family effect) thus draws its strength, for a significant number of researchers, from family values (Dyer 2006).

In the same perspective, Aronoff (2004) considers family values as the pillars of the family governance culture. Thus, a strong corporate culture and unique values could be the basis for irreplaceable competitive advantages (Aronoff 2004). These are distinctive resources because they are difficult to duplicate or imitate as could be know-how or technology. Family values would then be idiosyncratic resources that would give a sustainable competitive advantage to family businesses and would explain, at least in part, their sustainability.

2. Methodology: Exploratory qualitative research

The information was collected using an interview guide with open-ended questions. These questions were the most appropriate to explore and deepen a complex and unfamiliar subject. The interview guide was addressed to managers of a diverse sample of 20 unlisted Moroccan family-owned businesses, based on size, market, and sector of activity. Indeed, we did not seek representativeness in the statistical sense but wanted to reflect the diversity of possible cases in the face of the problem under study (Evrard and al. 1993). The methodology for addressing these open-ended questions is at the heart of this empirical study. It is a content analysis based on the thematic elements of the text-responses. This approach through thematic analysis consists of the search in each sentence to give priority to the meanings. We can then perform a content analysis by approximating each theme by the set of the most frequent ideas. The software used is the latest version of *Nvivo*, specially adapted to thematic treatment.

The characteristics of the sample are presented in (Table.1). Of the 20 family firms in our sample, six are large firms, eight are SMEs, and six are VSEs:

Table 1. Our Qualitative Study Sample

Code Company	Size	Year of creation	Number of generations	City	Sector
FB no. 1	SME	1994	3 generations	Casablanca	Wholesale trade
FB no. 2	SME	1999	2 generations	Marrakech	Remediation
FB no. 3	SME	2003	2 generations	EL HAOUZ	Construction
FB no. 4	VSE	2002	2 generations	Casablanca	Miscellaneous and printing
FB no. 5	VSE	1993	2 generations	Marrakech	Tourist agency
FB no. 6	SME	1994	2 generations	Marrakech	Construction
FB no. 7	SME	1958	2 generations	Marrakech	Printing
FB no. 8	VSE	1990	3 generations	Marrakech	Carpentry
FB no. 9	SME	1974	2 generations	Marrakech	Private education
FB no. 10	VSE	2006	2 generations	Azilal	Tourism
FB no. 11	Large	1965	2 generations	Casablanca	Industry
FB no. 12	VSE	2000	2 generations	Marrakech	Agriculture
FB no. 13	VSE	1996	2 generations	Agadir	Tourism
FB no. 14	SME	1970	4 generations	Marrakech	Distribution CHR
FB no. 15	Large	1979	3 generations	Casablanca	Industry
FB no. 16	Large	1978	2 generations	Marrakech	Industry
FB no. 17	Large	1976	2 generations	Marrakech	Construction
FB no. 18	Large	1992	2 generations	Marrakech	Textille
FB no. 19	Large	1990	2 generations	Agadir	Tourism
FB no. 20	SME	2012	2 generations	Marrakech	Distribution CHR

Source: Authors

3. Empirical results analysis and discussions

Miller and Le Breton-Miller (2005) characterize family businesses using four main dimensions: continuity, community, connection, and specific command. While agreeing with this

characterization, it seems to us, given our research question and the responses of family leaders, that the dimensions of continuity and specific command deserve further clarification. According to the family managers of our sample, continuity is based on the long-term horizon and on the emotional involvement of the family in the running of the firm, which leads to the phenomenon of stewardship, so, managers are devoted to the firm.

3.1. Social norms of family businesses and the search of sustainability in times of crisis

According to Hoffman and al. (2006), one of the fundamental dimensions of family capital is the close ties of the family network. *"Our social capital can be delineated by two dimensions: the channels of information between our family members and the existence of family norms characterized by a set of religious obligations and social expectations aimed at not tarnishing the reputation and moral values of a family firm."* (CEO of the FB no. 11). These ties are also one of the characteristics of familiness in the sense of Habbershon. The family firm is seen as a system composed of: 1) a family subsystem consisting of the history, traditions, family life cycle, 2) an enterprise subsystem comprising the strategies and structures put in place to create value, and 3) a subsystem composed of individuals, family members characterized by their interests, aptitudes and degree of participation in the control and management processes. The interaction of these three subsystems family-companies-individuals is thus at the heart of the construction of a family specificity, allowing the development of idiosyncratic capacities, a source of differentiation. According to Arrègle and Mari (2010), the family maintains coherence between its members over time and through trials through interpersonal relationships based on emotion and affection as well as a sense of responsibility and loyalty towards the family system. *"Because of the positions and roles played by our family members working in the company, there is a transfer of certain characteristics of family spirit to the company, and consequently a rooting of the management of the family governance in the social behaviors, and cultural and religious thinking patterns of the family from which the business originated."* (CEO of the FB no. 7).

3.2. Socio-emotional engagement of family members in times of crisis

The investment of managers/shareholders has an emotional character because their wealth, personal satisfaction, and reputation are closely linked to their business. The managers/owners of family businesses are said to be driven by a certain sense of altruism, a collective and long-term vision: stewardship (Gomez-Mejia and al. 2007). *"Our family firm is characterized by identification with the organization and its goals, by family reputation, by the personal commitment of the leader to the success of the company at the cost of significant personal sacrifices, and in times of crisis by the motivation to act for the best and the collective and long-term interest."* (CEO of the FB no. 14). Stewardship, because it is rooted in the altruism of leaders towards their families, is also a source of costs, due to three essential factors: manipulation by children of their parents, the rivalry between family members for a larger share of the value created, and miscalculation of each person's expectations (Schulze and al. 2003). Within the family business, these factors can lead to the following aberrations: adverse selection, difficulty in supervising family members, impact on family relationships in the event of sanctions. As such, following what agency theory postulates, financial incentives are often necessary. They have a positive impact on performance under three conditions: when agents anticipate the sale of the firm, or in the case where the firm remains in the hands of the same family, when the terms of sharing the assets are disclosed, and finally when the founder's departure date is close and known.

3.3. The long-term vision as an essential vector in the search for sustainability in times of crisis

If the search for sustainability is often an underlying objective of the management of family businesses in times of crisis, it is worth recalling the diversity of the forms of sustainability

pursued. For some, the priority is to safeguard a reputation (CEOs of the FBs no. 3, 5, 9, 15, 18); for others, the priority is to maintain control of the company (CEOs of the FBs no. 8, 12, and 20). *"Of course, the managers of family-owned businesses are above all concerned with the continuity of control and management. However, the sustainability of control cannot be understood without considering the ability to remain in one or more markets, while at the same time preserving the family reputation. This requires reorientation to preserve or create a competitive advantage."* (CEO of the FB no. 12).

The sustainability of control thus often implies, in family businesses, a search for the sustainability of the organization concerned. The definition of Chua and al (1999) is particularly representative in this respect since it includes the search for sustainability as a criterion for defining and delimiting the family nature of a firm. Indeed, the authors consider a family firm to be a firm controlled and/or managed with a view to transgenerational sustainability.

It is thus the search for the reputation that leads to the family coalition's long-term vision, which allows this type of business to develop family differentiation, a source of value creation over several generations (Miller and Le Breton-Miller 2005).

3.4. Cultural values and the internal sustainability in times of crisis

"The dominant culture of a family governance is the result of beliefs, values, and goals that are rooted in the family, its history, and social relationships. In Morocco, we find the culture of religious traditions, and especially imitation." (CEO of the FB no. 2). The transmission of these beliefs and values from one generation to another generates relatively stable cultural characteristics both within the family and within the family business. These strong values often draw on a personal leadership ethic, marked by responsibility, the capacity to work, and a sense of achievement. Several works confirm the central role of values: Collins and Porras (1996) in particular perceive these values as the hardcore of the elements of permanence characterizing a perennial firm regardless of the national context of the firms. This internalization of family norms, characterized by the same belief system, provides the basis for a set of reciprocal obligations and expectations, deters possible misconduct, and is at the origin of coordination based on trust. At the same time, however, it can give rise to cultural beliefs that threaten the continuity and sustainability of the enterprise.

3.5. Social connections and the external sustainability in times of crisis

The connection with customers, suppliers, bankers, and, in general, with the society in which they operate is one of the defining characteristics of family businesses (Miller, Le Breton-Miller, 2005). *"These relationships are facilitated by the durability of the management teams, which facilitates the construction of relationships of trust and allows for long-term testing of the fulfillment of commitments made in times of crisis."* (CEO of the FB no. 2). Thus, the development of partnerships with suppliers involved in the value creation process, the willingness to stay in contact with former customers and bankers to maintain a network of relationships, and the ability to respond to needs in a personalized manner are recurrent behaviors in this type of company (CEOs of the FBs no. 6, 7, 13, 16, and 19). They are often locally rooted, maintaining emotional and ethical relationships with their region of origin. Arrègle and Mari (2010) point out that interpersonal relationships with stakeholders are strong and frequent in family businesses.

3.6. Prudent risk management in the decision-making process in times of crisis

"The long-term horizon of the decision-making process, the involvement and loyalty of the staff, patience in terms of expected return on investment, and certain parsimony are all elements of familiness that lead to favoring investments that consolidate the reputation in the long term and avoiding those considered too risky." (CEO of the FB no. 16). This point of view is echoed by

Gomez-Mejia and al. (2007) when they show that the search for longevity in family firms leads them to favor a gradual implementation of innovations, a social contribution, and the construction of a reputation rather than rapid growth strategies based on imitation.

The results show that family firms take significantly less risk than non-family firms. "Family pragmatism tends to discourage investment projects that are considered too costly and with an uncertain future, or even goes hand in hand with prudent financial strategies." (CEO of the FB no. 1). "The long-term horizon also allows them to invest in projects whose expected effects are felt over time (certain breakthrough innovations, productive investments to improve individual and collective know-how, even if their short-term profitability is not necessarily there." (CEO of the FB no. 15), supporting the idea that patient capital allows investment in opportunities with long-term profitability without short-term constraints (Arrègle and Mari 2010).

3.7. The logic of strategic imitation and innovation in times of crisis

For Teece (2018), two strategies fall within the scope of strategic renewal, which includes both discontinuous transformations and incremental changes. "*The incremental changes will allow the firm to continuously adapt or maintain its lead over its competitors and thus remain in the competition, but do not allow for the creation of new markets.*" (CEOs of the FB no. 4, 8 and 10). "*In this sense, imitation requires disruptive innovations, whether technological, economic or of use-value.*" (CEOs of the FB no. 9, 12, 13, 15, and 17). Several works in innovation management have considered the obstacles and difficulties associated with innovation (Zahra and George 2002), either due to the scale of the changes required or to the multiplicity of the dimensions involved.

The key factor is therefore to maintain innovation regimes, whether simultaneously or sequentially. The sequential configuration corresponds to Romanelli and Tushman's (1994) punctuated equilibrium model, according to which organizations alternate long periods of sustainability characterized by the deployment of incremental innovations, interrupted by short periods of radical change characterized by breakthrough innovations, which establish the new basis of activity for the next period of sustainability. The simultaneous configuration corresponds to Duncan's (1976) ambidextrous model where developments of these types of innovations coexist. This ambidextrous configuration can be achieved in at least three ways: 1) structurally by the creation of differentiated entities specialized in the two types of innovations; 2) network by the development of partnership relationships with those actors located in the firm's network; and 3) by the creation of a favorable context allowing the firm's actors to develop the two types of innovations simultaneously. Once the conditions for the existence of this balance have been met, we identify the key success factors that enable the implementation of the organization and the necessary incentives to exploit and combine the different types of knowledge, whether internal or external and/or to explore new ones.

Conclusion

The objective of this research is to explore the relationship between the cultural specificities of the Moroccan context and the sustainability of unlisted Moroccan family businesses in times of crisis. To produce our results, we opted for a qualitative approach based on semi-directive interviews with 20 managers of unlisted Moroccan family businesses, 6 of which are large companies, 8 SMEs, and 6 VSEs. Our results explain that the search for sustainability by family governance is dependent on three cultural specificities, namely: family reputation, religiosity norms, and the logic of strategic imitation. These specificities drive the management of Moroccan family businesses in terms of internal sustainability, external sustainability, family-enterprise interactions, emotional involvement, risk aversion, and innovation in times of crisis.

Our reflection is specifically focused on drawing up an inventory of the cultural specificities of Moroccan family businesses in times of crisis. These specificities lead us to

conclude on the need to focus on innovation as a key factor in the development of a sustainable strategy; in particular, the emphasis placed on the long term rather than on short-term sales growth, the development of alliances, the existence of patient capital, financial independence, better attention to R&D, trust, motivation and loyalty, empowerment of company members and leadership development, better creativity and finally a great reactivity to changes in the environment.

Thus, the first contribution of this article is to deepen and establish this link quite systematically while being aware that there is also a significant number of researches putting forward proposals contrary to ours: limited access to resources, nepotism, family conflicts, conservatism, risk aversion and fear of change (Gomez Mejia and al. 2007) would, according to the authors cited, lead family businesses to stagnation or even disappear. The second contribution is that this theoretical framework is also a grid for analysis and methodology of cultural specificities, and in parallel, the managerial and innovation capacities of Moroccan family businesses.

The perspective of our research program consists of establishing the experimental device, i.e. the construction of indicators, qualitative or quantitative, allowing to apprehend these characteristics. The Moroccan family business, the object of study as such, can constitute on many subjects a ground for intellectual construction and concrete explorations because it offers a good balance between the number of variables to be explored and the intelligibility of their sequences. For this reason, it is obvious that the largest companies, supposedly the most powerful at the same time, should not be the only focus of interest. Fortunately, there already exists a tradition of research on small and medium-sized family businesses, particularly in francophone countries, which should be maintained and even strengthened. Depending on the nature and structure of its shareholding, the family governance develops differentiated strategic behaviors. These appear entrepreneurial in the lean form, a possible and fruitful meeting point between a family shareholding and external investors.

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Entrepreneurial Orientations and Growth of Moroccan Family Businesses in the Era of Crises

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ABSTRACT: This paper aims to propose, in an original way, a first step which is the use of the social capital theory as an integrative theory of the strategic entrepreneurship specificities of Moroccan family firms. Our study covered a sample of 14 unlisted Moroccan family businesses, 8 of which are SMEs, and 6 are large firms, through qualitative research based on semi-directive interviews with the managers of family firms. Our findings explain the background of strategic entrepreneurship orientations for each of the two categories surveyed. Large family-owned companies are oriented towards diversification and strong involvement in social entrepreneurship, benefiting from a history of entrepreneurial dynamics, succession, family size, and degree of familiarism. Meanwhile, family-owned SMEs move toward strategic refocusing based on a history of stability, social network closure, and social norms. This result is original in that it is the first to explain the relationship between social capital, entrepreneurship strategies, and the size of family firms in the Moroccan context.

KEYWORDS: family business, family SMEs, large family businesses, strategic orientation, entrepreneurial orientation, social capital, entrepreneurship

Introduction

The analysis of enterprise creation, and more generally of economic action, cannot do without the full and effective integration of relational frameworks and institutional structures, without which it could not be deployed (Plociniczak 2004). In the same, social capital is also an important characteristic of firms through their exchange relations with their stakeholders (customers, suppliers, and employees) and can undeniably generate competitive advantages for them. Social relations, therefore, appear to be crucial to the success of the family firm. Therefore, the development of the capital of social relations by business managers could be one of the ways to achieve performance. An approach to management based on the analysis of relations between actors has developed considerably since the last quarter of the 20th century, inherited from the sociology of networks. This approach has now reached a certain maturity in the study of organizational and decision-making phenomena in family businesses (Chauvet and Chollet 2010).

If in management sciences, the literature on the social capital of family businesses has been developed rapidly in recent years, Morocco remains on the bangs of this. Indeed, very few authors have conducted scientific studies such as (Bentebbaa et al. 2014; Elkhalfaoui and Mokhtari 2017), which argue that social capital is the set of close interpersonal relationships between individuals that impact the performance and sustainability of family businesses. This insufficiency of Moroccan research in the presence of a rich cultural context in terms of the cultural origins and traditions of Moroccan families is even more pronounced when it comes to research on the relationship between social capital and entrepreneurship in Moroccan family firms.

Therefore, the objective of this research is to investigate the following question: **How do Moroccan family businesses make their entrepreneurship decisions in relation to their social capital?** This is the issue to which this paper seeks to contribute by using the concept of social capital to show why and how family firms may have distinctive resources and entrepreneurship capabilities.

To answer the question of our research, we conduct our study through a qualitative approach based on semi-directive interviews with 14 Moroccan family businesses, from different sectors, sizes, and origins.

In the first part of this article, we show why social capital theory can shed important light on the management of family firms and how the firm's social capital is related to the social capital of

the owning family. In the second part, we point our qualitative methodology and the sample of our study. And in the third part, we highlight the diversity of Moroccan family firms in terms of their familiarism with each other by identifying some dimensions or events that explain their heterogeneity when making entrepreneurship decisions based on socio-cultural factors. Finally, in conclusion, we determine the managerial consequences of our approach and draw some promising roads of research.

1. Literature review

The concept of social capital makes it possible to characterize these interactions, analyze them, and manage them, unlike the approach of Habbershon and Williams (1999), which remains highly descriptive, not very operational, and vague. While their definition of familiarism proposes a link between competitive advantages and the resources resulting from interactions, the use of the concept of social capital makes it possible to extend and complete this approach by identifying the roots of these competitive advantages. Umrani et al. (2019) and Dubos (2017) show that social capital is a resource (in the sense of the flow of resources), this amounts to presenting the social capital of the family firm as the fundamental resource for this type of firm compared to other types of organizations.

Having presented the concept and the interest of social capital, it is now possible to look at the particular case of the social capital of family firms from the following question: is the family firm able to develop a particular social capital? As has already been pointed out, there is a strong interpenetration between the social world of the family and the economic world of the family firm. For example, this is visible when some of the advantages of family firms are considered: the efficiency of decision making, the reputation of the family and the attention paid to the development of the brand (usually the family name), and the patient capital. Similarly, the notion of familiarism remains to the interactions between the family (the family network) and the firm. Management research has repeatedly shown and insisted on the fact that the roles of the head of the firm and the head of the family are closely linked (Gersick et al. 1997). Kepner (1983) also details the close relationship between the family system and the firm, explaining that they cannot be separated or isolated without risking a fatal rupture to one of the two. In this way, in family dynamics, issues of gender and power, hierarchical structures, and attitudes towards money and work not only have an impact on the life of the family home but are also likely to influence the activity and thinking of family members at the firm.

The concept of social capital allows us to link and understand the relationships between these two eminently interrelated worlds. Indeed, on the one hand, the dimensions highlighted in the notion of familiarism are precisely the existing interactions between family members that potentially have beneficial effects on the firm and constitute or support its competitive advantages. These interactions within the family correspond exactly to the definition of social capital applied to the family network. On the other hand, social capital is also an important characteristic of a firm through its exchange relationships with its stakeholders (customers, suppliers, and employees) and can generate competitive advantages for firms (Adler and Kwon 2002). Consequently, the notion of social capital is applicable to the two coexisting worlds in the family firm: the family and the firm. The family's social capital can thus provide a powerful structure for the firm's social capital (Kepner 1983).

Therefore, we will take the institutional perspective presented above to explain how this family capital influences that of the firm. Many institutions influence the management of the firm (Whitley 1992). Proximity institutions, such as political and financial systems or regulations, exert an essentially coercive influence on managerial practices, in that they define a set of social constraints and opportunities for firms and their managers. Educational institutions, such as the family or school, have a more normative or mimetic influence on organizations and their members because they help structure behavior around concepts such as trust, cooperation, or

identity (Whitley 1992). Whitley has essentially used the institutional perspective to explain national differences in management practices.

Besides, we apply the same type of reasoning to the family business. The family conceived as an institution should affect management practices in the family firm. In describing the social capital of the family, we have pointed out that the family, like other educational institutions, communicates explicit knowledge to all its members so that they acquire knowledge and practices that have led in the past to favorable results. Moreover, the family imbues its members with a collective knowledge that represents the set of social values and behavioral norms carried by the family group. Consequently, family members working in the family business should logically behave and act in a manner consistent with the education they have received within their family.

2. Methodology

2.1. Choice of the method of investigation

Quantitative research on the subject of entrepreneurship by SMEs and large family businesses is mainly carried out by grouping together variables from the literature and by grouping together firm profiles. In fact, this research focuses on traditional financial factors: by grouping entrepreneurship practices and superimposing them on business profiles, this work can demonstrate the impact of certain factors on the entrepreneurship decision of family-owned businesses. This type of research validates the impact of certain factors but neglects others. This advances the question of whether factors not taken into account by researchers are more revealing of the practices of Moroccan family firms than those studied.

Consequently, our research presents a rich global vision that allows us to take the measure of entrepreneurship by SMEs and large family businesses in general. They also confirm the classic observation that two family businesses belonging to the same sector, producing in the same way, having the same size or the same age will never have the same way of investing, since to the number of structural and organizational factors involved in the entrepreneurship choices of the family business, one must add the personality of the manager and, more broadly, all the behavioral factors with a social or cultural basis.

This research provides an interesting and useful highlighting on entrepreneurship, but it is insufficient to identify the complexity of the factors involved in entrepreneurship selection. Most quantitative research appears to be limited by the number of factors to be considered. Thus, we think it is wise to use qualitative methods through semi-structured interviews to unravel the complexity of social factors and identify new avenues not explored by other researches.

2.2. The family-owned businesses studied

To conduct our research, we chose to study 14 family-owned businesses (Table 1) grouped into two subgroups. Some firms are classified as family-owned SMEs and others as large family-owned businesses (GEs). The sectors of activity and cultural origins are different. These firms have both the same and different forms of entrepreneurship. Therefore, it seems interesting to us to deal in this part of the paper with the factors capable of explaining the characteristics of the entrepreneurship orientations in the firms studied.

Table 1: The qualitative study sample for our research

Firm's Code	Type	Year of creation	Age	Number of generations	Branch of activity	Family Origins
FB no. 1	Large	1965	55	2 generations	Manufacturing	Fassis
EB no. 2	Large	1979	41	3 generations	Industry	Casablancais
EB no. 3	Large	1978	42	2 generations	Packaging of medicinal plants	Marrakchis

EB no. 4	Large	1976	44	2 generations	Construction	Marrakchis
EB no. 5	Large	1992	28	2 generations	Making of children's clothing.	Fassis
EB no. 6	Large	1990	30	2 generations	Tourism	Fassis
EB no. 7	SME	1994	26	3 generations	Wholesale	Marrakchis
EB no. 8	SME	1999	21	2 generations	Remediation	Amazigh
EB no. 9	SME	2003	17	2 generations	Building materials	Amazigh
FB no. 10	SME	1994	26	2 generations	Construction	Sahrawis
EB no. 11	SME	1958	62	2 generations	Printing	Marrakchis
FB no. 12	SME	1974	46	2 generations	Private education	Marrakchis
EB no. 13	SME	1970	50	4 generations	CHR distribution	Amazigh
EB no. 14	SME	2012	8	2 generations	CHR distribution	Amazigh

3. Results and discussions

3.1 Diversification and Strong Involvement in Social Entrepreneurship of Large Moroccan Family Businesses

The orientation towards diversification by large family-owned firms is an important step in the business life cycle due to the track record that must take place to maintain continuous growth over time, and at the same time improve the performance of the firm. The first result of our qualitative approach is manifested by the entrepreneurial dynamics of the family business which constitutes the first antecedent of diversification according to the words of the leaders of large Moroccan family businesses. *"The entrepreneurial dynamic must be established within the family business, family members must develop a network of interactions with external actors and, thus, they must strongly shape the structure and value of the family's social capital and the family business to move towards diversification to guarantee the future of the family's next generations."* (CEO of the FB no. 3). Another leader responds to these remarks by confirming that the orientation towards diversification by a large family business is becoming a necessity in today's market: *"Diversification is the key to success for all family businesses, and to achieve this, it is necessary to have a dynamic spirit and to forge strong relationships both internally and externally to the family business."* (CEO of the FB no. 1). These words explain the need to set up a family council to debate important questions about the strategy of a large firm (Arregle et al., 2007). Since the logic of shareholder, employee, and family member do not necessarily converge, decision-making tends to be difficult, especially in the case of a large family business. Arregle et al. (2007) discussed the importance of this process of interactions and dynamics in deciding the strategy of the family business. Besides, family members of the business have the opportunity to meet outside of the workplace as part of family life. Entrepreneurial dynamics, therefore, continue in other spaces, and at other times: the boundaries between work and family are likely to be blurred. The morphology of the social capital of the family firm is thus not undergone or emergent, but it can be, at least in part, designed according to the interests and skills of family members, even in the case of diversification of the family firm's entrepreneurship (CEOs of FBs no. 2, 4, and 5). Finally, the dynamics with clients, bankers, and other external stakeholders can be numerous and intense. For example, family business members tend to have strong interpersonal relationships with their clients (Chua, Chrisman, & Sharma, 1999). Besides, the succession process in family businesses is characterized by the creation and maintenance of these intense relationships with key stakeholders (Drozdow and Carroll, 1997; Arregle et al., 2007). *"These attributes of entrepreneurial dynamics based on social capital and the firm's*

interactions with its external environment allow the large family business to have advantages in the diversification strategy." (CEO of the FB no. 6).

3.2 Refocusing and Moderate Involvement in Social entrepreneurship of Moroccan Family SMEs

In the case of Moroccan family-owned SMEs, refocusing of activity is obvious, according to the managers in our sample. Thus, for them, social entrepreneurship is not a means of reputation, but rather a means of stabilizing the social network. *"The stability that is offered by refocusing to the family firm is necessary for the emergence of strong social relations, potentially creating value within the family SME. Family specificity can play on this stability in two ways: the stability of the education received within the family unit independently of the firm and the maintenance within the family of ownership and often of power."* (CEO of the FB no. 8). The first aspect is the function of the family as an institution, which is to endure through the generations, maintaining very strong social ties (Petite 2016). The norms in use within a family play a strong role and forge recurrent behaviors, generation after generation, behaviors that are fairly stable and expected by family members (Thomas & Peterson 2016). This persistence of attitudes thought patterns and behaviors suggests that the social capital of the family business should remain fairly stable over time since there is a more or less conscious reproduction of family capital (CEOs of FBs no. 9, 12, and 14). According to the second aspect, the family business is characterized by the stability of power and ownership. As another manager attests: *"The future manager of a family SME is likely to be a member of the family. The family, therefore, tends to induce a high degree of stability in the social capital of the firm through the stability of the family's social capital. That said, the reproduction of the same strategic logic of an SME with a strong social capital limits its choices in refocusing its activity to maintain this stability."* (CEO of the FB no. 7).

Another idea shows the moderate involvement of family-owned SMEs in social entrepreneurship alongside the refocusing of activities. *"Members of the founder's family are concerned by the firm because it is part of the collective heritage according to social norms. Moreover, it is often one of the main assets of a family involved in society through values of social mutual support. Therefore, the shareholders work on the valorization of a common social capital with the environment of the family business, but within the limits of their resources."* (CEO of the FB no. 10). In this sense, some need each other in society to make their values, and therefore, social entrepreneurship are not a means of a reputation as in the case of large family businesses, but rather a means of respecting the values of mutual support and social solidarity limited by the resources of the family SME (CEOs of FBs no. 11, and 13).

Conclusion, implications and limits

The ambition of this paper was to reflect on how the particular nature of family businesses could allow them to have original sources of their strategic entrepreneurship orientations. The introduction of the notion of familiarism, based on the family's social capital and in connection with the firm's social capital, opens up an interesting avenue of response. Social capital thus seems to have an important contribution to make to the study of Moroccan family firms. A familiarism-based approach overcomes the limitations inherent in agency theory when applied to family firms: in particular, the basic assumptions about the regulatory roles played by labor and capital markets are no longer sufficient when family firm theory is approached from a social capital perspective.

Moreover, analysis based on the degree of familiarism, driven by the interrelationships between family and firm social capital in both cases of large firms and family SMEs, makes it possible to trace the different social antecedents of entrepreneurship strategies, most often rightly attributed to family firms. Among the directions to be favored for future research, the empirical study of the social capital, competitive advantages, and performance link appear to be of prime importance. Indeed, the interest in the social capital approach would only be reinforced if

researchers identified the contexts and conditions in which the existence of social capital is associated with firm performance. Such research could not overlook the negative aspects of social capital. A comparison of successes and failures would help clarify the role played by social capital and its management.

Finally, it remains to define the types of actions to be taken to support as well as to avoid the pitfalls of the close link between the family's social capital and the firm's social capital, to achieve a diversity of entrepreneurship strategies in relation to the diversity of families. Therefore, it is strategic for family firms to question their particularities, and the approach based on the notion of familiarism is useful in this. Through the determinants of social capital and the factors influencing the evolution of the degree of familiarism, the owners and managers of family firms have an analytical grid enabling them to link the particularities of the family and the firm in terms of social capital with the present or disappeared competitive advantages of their entrepreneurship strategies. They can conduct this analysis statically and descriptively, but also more dynamically by questioning the evolution of the characteristics of the family (structuring, size, definition), of the firm (size, changes in the competitive environment, firm health), generation and succession problems.

However, this managerial approach can only be contingent: depending on the type of business, the nature of the environment and the competition, certain aspects of the family firm's and the family's social capital will be more or less useful. A type of social capital of the family and the firm corresponds to a type of strategy and environment. For example, in a turbulent environment, it will be more important that family social capital does not have an isolating effect with a cognitive dimension that promotes detrimental immobility. Similarly, it will be important that the structure of these networks ensures a good diversity of information gathered and resources available. If the cognitive dimension favors openness, debate, and change, then it will be necessary to preserve it by setting up institutions (family council for example) that ensure its durability in the face of an increase in family size or with the number of generations.

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