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Assessing Contemporary Media Literacy Journey, Challenges, and Achievements in the Age of Misinformation and Fake News

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ABSTRACT: The contemporary realities of media production and use have brought about the need for media literacy, which has emerged as a subject matter in both the academics and public square. The popularity and pervasiveness of user-generated content in the form of citizen journalism, social media, alternative media, and others have invaded the once professionally processed information, whose sources are known and vetted by proud and logo-embossed media outlets. The result has forced on the world the need to train consumers of media content to become literate and discern for themselves the facts from the lies and the useful from the useless. This paper analyzes the causes that made media literacy binding, its methodology, and most directly, the need for a review of journalism education content and processes to match the contemporary mindset of the digital generation of students.

KEYWORDS: Media literacy, new media effects, media education, social media effects

Introduction

The many challenges regarding the adoption and popularity of alternative media (new media) have attracted many researchers who have expounded and defined those issues, sometimes recommending ways to curb them. What is generally lacking, however, is research that investigate the implications of the consequences of social media reliance, fake news consumption, and misinformation propagation. And more importantly, not much is being dug out regarding the root causes of these changes, who benefits from them, and what can be done to effectively address the issues from their source. These are issues raised by the invasion of the once generally credible and reliable media.

This study, while expounding on the idea (Deuze 2005) that new media and multiculturalism have caused a shift in journalistic ideals, journalism practice, and journalism in general, sought to advocate for reasonable alternatives to their implication on journalism education. Also assessed in more detail is the idea of media literacy adaptation to assist in navigating the negative consequences of the ever-changing new media environment.

To add value to the discourse on social media in particular, studies like (Schreurs and Vandenbosch 2021) introduced a social media literacy model (SMILE) to assist in the understanding of social media literacy issues including (a) how to conceptualize social media literacy; (b) how social media literacy can change the dynamics between social media and its users; and (c) how participatory mediation processes result in social media literacy. Another study believes and advocates for changing journalism education to align with contemporary uses (Bindig and Castonguay 2013), saying ‘the format and pedagogy of media education’ must change, as the world is dealing with a youth population that is born and raised in the digital age. This work, therefore, explores the option of media literacy.

Background: Definitions and Concepts

Media Literacy

So, what is media literacy? Media literacy is defined as an expanded conceptualization of literacy that includes the ability to access and analyze media messages as well as create, reflect and take action using the power of information and communication to make a difference in the world

(Clark 2013). Another definition (Potter 2020) sees it as “a set of perspectives that we actively use to expose ourselves to the mass media to process and interpret the meaning of the message we encounter.” In a similar definition, Media Literacy “is traditionally conceived as a process or set of skills based in critical thinking” while viewing or ingesting media messages (Bugler & Davison 2018). To acquire these skills deemed necessary in most, if not all, media literacy definitions, it requires what is generally referred to as media education. UNESCO, the United Nations Educational Scientific and Cultural Organization (Fedorov 2015) defined media education as that which enables people to gain an understanding of the communication media used in society, and the way they operate. In addition it is to also provide users the ability to acquire media skills used to also initiate communication with others. So beyond understanding and learning to use contemporary media, are analysis and reflection on content, identifying the sources of the message, and the interest (commercial and cultural) behind the creation of the message in the first place. That is intended to make the educated user not only critically analyze but also, if he chooses to, determine the appropriate media for communicating his own messages to an audience.

To venture into more details of the concept of media literacy and why it has captured that much attention, and when, is to view it as a topic (Bugler & Davison, 2018) that has become a rallying point for countering “fake news,” advocated by a diverse array of stakeholders – from educators to legislators, philanthropists to technologists who until now appear to be the major stakeholders who have pushed significant resources toward media literacy programs. The Bugler and Davison study asserts that contemporary media literacy centers around five major areas. These are “youth participation, teacher training and curricular resources, parental support, policy initiatives, and evidence base construction.” To assess the issue credibly, we need to navigate the concepts surrounding media literacy.

The Concepts

Among the sources that scrutinized and expounded on several details of the concept is James Potter in his book ‘Media Literacy’ from the year 2020. New media and its overwhelming sources (Potter 2020) have not only created hurdles in people’s ability to navigate the once narrow and fewer sources with greater control of choice and timing, it has also programmed consumers or users of contemporary technologies to the benefit of several stakeholders. “Encounters with media today seem frustrating; ...multitasking is becoming the norm because of the enormous content created daily for consumption.” To compound the problem for those navigating for information is “the tendency to feel fatigued by overwhelming information” which makes people move towards further narrowing their routine sources, compounding the problem. Nobel-winning economist Herbert Simon observes that “a wealth of information creates a poverty of attention.” These are just some of the challenges that call for media literacy as described by Potter, (Potter 2020).

Potter added, “Once you begin to see things from a media literacy perspective, you can see how this process of (media) influence works, and this understanding will help you gain control over this shaping process.” Some of the solutions offered by the author for some of these include equipping yourself with media literacy strategies to assist in erecting safeguards while ‘encountering’ the media. These strategies allow people to adjust their media habits and become motivated to increase their control over issues of media influence. The book focuses on four key areas, “media industries, media audiences, media content, and media effects.” (Potter 2020).

Another study, (Hobbs & Frost 1999) describes seven debates about the issue of the media literacy movement occurring at that time. In their words; “As the media literacy movement gains momentum in the United States, the increasingly diverse community of educators, community organizers, and activists, scholars, social service and media professionals have a lot of issues to debate because media literacy can take many different forms.” They described the main questions to ask based on those advocating angles as; (1) Does media literacy protect kids? (2) Does media literacy require student media production

activities? (3) Should media literacy have a popular culture bias? (4) Should media literacy have a stronger ideological agenda? (5) Can media literacy ever reach large numbers of students in K-12 American schools? (6) Should media organizations support media literacy initiatives financially? and (7) Is media literacy best understood as simply a means to an end? (NKA).

According to the writers (Hobbs & Frost 1999), these questions assist in determining the core issues and allow us to see where consensus is emerging. On youths, for example, one of the core issues is whether “Media literacy is just about the only antidote for a culture where we continue to amuse ourselves to death, where information has replaced knowledge, where style has replaced substance, where violence is the major form of entertainment, where human relationships are trivialized and commodified, and where we let technology drive the quality of our lives without reflection or analysis.” Scholars who see media literacy as necessary to counter these include Neil Postman (Postman 2005), while others such as David Buckingham (Buckingham 1998) initially see media literacy as unnecessary protectionism. Henry Jenkins stressed fostering participatory culture in digital media (Jenkins 2009), asserting that providing youth with social skills and cultural competencies is instrumental to their full participation in digital culture. Hobbs in another study (Hobbs 2010) proposed the addition of reflection and action to the core competencies of digital and media literacy to empower and support lifelong learning among users.

By 2019, Buckingham had produced a book titled ‘The Media Education Manifesto’ (Buckingham 2019), which was described as a comprehensive and coherent approach to media education. In it, Buckingham “makes a passionate case for media education, outlining its key aims and principles, and exploring how it can and should be updated to take account of the changing media environment.” About the same time, 2019, some studies are observing a move from protectionism to participation (O’Niel 2019). Other scholars also deemed the ability to participate in the media environment and to create and distribute media messages, as pivotal to new media literacy (Lin et al. 2013)

In his book titled ‘Amusing Ourselves to Death’, Postman looks at what happens when politics, journalism, education, and even religion become subject to entertainment demands. Its review described it as ‘a blueprint for regaining control of our media so that they can serve our highest goals.’ While (Cho et al 2022) centered on another concept, i.e., the user’s selections of social media that is in dynamic causation with their choices of messages and networks. The foci of analysis in Social Media Literacy, SoMeLit, as tagged by the author, therefore, are one’s selections and values that influence and are influenced by the construction of one’s reality on social media; and the evolving characteristics of social media platforms that set the boundaries of one’s social media reality construction. The work expounds on the concept of personal locus as established by Potter (Potter 2019) earlier.

The media industry is one of four main categories that media literacy spotlights, as described by Potter (Potter 2020); with those four key areas being, “media industries, media audiences, media content, and media effects.” Medium theory (Meyrowitz 2009) contends that the nature of the medium impacts social, individual, and societal processes. Medium literacy (Meyrowitz, 1998, 2009) focuses on the characteristics of each medium, rather than the interactions between the user and the medium.

Unlike in the case of medium literacy, however, social media platforms are demanding and responsive to user engagement. The identities and realities constructed and communicated by users and groups differ by platform. For instance, Twitter use is for “information and informality,” Instagram use is for “stylized self-presentation,” and Snapchat is for “spontaneous ludic connections” (Boczkowski et al. 2018: 245). These platforms provide sites of subcultures where the users apply, accept, and reinforce different standards of realness (Cho et al 2022).

More recently, however, various studies on media literacy and media education continue to be addressed with some degree of confusion and vagueness. In a study (Wuyckens 2022) titled “Untangling Media Literacy, Information Literacy, and Digital Literacy: A systematic meta-review of Core Concepts in media education” the authors highlighted what they described as the confusion between the constitutive dimensions of literacies, recurrent difficulties in establishing theoretical articulations between contributions, and operationalization problems in observing and assessing these literacies.

And because of its ever-changing nature, being pushed by constant technological upgrades, innovation and user habits, Bugler and Davison made the following five recommendations towards the achievement of media literacy:

- a) Develop a coherent understanding of the media environment. With new technologies and techniques, make sure you always update existing programs.
- b) Improve cross-disciplinary collaboration. Media literacy is often seen as a narrow, pedagogical field. But work from other disciplines – social psychology, political science, sociology – is producing new research and findings that could greatly benefit media literacy.
- c) Leverage the current media crisis to consolidate stakeholders. The new attention on “fake news” could allow for new cross-disciplinary collaboration and therefore, greater coherence within the field.
- d) Prioritize the creation of a national media literacy evidence database. A centralized and stable base for evaluation data would make a more accurate assessment possible. There are many potential political challenges to such an evidence database.
- e) Develop curricula for addressing action in addition to interpretation. With the increased use of social media, literacy efforts need to be able to address user behavior in addition to interpretation (Bugler and Davison 2018).

Root Causes of Poor Media Literacy

To examine the causes, one has to pry into issues such as:

I. Types of Problematic Informational Sources

a). Misinformation: Misinformation is nonfactual information served to the public, generally as news or informational pieces. The Oxford English Dictionary defines misinformation as “the act of giving wrong information about something.” An example from the American Psychological Association is rumor. By its definition, rumor, according to Webster's Dictionary, is “a statement or report circulating without known authority for its truth”.

b). Disinformation is another issue. Disinformation is the intentional propagation of messages specifically written using nonfactual content. These messages are written while intentionally misstating the facts. An example, according to the American Psychological Association, is propaganda; messages written to make people, ideas or institutions look good that are not the case in reality.

c). Amateur writers: Novice writers armed with the prevalent but also easy-to-use internet and communication technologies produce messages for public consumption. Amateur writers, including those engaged in what is generally described as citizen journalism, who are operating blogs and news websites without formal journalism education or even training, find it easy to write and propagate information in the form of news, which is hard for the general public to differentiate from truly and professionally written pieces. Their negatively impactful messages are generally regarded as misinformation, the definition of which is false and inaccurate information, meaning the facts are wrong, but the intent may not be intentional. They lack professional training in news writing and propagation.

d). Fake News: The largest culprit, in all these, is fake news. Fake news is fake or misleading information generally presented as news, no matter how damaging, to the public.

News commercialization (written for financial gain) to sell goods, services, or even people (politicians for vote) as a form of advertisement also falls under fake news, provided that the advertorial was not disclosed as such but was disguised as a naturally occurring news event. Due to its seriousness in derailing people from facts, various studies have been conducted on fake news and its impact.

In one study about the impact of fake news, it was found to have the ability to reduce the impact of real news that has been grounded in fact (Silverman, 2016). The Silverman study about the 2016 Trump election bid in the United States demonstrated that fake news posts on Facebook received more engagement than real news from professional media outlets. “Fake news does not meet the definition of disinformation or propaganda. Its motives are usually financial, not political, and it is usually not tied to a longer agenda” (Dean, 2018).

2. Quantity of Daily Informational Intake

Informational overload is another major issue. It would not be inaccurate to rate it as the major culprit in that some elements of the aforementioned issues under types of informational sources were present in some form in the years previous to the internet. The internet, alternative media, and social media platforms have made them a prominent issue today. Overabundance of information or informational overload is a consequence of new and easy-to-use technological innovations that allow people to jam and congest the internet with content, making it difficult for people to find the required information quickly and conveniently (Mostaq & Haq 2014). Its an issue about the amount of information one has to deal with in his once ordinary daily life.

Seeking news and information was previously something one determines with his efforts, to either turn on the television, news radio, or purchase and read newspapers and magazines. Today, however, this information may not have to be solicited but is usually placed strategically around the devices one uses as a matter of necessity daily, such as the handheld phone and the computer.

3. Changes in Sources and Informational Patterns

Further compounded among the issues media literacy address are the changes in sources and informational patterns as described by the flow model below [flow mode 1], first produced and presented at a conference by this writer in 2016. As visualized, the complexity of new media information flow is another challenge for media literacy advocates.

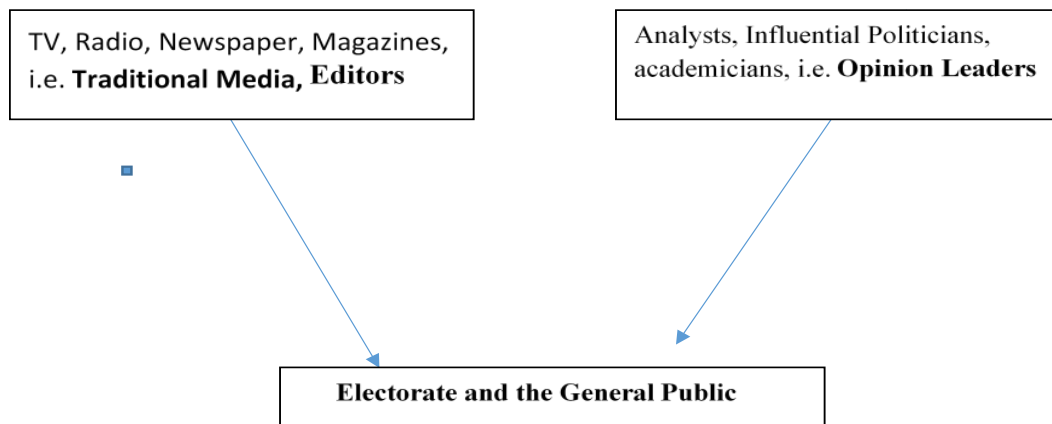
Also observable as an issue, is the feedback mechanism. Feedback permits the information consumer to leave a comment for the writers or the public, including those who may or have not even encountered the message before, further assisting in spreading the original message.

Interactivity: Social media has the ability to allow users on the platform to interact in real-time or otherwise, another technological advancement that contributes to both information overload and complexity.

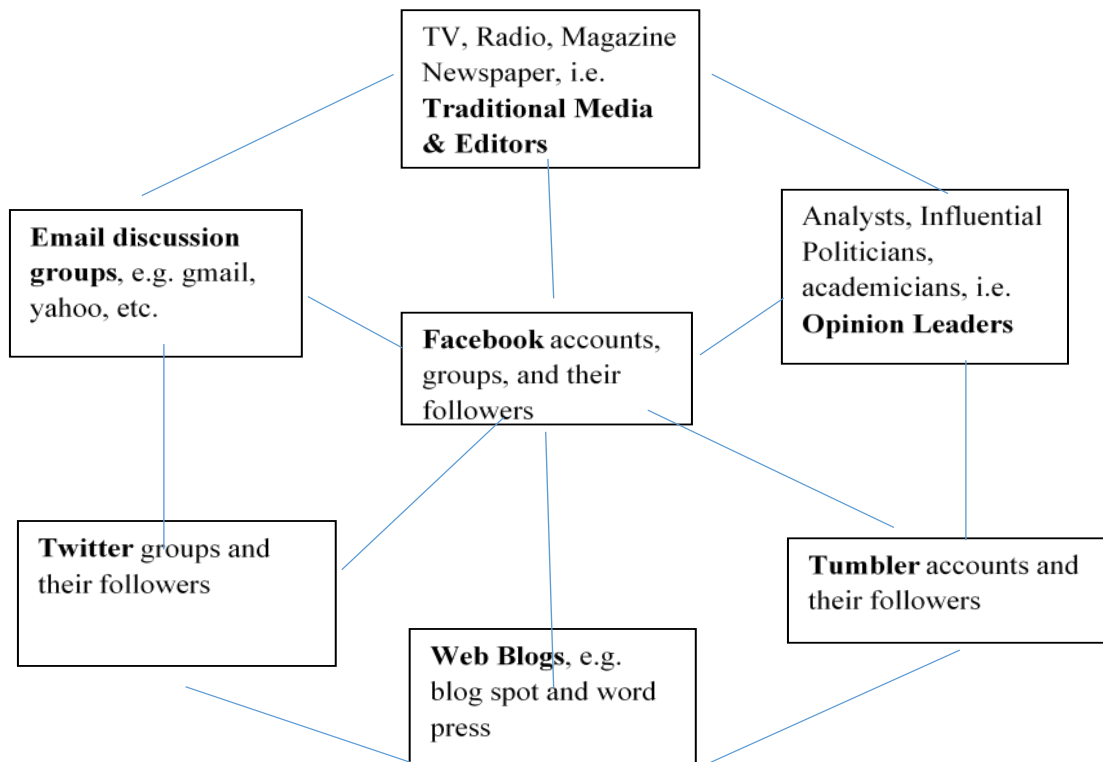
Hypertext: Hypertext is another contributor to the information overload issue. With URL links, one may choose to read further on a topic or specific idea highlighted in blue, usually from offsite sources.

Complex information flow: As evident from the flow model below, media information flow has become complex and networked, encompassing participatory production habits and sharing. Before the age of new media, traditional media consumption and flow pattern was simpler and top down.

**Chart 1. Information Flow Pattern:
Flow Model 1
Traditional Media information flow is top-down**



New Media Information flow is networked and cyclical



Source: Author's model from 2016 © (Original)

Discussions

Adjusting to the challenges

The impact of all these diverse sources, manners of information presentation, and absorption has resulted in some counter practices whose impacts are still being assessed. These practices include multitasking and automaticity. Automaticity is a simpler subconscious routine, a coping mechanism adopted over time to skim through messages, circumventing fatigue from information overload. While multitasking is generally seen as positive in getting more tasks accomplished, its psychological impacts on a person are still being examined by psychologists. As for automaticity (Potter 2020), its drawback makes users miss important information they may have gained had they exacted the effort. One of the consequences of that (Potter 2020) is people lose on opportunities to make better and wider experienced decisions.

Information overload is fast becoming an issue in various professions due to the exponential expansion of capacities to document and share ideas, putting pressure on people's finite resources and time (Mostak & Hoq 2014). While other scholars argue that today's Information age plays a major role in driving human civilization forward, Alvin Toffler, who made the term information overload popular in the 1970s (Toffler 1981), defined the issue of information overload as the 'difficulty a person faces when making a decision in the presence of excessive information.' A user fails to process any more information because of its enormous size and volume. It is also defined as an 'overabundance of relevant information that cannot be assimilated' (Morris and Edmund 2000). And Mayer (1998) as 'a state that exceeds the limited human information processing capacity.'

As to the causes of information overload (Mostak & Hoq 2014), they listed several reasons, including too much information, difficulty in managing information, irrelevant and unimportant information, multiple sources of information, and lack of time to understand the information. The problem is made worse because, in such a situation, the irrelevant information far outweighs the relevant information. So, in bringing media literacy to mind, the majority of people lack adequate information literacy skills to readily identify information needs, locate their required information from appropriate sources, retrieve the information in the right format, assess the worth of the information in tandem with one's needs, and use the retrieved information to address the needs.

In a recent study to understand better and analyze the concept of information overload and how it manifests itself in users, the authors (Belabbes et al. 2023) extracted triggers, manifestations, and consequences of information overload. They found triggers related to information characteristics, information needs, the working environment, the cognitive abilities of individuals, and the information environment. In terms of manifestations, they found that information overload manifests itself both emotionally and cognitively.

Impact of Media Literacy

On the impact of media literacy thus far, research on media literacy education and reduction in racial and ethnic stereotypes found that children as young as 12 can be trained to recognize bias in media depictions of race and ethnicity and understand the harm it can cause. (Scharrer E, Ramasubramanian S. 2013).

A study (Kahne & Bowyer 2016) of media literacy on youth found it to be effective in assisting youth to navigate information in a more discerning way. The study investigated youth judgments of the accuracy of truth claims tied to controversial public issues. In an experiment embedded within a nationally representative survey of youth ages 15 to 27 (N = 2,101), youth were asked to judge the accuracy of one of several simulated online posts. Consistent with research on motivated reasoning, youth assessments depended on (a) the alignment of the claim with one's prior policy position and to a lesser extent on (b) whether the post included an inaccurate statement. To consider ways educators might improve judgments of accuracy, we also investigated the influence of political knowledge and exposure to media literacy education. We found that political knowledge did not improve judgments of accuracy but that media literacy education did.

The study (Kahne & Bowyer 2016) contributes to our understanding of how young people judge the factual accuracy of partisan claims tied to controversial societal issues and demonstrates clear reason for concern. To summarize, we found evidence that youth are guided by both directional motivation and accuracy motivation when making such judgments. But we also found that the impact of alignment with one's prior beliefs was greater than the impact of whether a given statement is accurate.

Another impact study (Melki et al 2021) on media literacy and navigating misinformation during the COVID-19 pandemic shows that media literacy does make a difference in curtailing the spread of misinformation by social media users. The conclusion of

that study states: “Higher education and trust in information from the government contributed to decreasing belief in COVID-19 myths and false information. Trust in news from social media, interpersonal communication, and clerics contributed to the increasing belief in COVID-19 myths and false information, which in turn contributed to less critical social media posting practices, thereby exacerbating the infodemic. Media literacy training contributed to increasing critical social media posting practices, thereby playing a role in curbing the infodemic.”

To summarize some of the points made thus far, in a pictorial format, examine the table below [table 1].

Table 1.

	Traditional Media	New Media
Sources	Fewer sources; easier cognitive processing	Numerous sources, challenges in cognitive processing
Institutions	Fewer institutions process and present content; but criticisms of gatekeeping for favoring authorities and elites were raised	Numerous & hard-to-identify sources process and present content; need for media literacy to curb negative consequences
Content	Professional quality in accordance with ethical and tenets of social responsibility; more confidence in the sources' credibility	Non-professional quality of message; lack of ethical and social responsibility tenets; less confidence in sources' credibility
Regulations	controlled by regulation and policy to curb excesses; Results include Increased ability to effectively seek, retrieve, and critically apply information in decision making.	generally not controlled by law, platforms and their owners are left to self-impose restrictions; inability to effectively seek, retrieve and use information
Sources and Legal Redress	More sanitized content pre-authenticated by their sources, allowing for legal redress	non-clarity of sources, making it hard to identify and hold sources accountable for content
Journalism Curriculum	Journalism curricula are more aligned to real-life media experiences.	Journalism curricula are less aligned to real life media use.
Students Experience	Confidence in the eventual use of knowledge and skills acquired in real working life.	Anxieties in ever using some knowledge and skills learned in a fast-changing technology environment.

Source: Table is original by author, 2023

The table above, table one [1], presents in a juxtaposition way, some of the qualities and drawbacks of the two systems, specifically highlighting media literacy argument angles and the needs for it.

Analysis and Recommendations

Based on the studies cited and other arguments presented, media literacy appears to be making an impact in overcoming some of the issues by providing skills that assist in information retrieval, critique, analysis, and use. Though the importance of such efforts appear to be on the back burner for authorities who decide where national resources are spent, hope is not all lost, as long as all key stakeholders who have been behind credible media literacy and media education campaign

continue to highlight as well as put the necessary pressure on those who have control over resources and policy.

Corporate profit, political expediency, and other manipulative tendencies are yet to be discounted credibly as the main drive toward introducing and maintaining these rapidly changing communication technologies that lack corporate social responsibility values, and majorly driven by immature youth user taste (Jenkins 2006). Other studies by psychologists have further exposed corporate tactics of making these devices addictive to young vulnerable users using the ingrained psychological make-up of the human brain (Neufeld and Matte 2006). These kinds of age-old tactics and practices of corporate exploitation, however, are not new and have, over time, moved many non-profit organizations, human rights advocates, and others to compel governments to enact some laws, regulations, and countermeasures to ensure the protection of some basic rights of citizens. Another problem compounding the effect is that while corporate issues like these used to be confined to national borders, globalization and corporate expansion multi-nationally in recent times have spread such effects globally. Two decades after these studies echoed concerns, an effective solution to the phenomenon has remained elusive.

There are still scholars and analysts who remain steadfast, not losing sight of the causes of the quagmire, armed with several recommendations for curbing them. It is an issue of whether the world has thrown in the towel when it comes to putting the usual pressure on both corporations and governments to act in ways that significantly reduce the runaway train of corporate and political gains against public good, i.e., corporate and governmental social responsibility.

As we write this, the issue of artificial intelligence (and GPT) has just added similar challenges, further disabling the digital generation, and students of various professions including journalism and media, the ability to develop their natural critical thinking skills. These knowledge and critical thinking skills should enable them better navigate adult working and living life when the need arises. College professors are decrying the challenge they face today in their ability to work in teaching and guiding students upon the road to master critical thinking skills, originality, and hard work that build them and their nation credibly.

Regulating some aspects of new technology has been propagated with little success because of corporate entities' usual and age-old capitalistic maneuvers and manipulations. Henry Jenkin has, over the years (Jenkins 2006) exposed how these technology developments and direction have been driven based on user taste ahead of any more productive or moral-based priority. It is more than evident that a major part of these challenges can be addressed as all other societal issues have always been addressed through legislation, reprimands, fines, and even court injunctions and imprisonment if necessary. As described aptly, (Cho et al 2022), “Compared to mass media institutions, platforms lack formal regulation and protocols, affording them with political and economic flexibility. Being privately owned, the platforms may be attentive to financial interests. Many platforms may remove content or terminate accounts at their own discretion, and enforcement is often perceived as arbitrary at best (Duguay et al., 2020). While federal laws govern the content and conduct of public and private broadcasting companies, social media companies lie largely outside of their purview, granting them substantial power surrounding political speech, discourse, and perhaps political bodies themselves.”

The capitalistic and profit making influence over all else can be gleaned from current works (Vinney, 2023) showing that, although media literacy education has now become accepted and successful in English-speaking countries, including Australia, Canada, and Britain, it has yet to become a standard part of the curriculum in the United States, the global leader of capitalism. However, Fedorov (Fedorov 2015) sees similar trends in Russia also when he states, “Both in the West and in Russia, the preference in media education today is given to the critical thinking/critical autonomy development theory, the cultural, socio-

cultural, and semiotic theories. The neglect of effective redress of root causes in both societies therefore appears the norm.

The traction on the political angle is also slow and frustrating at best. The protective theory, focusing upon screening the audience from the harmful influences of the media is losing ground. Wallis and Buckingham described the once popular introduction of media education regulation and policy in Britain as ‘dead’. Writing in 2016, Wallis & Buckingham (2016) “media literacy’s broader educative purpose, so clearly articulated in much of the early policy rhetoric, was effectively marginalized. From the Coalition government onwards, the promotion of media literacy was reduced further to a matter of market research. Today, if not altogether dead, the policy is governed by entirely different priorities to those imagined at its birth.”

As for political impact of the prevalence of negative impact of alternative media, some studies on populist politics in Britain, most especially Boris Johnson, and to some extent, Trump 2016 election (Evans et al. 2021), shows that the two elections have benefited from the polarization in political campaigns and elections rhetoric emanating from alternative media that has most especially those negative consequences that media literacy seeks to address. In conclusion, therefore, it appears one remedy is to find ways to pressure these multinational technological companies to modify the direction of research and development. That is remedy that address the issue at the source. Emphasis on curricular adjustment to reflect courses on Media literacy skills, albeit media education should and must continue. At the same time, more effective ways of information storage, categorization, and retrieval may also play a role in reducing the effect of poor media literacy.

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The Endowment Effect and Self-Determination as Drivers of Co-Creation Online

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ABSTRACT: One of the most studied behavioral economics effects is the endowment effect. If people are asked to pay for a normal good (e.g., like a mug or pen), the price they offer tends to be lower than if they are given the same good and asked for what price they are willing to sell the good. The endowment effect is believed to stem from the value imbued in possession and the expectation to hold onto the possession once a good is acquired. The psychological effect of self-determination on the motivation of people has been studied in psychology for a long time. Self-determined decisions hold positive advantages of people getting a positive boost from their own volition. Self-determined people tend to follow through their plans and work longer and better on tasks than those who just fulfill externally-imposed goals. The endowment effect and self-determined decisions may underlie the fascination of co-creation online. Online luxury worlds have been booming in the last decade. Virtual co-creation in homepages, blogs, social online media and video self-streaming platforms has created a new source of social and monetary value as never before in the history of humankind. Social online media influencers are now one of the most prominent career choices in the upcoming generation. This paper attempts to connect the endowment effect with self-determined co-creation online effects, which appears to take the economy over by storm. The paper offers a first glimpse of the new phenomenon. Human rights online and ethical predicament in internet markets will be discussed, as well as future research avenues on the topic.

KEYWORDS: Co-creation online, Economics, Endowment Effect, Law & Economics, Luxury, Online, Self-determined Decisions, Virtual Markets

Introduction

Behavioral Economics concerns human beings' decision making in a complex world. The endowment effect is one of the most cited and replicated effects in behavioral economics (Kahneman, Knetsch and Thaler 1990). If people receive a good as a gift, the price they offer to sell this gift after ownership is higher than the price they actually would have paid for the good. It is believed that possession, touch of the object and especially the expectation to continuously holding onto the good are drivers of the endowment effect. The endowment effect has been tested in different populations and generalized onto different domains and goods.

Self-determination in social psychology captures the human-innate motivation and personality to determine one's own choices in the absence of external influences and distractions. Self-determination is based on psychological factors, such as the perceived autonomy, competence and relatedness. Self-determination is an important development feature of human growth. Self-determination also extends to economic correlates of economic prosperity. In international law, self-determination denotes the legal right of people to decide their own destiny in the international order. In developmental psychology theory, self-determined people are found to follow through their plan and work longer and more focused on tasks than those who just fulfill externally-imposed goals. Paying children for good grades was found to be ineffective and to crowd out self-motivated goals.

Self-determination has been introduced as one of the driving effects of co-creation online (Füller, Mühlbacher, Matzler and Jawecky 1990). Self-determination may boost peoples' willingness to engage in internet activities (Füller et al. 1990). In an attempt to

understand the rising engagement in online worlds (e.g., consider the rising importance of online influencers, online service provision, social media online platforms), this paper puts forward the idea that the endowment effect could be an additional driver besides self-determination in online co-creation.

The paper is structured as follows: First, the rising importance of the internet and online activities in all our lives will be discussed with particular attention to co-creation. Second, the endowment effect will be introduced as a driver of the perception of value and worth of a good or activity. Third, self-determination as a positive influence on co-creation experiences online will be captured. Fourth, the endowment effect will be proposed as an additional influence factor on self-determination in the online co-creation experience. The discussion closes with a future research prospect on the unsolved question if endowment may drive us all using the internet more actively.

Online activities

Since the 1990s the internet has experienced an exponential use. Individuals around the world have connected to share information, experience virtual contact and enjoy having an infinite number of global possibilities at their fingertips.

Since the beginning of the internet, the charm of online virtual worlds lied in the co-creation of the online experience. The internet as a vast novel space that appeared to have no boundaries became a sandbox in the creation of new content. In the laboratory of ideas, in the first generation of online spaces, communication was at the forefront. Emails and blogs became prominent. In the second phase, online information gathering tools became prominent. Wikipedia and search engines fulfilled these needs to structure and organize the rising information online. In the third phase, social online media platforms emerged, giving rise to Facebook, Twitter and YouTube. Lastly, as the most novel trend, information seems to get shorter and shorter, when considering Facebook posts in their evolution to shorter Twitter messages. Likewise, YouTube is currently challenged by shorter TikTok and Reel videos. Also communication in chats has become more visual and shorter when considering the rising prominence of emojis.

In the advent of online co-creation, relatively surprising is the lack of information about drivers of co-creation and its merits. Understanding the impact of co-creation online, has important implications to derive consumer insights but also derive strategic comparative advantages of populations.

In the first introduction of online co-creation drivers, Füller et al. (1990) study consumer experiences during virtual co-creation and point at the importance of consumer empowerment online as a driver of customer engagement in virtual spaces. Consumer empowerment is described by consumers' perceived influence on product design and decision making. This study holds invaluable insights to engage individuals in online activities and create joy by crafting a virtual world together.

Online co-creation may therefore stimulate consumers differently than if consumers only passively absorb online content. For instance, there is a difference in the learning curve when one writes a paper, to one reading a book and compared to one watching television. Online co-creation stimulates the creativity and active engagement in the world. The self-determination triggered by accomplishing online co-creation may drive the worth of the activity in a flow moment, a moment of joy in doing (Csikszentmihalyi 1990). This satisfaction may be a driver of staying online longer and working harder on online tasks but also to derive a higher value from the online content created.

Online co-creation is an active use of the internet and shaping its contents together. It is an expressive way to engage in virtual world, rather than an absorbing one. Online co-creation may thereby not only educate online users and make them more tech savvy. Online co-creation also enables exchange of ideas on an international basis. Information being the

only good with an increasing marginal utility, meaning that one can make more sense of more information and solve complex tasks with more information at hand, underlines the benefits of co-creation online as an efficient way to pool information and bundle knowledge in a creative way. The lack of active engagement of users is a concern of governments around the world, especially in light of e-skills and the fear over data deficits based on lack of own internet providers' in one's own territory. Online co-creation is therefore an important en passant training opportunity of the population and should be cultivated in every nation.

Endowment effect

The endowment effect describes that people are valuing an object more if they own it than when they are asked to price it without ownership (Kahneman et al. 1990). Underlying mechanisms for this value in ownership are attributed to reference point dependence, loss aversion and the expectation to continuously holding on to ownership (Zeiler 2007). Reference point dependence was first introduced in prospect theory, which formed from laboratory experiment evidence that showed people to evaluate choices as being dependent on the current status quo (Kahneman and Tversky 1979). Options are always weighted as changes from the status quo, which serves as the reference point (Kahneman and Tversky 1979).

The endowment effect is mainly operationalized by measuring the maximum willingness to pay for an object in relation to the willingness to accept to give up the same object if they own the object. The price people are willing to pay for the same object without ownership tends to be lower than the price people demand to be paid for giving up ownership of the good, even if the ownership was just for a few minutes (Kahneman et al. 1990). The endowment effect is related to the mere ownership paradigm, which addresses that people evaluate objects they possess and own as more positively than people who do not possess or own the same objects.

The endowment effect is one of the most studied behavioral economics effects that holds for a wide range of different goods and was found in different populations including animals (Harbaugh, Krause and Vesterlund 2001; Hoffman and Spitzer 1993; Kanngieser, Santos, Hood and Call 2011; Lakshminarayanan, Chen and Santos 2008). Many implications of endowment effects have been studied since the original idea was proposed, making the endowment effect one of the most prominent examples of behavioral decision making. In the wealth of knowledge on the endowment effect, however, surprising is the relative lacuna of information about endowment effects of online co-creating behavior.

Self-determination

The psychological concept of self-determination is a theory of human motivation and personality propensity that is widely used on industrial and organizational psychology. Self-determination is thereby meant as a standard human innate growth opportunity that is a vital driver of people's choices in absence of external factors (Deci and Ryan 2012; Ryan and Deci 2000, 2017).

Self-determination is an intrinsic driver that initiates activity because of interest and satisfaction in itself (Deci and Ryan 2012; Ryan and Deci 2000, 2017). Self-determination was related to motivation, drive but also psychological well-being grounded in autonomy, competence and relatedness to doing. Self-determined actions were outlined to bestow self-efficacy and self-actualization that both positively affect motivation. Empirical evidence found self-determination as a driver of intrinsic motivation (Deci 1971).

To this day, self-determination is praised in parenting, coaching, mentoring as well as therapy for positive outcomes. Self-determination theory offers direct influences on motivation rather than understanding motivation as a static given trait. Self-determination has established itself as one of the most vital components of accomplishing life goals. Self-determination thereby pays attention to the long-term motivating role of intrinsic aspirations

that foster personal development. Self-determination has been related to positive outcomes in many life domains, ranging from employment (Fernet, Guay and Senecal 2004), parenting (Soenens, Vansteenkiste, Lens, Luyckx, Goossens, Beyers, and Ryan, 2007), teaching (Roth, Assor, Kanat-Maymon and Kaplan 2007), health (Kennedy, Gogin and Nollen 2004), vaccination compliance (Porat, Burnell, Calvo, Ford, Paudyal, Baxter and Parush 2021), morality (Krettenauer and Curren 2020), sports (Fortier, Sweet, O’Sullivan and Williams 2007) and technology design (Füller et al. 2009; Peters, Calvo and Ryan 2018). In the wealth of knowledge and empirical work on consumer behavior, self-determination has been studied as a driver of consumption in many domains. Building on the connection of self-determination with co-creation online that has been put forward in Füller et al. (2009), this article adds the endowment effect to explain co-creation online.

The endowment effect for self-determined decisions and co-creation online

Online worlds have been booming in the last decades. The COVID-19 pandemic has heightened the trend to spend time online and transfer our lives into virtual spaces. Virtual co-creation in homepages, blogs, social online media and video self-streaming platforms has created a new source of social and monetary value. Social online media influencers have become one of the most prominent career choices in the upcoming generation.

A first introduction of self-determination being a contributing factor to the motivation to co-create online has been made by Füller et al. (2009). This paper now argues that the endowment effect may underlie self-determined decisions, especially when it comes to co-creation online. Co-creation is the active involvement with content to shape one’s own reality. Co-creation also entails the active collaboration with other stakeholders to guide the design process of newly emerging goods and services. Participants thereby align new and diverse insights. In a Silicon Valley approach, internet consumers thereby bring product problems and economic trade-offs to the providers of internet services and online platforms. In open source project attempts, software developers and internet online platform providers solicit the active engagement and dialogue with consumers. Additional opportunities to engage are offered in open communication channels (e.g., chats or message boxes) but also facilitated online and in live workshops where producers meet consumers and stakeholders to discuss product development on a constant basis. Designers thereby get a more holistic approach and feeling for the downfalls and innovation potentials of their products and services.

While the management literature features primary focus on the producer flexibility of the phenomenon, the consumer experience through co-creation online is a relatively less discussed topic. Co-creation was related to self-determination (Füller et al., 2009) but not the endowment effect.

This paper argues that the endowment in the co-created content online may be a driver of engagement in online social media and content creation platforms, such as WordPress and other blogger portals. Endowment in the creation may lead to psychological value creation, which is experienced in the psychological gratification of creation and the valuation of the created online space.

Endowment of the webspace may lead to an overinvestment of time spent online in the creation and curation of online web contents. Endowment may also play a role in the trade-off between utility derived from online information exchange and disutility in giving up some privacy by posting and shaping the world online (Puaschunder 2019). Endowment may thereby become a binding moment with certain online platforms, which may start capitalizing from its consumers in selling data insights and even selling online space privileges as the relationship between the consumer co-creator and the platform providers progresses.

Endowment may be heightened over time as there are network effects that increase with the more individuals are joining platforms. Unlike physical objects – like the original products pen or the mug that were used in the original endowment effect experiments that

were traditional natural goods that are rivalrous, meaning the ownership excludes others from their possession (Kahneman et al. 1990) – online platforms evolve with the more are co-creating experiences and the more spectators are joining, who can cheer co-creation up with likes, hugs, hearts and other emotions. The endowment of co-creation may thus evolve over time and become deeper and richer the more network users are using the service concurrently.

Discussion

Future research avenues of co-creation online may address ethical predicaments. Social online media are common in the Western world, yet controversial seen on the international level. Some countries ban social online media in order for the population being more productive. Other attempts are the strategic manipulation of social online media in order to promote certain ideologies. Social online media platforms have shown to erode political regimes (e.g., think of the Arab spring or the January 6 attacks on the US Capitol). Social online media has been used as a political tool and has created steers in market economies.

When thinking about the role of co-creation in the formation of social representations online, one may also ask for quality control and safety precautions in the wake of co-creation online. Future research could address these concerns and add a layer of oversight control to co-creation tools. For instance, Wikipedia has such a mechanism installed in its discussion pages. X, the former platform Twitter, tried a similar discussion culture attempt, in which the accuracy of contents could be rated. The Chat-GPT revolution may add additional insights on co-creation assets when it comes to online search engines. Future laboratory and online experiments may test the different options and provide empirical valuations of the effect of co-creation for the valuation of online content.

Human rights online and ethical predicament in internet markets are additional future research avenues on the topic. In the co-creation of online content, ethical standards may define human rights protecting against unauthorized big data reaping by online entities for surveillance and generating insights (Puaschunder 2023).

With freedom of expression pitted against hate speech control in online social media platforms, future applications of human rights to online contexts should balance liberty with protection (Puaschunder 2023). Online virtual spaces should be scanned for upholding dignity in the virtual world featuring anonymous actors (Puaschunder 2023). A well-balanced virtual space should offer freedom of expression, yet also promote respectfully-protected human dignity (Puaschunder 2023). Worker rights could inspire the relation of social online media platform providers with their customers and users in the co-creation of online virtual worlds (Puaschunder 2023). For instance, the unionization of online users of virtual spaces could protect human rights when spending time and effort to share information and communicate, which generates big data for online market platform, social online media and search engine providers (Puaschunder 2023).

With a heightened degree of anonymity possible in virtual spaces, human rights online should also focus on quality assurance when it comes to the credibility and accuracy of online content (Puaschunder 2023). Online bots, fake accounts and news but also Search Engine Optimization (SEDO) developments in the digital millennium infringing on the right to know and access to accurate information that can also cause social upheaval, legal and democratic instability as well as financial turmoil (Puaschunder 2023). Governance, governments and industry providers are meant to safeguard online virtual environments and regulate co-creation of online shared spaces (Puaschunder 2023). With the International Law Commission monitoring the use of social online media for establishing customary law and legal practice guidelines, a new generation of human rights online should address the role of accuracy and democratization of social media platforms (Puaschunder 2023).

In the future, human rights obligations of governments and monopolistic internet firms but also individual virtual market actors may ennoble online spaces to flourish a new generation of human rights advancement in the digital age (Puaschunder 2023).

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How COVID-19 Pandemic Has Impacted the Supply Chain in the Electronics Industry

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ABSTRACT: For many decades, a relatively stable supply chain has endured for global industries. The Thailand floods, Japan's Tsunami leading to a nuclear plant leak in 2011, and Iceland's volcano eruption in the same year severely disrupted the global supply chain with the electronics manufacturing companies, but only for a short period of time. These natural disasters were confined to certain geographical sectors and the operational interruptions were short-lived. The COVID-19 pandemic has, however, presented companies with a radical set of challenges that will require a transformational shift in the supply chain strategy and operations management for all industries. By associating the VUCA (Volatility, Uncertainty, Complexity, Ambiguity) theoretical framework with the global supply chain challenges experienced in the COVID-19 pandemic, research hypotheses regarding future supply chain strategies for the electronics and semi-conductor industry players were developed and tested. Sample data was gathered with industry practitioners utilizing a convenience sampling. The results demonstrate that industry practitioners, research institutions, and the Biden administration have touted the need to re-shore manufacturing and reduce dependency on foreign countries. Outsourcing decisions justified through a cost-benefit-risk analysis must constantly be applied. Just-In-Time (JIT) and Lean, a prevalent strategy, has turned into an Achilles heel during the COVID-19 pandemic times. The trade-off analysis to maintain a safety stock of critical components has become an essential variable for decision-making. Single-sourcing is abhorred, while multiple-sourcing supported by increased data visibility with effective ERP systems has become a strategic imperative. Partnerships with vendors, suppliers, logistics providers, and all stakeholders must be strengthened and continuously enhanced in the VUCA supply chain for the years to come. The primary takeaway from the research is that top management and supply chain leaders must focus their efforts on building an agile and resilient global supply chain network as the days of relying on offshore manufacturing and an absolute JIT and Lean strategy is behind us.

KEYWORDS: electronics, manufacturing, supply chain, outsourcing, lean

Introduction

A few decades ago, the U.S. Army War College coined the acronym "VUCA" in an attempt to characterize the environment in which military personnel would need to operate in the future. VUCA—standing for volatility, uncertainty, complexity, and ambiguity—has recently become a generalized term adopted across both geopolitical and business contexts to describe turbulence (Benjamin Baran & Woznyj 2021). The COVID-19 pandemic – VUCA operating at a hyper scale - exhibited the utmost challenge and turbulence faced at a global scale by industries never experienced before in history. Global corporations faced an unprecedented challenge to manage supply and demand in their supply chain during the pandemic as well as post-pandemic. The Just-In-Time (JIT) and lean manufacturing strategy coupled with extensive outsourcing to foreign suppliers and manufacturers, a predominant supply chain strategy adopted by global firms, exhibited the vulnerabilities that were not experienced before in a relatively stable environment. As companies now enter the post-pandemic phase, the question is what firms are doing to address these supply chain risks and issues that have plagued them during the pandemic and continue to arise in a VUCA environment. Thus, the paper aims to address some of these questions specifically for the electronics sector. What strategies are firms in the electronics sector taking to address risks of JIT and lean approaches? Has the pandemic provided impetus for these

companies to re-shore manufacturing and/or bring them closer to home? What strategies can be taken to operate in VUCA and adapt their supply chain proactively?

Literature Review

Towards the end of the 20th century, businesses moved towards globalization, resulting in a greater need for supply chains to migrate from regional to global. The opening of China's economy attracted a wave of outsourcing and a shift to offshore manufacturing among global corporations. Within a decade, from 1995 to 2006, imports from China grew to \$300 billion per year from a \$45 billion industry. Especially in the electronics industry, the wave of outsourcing and offshore manufacturing increased considerably in the past decades. By value, the five largest exporters of electronic circuit components are Hong Kong, Taiwan, mainland China, Singapore, and South Korea that generated 71.9% of global sales for electronic components in 2022. Such high concentration on electronics manufacturing within this region proves the exposure and vulnerability in the event of a supply-chain disruption (Workman 2023).

As a result of the increasing pace of outsourcing across the world, global supply and demand in a competitive VUCA global environment will inevitably require companies to develop and implement robust and effective strategies to recruit global talent and deploy advanced technological tools to manage a highly complex and diverse global supply chain. In 2005, to reflect the need to merge strategy and operational execution, the Council of Logistics Management changed their name to the Logistic Council of Supply Chain Management Professionals. The council also defined supply chain management as follow: *"Supply chain management is the systemic, strategic coordination of the traditional business functions and the tactics across these business functions within a particular company and across businesses within the supply chain for the purposes of improving the long-term performance of the individual companies and the supply chain as a whole* (Supply Chain Market 2004)."

The origin of JIT and lean manufacturing has been attributed to Toyota Motor Corporation. Toyota's production control system was established based on many years of continuous improvements, with the objective of making the vehicles ordered by customers in the quickest and most efficient way. The Toyota Production System (TPS) was established based on two concepts: "jidoka" (which can be loosely translated as "automation with a human touch"), as when a problem occurs, the equipment stops immediately, preventing defective products from being produced; and the "Just-in-Time" concept, in which each process produces only what is needed for the next process in a continuous flow. The definitions of Lean Management emphasize the aspect of eliminating waste. The Just-In-Time (JIT) system is defined in a similar way, while emphasizing mainly the aspects of smooth flow and "having the exact amount of stock goods arriving at the exact time you need it". This strategy imposed minimum inventory to keep the production line running (Clutterback 1978).

White (1993) reported in a survey conducted with 1,035 US manufacturers that a majority of the respondents (86.4%) indicated JIT provided an overall net benefit for their organization. Only 4.9% reported no overall net benefit resulted from implementing JIT. The study also found that firms with 500 or more employees typically implement JIT management practices more often than organizations with less than 500 employees, and the length of time each JIT management practice has been in operation is typically longer for the larger organizations. Overall, the findings suggest JIT manufacturing adoption was beneficial for all US manufacturers regardless of size or type of process employed.

A literature review on the history and development in global outsourcing and offshore manufacturing must invariably include the world's largest electronics corporation, Apple Inc. Apple's phenomenal commercial success is paralleled by, and based upon, the scale of production in its supply chain factories, the most important of them located in Asia (Apple 2012a, 7). Foxconn, a Taiwanese company, employs 1.4 million workers in China, is currently the principal manufacturer of products and components for Apple. Just as Apple has

achieved a globally dominant position, described as ‘the world’s most valuable brand’ (*Brand Finance Global 500*, 2013), Foxconn rose to become the largest electronics contract manufacturer in the world.

Since the mid-1960s, IBM, the leader in business computing, migrated its labor-intensive production from the United States and Europe to Asia to take advantage of cost-savings. Microelectronics components assembly was outsourced to Japan initially and then Taiwan due to considerably lower costs of labor (Ernst 1997, 40). Electronics assembly grew rapidly in Taiwan, South Korea, Singapore, and Hong Kong (‘the Asian Tigers’), and later Malaysia, Thailand, Indonesia, and India.

Moving towards the 1970s, Philippines attracted foreign investments in the likes of Intel and Texas Instruments and started production facilities for foreign semi-conductor firms. In the late 1970s, China set up special economic zones to attract foreign capital and boost exports as a means to integrate regional and global economies. Over two decades, the Chinese national economy grew immensely and expanded its manufacturing capabilities in the electronics, apparel, and other key industry sectors to become a production powerhouse of the world. Prior to the pandemic, there was already growing interest towards analyzing the meaning and scope of reshoring processes. Reshoring is understood as bringing back to a company's country of origin of a production activity that it had previously offshored. In the United States, data provided by ReshoreNow (2021) proved that reshoring increased in 2020, with a total of 1484 more companies returning home and a record number of 109,000 jobs created, bringing the total jobs added since 2010 to more than 1 million (Bilbao-Ubillos et al. 2023).

Having acknowledged that global outsourcing, offshore manufacturing, JIT and lean strategies had enabled firms to stay competitive in the pre-pandemic environment, the question begs how assured are these firms to rely on the same strategies in a post-pandemic VUCA environment?

According to Stalk and Mercier (2022), today’s supply chains are in a system crisis. System crises need system solutions. Managements of companies that understand this phenomenon can take counterintuitive actions that will result in competitive advantage and better supply chain performance than competitors who do little. Marc Bitzer, Whirlpool’s chairman and CEO, said it best, “The only safe supply chain is the short one — short in distance and in time.” Physically shortening your supply chain by “reshoring” (i.e., switching to a domestic supplier from a foreign one) or “near-shoring” (i.e., switching to a supplier in a country that’s closer to your operations or customers than the one you have been using) reduces the time items spend in the supply chain but often takes the longest time to accomplish. The supply chain disruptions of recent years have made many companies doubt the wisdom of adhering to the just-in-time approach to managing inventories in the system. These firms are now contemplating maintaining “just-in-case” inventories and refining your just-in-time system by adding inventories strategically.

Toyota, the master in JIT and Lean, was rather more prepared than their competitors since they had an earthquake and tsunami 10 years previously. With this disaster occurrence, Toyota learned to adapt and make sure they were prepared in the case of another disaster by stockpiling on semiconductors. However, even with their semi-preparedness, Toyota was unable to maintain this level throughout the entirety of the pandemic which resulted in their miss of their target. Since the pandemic, there have been more “investments in plants to specifically manufacture chips for the motor industry” (Oi 2022).

Shih (2020) asserted that outsourcing is not going away post-pandemic. Modern products often incorporate critical components or sophisticated materials that require specialized technological skills to make. It is very difficult for a single firm to possess the breadth of capabilities necessary to produce everything by itself.

In June 2021, the Biden-Harris Administration released the conclusions of its 100-day review of supply chains for four critical products: semiconductor manufacturing and advanced packaging; large capacity batteries, like those for electric vehicles; critical minerals and materials; and pharmaceuticals and active pharmaceutical ingredients. (Helper and Soltas 2021).

Congress approved a bill to provide \$50 billion in investment to advance domestic semiconductor manufacturing and research. In addition, another action was proposed to address international vulnerabilities to supply chains. Echoing Shin (2020), the administration realized it does not make sense to produce everything at home, and because U.S. security also depends on the security of our allies, the United States must work with its international partners on collective approaches to supply chain resilience, rather than being dependent on geopolitical competitors for key products (Vakil 2021).

At the height of the pandemic crisis, many firms could not identify all of the suppliers they work with and thus scrambled to find alternate supply sources. Firms should keep detailed records of all their primary, secondary, and tertiary suppliers so they can easily identify problem areas in their supply chains. Organizations should also create relationships with alternate suppliers to ensure shipment of parts and materials. It may just appear their main suppliers cannot deliver parts, but alternative suppliers can.

Milewski (2022)'s study on the benefits of JIT and lean asserted that the scale of benefits was strongly dependent on the value of products and the scale of production. Simulations were carried out for four product groups: food products, footwear, electronics, and mobile phones. In the case of cheap products and small scale, the implementation of JIT resulted in a significant increase in the costs of logistics processes when delivery distances are longer. Savings of over 70% appeared in the case of expensive mobile phones, even over long distances. In the case of large-scale production sites, large cost savings occurred in almost all cases (up to over 90%). Furthermore, simulations of the impact of JIT on the profitability of enterprises were also carried out using the data contained in the financial reports of listed companies. These simulations showed a significant impact of JITs on the efficiency of companies and an increase in revenues (Milewski 2022).

Research Approach

The purpose of the research is to determine if the top global electronic corporations have made any significant adjustments to their supply chain and outsourcing strategies. These companies predominantly adopted offshore manufacturing, JIT, and lean manufacturing strategies across their supply chain for many decades until the COVID-19 pandemic. The post-pandemic has now exacerbated the industry into a hyper-VUCA environment. Through meta-analysis of the most recent research publications, announcements of the major electronics firms in the global industry, and interviews with key supply chain executives, the following hypotheses will be tested:

Hypothesis 1: Electronic companies have embarked on the process of near-shoring and/or re-shoring in manufacturing of critical components and end-products in the VUCA environment.

Hypothesis 2: Electronic companies have increased suppliers in the sourcing of critical components and supply chain visibility in the VUCA environment.

Hypothesis 3: Electronic companies have moved away from absolute JIT and lean manufacturing strategies and increased safety stock in critical components in VUCA environment.

Results

In an interview with a recently retired senior manager of Apple's China supply chain and logistics team by the researcher, the research questions were posed to gather a first-hand account of the

impact of the pandemic on Apple's supply chain. In the area of near-shoring and/or re-shoring in manufacturing of critical components and end-products, the respondent articulated that as a result of the recent lockdown of Foxconn's manufacturing sites in China during the pandemic, which exposed the vulnerability and supply risks of relying primarily on a single country source, Foxconn has been pressured by Apple to diversify their production to other countries namely; India, Vietnam, and Thailand. In fact, the latest iPhone 15 launched in September 2023 was produced in two manufacturing sites located in China, Zhengzhou, and India, Tamil Nadu.

When the respondent was asked about the possibility of moving away from JIT and lean strategy, it was explained that JIT and lean had contributed to extensive inventory and capital costs savings in their operations in the past and will continue to stay. From Apple's standpoint, in order to be appointed as key suppliers, the suppliers must commit to set up production and distribution facilities close to Apple's final product-manufacturing sites. Unlike their smaller competitors that may not have the volumes and bargaining power to pressure suppliers to go along with a vendor-managed inventory strategy, Apple mitigates any risks of supply shortage without incurring excess inventory stocking costs. According to the respondent, the primary challenges encountered during the pandemic were attributed to the geopolitical and trade tensions between the United States and China, coupled with China's zero-COVID-19 policy, provided further impetus to diversify the manufacturing capacity to multiple country sources. He added that most companies that relied on China as the primary production source will inevitably migrate to dual and multiple sources based on lessons learned during the pandemic.

With regard to critical component strategy, Apple has relied on outsourcing to one key supplier, Intel, for many years and has recently developed and designed its own microprocessors, M1 and M2 chips. In Dec 2022, Tim Cook, Apple's CEO confirmed that Apple will buy U.S.-made microchips at an event in Arizona on Tuesday, where President Joe Biden also spoke. Cook said Apple would buy processors made in a new Arizona factory, owned, and operated by Taiwan Semiconductor Manufacturing Company, the biggest foundry company with over half of the global market share. TSMC produces the most advanced processors, including the chips in the latest iPhones, iPads and Macs. Cook said. "Today we're combining TSMC's expertise with the unrivaled ingenuity of American workers. We are investing in a stronger brighter future; we are planting our seed in the Arizona desert. And at Apple, we are proud to help nurture its growth." "Apple had to buy all the advanced chips from overseas, now they're going to bring more of their supply chain home," Biden said. "It could be a game-changer." This radical shift demonstrates the strong alliance between corporations and government to encourage reshoring and insourcing of critical products and components back to the United States from offshore countries.

Drawing from a face-to-face interview on Feb 22, 2022, between Bloomberg's Caroline Hyde and Micron Technology Inc.'s CEO, Sanjay Mehrotra, on the current state of supply chain issues post-pandemic, it was found that Micron successfully navigated the turbulence of the supply chain problems with a strong and resilient supply chain developed even prior to the pandemic. Micron applied deep data analytics to identify vulnerabilities in their supply chain and addressed the risks and as such built redundancy in their network. Through multiple sourcing and supplier strategies, Micron mitigated the impact of the oil and gas supply disruption in the Eastern Europe region as a result of the recent Ukraine-Russia war for their production plants. In addition to multiple offshore manufacturing facilities in Taiwan, Singapore, Japan, Malaysia, Micron hosts two production plants in the United States in Manassas, Virginia, and Boise, Idaho, the headquarters that ensured consistent product supply throughout the pandemic (Bloomberg 2022).

In a follow-up announcement from Micron on October 6, 2023, by Zacks Equity Research, it reported that Micron has officially started the construction of a new memory chip factory in Boise, Idaho. This will mark the United States' first memory chip manufacturing

facility in the last 20 years. Micron revealed that it would indirectly infuse approximately \$15.3 billion into the Idaho economy and directly spend about \$13 billion on Idaho businesses throughout the lifespan of the project. This will make it the largest-ever private investment in Idaho history. Micron currently has only design and research & development centers in Boise. With the new fab factory, the company will be able to assemble memory chips domestically. The project is anticipated to bring more than 17,000 jobs to the state, of which at least 2,000 of the staff will be directly employed at Micron (Zacks 2023).

During an Intel Developer forum held in September 2022, Intel the leading semiconductor company announced that it was spending billions to establish new factories in Ohio, Magdeburg, Germany, and other countries. Intel also scored a win by lobbying the U.S. government to pass the U.S. CHIPS Act, which will open up subsidies to the tune of billions for the chipmaker to build its Ohio factory (Shah 2022). Intel's CEO, Pat Gelsinger also addressed the need to multi-source considering the recent challenges encountered in the US-China tensions, such as export controls have limited the types of semiconductors that chipmakers can ship to China and other countries considered rivals to the U.S. He said Intel has distributed its foundry operations so as to adjust to the geopolitical shifts around localizing chip manufacturing and securing domestic semiconductor supply chains.

In an interview between Michael Dell and Financial Times in April 2023, chief executive of one of the world's biggest computing groups commented that Dell is "intently focused" on buying components from outside China due to growing concern over supply-chain disruptions (Gross 2023). Dell said customers were asking it to diversify where it sources components. That push comes at a time of rising tension between Washington and Beijing and after the Covid-19 pandemic exposed vulnerabilities to disruption in the production of semiconductors. "We want to ensure the ongoing availability of products and so having a more resilient supply chain is incredibly important given the nature of the world that we live in today," said Dell. The company is also one of the three largest computer vendors in China, along with Lenovo and HP (Gross 2023). The PC and server group has manufacturing outposts in the US and China, as well as Malaysia, Brazil, India, Poland, and Ireland. In the latest report published by Reshoring Initiative (2022), it was also reported that the Chips Act ratified by the Biden-Administration has boosted reshoring by 53%. Reshoring data as found in this context can be defined as U.S. headquartered companies and FDI by foreign companies that are shifting production or sourcing from offshore to the U.S. The EV Battery and Semiconductor sector investments account for the largest increases in job announcements (Reshore 2022), generating more than 360,000 jobs, a 53% increase compared to the previous year.

Discussion and Conclusion

With regard to the first hypothesis, in the VUCA state, the largest electronic companies have clearly embarked on the process of near-shoring and re-shoring in manufacturing of critical components and end-products to reduce the reliance and dependency on China. The U.S.-China trade war has driven some firms to shift to a "China plus one" strategy of spreading production between China and an Asian country such as Vietnam, Indonesia, Thailand, and India (Shih 2020).

On the second hypothesis, electronic companies have also increased and diversified their supply base in the sourcing of critical components. Per the findings gathered from the interviews with Apple, Micron, and others, supply chain executives and managers have committed to invest in better information systems to identify risk and enhance supply chain visibility in the VUCA state.

Finally, on the third hypothesis, the findings revealed that these top electronic companies have not diverted from absolute JIT and lean manufacturing approaches in the areas where there is strong bargaining power with their suppliers to support a lean and short

lead time in materials supply for their global manufacturing locations. For critical components such as semi-conductors, it is evident that these top electronic companies have adopted a strategic shift to multi-source these critical components closer to home such as the United States and Europe in addition to China and Taiwan. According to Shih (2020), safety stock, like any inventory, contradicts the popular practice of just-in-time replenishment and lean inventories, a cost-benefit analysis to determine if the savings versus potential lost revenues due to a supply chain disruption should help guide decision-making towards holding safety stock or continue with JIT.

The study demonstrates that industry practitioners, research institutions, and the Biden administration have all touted the need to re-shore manufacturing and reduce dependency on foreign countries. Outsourcing decisions should be carefully reviewed and justified through a cost-benefit-risk analysis. Just-In-Time (JIT) and Lean, a prevalent strategy, has turned into an Achilles heel during the COVID-19 pandemic times. The trade-off study between zero-inventory and holding critical inventory is a strategic step in the decision-making process. Single-sourcing is abhorred while multiple-sourcing supported by increased data visibility with effective ERP systems has become a strategic imperative. Partnerships with vendors, suppliers, logistics providers, and all stakeholders must be strengthened and continuously enhanced in the VUCA supply chain for the years to come. The primary takeaway from the research is that top management and supply chain leaders must focus their efforts on building an agile and resilient global supply chain network as the days of relying on outsourcing to offshore manufacturing and an absolute JIT and Lean strategy is behind us.

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EU-US Agreement on Combating Cybercrime

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ABSTRACT: Combating and preventing the commission of particularly serious offences, especially those related to cybercrime, requires a tailored response, which means making prevention work more effective, through the work of bodies and institutions with specific powers in this area, but also of judicial bodies that must cooperate, so that the existence of international instruments has become an absolute necessity. These are intended to strengthen international judicial cooperation (in addition to other activities) by coordinating efforts and actions to dismantle organized crime groups. Given the importance of electronic evidence in the investigation and prosecution of offenders in this area, in June 2019, the Council authorized the European Commission to start the procedure to start negotiating an agreement on behalf of the EU with the US on access to and collection of electronic evidence, negotiations which are ongoing. Of course, the subject matter of the agreement and the negotiated clauses are not public at the moment, but the European Commission regularly informs the Council on the state of these negotiations, so we intend to highlight the advantages of concluding this agreement as soon as possible from the perspective of international judicial cooperation.

KEYWORDS: cybercrime, EU-US agreement, international judicial cooperation, Budapest Convention, Second Additional Protocol, criminal investigation, electronic evidence, cross-border access

Introduction

It is fair to say that for many years, not only technological development, but in particular the information revolution, has changed and reformed the foundations of the entire society on all levels, starting with the economic, social, but above all, the informational. In recent years, digitization, which is used in all areas of activity, is turning into artificial intelligence, which is increasingly used.

The present scientific approach does not aim to analyze artificial intelligence, but only to take a sequential approach to the response that society offers to cross-border crime in this field. It is well known that both digitization and artificial intelligence have created new possibilities for malicious individuals to use new technologies to commit serious crimes such as terrorism, organized crime, trafficking in weapons, people, drugs, and the list is very long.

Combating and preventing the perpetration of particularly serious crimes requires a tailored response, which means making prevention work more effective, through the work of bodies and institutions with specific powers in this area, but also of the judicial bodies, which must cooperate, so that the existence of international instruments has become an absolute necessity. These are intended to strengthen international judicial cooperation (in addition to other activities) by coordinating efforts and actions to dismantle organized crime groups, as this study deals only with the judicial response, i.e. the identification of offenders, their investigation and prosecution, including trial work. At global and European level, there are several such instruments which we will not analyze, but we will mention the most important of them, namely the Budapest Convention on Cybercrime of 23 November 2001 (Council of Europe 2004, ETS No. 185, Treaty open for signature and ratification, entered into force on 1 July 2004).

Although this international act has so far been ratified by 68 states, it can be said that the instruments provided have proved to some extent to be insufficiently effective, given the significant increase in the number of crimes committed in this area of reference, and it is necessary to create instruments capable of eradicating this serious phenomenon. We believe that, first and foremost, given the speed with which not only information but also persons or goods intended for the commission of crimes are circulating, international judicial cooperation must be made more effective, so that the reaction of States is not only robust but also effective. This can only be achieved with a dynamic and speed at least equal to that of the criminals, all the more so as they disguise their illicit activity under the guise of legal or borderline legal activity.

1. Budapest Convention - Second Additional Protocol and its effects on international judicial cooperation

During the SARSCOV-2 pandemic, cybercrime increased exponentially, as many of the activities, where possible, took place online, which also led to a multiplication of the type and number of crimes committed, opening up new opportunities for organized crime groups. Most countries have therefore adopted different strategies in response to attacks by criminals on the most important social values protected by the criminal law. For example, Romania has adopted the National Strategy against Organized Crime (2021-2024), a document that offers “an integrated approach from an institutional and phenomenological point of view, with specific and individualized directions of action according to the legal competences of the institutions involved, with a focus on refining cooperation mechanisms in order to carry out actions to prevent and combat organized crime in a synergic manner”. However, independently of the different strategies adopted by states, the most important document remains the Budapest Convention and its two Additional Protocols, in particular the Second Protocol on cybercrime and disclosure of electronic evidence.

As stated in the Preamble to the Protocol (European Commission 2022), cybercrime, cyber-attacks or ransomware attacks have grown exponentially and are increasingly specialized and complex, so that investigations cannot be carried out without close cooperation between judicial authorities, based on the principle of loyal cooperation, of course, and they urgently need the collection of evidence in electronic format, as these are cross-border crimes. Thus, the Proposal for a European Commission Decision authorizing the Member States to ratify, in the interest of the European Union, the Second Additional Protocol to the Budapest Convention on Cybercrime on enhanced cooperation and the collection of electronic evidence (European Commission 2022) which was opened for signature in May 2022.

The ratification of this Protocol marks a new stage in the approach to combating this type of crime, establishing not only enhanced forms of cooperation but also a new way of approaching international judicial cooperation through electronic evidence collection. To date (date of writing), the Protocol has been ratified by two States (Japan and Serbia) and has been signed without ratification by 40 States (Council of Europe 2023).

In essence, the European Union supports and sustains the implementation of this Convention in a coherent manner, not only through recommendations to Member States to ratify the Convention and the Second Additional Protocol, but also by funding working groups and capacity building programs. For example, the Recommendation for a Council Decision authorizing negotiations for a comprehensive international convention on combating the criminal misuse of information and communication technologies of 29 March 2022 (European Commission 2022) which will be the subject of a forthcoming scientific work by the authors.

The present study does not and cannot exhaust the subject of the Additional Protocol or the Convention within it, but only the relationship between this international document and the EU-US agreement on combating cybercrime.

It should be noted that, in essence, the Additional Protocol aims to bring about a substantial improvement in the area of international judicial cooperation by facilitating the obtaining and communication of electronic evidence between judicial actors, as it is currently held mainly by service providers in foreign jurisdictions. In the field of criminal justice, which is a feature of the rule of law, such evidence must be obtained and administered by the judicial bodies, which is in line with the principle of loyalty in the gathering and administration of evidence, as stressed in the preamble to the proposal for a decision.

The need has therefore arisen to use rules at international level, both substantive and procedural, to facilitate the international investigation and prosecution of persons who commit offences in this area, rules which are compatible at international level and which ensure that conflicts of law in the area of access to and transfer of electronic evidence are removed.

2. US-EU Agreement on cross-border access to electronic evidence

Given the importance of electronic evidence in the investigation and prosecution of offenders in this area, in June 2019, the Council authorized the European Commission to start the procedure for negotiating an agreement on behalf of the European Union with the USA on access to and collection of electronic evidence, negotiations which are ongoing (Council of Europe 2023b). Of course, the subject matter of the agreement and the negotiated clauses are not public at the moment, but the European Commission regularly informs the Council on the progress of these negotiations, so we intend to highlight the advantages of concluding this agreement as soon as possible.

One argument in favour of this agreement is that the negotiation of a new comprehensive international convention on combating the use of information and communication technologies for criminal purposes (*ibid.*) will take several years, given the possible reluctance of some states to relinquish their sovereign right to criminalize certain acts. We assert this because, as has often been pointed out in specialist doctrine, the law is the most characteristic expression of a state's sovereignty, and defining in such a comprehensive international act all the possible offences, as well as the procedural rules that should govern criminal investigation activity, the possible creation of and participation in joint investigation teams (although these exist and operate under the coordination of Eurojust, including with the participation of third states, and the USA has appointed a liaison prosecutor within the agency (EuroJust 2023a, 2023b) will make the negotiation procedure more difficult.

Consequently, we believe that the negotiation of the future comprehensive convention will take many years, and the subsequent procedure of signature, ratification, possible reservations, and declarations will take at least another 2-3 years.

Therefore, the conclusion of an agreement between the European Union and the USA would be easier and would have beneficial effects in terms of all phases of the criminal process (criminal prosecution, trial on the merits and appeals and enforcement of sentences, etc.) and we can estimate that the negotiation procedure itself could take less time, all the more so as these negotiations have already started in 2019.

From our point of view, this agreement should be based on the Budapest Convention and the provisions of the Second Additional Protocol, so that it can truly be an instrument that is not only practical and useful, but also compatible with existing international rules, precisely so that the latter do not remain devoid of practical effectiveness.

Most importantly, this future agreement should be efficient and effective in the work of law enforcement bodies. In this respect, we believe that a glossary of terms should be drawn up, first and foremost, in order to clarify certain criminal activities, precisely with a view to

ensuring that they are properly criminalized from the point of view of the unlawfulness and typicality of the acts. We support this assertion by arguing that these types of offences are committed using specific, highly technical technologies that are difficult to understand for people who are not trained in this field, such as lawyers, and for this reason we believe that these terms should be defined, with the proviso that this glossary should be able to be added to after the agreement has been concluded and adopted, as new technologies emerge, and that the list should not be exhaustive.

We also believe that, similarly to the Budapest Convention, it would be necessary to define offences in terms of the essential characteristic of the typical nature of the acts. The argument is that any criminal rule (which has a dichotomous structure in most legal systems) must clearly and explicitly state what the prohibited act of conduct is - *verbum regens*.

It should not be forgotten that the scope of cybercrime is wide, ranging from cybercrime as such to cybercrime committed by cyber means, such as online sexual exploitation of children, terrorist activities or other such crimes. In this regard, we believe that the exchange of information, opinions and opinions will prove to be of great value as an essential activity of judicial cooperation, since technologies will certainly evolve at an accelerated pace. Following this line of reasoning, it seems to us that it would also be useful and effective to set a limit (either minimum or maximum) on the applicable penalty, which would contribute to the predictability and predictability of the criminal law, which is an essential requirement of the principles of legality and criminality, principles known both in the legal systems of the Member States and in the USA.

Last but not least, we consider it necessary and useful to clarify certain forms of the offence, such as attempt, completed or completed offence, continuous or continued offence, as well as to establish the forms of criminal participation in their commission, i.e. instigation and complicity, and the conditions for the criminal liability of legal persons.

With regard to the rules of procedure, we believe that they should also follow the model already contained in the Budapest Convention and the Second Additional Protocol, which are designed to achieve the desired aim, namely combating cybercrime, while promoting the values and principles of the Union which correspond to those of the USA.

We refer, of course, to respect for the rights of suspects or accused persons in criminal investigations, respect for the fundamental principles of criminal proceedings - respect for the presumption of innocence, the right of defence, *non bis in idem*, fairness in obtaining and administering electronic evidence, and respect for and guarantee of all the procedural rights of the parties.

Conclusions

In view of the efficient way in which judicial cooperation relations between the USA and the Member States have been conducted so far, we believe that it would be useful to include provisions on the conditions to be met in the exercise of certain acts of criminal prosecution, such as computer searches, interception of accesses made, sometimes in real time, preservation of data stored on the accused person's computer and their transfer.

We also consider it necessary to have provisions on clear criteria for establishing jurisdiction for prosecution and trial, so as to avoid, as far as possible, conflicts of laws or jurisdictions. It is clearly necessary for the agreement to include provisions on how the judicial bodies will apply it in practice, given the effects and effectiveness of such an act from the perspective of public international law. In our view, a rethinking and repositioning of the powers and competences of the European Judicial Cybercrime Network (EJCN) (EuroJust 2023c) and, correlatively, those of Eurojust, as well as the practical use of specific channels for the communication of electronic evidence, should not be neglected. It is necessary to ensure that these types of critical infrastructure are perfectly secure so that they cannot

become accessible to criminals, given their major interest in escaping criminal liability. We are not yet in a position to say whether there is a need for provisions on victim assistance and protection, as there are multiple provisions in both EU and US law on this segment and we do not know the issues under negotiation, which are of a non-public nature.

Of course, we cannot replace the institutions and specialists who are carrying out the negotiations, but we can say that concluding this agreement as soon as possible would have beneficial effects in terms of combating cybercrime, because only criminals take advantage of the lack of these international acts, and when this agreement is concluded and applicable, it will reflect, to the highest degree, the moral aspect of the science of criminal law and criminal procedure.

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Notion of Academic Freedom – Recent Study in Georgian Higher Educational Space

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ABSTRACT: Academic freedom is a fundamental principle of higher education, essential for the advancement of knowledge and the preparation of students for the challenges of the 21st century. It is important to protect academic freedom and to ensure that academic and administrative personnel, as well as students, are able to exercise their freedom without fear of reprisal. Academic freedom is guaranteed by the Constitution of Georgia, the Law of Georgia on Higher Education, accreditation and authorization standards. However, university community and organizations have different understandings of academic freedom. This can make it difficult to assess whether or not academic freedom is being protected or limited in a particular case. Accordingly, the research aims to clarify the meaning of academic freedom based on the Law of Georgia on Higher Education and identifies some of the challenges that need to be addressed to ensure that academic freedom is protected or limited in practice. The paper argues that academic freedom should be understood as the right of academic and administrative personnel, as well as students, to teach, research, and publish without fear of censorship or reprisal. The author suggests that more needs to be done to educate academic community and administrators about the meaning of academic freedom and how it can be protected. The paper concludes that academic freedom is a guarantor of innovation in educational institutions, which ensures that ideas dictated by freedom of thought are implemented by universities, academic, scientific personnel, and students and creates new knowledge.

KEYWORDS: academic freedom, higher education, university, academic community, law

Introduction

Academic freedom is a fundamental principle of higher education for the pursuit of knowledge, development of critical thinking skills, and advancement of society. It is the right of academic personnel, scientific personnel, and students – the university community to independently carry out teaching activities, scientific work, and study without interference from the state, other external actors, or internal institutional pressures. In short, it is the right to engage in open, honest inquiry and share ideas without fear of censorship or reprisal. It is essential for the pursuit of knowledge and truth and plays a vital role in promoting democracy and economic development.

The Law of Georgia on Higher Education (adopted in 2004, updated in 2023) is the primary legislation governing higher education in Georgia. Additionally, at the national level, academic freedom is protected by the Constitution of Georgia (adopted in 1995, entered into force in 2018), and The Law of Georgia on Freedom of Speech and Expression (adopted in 2004, updated in 2022). The Law on Personal Data Protection (2023) also contains provisions that can be used to protect the academic freedom of university community. It should be admitted that “... although the available studies compare up to 108 different rights and freedom provisions across national constitutions, academic freedom has not yet been among them” (Spannagel 2023), we rarely find the term “academic freedom” in most of the constitutional texts. Implementation of academic freedom in practice is ensured by several by-laws. As a result, academic freedom, as the axis of new knowledge creation, is provided for in the internal regulations of Georgian higher educational institutions, Higher Educational Institution Authorization Standards (2018)¹, but, overall, the Law of Georgia on Higher Education (2023) plays a significant role in ensuring the principle of academic freedom.

¹ “On the Regulation of Authorization of Educational Institutions and Approval of Fees” of the Minister of Education and Science of Georgia dated October 1, 2010 No. 99/N.

Article 2 of the law (Definition of Terms) defines academic freedom – as “the right of academic personnel, scientific personnel, and students to independently carry out teaching activities, scientific work and study” (Law of Georgia on Higher Education 2023).

Law on Higher Education should be the guarantee for protecting academic freedom, though it should be implemented efficiently to ensure that the university community is free to pursue knowledge and express views without fear of reprisal. Accordingly, the study reviews the meaning of the term Academic Freedom according to the law of Georgia on Higher Education, what its definition means for academic and scientific personnel and students, when it can be limited as a right and for what reason.

Supportive Mechanisms of Academic Freedom Specified by Law on Higher Education

To achieve the Goals of Higher Education (Article 3, para. 2), the State should ensure, among others, “access to and openness of higher education and academic freedom in learning, teaching and scientific research” (Law of Georgia on Higher Education 2023).

The law equips academic, scientific personnel, and students with the right to independently carry out teaching activities, scientific work, and study. The law prescribes several mechanisms for its protection, including:

- a) The right of academic personnel to choose their research topics and methods;
- b) The right of academic personnel to publish their research findings without censorship;
- c) The right of academic personnel to teach their courses by their academic judgment;
- d) The right of students to choose their courses, and to express their views freely in the classroom.
- e) The law prohibits discrimination against academic personnel or students based on their academic, religious, political, or other beliefs.

We will discuss each mechanism separately below.

a) The right of academic personnel to choose their research topics and methods

This right allows academic personnel to pursue the research questions they find important without interference from the state, other external actors, or internal institutional pressures, allowing academic personnel to produce innovative research. When academic personnel are free to choose their research topics and methods, they are more likely to ask challenging questions and pursue new lines of inquiry, disseminate knowledge, research and teach about a wide range of topics, even controversial or critical.

In conclusion, it can be said that the right of academic personnel to choose their research topics and methods is a fundamental aspect of academic freedom. Scholars should pursue their research interests without interference. This is a promising beginning for the advancement of knowledge and truth, democracy, and economic development.

b) The right of academic personnel to publish their research findings without censorship

This right allows academic and scientific personnel to share their findings with the world, regardless of whether they are controversial or politically sensitive. This is important for several reasons, including a) Scientific progress depends on the open sharing of ideas and findings in the ‘marketplace of ideas’ (Oliver Wendell Holmes, Jr. quotation in *Abrams v United States*, 250 US 616, 630, 1919). When scholars are free to publish their research without fear of censorship, other scholars scrutinize their work, to ensure that research is of high quality, allowing them to build on each other's work and progress more quickly. Peer review is essential for ensuring the quality of scientific research; b) Scientific innovation depends on the free exchange of ideas and information. When scientists are not free to publish their findings, they may be reluctant to pursue research on controversial or politically sensitive topics, leading to a loss of valuable knowledge and insights that could benefit society; c) Censorship of scientific research can challenge public trust in science, harm public policy, and hinder social discourse. According to the third mission of

the university referring to universities' contributions to the economic and societal development of territories (Petersen, Kruss, and Rheede 2022), it is essential to educate the public about important issues and to promote civic engagement. Otherwise, a lack of public trust in science can make it more difficult for scientists to communicate their findings and engage in public discourse, which can harm social discourse and the ability of society to address complex challenges.

In conclusion, the right to publish research findings without censorship is a fundamental aspect of academic freedom and is a guarantee of the advancement of knowledge, open and honest inquiry, transparency and accountability, and public engagement.

c) The right of academic personnel to teach their courses under their academic judgment

This right allows academic personnel to choose the topics they cover in their courses, the methods they use to teach, and the materials they assign to their students, which is essential to ensuring that academic personnel can fulfill their core responsibility of teaching and disseminating knowledge in a way that is consistent with their professional expertise and values. This right allows academic personnel to share their expertise with students in an objective and unbiased way, and to present students with a variety of perspectives on subject issues. Additionally, academic personnel are required to comply with the law and internal regulations of their institution. They are also expected to teach in a way that is fair and objective. However, within these limits, academic personnel have the right to teach their courses by their professional judgment.

This right ensures that students are exposed to a diversity of viewpoints and perspectives as there is not always a single “right” answer; it encourages academic personnel to be innovative and develop new teaching methods and approaches; it contributes to the advancement of knowledge to encourage students to think critically about scientific information, and develop their own informed opinions. Under this right academic personnel should be able to choose which topics to cover in their courses and how much time to spend on each topic; decide which teaching methods and materials to use; design assessments that measure students’ learning fairly and effectively; grade students’ work in line with academic standards.

There are very few court cases regarding academic freedom in Georgia, though the US legal practice is very high. When the lecturers’ interests conflict with those of the university, some US courts have held that the university determines the curriculum as long as the university’s decision does not infringe on the First Amendment rights of academic freedom. In the case of *Bishop v. Aronov* (732 F. Supp. 1562 (N.D. Ala. 1990), Assistant Professor of Psychology at the University of Alabama, constantly talked about his faith (Christianity) and communicated his views to students. He also arranged extra meetings after lectures to talk about religion and discuss with students the influence of religion on human psychology.

The university demanded that the professor stop such meetings, and the latter sued the university for violating his right to free speech. The Eleventh Circuit Court ruled that the university’s decision regarding the composition of the curriculum should allow for a review of individual professors’ decisions. The court also noted that it respects the principle of freedom of the educational process. As we can see, the Bishop case revealed the tension between the professors and the university management. In the case of *Otero-Burgos v. Inter-American University* (558 F.3d 1, 1st Cir. 2009), Professor Otero-Burgos was fired from Inter-American University after he refused to give a student a special opportunity to raise his grade. Otero-Burgos appealed the decision, alleging a violation of his academic freedom. The university terminated Otero-Burgos despite a Faculty Appeals Committee ruling in his favor. Professor sued, and The First Circuit ruled in favor of Otero-Burgos, finding that Puerto Rico Law 80 (2017)², that protects at-will employees, and could not have been intended to apply to

² Puerto Rico Law 80 (the Unjust Dismissal Act) provides that an employer who dismisses an employee without “just cause” need only provide a certain set percentage of the employee’s former salary, but is responsible for no other damages or reinstatement. Puerto Rico is not an ‘employment at will’ jurisdiction.

tenured faculty members. The court affirmed the relationship between tenure, economic security, and academic freedom.

It can be concluded that the right of academic personnel to teach their courses by their academic judgment is essential for ensuring that academic personnel can teach their courses in a way that is consistent with their academic expertise and judgment, and for promoting innovation and creativity in teaching.

d) The right of students to choose their courses and to express their views freely in the classroom

Article 43 of the Law of Georgia on Higher Education (2023) is devoted to the student's rights. Among them are the right to acquire high-quality education; participate in scientific research; use material and technical, library, informational, and other resources of university on equal terms; elect and be elected to the students' self-government body and the management bodies of the university; establish and/or join student organizations independently; transfer to an alternative higher education institution; choose an educational program; participate in preparing an individual educational program; periodically assess the performance of academic personnel; exercise other rights granted to them under the law. The law also protects the confidentiality of students' personal information, unless student authorizes its disclosure or administration has a legal interest in disclosing it to ensure safety or protect the lawful rights of others.

These rights are essential for students to pursue their education freely, develop their critical thinking skills, and participate in the academic community. The right to acquire high-quality education empowers individuals to reach their full potential and contribute to the advancement of society, and protects students from being censored or indoctrinated by their professors. The right to participate in scientific research allows students to pursue their intellectual curiosity and contribute to society through the discovery of new knowledge and the development of innovative solutions. "There can be no reasonable doubt that academic freedom is integral to the process of creating knowledge, on which depends the progress of society" (Ugrekheldze and Bakaradze 2019). The right to use the material and technical, library, informational, and other resources of the higher education institution on equal terms gives students access to the information and resources they need to succeed in their studies, however, this does not mean that the universities are forced to devote equal time to all possible forms of expression of the right, whether it is a performance, lecture, conference or otherwise.

In the case of *Widmar v. Vincent* (454 U.S. 263 - 1981), a student brought a lawsuit against university resources because of the use for the benefit of a particular religious group to hold meetings. In this case, Judge Stevens noted that "since every university's resources are limited, educational institution must make a decision and use its time and space for additional educational activities. For example, if two groups of 25 students each request a room from the university, one to watch a Mickey Mouse cartoon and the other to play Hamlet, in those cases the university would not be required by the Constitution or law to first fill out an application form and then use the room. In other words, the university should give students the freedom of choice to use the university resources according to their interests" *Dibona v. Matthews* (1990). However, the university's choice of curriculum depends largely on the freedom of choice of the professor to the extent that some universities have determined that the university's discretion can be limited based on principles of freedom of speech. Lecturers' choice of curriculum generally depends on individual students' preferences as to what they prefer, as long as the choice is not discriminatory.

The right to choose an educational program allows students to pursue their interests which can lead to higher motivation and academic achievement; develop their unique talents and abilities, which can help them prepare for success in college, careers, and life; become more self-directed and independent learners, which is an essential skill for success in the XXI century. The right to participate in preparing an individual educational program gives students a voice in shaping their education. It also helps students develop a plan for achieving their

academic goals. The right to periodically assess the performance of academic personnel allows students to provide feedback on their professors' teaching and hold them accountable for their performance.

But the most important right that can be considered as a cornerstone of students' academic freedom in the Law is as follows: "Students shall have the right to... express opinions freely and reasonably refuse to share ideas offered during the study process" (Law of Georgia on Higher Education 2023, Article 43). This allows students to engage in intellectual debate, protect own beliefs and values, even unpopular or controversial. It is important to note that this right is not absolute. Universities may have legitimate reasons to restrict student expression, such as to prevent bullying, harassment, or disruption of the learning environment. However, any restrictions on student expression should be narrowly tailored and justified by a compelling government interest.

In conclusion, students' academic freedom is essential for ensuring that students can receive an education that is tailored to their individual needs and interests, and for promoting critical thinking and intellectual discourse. It is also important to ensure that students can prepare for their future careers.

e) Prohibition of discrimination against academic personnel or students based on their academic, religious, political, or other beliefs

The last point, the law prohibits discrimination against academic personnel or students based on their academic, religious, political, or other beliefs, which should be the guarantee of equal treatment. This right ensures that everyone has an equal opportunity to participate in higher education; it promotes diversity of thought and opinion and helps to create a safe and inclusive environment for all members of the academic community. The law prohibits discrimination in all aspects of higher education, including admissions, employment, and academic programs. For example, a university cannot deny admission to a student because of religious beliefs or refuse to hire a professor because of political views. Similarly, a professor cannot grade a student differently because of their academic beliefs. The law prohibiting discrimination in higher education is an important tool for ensuring or at least, attempting that all members of the academic community are treated equally and with respect. Some courts have acquitted lecturers when universities have suspended teaching for violating freedom of speech rights. For example, in *Dibona v. Matthews* (1990), an educational complex that was part of San Diego Community College suspended a performance that was supposed to be titled 'Split Second'. The play was about an African-American police officer who shoots and kills a white suspect while in custody after the suspect racially abuses the officer. A police officer pulls a knife on a suspect and fakes an assault scene to shoot the suspect and then plead self-defense. The university administration suspended the performance to avoid coverage of a politically sensitive issue. The play's director filed a suit alleging a First Amendment violation. The court noted in its ruling that the 'desire' of the college to avoid backlash from religious community was insufficient grounds to stop the play. The court ruled that the play, due to its "politically sensitive" content, could not become a victim of censorship. Freedom of speech is guaranteed by the Constitution, and it is through dialogue on difficult and politically sensitive issues that this right can be further protected and strengthened.

In conclusion, the law promotes diversity of thought and opinion and helps to create a safe and inclusive environment for all members of the academic community. The law prohibits discrimination in all aspects of higher education, including admissions, employment, and academic programs.

Restricting Academic Freedom

The law also recognizes that academic freedom is not absolute. The government and higher education institutions have a legitimate interest in protecting the public interest and ensuring that the study process is conducted responsibly and ethically. Therefore, law allows government and

universities to impose restrictions on academic freedom in certain circumstances. Article 3 of the Law of Georgia on Higher Education (Goals of Higher Education) states that “Academic freedom may be restricted only in:

- a) determining organizational issues and priorities to achieve freedom of scientific research;
- b) resolving organizational issues regarding the study process, and the issues concerning the approval of the timetable of lectures and the curricula, to achieve freedom of teaching;
- c) organizing the study process and ensuring high-quality studies to achieve freedom of learning.
- d) in the cases when the implementation of scientific research and publication of its results is restricted under a labor agreement, or when the results contain a state secret” (Law of Georgia on the Higher Education 2023, Articles 2 and 3).

We will discuss each restrictive provision separately below:

a) Determining Organizational Issues and Priorities to Achieve Freedom of Scientific Research

The law states that academic freedom may be restricted only in determining organizational issues and priorities to achieve freedom of scientific research. This means that university may set certain rules and guidelines that researchers must follow to ensure that their research is conducted safely and ethically and that it is aligned with the university’s overall research goals. Research departments of Georgian universities require researchers to submit their research proposals for review by an ethics committee, obtain certain permits before conducting certain types of research, e.g. in the field of medicine, or sign a confidentiality agreement before having access to sensitive research data. The university may also set rules about how researchers can publish their findings, or about how they can share their research data with others. However, it is inadmissible to impose restrictions on academic freedom that are arbitrary or unreasonable. Restrictions must be narrowly tailored to achieve the legitimate goal of protecting the freedom of scientific research, and the university cannot prevent researchers from pursuing unpopular or controversial topics. Generally, the university’s ability to restrict academic freedom is based on its authority to set rules and regulations for its community, though this authority is not unlimited.

Apart from universities, the government may also have a legitimate interest in protecting the public interest and in ensuring that scientific research is conducted responsibly and ethically and it can also impose some restrictions and limitations to certain types of research. In any case, it is important to monitor the situation in Georgia and ensure that the law is implemented in a way that protects the right of academic personnel to conduct their research freely.

b) Resolving organizational issues regarding the study process, and the issues concerning the approval of the timetable of lectures and the curricula, to achieve freedom of teaching

According to the law, academic freedom may be restricted while resolving organizational issues regarding the study process, and issues concerning the approval of lecture timetable and curricula, to achieve freedom of teaching, which is a complex and controversial issue.

Government and universities may not interfere in the content of teaching, but they may impose some restrictions on how teaching is conducted. Universities should have decision-making authority about how to organize the study process and lecture timetable and curricula.

For example, based on the program, university may require all students take certain core courses, or may require certain courses be taught in a certain way. University internal regulations also restrict number of courses that professors can teach, or that professors submit their syllabi for approval before the start of semester. Some universities may have a policy that prohibits professors from discussing certain topics in class or the academic personnel is obligated to use certain textbooks or materials in their teaching.

Universities have a legitimate interest in ensuring that students receive a high-quality education and that the institution can operate efficiently. Universities should balance their

interest with the restrictions not to interfere unduly with the freedom of professors to teach, the freedom of students to learn. However, it is important for universities to be transparent about their policies and have a process in place for professors to challenge decisions that they believe violate their academic freedom.

c) Organizing the study process and ensuring high-quality studies to achieve freedom of learning

Academic freedom may be restricted in organizing the study process and ensuring high-quality studies to achieve freedom of learning. On the one hand, universities need to have the authority to make decisions about how to organize the study process and ensure high-quality studies. On the other hand, without academic freedom, students would not be able to learn about controversial topics or challenge the status quo. It is possible to achieve a balance between these two competing interests. For example, universities could have a process in place for students to challenge decisions about the study process or the quality of their education, which can vary depending on the institution, the discipline, and the student's individual needs. Additionally, universities could develop policies that protect academic freedom of students, even when they are learning about controversial topics.

Specific examples of the mentioned restriction may include cases when the university requires students to take certain courses or complete a certain number of credits to graduate, or a policy that prohibits students from cheating or plagiarizing. It may also have a policy that requires students to attend class regularly and participate in discussions or requiring students to meet certain academic standards to remain enrolled. As universities have a legitimate interest in ensuring that students receive a high-quality education and that they are prepared for success in their future careers, this cannot be considered necessarily a violation of academic freedom. Universities should retain transparency by writing down all processes in the regulatory documents for students to challenge decisions that they believe violate their academic freedom. It is important to ensure that restrictions on academic freedom are necessary and proportionate to the goal of achieving freedom of learning. For example, if a restriction is intended to prevent students from cheating or plagiarizing, it should be narrowly tailored to achieve that goal.

d) In the cases when implementation of scientific research and publication of its results is restricted under a labor agreement, or when the results contain a state secret

Academic freedom may be restricted only in the cases when the implementation of scientific research and publication of its results is restricted under a labor agreement, or when the results contain a state secret is sensible. Even though academic freedom is vital, there are cases where it is necessary to restrict it to protect other important interests.

Labor agreements may restrict academic freedom in cases where scientific research is conducted on behalf of a company or other organization, and the organization has a legitimate interest in protecting its intellectual property or trade secrets. This is because employees have a contractual obligation to comply with the terms of their employment, and this may include restrictions on the publication of research results, especially, when they contain a state secret that, if disclosed, could harm national security. The government may prohibit the publication of research findings that contain classified information. In the case of general labor agreements should not restrict employees from publishing research results simply because the employer does not like the results. Additionally, the government should not classify information as a state secret simply to prevent it from being published. But generally, the universities must have an individual approach, clear and transparent mechanisms and processes for determining when and how academic freedom can be restricted. This process should involve all relevant stakeholders, including university community, employers, and the government. We should consider that any restrictions on academic freedom should be carefully measured and justified.

Academic Freedom in the University Regulatory Documents

As was mentioned above, the notion of academic freedom is new to the Georgian educational and legal reality, and judicial practice or any developmental recommendations in this regard are scarce. However, the Law of Georgia on Higher Education enshrines academic freedom as a fundamental right of academic personnel, scientific personnel, and students. The extent to which the conditions stipulated by the Law are declared in the university regulatory documents varies from university to university but most of them have already incorporated the provisions that enshrine the principles of academic freedom into their internal regulations. In addition to these general provisions, some universities have also adopted more specific policies and procedures to protect academic freedom. Universities that value academic freedom typically have a culture of open inquiry and debate, where students and personnel are free to explore new ideas and challenge the status quo. These universities also have strong mechanisms in place to protect academic freedom of their students and personnel. However, those who are more hesitant to embrace academic freedom may have a more authoritarian culture, where students and personnel are expected to conform to certain norms and beliefs. These universities may also have fewer mechanisms in place to protect academic freedom of their students and personnel and need to make more progress.

Overall, academic freedom allows for the free and open exchange of ideas in the “marketplace of ideas”, which is necessary for scientific innovation, critical thinking, and civic engagement. Georgian higher educational institutions that realize the necessity of academic freedom are more likely to produce positive outcomes for their students, their research, and the community. To ensure the protection of academic freedom, it is important to continue to raise awareness of its importance and provide guidance on how to interpret and apply the law.

Academic freedom Index in Georgia

Based on assessment of the de facto protection of academic freedom, Academic Freedom Index (AFI 2023) and Vdem Institute (2023) (expert surveys and measurement model) provide yearly overview of the state of academic freedom in 179 countries. According to Academic Freedom Index (Kinzelbach et al. 2023), “it is the first conceptually thorough assessment of academic freedom worldwide and a times series dataset going back to 1900” (Spannagel and Kinzelbach 2023). AFI scores rely on five separate indicators each of which is coded by country experts on a predefined scale from 0 to 4 and on a country-year basis – freedom to research and teach, academic exchange and dissemination, institutional autonomy, campus integrity, academic and cultural expression. Among them, index of academic freedom in Georgia from 2012 to 2022 is provided (see Table 1).

Table 1: The state of academic freedom in Georgia in 2022 (0–1, low to high)

Georgia

ACADEMIC FREEDOM INDEX (2022)	0.83	📊
Freedom to Research and Teach:	3.47	📊
Academic Exchange and Dissemination:	3.62	📊
Institutional Autonomy:	2.14	📊
Campus Integrity:	3.06	📊
Academic and Cultural Expression:	3.17	📊

Academic Freedom Index, CC BY 4.0
<https://academic-freedom-index.net>

According to the report results, Georgia is among top 30-40% of the countries where the index of academic freedom has increased in 2022 compared to 2012 (full index available at <https://academic-freedom-index.net/>). We agree with the researchers Spannagel and Kinzelbach, that “the lack of adequate data has so far prevented researchers from studying the phenomenon more systematically at a global scale, and impeded efforts by policymakers and advocates to monitor and act on such violations” (Spannagel and Kinzelbach 2023). But the most important thing is that research is initiated which in several years’ time will give us more comprehensive picture of academic freedom index in each country. Basically, as can be seen from the Table #1 and general evaluation of the higher educational institutions, the provisions of the Constitution of Georgia and the Law on Higher Education emphasize the value of academic freedom and the need to ensure it, which gives us the picture that academic freedom in Georgia is regulated at the document level and so far there are very few cases in the Georgian courts. This does not mean that the academic freedom is fully protected in Georgia. It will need several years to monitor the progress made by the higher educational institutions and identify at what level is academic freedom of Georgian university community members at risk. Accordingly, we would suggest the recommendations for the reinforcement of academic freedom which are provided below.

Recommendations for strengthening academic freedom in Georgia

Several things can be done to strengthen academic freedom in Georgia. These include activities implemented by the universities, society, and government:

- Universities should explicitly state in mission statements, policies, and procedures that the academic community has the right to freedom of expression and academic inquiry, and provide training on their rights and responsibilities under the law;
- Universities should establish procedures for investigating and addressing complaints of violations of academic freedom and protect the confidentiality of those who report violations of academic freedom;
- Universities should create a culture of open inquiry and debate, where the academic community is free to explore new ideas and challenge the status quo;
- Government should provide adequate funding for higher education institutions to ensure that they can operate independently and create an environment where the academic community can freely pursue their academic interests;
- Government should publicly reaffirm its commitment to academic freedom by ensuring that its policies and practices do not violate this right and work with higher education institutions to develop and implement policies and procedures to protect the academic freedom of the academic community;
- Government should allow higher education institutions to develop their academic programs without strict interference;
- Independent mechanisms should be established to investigate and address allegations of violations of academic freedom. This could be done by establishing a dedicated ombudsperson or by strengthening the role of existing institutions such as the National Center for Educational Quality Enhancement in Georgia;
- Non-governmental organizations and civil society groups should monitor the situation of academic freedom in Georgia and report on any violations of this right;
- Raise awareness of academic freedom among the public. This can be done through educational campaigns and by promoting public discourse on the importance of academic freedom.

Conclusions

Academic freedom is essential for the pursuit of knowledge, development of critical thinking skills, and the advancement of society. The Law of Georgia on Higher Education plays a significant role in protecting academic freedom in the country, but there are challenges should be monitored. By taking relevant steps, Georgia can create a higher education system where academic freedom is fully respected and where students, academic and scientific personnel are free to pursue knowledge and truth without fear of interference, higher educational institutions can help to develop democratic processes of governance in universities and form free members of society who will constantly have the desire to seek new ideas and truth.

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The Role of Digitalization in the Efficiency of Public Administration

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ABSTRACT: The use of technology has steadily increased over the years, however, there is wide variation between people of different ages, with skills higher among younger “digital natives” and lower among older people. The daily use of the Internet among the Romanian population has increased considerably since 2014, proving the increase in the population’s comfort and confidence in using digital technologies and the Internet. Unsurprisingly, the level of digitization among businesses and individuals in Romania differs between regions. The level of digitization is higher in cities than in rural areas and the highest rate is, as expected, in Bucharest, Cluj and the North of the country. Reducing the knowledge and capacity gap between the country's areas can be done through a digitalization plan for the economy, similar to those published by the governments of many other countries, and through the digitalization of the interaction between SMEs and government institutions. The Romanian government is currently going through a significant process of digitizing both its own internal operations and the way it interacts with people and the business environment, for example through electronic signatures and the online takeover of tax-related matters. However, the constraints on government institutions derived from the lack of information determine opportunities for tax avoidance and evasion and inevitably favor compromise. Digitization can help alleviate these constraints in two ways: by implementing more accurate methods to verify the true economic results of taxpayers by connecting information existing in different parts of the tax system or by implementing more sophisticated tax systems.

KEYWORDS: advanced technologies, digitization, data storage, communication networks, taxes

1. Introduction

Digitization is a highly relevant and impactful topic in contemporary society that essentially refers to the transformation of traditional processes, activities and services into digital formats, i.e., binary data (0 and 1) that can be processed and stored electronically, or the adoption of technologies digital to improve performance and efficiency.

Digitization starts by taking existing data and information in analog form (printed documents, images, sounds, or even manual processes) and converting them into digital format (Ex. documents can be scanned and turned into PDF files, and images can be converted into such as JPEG or PNG). Then they can be stored electronically, which allows easy, fast and efficient access to information and facilitates its management. Digital data can also be stored in different environments, such as servers, the cloud, or individual storage devices. The result is that this process facilitates data manipulation and processing in a much more flexible way than in the case of analog formats, software and algorithms can be used to analyze and interpret the data, which leads to better informed decisions, faster and at generating valuable information. Digital data can be easily transmitted and shared through communications networks, enabling remote collaboration, rapid information exchange, and real-time interaction between different people or systems. Digital data can be subjected to advanced analysis to extract meaningful information. For example, machine learning algorithms can identify patterns in data and provide predictions or recommendations based on those patterns.

2. Digitization elements in the Romanian economy and society

Digitization goes hand in hand with process automation. By converting traditional processes into digital formats and using IT technologies, repetitive activities can be automated, thus leading to increased efficiency and reduced human errors. Also, digitization enables the integration of advanced technologies such as artificial intelligence, virtual reality, block chain and others. These technologies can add value to processes and open new opportunities for innovation. Thus, digitalization does not only refer to the conversion of data into digital format, but also to its exploitation and transformation in order to improve processes and services in an increasingly digitally oriented world. It is a continuous and dynamic process that affects various aspects of our daily life and economic activities.

The impact on Romania's economic life is significant, bringing with it a series of changes and benefits that consist in particular in increasing efficiency and competitiveness obtained by optimizing internal processes, by automating repetitive activities and by using advanced technologies to increase operational efficiency. In this sense, Romania's digital economy could grow 3.5 times (to approximately 52 billion euros) in 2030 compared to 14.8 billion euros last year, the main growth factors being investments in IT&C and digital trade, according to the Digital Challengers on the Next Frontier report by McKinsey&Company (Filip, Kmen, and Tisler 2022).

We are also in the period of rapid and visible transformation of the way we trade. Digitization is the process that changed the way trade is carried out and the Romanian e-commerce sector reached the threshold of 6.3 billion euros at the end of 2022 (GPeC E-Commerce Romania Report 2022), the value being slightly above that recorded in 2021, with intense signs of growth for the year 2023 as well. If we look at the Digital Challengers on the next frontier: Perspective on Romania report, it follows that the so-called "Digital Challengers" block (Bulgaria, Croatia, Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia) still lag behind the other clusters in terms of digital commerce penetration (by 16%) compared to two other groups in Europe: "Digital Frontrunners" (Belgium, Denmark, Estonia, Finland, Ireland, Luxembourg, the Netherlands, Norway and Sweden) which saw growth of 23% and the "Big 5" economies (France, Germany, Italy, Spain and the United Kingdom) which showed a percentage of 21%, showing that there is potential additional growth spurt.

Digitization has had a profound impact on the financial sector. The bank of the future will be digital, the bank will operate in such a way as to provide speed, flexibility, agility and interaction with customers, at any time and in any situation. The main trends in the bank of the future are being formed (Gaciu 2023) and among them we identify a few: banking operations will become mostly digital and employees will have to think and act digitally, because tomorrow's customers will be 100 digital %; the number of bank branches will decrease with the intensification of digitalization; banks will grant loans completely digitally; banks will enter into partnerships with more and more fintechs, non-banking companies that provide financial services; smarter and more "human" robots and chatbots will be promoted in the bank of the future and security will become increasingly important and new identification and authentication methods based on personal characteristics will be widely used, so that IT companies will become increasingly present in partnerships with banking institutions.

Moreover, the responsibility of these providers will take on new proportions, given the technological progress and the expectations of customers - increasingly digital - as well as the expectations of banks - digital transformation, migration of services to the cloud, mobility, attracting customers, increasing bank financing, etc. We thus realize that considerable investment has been made in building an extensive portfolio of IT solutions for digitization,

multi-channel communication and increasing the efficiency of processes specific to the banking industry.

Technology start-ups and digital innovations have gained ground and the *promotion of digital entrepreneurship* has developed significantly in recent years. Romanian SMEs have access to a growing innovation ecosystem to support their digitization efforts that include business associations, digital innovation hubs and other players, other stakeholder groups participating in the digitization ecosystem in different modes (e.g. industrial clusters, large corporations and universities).

In addition, the Romanian government has introduced several initiatives aimed at improving digitization throughout the country, including within SMEs. These include the *Competitiveness and Operational Human Capital Programs*, the *StartUp Nation program* (launched for the third time in July 2022) and the establishment in 2020 of the *Authority for the Digitization of Romania* (ADR), whose main task is to lead the digitization of governmental and non-governmental services. From the press (Cârlugea 2023) we learn that ADR has several important projects underway with a view to implementing digitization, especially in the area of public activity:

- *Computer System for Clinical Records of A.T.I. departments*. with the objective of increasing the use of ICT in direct communication between the Ministry of Health (MOH) and the most important 18 adult and pediatric hospitals in Romania;
- *Ministry of Labor and Social Protection (MMPS) services HUB*, which aims to create the specific infrastructure so that the citizen's interaction with the MMPS directly but also with the institutions subordinated/under the authority/coordination of the MMPS, can be carried out in the online environment through a single point of contact;
- *Information System for Health Registers* which has as its final objective the creation of an information system for health registers;
- *Strategic framework for the adoption and use of innovative technologies in public administration 2021 – 2027* with the general objective of carrying out a national analysis correlated with international strategies for the use of innovative technologies with the aim of making institutional activity more efficient in relation to citizens.
- *The Centralized Software Platform for Digital Identification with the objective of establishing the National Electronic Register of Electronic Identities* in which the Electronic Identities of all consumers of electronic eGovernment services will be found, as well as the interconnection with the unified and secure access portal;
- *National Informatics System for Adoption* - implementation of the 4th level of sophistication for electronic services aimed at the “Adoption” life event;
- *Integrated IT System for Issuing Civil Status Acts* aimed at reducing the time needed to process civil status information and the costs of storing information for local and central administrations regarding 5 services for primary life events: birth, marriage, divorce, death
- *National Disability Management System* which aims to develop and implement a centralized national platform for the collection, storage and distribution of information related to the cases of persons with disabilities;
- *System of technological interoperability with the EU member states* that implements the System of Technological Interoperability with the EU Member States (SITUE) and will interconnect it with the eIDAS nodes of the other member states and with the providers of identity and electronic services in Romania.

Digitization initiatives are also a key feature of Romania's Recovery and Resilience Plan, both through the seventh component, "Digital Transformation", for which the allocated budget is EUR 1.8 billion and covers digital public services, digital connectivity, cyber security, digital skills, human capital, internet usage and more. There are opinions that the digitization of public services and the level of digital human capital are the areas in which Romania does not perform well in the EU27.

Regarding digital public services for business, Romania obtained a very low score (of 49/100) compared to the EU average which is 84. This is a key factor because if government services are not digitized and the Government does not serve as a model for digital operations, citizens and private companies have less incentive to go digital.

In terms of human capital, one of the main factors behind Romania's low score is the low digital skills evidenced by only 31% of the population having at least basic digital skills, compared to the EU average of 56%. Romania also has a noticeable shortage of ICT specialists, with only 2.4% of the workforce being ICT specialists, compared to an EU average of 4.3%. This suggests that Romanian ICT graduates are either leaving Romania in a “brain drain” or are not employed in ICT roles.

Regarding the digitization of businesses, the picture presented by Romania is roughly the same: it ranks 25 out of 27, with only 23.8, compared to the EU average of 37.6. It found that 33% of Romanian SMEs have at least a basic level of digital intensity (compared to the EU average of 60%) and are also lagging behind in terms of digital tools such as the use of electronics, information sharing, social media, big data and cloud computing. Romanian companies also lag significantly behind the EU average in terms of employee ICT training: only 6% of Romanian companies offer this, compared to the EU average of 20%.

But let's also analyze the impact of digitization on education and human resources. Overall, digitization has brought significant changes to Romania's economic life, stimulating innovation, improving efficiency and contributing to adaptation to the demands of a global digital economy. Digitization has also changed the way learning and professional development processes take place. In terms of human resources, there has been a process of adapting the workforce to the new requirements of the digital economy, which has generated an increased need for digital skills.

3. Conclusions

I believe that the main directions of digital transformation in the Romanian public administration are determined more and more clearly, with constant efforts to improve public services and the efficiency of institutions. Thus, we start with the development of online platforms and government portals to offer citizens and economic agents simplified access to public services (obtaining certificates, filing tax returns or access to administrative information) to which we add the implementation of e-government solutions that facilitate electronic interaction between citizens, businesses and public institutions in this context, interoperability between the various systems and databases of public institutions is essential to ensure the efficient exchange of information.

Another directive in which important steps have been taken is the introduction of electronic signature and digital identity to increase security and authenticity in online interactions, a crucial aspect to facilitate administrative processes that require authentication and signature to which is added the implementation of IT solutions to optimize and simplify internal administrative processes, thus reducing bureaucracy and the time needed to provide public services. Moreover, this extensive process is the horse that allows us to encourage the development of smart cities through the implementation of IoT (Internet of Things) technologies, the publication of government data in an open format, easily accessible and useful for citizens, the business environment and developers, and the promotion of digital education in among civil servants to ensure the necessary skills to manage and implement digital solutions within the administration. Of course, these digitization directions aim to improve efficiency, transparency and accessibility in public administration, thus contributing to a more modern government adapted to the demands of the digital society.

In determining these data, we used an effective research method that consists in the collection and analysis of relevant statistical data on the use of digital technologies in the economy and society. This may involve assessing the rate of internet penetration, the use of

mobile devices, access to online services and the degree of digitization of the business sector. By examining these indicators we have identified trends and assessed the impact of digitization on various aspects of social and economic life.

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Visuals of Trauma in Journalism and the Mixing of Methods - Symptomatology of Post Traumatic Stress Disorder (PTSD) and Trauma Narratives

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ABSTRACT: The paradox of documenting history through gruesome visuals depicting the prominence of stories intrigues media researchers. In East Africa, the topic has been captured in a variety of media frames, but particularly in scholarly work. Using a mixed methods approach this paper examines the relationship between violent visuals and trauma among journalists. It argues that in East Africa, trauma and related psychological effects thrive amid rigid newsroom structures devoid of concrete intervention mechanisms. The scarcity of trauma mitigations is not just an issue in journalism, but in society, as issues of mental health and other deprivations become common. This paper focuses on examining the phenomenon of trauma among journalists who have been exposed to trauma in the line of duty. Using symptomatology of Post-Traumatic Stress Disorder (PTSD) and real-life narratives as quantitative and qualitative methods, the preliminary results suggest that whereas journalists in East Africa experience adverse effects after exposure to traumatic visuals, there are no potential mitigation strategies in newsrooms to deal with the Trauma Effects. Findings indicate that as the frequency of exposure to violent visuals is intensified so do PTSD symptoms significantly increase among journalists. The study is hinged on the background that the criterion for news production is constructed from the idea that ‘if visuals of violence, conflict, and death are involved, then the story gets top priority. Data collected from Kenya, Rwanda, and Uganda exposes the dire need for alternative strategies for mitigation. The results further predict a correlation between psychological effects and trauma journalism. These findings are relevant for trauma journalists and provide key pointers for mitigation in newsrooms and among journalists.

KEYWORDS: visuals and trauma, trauma journalism, symptomatology of PTSD, real-life narratives, East African journalists

Introduction

Visuals of Trauma in Journalism

In journalism practice, visual storytelling is at the heart of a good story. Each narrative cascades with an image that gives depth, meaning and interpretation. The image aids in building perception and providing context to the story. More so, images are vital in telling horrific stories. In March 1911, Authur Brisbane’s quote: ‘a picture is worth a thousand words’ (Wikipedia 2023), appeared in the New York Standard. This adage quote is real to the everyday experience of visual rhetors—journalists who cover traumatic events (Frosh 2014). The quote was used in the Syracuse Advertising for Men’s Club banquet to discuss journalism and publicity. Visual images hold the power to transcend language barriers, providing a passage for communication to global audiences. The common ethical dimensions utilized in the media production of visual images align with John Stuart Mill’s idea of consequentialism, that action is right or wrong depending upon its consequences, such as its effects on society (Mackay and Janacek 2000).

In the media production, visual rhetors use photographs, videos, and infographics, to evoke emotions and provide a more immediate and visceral understanding of a story compared to text alone. The role of visuals in journalism is significant in today’s fast paced digital age, where telling a story relies on the drawing attention from the dramatic visuals. Through visuals, rhetors aim to draw interest from audiences with shorter attention spans, making it essential to capture and retain attention quickly. Compelling visuals not only grab

attention, but also enhance the retention of information, making the news more accessible and memorable (Mackay and Janacek 2000). In the complex and intense world of reporting traumatic events, visuals enhance the depth and context of the story, thereby providing an ability to convey complex information effectively. According to Oliviera (2002) rendering is essential in visual processing and enhances the production of subtle real-world effects captured in the images. In a mediated technological space that characterizes the production of stories, visuals provide a nuanced perspective that complements written narratives, offering a more comprehensive understanding of the events being reported.

In trauma journalism, visual storytelling is vital for its ability to enhance communication, evoke emotional responses, and provide a richer, more engaging experience for the audience in an era where information is constantly competing for attention (Masse 2011). In this paper, narratives of visual rhetors who capture traumatic visuals represent many unknown silent voices of journalists living under the weight of trauma. The journalists in East Africa are hard hit, owing to disadvantaged conditions they are subdued to during and after witnessing intense violent images in the course of their work (Radoli 2023). Most of the visual rhetors may never receive the much-needed professional psycho-social support. In the production of graphic images, it is possible to record atrocities against humanity and bring action to perpetrators. Such reporting is essential for the media to perform its responsibility to society, and to the interest of the public.

However, the production exposes journalists to traumatic untold experiences (Seely 2017). In most cases, journalists look for certain elements, newness, timeliness, relevance, human interest, conflict, scandal, and oddity among others as their lead storylines. In 1965, Norwegian researchers Johan Galtung and Marie Holmboe Ruge described these elements as news values (Galtung and Ruge 1975) that determine the worthiness of a news story. The values provide the criteria for selecting items to be prioritized in the news menu. Other news values include: relevance, topicality, composition, expectation, worth, and external forces.

A Review of Literature

The Work of Visuals in Journalism

Visual evidence serves as a powerful tool in enacting the reality of an event. Visual documentation enables historical witnessing through the capturing of photographic images as they are iconic representations of moments, bearing witness to the impact of trauma. Visuals further present a contextual understanding that enables audiences to better understand complexities and nuances of a traumatic event. In addition, the visuals register the geographical and cultural context to convey the comprehensive aspects of a story. While there are several constructive aspects of using visuals in journalistic work, traumatic visual producers are constantly confronted by negative impacts. On one hand, an emotional toll of covering traumatic events can strain personal relationships, as journalists may find it challenging to separate their work from their personal lives. On the other, the psychological effects may further exacerbate personal well-being (Panabaker et al. 1996; Pederson 2014). Many journalists covering traumatic events may struggle to cope with the emotional weight of their experiences, affecting their overall well-being and quality of life. The chronic stress associated with covering trauma further contributes to physical health issues, such as headaches, fatigue, and digestive problems (Brewin et al. 2010). Studies show that after an exposure to traumatic visuals, there are evident mental health concerns including depression, post-traumatic stress disorder (PTSD), and burnout (Feinstein et al. 2014; Seely 2017; Papadopoulos et al. 2022). Moreover, journalists grapple with ethical dilemmas related to the use of graphic content, balancing the public's right to know with the potential harm resulting from explicit visuals. In addition, repeated exposure to trauma may lead to desensitization, potentially affecting the journalist's ability to empathize or emotionally engage with the subjects of their stories.

The Agency of Trauma

In the context of journalism, trauma refers to the psychological and emotional impact experienced by individuals exposed to traumatic events, as well as the challenges faced by journalists reporting on such events. In the newsroom practice, it's rare to find the topic of trauma among journalists being discussed openly. However, over the past decades, research on trauma and journalism is gaining ground and demanding that newsrooms and media institutions take steps to address the mental health of journalists covering traumatic events. For instance, the Dart Centre for Trauma in Journalism recognizes the nexus between psychological trauma and journalism practice. The existing interconnection between news and trauma is intractable. The Dart Centre (2023) highlights that human condition, and the news are both centered on trauma. Viewers of the news content are initially introduced to what a traumatic occurrence signifies by the way it is described. The center determines that the experience of trauma can occur on a personal level to the journalists, to their loved ones and families, to their country and their neighborhood, and to the entirety of the world. According to (Seely 2017; Keats 2010; Bendelow 1993) journalists, like healthcare crisis responders, are the first to arrive at the scene of the tragedy to capture the story in its rawness. The journalists speak to eyewitnesses and capture images that depict the heart of the matter. Even though the drastic effect of covering trauma is tangible, East African newsrooms and media councils are yet to establish a framework for addressing trauma as an occupational hazard in journalists' work. A few newsrooms in the region have recognized the need to address the issue, but still, a lot needs to be done. For example, the Media Council of Kenya (MCK) has in the past organized workshops and counseling for journalists immediately after an occurrence of a traumatic news event. These are normally one-off events. In another instance, during fieldwork interviews in Uganda, a psychologist was taken aback to imagine the traumatic exposure that journalists must go through every day in the line of duty. *"I have never thought of journalists as victims of trauma, I have never talked to any of them. I don't know of any journalist who has sought treatment"*, she declared.

The Psychological Phenomenon of Traumatic Visuals

Visuals of trauma in journalism depict gory images that characterize the media production of news images streaming from crime, terror and violent nature. Trauma is diagnosed as a psychologically induced disease whose symptoms result from unbearable emotional reactions to traumatic events. According to Herman (1992), in instances of trauma, if patients can verbalize the traumatic incident kept in unconscious memory, symptoms could be reduced. Whereas early theorists viewed trauma as physical, where the traumatized person would display a wound, psychological trauma is a relatively contemporary concept. Exposures of trauma among journalists is experienced as:

Vicarious Trauma: Journalists internalize emotions and experiences of those directly affected by the traumatic events they cover. Consequently, vicarious, or secondary *trauma* is an indirect exposure to trauma and can also be regarded as a PTSD trigger. This form of trauma occurs because of working with victims. It could be common for professionals on the frontline like caregivers, police, military personnel, and journalists to suffer from vicarious trauma. Louth et al. (2019) describe vicarious trauma as a 'ticking timebomb' that demands immediate and continuing attention. In their study on cumulative fatigue and trauma among front-line service workers, they concluded that responding correctly to the effects of vicarious trauma with a strength-based resilience mechanism would counter the dire effects of secondary trauma. From this viewpoint, it can be argued that visual rhetors are frequently exposed to vicarious trauma in the line of duty. Oncologists, therapists, social workers, and physicians have all been the subject of research into *secondary and vicarious trauma* (Simon et al. 2006; McCann & Pearlman 1990; Figley 2003). For instance, when studying vicarious traumatization in social workers, McCann & Pearlman

(1990) defined the condition as having unpleasant feelings, sights, and thoughts accompanying working with trauma patients (McCann & Pearlman 1990,13). For example, journalists working in combat and violent conflict situations might be exposed to vicarious trauma in the form of “actual or threatened death” (Seely 2017).

Individual and Collective Trauma: Individual trauma is a traumatic incident that occurs to a single person, whereas communal or collective trauma occurs in society (Mucci 2013). In his description, a person suffers internal aspects of trauma while collective trauma affects many people and thereby alters their history and memory. Aspects of individual trauma could be seen in experiences of rape, torture, and emotional injuries from domestic abuse that a person suffers alone. Whereas collective trauma is traced in atrocities like genocide, slavery, or even colonialism that alters not only how people process and perceive trauma, but also what they do with our memories of it as they move on. This work is focused on the mental trauma that journalists may experience after exposure to traumatic events. This inference reads into James Berger and Gildersleeve’s expose that trauma as a concept occurs with the repression of a traumatic experience (Gildersleeve 2014,3 and Berger 1997,571). The traumatic experience that causes psychological injury “cannot be immediately assimilated” (Gildersleeve 2014, 3) and may recur as bodily symptoms or worry (Berger 1997,571). Additionally, Carruth (1995) contends that trauma memory develops because of an unprocessed traumatic experience. Collective trauma has an impact on people differently based on their own circumstances and other variables.

Trauma Narratives: They refer to structured and often therapeutic storytelling that individuals, especially those who have experienced trauma, use to make sense of and communicate their traumatic experiences. Trauma narratives play a crucial role in the healing process, allowing individuals to process and express the emotional and psychological impact of traumatic events. In the context of journalism, it also involves how journalists approach and tell the stories of those who have experienced trauma. Soesilo (2014) provides that people are driven to make sense of their experiences and derive meaning through crafting narratives. He argues that the effectiveness of expressive writing is explained by how a mentally fragmented or less structured mental representation becomes more integrated and cohesive during the creative process of narrating.

Sense-Making in Narratives of Trauma

Crafting a narrative helps individuals make sense of the chaos and confusion surrounding traumatic events, allowing them to organize their thoughts and memories. Telling one’s story can be a coping mechanism, empowering individuals by giving them a sense of control over their narrative (Goldstein 2009; Labov 1967). Constructing narratives to convey traumatic experiences is a delicate and complex task for journalists. It involves not only accurately representing the facts but also respecting the emotional and psychological impact of the events on those involved. Journalists construct narratives to convey traumatic experiences. Journalists strive to humanize the individuals affected by trauma, emphasizing their experiences, emotions, and resilience. Incorporating personal stories and testimonies helps readers or viewers connect with the human side of the story, fostering empathy. To improve the craft of persuasion, practitioners of visual rhetoric employ visual materials such as written text, spoken speech, images, and hybrid visual representations in addition to newly developed technologies like graphics (Lee 2022). Visual rhetoric is a communication technique that involves the various ways communicators, also known as rhetors, organize and package their message. It typically has a deeper meaning than it does in the literal sense. In most cases, the arrangement of visual elements conveys the message being conveyed. Visual rhetoric focuses on using visuals to convey meaning that is cultural, historical, and contextual (Lee 2022).

Methodology

This paper utilized a mixed methods approach that combined qualitative and quantitative research techniques (Creswell 2003; Ayiro 2023). Qualitative data was derived from in-depth interviews with journalists and select psychological experts. While the quantitative data was realized through the PTSD Symptomatology - Revised Impact of Events Scale (IES-R) survey. The mixed methods approach utilized an explanatory sequential mixed methods design or the two-phase model (Creswell 2012). First, quantitative data was analyzed followed by qualitative data that elaborated the quantitative results. The data collection and fieldwork took approximately three months, in Kenya, Uganda and Rwanda for in-depth interviews. The survey was administered online.

The target population for surveys was 60 journalists (at least 20 from each of the three East African countries) randomly selected from a population of trauma journalists (*those who have covered or are covering trauma events*). A chronological review of key traumatic stories was done, with specific focus on events that had occurred during the *2013 Westgate* mall terror attack in Nairobi, Kenya, the *Ugandan 2021 elections*, and a *revisit of the 1994 Rwandan genocide*. Participants in the study were not necessarily those who reported on the highlighted events but had engaged in different contexts of coverage of trauma events including veteran journalists. These story contexts informed images depicting traumatic events in the news media. The events were selected for their intensity and the amount of coverage they generated from the media. Those who were not covering the trauma beat were excluded from the study. The Krejcie and Morgan (1970) table was used to determine a sample that suggests an optimal size, given the population size, a specific margin of error, and desired confidence level. A confidence level of 95% and a margin error of 5% was considered as constructed from the Krejcie & Morgan (1970) table as below:

Table 1. Sample Size Using Krejcie & Morgan Table

<i>Population Size</i>	<i>Confidence Level</i>	<i>Degree of Accuracy/Margin Error</i>	<i>Sample Size</i>
60	95.0%	0.5%	52

Source: Krejcie & Morgan (1970)

Symptomatology of PTSD Scale – Survey

The Revised Impact of Events Scale (IES-R) for PTSD Symptomatology survey is a tool for measuring quantitative data. The measurement assesses the effects of trauma and applies statistical evaluation to determine the prevalence of trauma. The scale has a list of up to 20 questions that are synchronous with the APA (2013)'s Diagnostic and Statistical Manual of Mental Disorders - DSM-V. The scale also incorporates criteria for PTSD, as well as the 2013 APA revised list of characteristics of trauma effects (APA 2013). The checklist is a self-assessment procedure that requires participants to respond to questions that evaluate the frequency of various physical and psychological symptoms as recognized in APA (Papadopoulou et al. 2022). The 2013, American Psychiatric Association (APA) guideline, states that Post-Traumatic Stress Disorder (PTSD) manifests when a person witnesses a traumatic event. The common symptoms associated with: (1) interference (this occurs when the person experiences memories of the trauma event, in unexpected intervals), (2) the person avoids memories related to the trauma event, (3) the person experiences mood swings, (4) there are evident physical reactions like sweating, shivering, arousal or reactivity (APA 2013). Several studies that deal with trauma effects have applied the PTSD symptomatology survey to measure the trauma inflicted on participants (Backholm and Björkqvist 2012b; Smith, Drevo, and Newman 2018). The Revised Impacts of Events Scale Survey meets the medical categorization of trauma and is utilized in

PTSD diagnostics. However, in this paper, the objective is to evidence exposure to trauma, and not to make a clinical diagnosis. Other researchers have used a combination of interviews and measures of the impacts of events. For, instance, the Impact of Event Scale and the Beck Depression Index, to determine the long-term prevalence of PTSD among corresponds on the front line (Feinstein 2002; Seely 2017). The PTSD symptomatology survey with journalists examines the relationship between covering traumatic and the resultant psychological trauma effects. The survey determines the relationship between personal exposure to trauma and occupational trauma experiences. Quantitative and qualitative data was analyzed and synthesized through triangulation.

In-depth Interviews

For the qualitative data, twenty-four (24) journalists, with 8 participants from each country, were selected to elucidate responses from the survey. Further in-depth interviews were done with 6 psychological experts purposively selected from the three countries to shed light on the trauma phenomenon and suggest mitigations. Studies show that fewer than 20 participants are sufficient for in-depth analysis (Crouch and McKenzie 2006). Polkinghorne (1989) suggests that between 5b to 25 participants are sufficient for a qualitative in-depth interview. Furthermore, the number of journalists reporting traumatic events is dismal owing to related risks. There are studies that show that triangulating quantitative data with qualitative data in research about journalists' experiences helps to "authorize tales of journalistic witnessing" (Rentschler 2009, 107). Question guides for in-depth interviews with journalists and psycho-social experts were utilised.

Quantitative Analysis: A symptomatology of PTSD measurements online survey was designed and applied in line with the research objectives. The data analysis is presented descriptively and mathematically giving sequences of the Psychological Trauma Effects (PTE). The interpretation examines how one variable's value is affected by another. The model looks at the psychological effects of journalists' trauma events since the variables have a negative correlation. For example, an increased frequency of exposure to trauma events exacerbates the psychological effects. Henceforth, a reduction of exposure mitigates the effects. In this paper, the model was used to test statistical correlations between one dependent variable (trauma effects) and one independent variable (exposure to traumatic events). The prevalence of psychological effects (PSTD) was obtained in both samples. See the analytical frame in table 4 below:

Table 2. Quantitative Data Frame

Symptoms	Psychological Impact
Intrusive Thoughts	Flashbacks: 44% of journalists surveyed experienced vivid and distressing memories of the traumatic event, feeling as though they are reliving it. Nightmares: 22% recorded having recurrent and distressing dreams related to the traumatic event may occur, contributing to sleep disturbances.
Avoidance and numbing	Avoidance: 60% actively avoided reminders of the traumatic event, such as places, people, or activities associated with the experience. Emotional Numbing: 40% experienced a sense of emotional numbing or detachment, where individuals may struggle to experience positive emotions.
Hyperarousal	Irritability: 76.55% experienced heightened irritability, angry outbursts, or difficulty managing anger. While 23.5% did not experience irritable symptoms. Hypervigilance: Those who had a heightened state of alertness, with individuals being easily startled or constantly on the lookout for potential threats. Difficulty Concentrating: After the trauma 53.3% of the journalist's had trouble concentrating and focusing on tasks was impaired, affecting daily functioning.46.7% did not experience the symptoms.

Negative Changes in Mood and Cognition	Negative Thoughts: 27% recorded experiencing feelings of shame and guilt during and after coverage of traumatic events. The journalists developed persistent negative beliefs about themselves, others, or the world. Memory Issues: 55.6% had trouble falling asleep, while 44.4% did not experience sleep disturbances.
Duration and Impairment	Duration: On average 30% indicated that symptoms of the traumatic event lasted for three months after exposure. 70% recalled the traumatic event every time they thought of the event. APA (2013) provides that to be diagnosed with PTSD, symptoms persist for at least one month and cause significant distress or impairment in social, occupational, or other important areas of functioning. Delayed Onset: In some cases, symptoms may not appear immediately after the traumatic event but can manifest months or even years later.
Psycho-Social Intervention	70% indicated they would not turn to mental health experts, while 30% showed prominence in seeking mental health and psycho-social support

Source: Author (2023)

Qualitative Data Analysis: The analysis of qualitative data from in-depth interviews was done descriptively. The in-depth interviews were transcribed, and their analysis follow Marsh and White's (2006) steps that included: Identification of visual rhetors, gathering of data through in-depth interviews with journalists, recording and transcription, thematic categorization, interpretation of meanings, analysis and presentation of findings, making conclusions. The results show the following themes:

Cyclic Coverage of Traumatic Stories: The four stages create multiple exposures to complex and vicarious trauma to those who were not in the field, therefore escalating the levels of exposure:

There are some people who cover events, and you just find them crying and for TV it's worse, you must go through four processes. The four layers increased exposure therefore transferring and exacerbating trauma. And when the story airs and then you must follow those four layers of the same thing that you wish you would never see, and you are the same person who must edit (Journalist Kenya April 2023).

Absence of Psycho-Social Mechanism: There were narrations of extreme cases of out-of-body experiences especially for journalists from a historical context of trauma like Rwanda:

Whenever I read stories of people's disappearances, I remember my brother who disappeared during the genocide, we were hiding in the camps. He left one morning and never returned, and his body was never found. The stories during the national commemoration of the genocide every year affect me very much. I see him in his youthful age, in the same clothes. He was about 25 years old. I always see the image of him at that age, joking with me, and in a blink, he disappears. There is no closure, you feel like they are coming back (Journalist Rwanda March 2023).

Manifestation of Trauma: The newsroom is depicted as a crisis center churning one traumatic story after the other. However, journalists on this beat said they have a personal obligation to fight social injustices.

I got very traumatized by a story I did in 2009, this was in Goma in the DRC. I met a woman who had been raped by a very young man. And for her to have borne the story in such a vulnerable way, you know I carried her story with me, and over the years I have never forgotten. There was a time when I was constantly in contact with her, but we lost touch. As a storyteller, you never forget the faces of the victims. Then there were no systems in place to deal with trauma. When the trauma was manifesting itself, I would have nightmares, I would get very triggered when I watched stories on sexual violence. There are times you feel so weepy. You really do not know what to do and where to go (Journalist Kenya May 2023).

Individual and Structural Silences: In the context of East African journalists, no journalists can willingly take that risk, as most journalists who report on trauma stories work as freelancers.

When I returned to the newsroom my boss asked me if I saw that story anywhere. He did not think about the risk I had put in my life but was eager to get the story. I am lucky that most of

the time when I come from the field I don't edit, I just tell my boss. I got this and that maybe if he wants me to add on something, I keep myself busy, to protect myself. When you are in the field you see many things. You see the way you were treated, and the people you met along the way (Journalist Uganda, March 2023).

Psycho-Social Interventions: Through re-telling experiences of covering trauma-relieved memories, the manifestation of trauma experiences.

Talking about it not keeping quiet, talking about it with someone you trust, a therapist that you can call and talk to. In complex trauma get treatment and visit a psycho-social expert. Get a professional prescription for medication to help calm down. This is associated with stress and depression. Get treatment for anxieties or phobias that come up because of PTSD to relieve these symptoms (Psychologist Uganda, April 2023).

Discussion

The study found that journalists require strong support systems, both within newsrooms and externally, to cope with the emotional challenges of their work. Developing healthy coping mechanisms, such as seeking therapy, taking breaks, and engaging in self-care, is essential for journalists exposed to traumatic events. Recognizing and addressing the potential effects of exposure to traumatic events is crucial for maintaining the well-being of journalists and ensuring ethical and responsible journalism practices. News organizations in East Africa needed to play a vital role in providing resources and support to journalists dealing with the emotional challenges of their profession. Journalists who report on traumatic events may experience indirect trauma due to their exposure to distressing scenes, stories, and the emotional aftermath of such events. The findings confirm viewpoints that journalists like other first response workers may develop vicarious or secondary trauma, by empathetically internalizing the experiences of those directly affected by the events they cover (Louth 2011; Bendelow 1993). The results attest that in the process of news production of traumatic events, journalists are re-traumatized, through exposure, personal connections to similar experiences, and if the coverage is graphic and emotionally charged. The crisis that is trauma journalism calls for attention to *first*, create an awareness of the phenomenon and *secondly* to develop possible mitigations within newsrooms in East Africa to support trauma journalists. Literature evidenced that constructing trauma narratives aims to encourage public discourse and awareness about issues related to trauma (Caruth 1995, Caruth 1996; Goldstein 2009; Soesilo 2014). Well-constructed narratives can motivate readers or viewers to advocate for change or support initiatives related to trauma and its aftermath. To this end, this paper utilized a mixed methods approach that triangulates symptomatology measurements of post-traumatic stress disorder and narratives from qualitative interviews with journalists. The overall outcomes indicate a significant correlation between journalism and psychology, inviting further research on the topic, particularly in African contexts.

Conclusion

Literature and data regarding journalists' personal and work-related exposure to PTSD depict a prevalence of trauma among journalists in East Africa. The findings elucidate the psychological gravity of experiences and narrations from journalists acquiring PTSD symptoms. The outcomes from the study give an impetus toward recommendations for newsrooms in East Africa to develop procedures and structures to support trauma journalists. These results could inform policy and practice within developing countries to adopt alternative methods in addressing negative traumatic.

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Considerations regarding the Right of Veto in the Current International Context

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ABSTRACT: The military aggressions involving various states in the recent period raise significant and substantial problems regarding the possibility of maintaining a right of veto regarding the intervention in the conflict of some international organizations in order to restore peace. Given that the notion of the right of veto extends to many areas such as the economic, the social, the free passage of goods and services, the possibility of development on the labor market and the military, it cannot be completely abandoned the prerogative of exercising such a right in its entirety. As in the current international context, most of the world's states have joined or are preparing to join international organizations with economic and security purposes, and these organizations have as principles the granting of the right of veto for decisions regarding international political cooperation and their functioning, it can be admitting the necessity of a division of the prerogatives conferred by the right of veto. The article aims to analyze the essential prerogatives that the right of veto gives to the member states of an international organization and the possibility of maintaining them against the backdrop of military conflicts that have arisen at the international level recently. Conclusions of the paper will aim to determine the sustainability of the right of veto in the current international context.

KEYWORDS: right of veto, wars, crimes against humanity, economic factors, international organizations, international criminal law, the Security Council of the United Nations Organization.

The right of veto. Origins and applicability

The word “veto” comes from Roman Law, and it denoted the possibility that the plebeians had to block the legislative initiatives of the Senate when they did not correspond to their needs or interests or in a situation when certain decisions could lead to unfavorable effects regarding this category of citizens (Molcuț 2011, 89). In the current society, the right of veto has been preserved in legal relations between member states of an international organization and denotes the totality of the prerogatives of a certain state to oppose the political decisions of the entire organization by blocking the legislative initiative at the level of the entire union of states (Moldovan 2022, 223).

Among the various international organizations, the most well-known in economic and military terms and which retain the notion of the right of veto in the elaboration of decisions with regard to all member states are the European Union, the North Atlantic Treaty Organization and the United Nations Organization, the latter also having a component to guarantee the security of the member states called the Security Council.

The importance of the United Nations Organization on the international level as a union of states also results from the fact that this organization includes more than 190 states out of the 195 declared independent and internationally recognized as sovereign states (Corlățean 2015, 86). Of all the member states of the United Nations, only 15 are members of the Security Council, and of these, only 5 are its permanent members, namely France, the Republic of China, the Russian Federation, the successor of the Union of Soviet Socialist Republics, Great Britain and the United States of America, have the right of veto regarding the launch of military peacekeeping operations (Corlățean 2015, 86).

The right of veto within the United Nations Security Council gives the possibility to the states that hold this prerogative to block the Organization's initiatives regarding military intervention in various local conflicts that could escalate into international conflict. In this sense, any of the states that are constituted as permanent members of the Security Council

would oppose an initiative to restore peace through military actions would block the entire process of making such a decision (Năstase, Jura and Coman 2019, 186).

Regarding the right of veto of the member states of the European Union as an international organization, it has the consequence of blocking certain economic initiatives with an unfavorable impact on the states that, being less financially developed, would not have the necessary capacity to apply the Union's regulations on their territory (Dușca 2021, 119). The applicability of the right of veto in matters of national economy in the international context has, therefore, positive consequences on interstate policies and the ability to apply some legal provisions from international treaties to which the various states of the world have acceded or on the general policies of various international organizations, as long as the general principles of international law are respected.

The essential issue of respecting the right of veto within international organizations arises when a decision has to be made regarding the stopping of military aggressions that could degenerate into a conflict of international scope, more concretely, when an act of military deterrence could lead to the termination of such a conflict.

Consequences of the right of veto in the context of military aggression, crimes against humanity and genocide

In the current socio-economic context, both against the background of accelerated globalization and against the background of the economic losses suffered by states following the pandemic period, the need for the formation of international economic treaties even between states that are not part of from the same international organization (Popescu 2023, 79).

In the event of a military conflict between states that are not part of the same international organization, according to the principles of Public International Law, it would require each of the two states in conflict to try to resolve their differences peacefully, through diplomatic mechanisms and to compete to restore the order of international law through bilateral agreements (Anghel 2011, 418).

From this point of view, if none of the states in conflict wants to end the conflict through the mechanisms that Public International Law makes available and no other procedure can be identified to restore peace, and the conflict tends to escalate giving rise to one of international scope, international organizations are obliged, according to their statute, to intervene in order to resolve international disputes (Năstase and Aurescu 2018, 313). In such a situation, one could end up in the position where a member state of an international organization such as the United Nations, which also holds the right of veto by being part of the permanent members of the Security Council of this organization, would exercise its prerogative of blocking the military initiative to restore peace in order to protect its own economic interests in the event that the state with which it has treaties on the exchange of goods and the free movement of persons should enter into an armed conflict with another state. In the same way, the problem should be viewed in the event that two states, without economic ties or other interstate interests, would come into conflict, and one of them would represent a source of political interests for a third state which, in turn, having partnerships of any nature with one of the states being able to exercise its veto prerogatives within an international organization could prevent any military initiative to restore peace between the original conflicting states.

However, from the perspective of the intervention of an international organization in restoring peace between two states in conflict, the situations in which such a decision is allowed to be taken by international agreements must be taken into account, namely, the situations in which one of the conflicting states commits international crimes, those the most serious of these being genocide and crimes against humanity (Nițu 2021, 168).

The prohibition of military intervention by an international organization in a conflict in which none of the states has committed acts of genocide or crimes against humanity is the expression of the international principle of non-interference in the internal affairs of another state according to the fundamental principles of public international law (Florea 2017, 119). Thus, genocide means the act of aggression exercised by a natural or legal person or a state entity, directed totally or partially against a national, ethnic, racial or political collective or group with the aim of destroying that collective deliberately and not in response to a previous act of aggression, exercised in turn by the respective collective (Nițu 2021, 170).

Through crimes against humanity can be understood any action of military aggression directed against a civilian population with the aim of extermination, enslavement or that threatens the life, sexual integrity or freedom of decision of some citizens belonging to a certain state and which is exercised deliberate and premeditated (Nițu 2021, 175). Only under these conditions, and if there is proof beyond any doubt that a particular state has committed such acts against another state, could an international organization such as the United Nations intervene militarily through its Security Council to restore peace.

Under these conditions, the exercise of the right of veto to block the military initiative of deterrence in order to end the conflict by one of the permanent member states of the Security Council of the United Nations Organization, either to defend its own interests, or to defend the interests of a third state with which he maintains international relations, would be equivalent to exercising the right of veto in bad faith at the level of the international organization (Radu 2017, 76).

Another consequence of such an exercise of the right of veto could be the creation of an international precedent whereby the principles of Public International Law could no longer be applied to future situations of international conflict and, as a result of this fact, the rules of international criminal law no longer find their applicability among international organizations, as they were enacted in international treaties and in the jurisprudence of the International Court of Justice (Deteșeanu 2016, 312).

From the point of view of the confidence of the member states of the United Nations Organization in the protection capacity conferred by the Security Council of this international organization, the bad faith exercise of the right of veto by one of the states endowed with such a prerogative would lead to the emergence of internal conflicts between all member states of the Organization against the background of the development of the international precedent mentioned above.

Last but not least, the blocking of the military initiative to restore peace by exercising the right of veto of a permanent member state of the United Nations Security Council, could represent the validation of an act contrary to the principle of peaceful resolution of international disputes, leading to the destabilization of order by law between all the states of the world (Jura 2017, 115). Thus, from all the above it can be seen the need for a reconsideration of the right of veto as a prerogative conferred on some member states of the United Nations Organization in the current international context.

The need to reconsider the right of veto in the current international context

As could be ascertained from the previous section of this article, in the current international context the need for a requalification of the prerogatives conferred on some member states of various international organizations is noted. Since, from an economic point of view, the right of veto has positive consequences on the national economy of the states that hold this prerogative within an international organization, an essential issue is the reconsideration of this prerogative within the military initiatives to restore peace between states in a local military conflict that could escalate into an international one.

Even in these specific conditions, against the background of the strict rules of military intervention by international organizations in military conflicts between states, the need for control mechanisms to ensure compliance with the norms of Public International Law in conflict contexts that do not require such intervention is noted, i.e. those in which serious crimes regulated by the rules of international criminal law are not committed (Miga-Beșteliu 2014, 124). One of the effective alternatives for the regulation of a special right of the permanent member states of the United Nations Security Council could be the exercise of the right to democratic vote between these states to deliberate on military intervention to restore peace in the armed conflict between two states (Paraschiv, Paraschiv and Paraschiv 2014, 117).

Another alternative could also be constituted based on the right to vote, with the permanent member states of the United Nations Security Council having the equivalent of 49 percent, and all other member states of the Organization having a weight of 51 percent in adopting the decision to military intervention in a conflict between two states, in compliance with the principles of Public International Law (Jura and Buruian 2013, 93).

In any of the situations, considering the mechanisms of diplomatic and consular law in correlation with the principles of Public International Law, but also the degree of interdependence between all the states of the world, the right of veto could be requalified to avoid consequences that the exercise in bad faith of such a prerogative could represent them for the order of international law.

Conclusions

The prerogative that a certain state has in order to block the process of adopting decisions at the level of international organizations has both positive consequences, in the economic and social field, as well as negative consequences, if it is exercised in bad faith, in terms of security and the defense of the organization's member states. A decision of military intervention in order to restore peace by the United Nations Security Council can only be adopted except for good reasons such as the commission of genocide or crimes against humanity, as they are presented among the fundamental principles of public international law. However, the blocking of military initiatives even under these conditions would have negative effects for the international legal order, endangering both confidence in the security system of the United Nations Organization, as well as the prospects of a good understanding between the states of the world by validating actions that violate the norms of International Criminal Law.

The exercise the right of veto in bad faith by a permanent member state of the United Nations Security Council could have economic reasons in the current world socio-economic context. In this sense, in the field of security and defense, the right of veto could be requalified by offering the alternative of a free and independent vote by all member states of the international organization for the adoption of emergency decisions in order to restore international peace and order, thus avoiding the possible effects negative aspects of differences between the states of the world.

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Elective Monarchy: The Legacy of French Colonization in Cambodia

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ABSTRACT: The Cambodian monarchy has a long tradition as a symbol of the continuity of the nation. However, it was abolished in the 1970s due to a change in the form of government of the Republic country, and it was reestablished according to the 1993 constitution. The Cambodian monarchy stabilized under French rule. Initially, the French set up the elective monarchy system for Cambodia by colonial authority, in contrast to a hereditary monarchy, which was automatically passed down as a family inheritance. This pattern makes the power succession unusual from Cambodia's royal traditions. The research aims to study the factors and background events in the French colonization period that changed the monarchy system and the result to the Cambodian monarchy until the present day, using historical methods mainly based on primary and secondary documents. The results show that the idea of electing a king put in place by France was considered appropriate, partly because the selection of King Sihanouk to the throne ended quarrels within the royal family over his reign, and in the Constitution 1947 precisely specifies those who have the right to reign. It must be inherited from King Ang Doung, King Norodom, and King Sisowath, chosen by The Royal Council of The Throne, a nine-member council of Cambodia responsible for selecting the Cambodian monarch. When Cambodia became independent, every constitution with a constitutional monarchy regime stipulated the elective Monarchy by insisted on establishing the Royal Council of the Throne.

KEYWORDS: Elective Monarchy, French colonization, Cambodia

Introduction

In the 19th century, Cambodia experienced political interference from both Siam (modern Thailand) and Vietnam. From the perspective of Cambodia being threatened by Siam and Vietnam, King Ang Duang tried to contact France to free Cambodia from two neighbouring countries. Nevertheless, nothing changed because King Ang Duang died in 1860. Cambodia was under a French protectorate within French Indochina in 1863 when the new Cambodian King Norodom (1860-1904) requested the establishment of a French protectorate over his country

Meanwhile, Siam renounced suzerainty over Cambodia and officially recognized the French protectorate of Cambodia. Under French Colonization, Cambodia underwent political, economic, and social changes, especially with the strengthening of the Cambodian monarchy. However, French rule has changed the succession of kings from hereditary succession to elected monarchy. This pattern makes the power succession unusual from Cambodia's royal traditions but in some periods, there were changes in the political structure, such as establishing the country as a republic and communist government (Khmer Rouge). However, the current Cambodian constitution of 1993 still uses the elected monarchy system inherited from the French until the present. The research aims to study the factors and background events in the French colonization period that changed the monarchy system and the result to the Cambodian monarchy until the present day.

The Change of the Power and The Rule of Succession of Cambodia Monarchy under the French Colonization

Etienne Aymonier, a Frenchman living in Cambodia during his reign, describes the royal powers of the king before becoming a protectorate of France:

"King is the State. His power is limitless. He is the Head of the country, the army, all public affairs and administration. He had the power to appoint and dismiss nobles and governors in

all provinces. He set tax rates and limited the goods import and export in the kingdom. He was a supreme judge with absolute right to give a person life or death, grant a pardon, amend a decision, and be the sole lawgiver. The law is effective according to His command. Kings create and amend laws and promulgate them strictly. His words are sacred, and he places himself above the law" (Aymonier 1900, 55-56). The king owns everything." The king is the lord of the land, water, kingdom, life, or the lives of people." When Khmers refer to the king, it is called "the Lord of life above the head," they often use the word "enslaved person under his holy feet." (Aymonier 1900, 46)

King Ang Duong's eldest son, King Norodom (1860-1904), ascended the throne when the situation in Cambodia was unstable as the uprising in the eastern part of Cambodia. In addition, there were attempts to compete between those who had right to the throne. In 1862, Prince Norodom's younger brother, Sivotha, rebelled and marched his army to Phnom Penh. This caused King Norodom to take refuge in Battambang. Siam successfully put down the rebellion, allowing King Norodom to return and rule over Cambodia.

After that, Admiral Louis Adolphe Bonard, High Commissioner of Cochinchina, traveled to Cambodia and met His Royal Highness Prince Norodom, whom the Cambodian royal court gave a friendly welcome, Bonard saw that France had the right to reach out to Cambodia's internal affairs whereas France's necessary mission is to protect Cambodia Because this area is related to the serenity in Indochina. France convinced King Norodom that France wished to help Cambodia maintain its freedom by signing a treaty with France, which would be the only way of Cambodia to retain his independence and the throne. Therefore, January 1863, King Norodom signed treaty with France, making Cambodia as a French protectorate (Hall 1966, 792-793).

Since 1863, the role of the monarchy in Cambodia has changed radically. Article 2 of the treaty stated, "His Majesty the King of Cambodia accepts administrative, judicial, and administrative reforms. All financial and commercial matters which related to the French government will be instrumental in the future success of their protectorate" (Hall 1966, 792-793). Thus, under the history of that period, The establishment of Cambodia as a French protectorate led to the interpretation as the strengthening of the Cambodian monarchy.

Cambodia's established rules of succession need to be more detailed, and no written rules. However, in the end, the throne always went to the king's eldest son, who succeeded his father. The arrival of France can be considered. It changed Cambodia's succession rules forever because during the 19th century, Cambodia came under the influence of Siam and Vietnam. According to tradition, the royal courts of the two neighbouring countries jointly chose the King of Cambodia.

French documents often refer to the Cambodian succession's rule. Milton Osborne, an expert on the Cambodian monarchy, defined it as "The real interest of these foreign administrators gave more precedence to the politics of succession than the beauty of the wording of the law of succession" (Osborne 1973, 170). Many writings by French academics and colonial officials portray the legality of the succession solely based on the desires and interests of the Cambodian colonists. The most obvious case is the reign of King Sisowath (1840-1927), the half-brother of King Norodom whom France had always tried to support during the reign of King Norodom. In the 1870s, there was a rebellion against King Norodom's rule. Another half-brother, Prince Sivotha, joined the rebellion and protested against his acceptance of French authority. The rebels received great popular support and caused problems to the French to suppress. France blamed, it was King Norodom's fault and supported Prince Sisowath, who led the army put down the rebellion with France. This makes it an essential lesson for France to avoid such resistance in the future. Consequently, France thinks that from now on, the King of Cambodia should be the one who obeys French orders. After that, France established a council with the power to choose the king. There was a French Governor (Resident Superieur) as chairman. It was considered a model for setting up

the Royal Council of the Throne to choose the king in the later period. The enthronement of the Cambodian king became a constant issue during the period when Cambodia was under French rule.

After King Norodom passed away, France immediately intervened in Cambodia in the matter of appointing a successor. In 1904, France elected King Sisowath (1904-1927) to the throne. He was 64 years old and had signed a delegation of authority over all government administration to France. France has taken the opportunity to revise Cambodia's succession rules, stating that the succession to the throne is "The Cambodian king must be descended from King Ang Duong and alternation between the Norodom family and the Sisowath family line" (Decoux 1949, 47). Before his death, King Sisowath tried to convince the French that His successor was his eldest son. Prince Sisowath Monivong, who was Crown Prince since 1904, France views King Monivong not causing France any problems in governing. When King Sisowath Monivong (1927-1941) ascended the throne at 52, This time, though, France didn't do as stated. But this time, France did not do as stated. The line of succession must be an alternation between the two lineages like previous kings of Cambodia, he was a puppet of the French administration whereas the absolute power lay entirely in the hands of France.

The legacy of the elective monarchy until Cambodia's Independence

The Cambodian monarchy faced many events recently before another change occurred when King Sisowath Monivong passed away. France needed to find a suitable royal prince to ascend the throne under conditions that would benefit France as much as possible. At the same time, the international and domestic political situation has changed dramatically. However, France's decision to choose a new King of Cambodia forever had changed the future of Cambodia forever. The elective monarchy by France will be the most critical and influential in modern Cambodian history. The ascension to the throne of King Norodom Sihanouk is considered a transition period in Cambodian history. Therefore, the king's accession was necessary to avoid trouble with France's colonial policy. The issue was considered a turning point in Cambodia's political history regarding the monarchy. During the first four decades of the 20th century, the throne remained the primary aspiration among royal families, especially after the death of King Sisowath Monivong, although no one knew for sure. However, many royal family members still view the throne as an institution with "Mysterious charm, highest dignity, and honour," which many people desire (Osborne 1997, 181-182).

The choice of those to rule was always the French's discretion. The critical characteristics of selecting a king in the Indochina Union under French rule were humility and level-headedness. France believed such qualities would keep the king of that country under guidance and not act as an enemy, causing problems to French rule. Choosing King Norodom Sihanouk's is often given political reasons. It ended the conflict in the succession to the royal family of Cambodia between the Norodom and Sisowath families, which has had problems in this matter for many years. However, Jean Delvert, a French anthropologist, argued on this point. King Norodom Sihanouk's competitor is Prince Sisowath Monireth also has lineage from both the Norodom and Sisowath families (Delvert 1983, 47).

Sihanouk ascended when the Southeast Asian nation faced World War II under Japanese occupation—followed by conflicts with Thailand over territory. France was concerned about security, which directly affected French rule in Indochina, causing Jean Decoux, a Vichy French government representative, envisage new forms of cooperation between France and Indochina through the royal network to bring prestige and honour the monarchy in Cambodia (Decoux 1949, 270-274). The creation of King Sihanouk's prestige began in 1941 when grand coronation ceremonies were held at Angkor Wat and Phnom Penh to reinforce the issue of the righteousness of the reign. Since then, King Sihanouk was officially proclaimed King of Cambodia and began serving as a representative of French-Cambodian cooperation. In addition, after the reign, King Sihanouk appeared in various

ceremonies, presenting himself as the head of state and the patron of Buddhism. However, at that time King Sihanouk, a young king had behaved like a playboy and did not pay much attention to the country's administration yet his behaviour satisfied France, that the head of the country had shown no interest in French politics.

Sihanouk seized the opportunity to declare independence under Japanese occupation when Japan was about to be defeated before France returned to rule Cambodia again with distrustful of King Sihanouk, France intended to reduce the power of King and modernized Cambodia at the same time. When France ruled Cambodia again, the form of government was changed from the traditional monarchy to a constitutional monarchy and a parliamentary system. As a result, the election law was promulgated on May 31, 1946, to bring about the election of members of the Constitutional Drafting Council. This council has to express opinions and is responsible for drafting the constitution and enacting essential laws related to the election.

The Election of the Constituent Assembly took place on September 1, 1946, and was the first election in Cambodian history. King Sihanouk signed the first constitution of Cambodia on May 6, 1947. The 1947 Constitution was influenced by the French Constitution of the Fourth Republic, which defined the form of state as a kingdom and a single state with a constitutional monarchy and parliamentary system. However, it still preserves its historical and cultural heritage. The highest power of the country belongs to the king. In addition, The Royal Council of the Throne was established and had the power to select the king. Although Article 25 of the 1947 constitution declares that the throne is the lineage of King Ang Doung. Article 26 gives the king the right to override such decisions. Articles 27 and 28 stipulate that the appointment of the king is subject to a majority vote of The Royal Council of the throne. So, the person who will be the king of Cambodia is the elected king, not a hereditary king. A descendant of a king may not automatically become king.

However, King Sihanouk announced the dissolution of parliament in 1949. Moreover, he was dissatisfied with the 1947 constitution, resulting in 9 amendments and the promulgation of new constitutions in 1956 and 1960. However, the details of the Elective Monarchy continued to be based on the 1947 Constitution, which was the fundamental law of Cambodia until 1970, without any amendments or changes.

The return of Elective Monarchy in 1993 Constitution: Sihanouk to Sihamoni

After the 1970 coup d'Etat by General Lon Nol that ended the monarchy system to republic, Cambodia faced with communist Regime (Khmer Rouge), followed by Civil War. The Cambodian monarchy was restored once again. By the Constitution of 1993, the provisions of Section 2 regarding the King, the principle of an elected monarchy is still preserved. Article 10 of the 1993 Constitution clearly states that the Cambodian monarchy is an elected monarchy. It is also stricter than the 1947, Constitution, especially prohibiting the King from appointing the heir to the throne strictly. The Royal Council of the Throne is the organization that has authority to select people to hold the position of King. The membership of the Royal Council of the Throne shall be composed of: -The President of the Senate -The President of the National Assembly -The Prime Minister -The Supreme Patriarchs of the two religious orders, Mahanikaya and Dhammayutikanikaya -The First and Second Vice-Presidents of the Senate -The First and Second Vice-Presidents of the National Assembly. These shows that political characteristics are above royal characteristics. This is because there are seven members of the committee from the political side and only the heads of 2 sangha orders that reflect traditional characteristics (Cambodia Constitution 1993).

When King Sihanouk's health weakened, He was expected to abdicate. In 2002, the leading opposition Sam Rangsi Party proposed a draft bill on the operations of the Royal Council of the Throne, which stipulated that the heir to the throne must be a person with an unblemished life—never been prosecuted in any way, not directly affiliated with any political

party. However, it must be accepted by all political groups in the National Assembly, and the king can appoint the heir to the throne. Hun Sen, prime minister, refused to support the draft bill. The expected successor to King Norodom Sihanouk is King Norodom Sihamoni, another member of the royal family who enjoys strong support from the political class. The constitution does not specify details regarding the conduct of meetings of the Royal Council of the Throne and the number of resolutions to choose the king. Therefore, a law must be enacted to set up the details. At the same time, they were determining the details of selecting the king of the Royal Council for the Throne. Many problems and arguments had arise; King Sihanouk feared that If the Royal Council of the Throne continued to be politically divided, there would be no way to reach a unanimous resolution and may result in no new king being found. In 2003, King Sihanouk publicly expressed his royal decision on the person who should succeed him as king because the constitution does not allow the appointment of an heir to the Throne. He, therefore, applied pressure by publicly proposing an heir to the Throne.

As a result of this action, Prince Norodom Sihamoni was nominated as the new king of Cambodia. The Royal Council unanimously approved it in an unprecedented meeting at the palace that lasted less than 40 minutes. Senate President and Acting Head of State Chea Sim addressed Parliament to announce that The Royal Council of the Throne has chosen Prince Norodom Sihamoni as the new king. Voting is conducted by secret ballot. Votes were counted by Prince Norodom Ranariddh, President of the National Assembly, and Prime Minister Hun Sen, a Parliament member. The coronation ceremony of Prince Norodom Sihamoni, who was 51 years old at the time, took place on October 29, 2004, and was broadcast live on television and radio stations in the country.

Conclusions

The Cambodian king has the status to demonstrate national sustainability. However, French rule in Cambodia changed the elective monarchy system. Originally a matter of succession, it was changed to an election for the interests of France. In the first constitution of Cambodia under French rule, it was established that the Royal Council of the Throne would be appointed to select the new king. This detail still appears in every constitution that has established a constitutional monarchy system and has been adhered to until the present day.

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Several Matters on the Conflict of Interest in the Light of the Administrative Code

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ABSTRACT: Human activity, whether in the public or private sector, must be conducted in full compliance with the law. Persons temporarily holding a public office or a public function have this obligation to comply with the law. In this context, the subject is topical and important both for legal specialists and citizens, who may at some point find themselves performing work in the state apparatus and need to know their obligations to avoid legal sanctions. This paperwork aims to analyze the existing legal framework on the conflict of interest from an interdisciplinary perspective. In order to achieve the proposed scope, the topic is divided into three parts, organized in such a way that the information presented provides as detailed an insight as possible into the subject of conflict of interest. Part I will provide an introduction to the general theme of the topic. Part II will develop the legal regime of conflict of interest from a multidisciplinary, administrative law and criminal law perspective. Part III will briefly exemplify situations of conflicts of interest in the practice of public authorities in order to understand their dynamics, in which the work of the National Integrity Agency and the High Court of Cassation and Justice, Division of the contentious administrative and fiscal, was analyzed.

KEYWORDS: Administrative Code, conflict of interest, civil servant, National Integrity Agency, declaration of interests

1. Introduction

In a democratic society, all human activity is carried out in accordance with the principle of legality. Art. 1 para. (4) of the revised Constitution of Romania, according to which “In Romania, the observance of the Constitution, its supremacy and the laws shall be mandatory”, is conclusive in this respect. According to the doctrine, “The civil servant is considered to be the legal institution of public law in general and administrative law in particular” (Buzatu 2011, 182).

This paperwork discusses a current issue that concerns the knowledge of the requirements of the work carried out in public administration, so that no one has any suspicion that people, civil servants or public officials, have any personal interest that could divert them from the specifics of their work and affect their objective conduct.

Per a contrario, if people who temporarily hold a public office or a position of public dignity were to break the law, this would lead to anarchy, the rule of law would be in danger and that is why it is good that such an issue is constantly analyzed and debated by specialists, so as not to end up in the situation of believing, without justification, that any conduct is allowed in public administration, even if it breaks the law. In this respect, we note the concerns of the doctrine which has analyzed the significance of the violation of the law (Gorunescu 2017, 96-102).

Our doctrine has emphasized: "It is of the essence of any community to establish by normative means certain criteria of conduct, certain requirements which the community intends to formulate with regard to the conduct of people, in such a way that the community preserves itself, that its very existence is not called into question by arbitrary conduct" (Popa, 2008, 36). From this perspective, if a person working in the service of the State is called upon to resolve requests, make decisions or participate in decision-making process with regard to natural and legal persons with whom he or she has relations of a proprietary nature, he or she would create harm to society as a whole. Moreover, “the stakes for leaders at the highest level

in states today are huge and on the long-term, involving future generations, namely: identifying solutions and mechanisms to increase public confidence in state authorities” (Ștefan 2017, 96). This paperwork will present the legal regime of conflict of interest, precisely from the perspective of knowing the risk of violation of the law, from the administrative or even criminal point of view. By using law-specific research methods, we will provide answers to the following questions: *what is conflict of interest, which legislation is applicable* or *what penalty applies in case of conflict of interest?* to conclude that the law must be observed by all people, whether ordinary citizens, civil servants, public officials or local elected representatives.

2. The legal regime of conflict of interest from a multidisciplinary perspective - administrative law and criminal law

This section will briefly present the legislation on the conflict of interest, firstly from the perspective of administrative law and we will continue with criminal law as the two areas are intertwined, with multiple practical implications. From the documentation carried out, it appears that in our country, the National Integrity Agency is the public authority competent to verify conflict of interest, this being specifically established by Law no. 144/2007 (Ștefan 2015, 78).

The current legal framework on conflicts of interest is composed, on the one hand, of Law no. 161/2003 on measures to ensure transparency in the exercise of public office, public functions and in the business environment, and to prevent and punish corruption (published in Official Gazette no. 279 of 21 April 2003); Law no. 176/2010 on integrity in the exercise of public offices and functions (...) (published in Official Journal no. 621 of 2 September 2010); Administrative Code (published in Official Journal no. 555 of 5 July 2019) and on the other hand, of the Criminal Code (published in Official Journal no. 510 of 24 July 2009).

Two of the principles applicable to public administration laid down in the Administrative Code are closely related to the conflict of interest regime, namely: *the principle of legality* (public administration authorities and institutions and their personnel shall be bound to act in compliance with the legal provisions in force and the international treaties and conventions to which Romania is a party - art. 6) and *the principle of satisfying public interest* (public administration authorities and institutions and their personnel shall be bound to pursue the public interest before the individual or group interest - art. 10).

According to Law no. 161/2003, art. 70 - conflict of interest shall mean “*the situation in which the person exercising a public office or a public function has a personal interest of a pecuniary nature, which could influence the objective performance of his/her duties under the Constitution and other normative acts*”. At the same time, the law lays down the principles underlying the prevention of conflict of interest in the exercise of public offices and functions, namely: “impartiality, integrity, transparency of decision and supremacy of public interest” (art. 71, Law no. 161/2003).

From the perspective of administrative law doctrine, conflict of interest is the situation in which a public official finds himself when, by virtue of the public office he holds, he is to make a decision or participate in the making of a decision in respect of which he has a personal interest (Vedinaș 2020, 346).

Law no. 161/2003 establishes conflict of interest in relation to a number of categories of subjects, namely: *conflict of interest in relation to the exercise of the office of member of the Government and other positions of public authority in central and local public administration* (art.72-73); *conflict of interest concerning local elected officials* (art.76); *conflict of interest concerning civil servants* (art.79).

The legislation requires that “*persons exercising public office and public functions shall submit a declaration of interests, on their own responsibility, regarding the functions and activities they perform except those related to the mandate or public function they hold*” (art. 111,

Law no. 161/2003). The declaration of assets and declarations of interests shall be submitted to the National Integrity Agency “exclusively through the online platform for declaration of assets and interests, called e-DAI, managed by the Agency” (Guide for filling in declarations of interests, page 2). In what concerns sanctions, Law no. 161/2003 provides that “*the breach of the obligations laid down in Art. 72 para. (1) shall be deemed administrative misconduct, unless it is a more serious act, according to the law and the administrative acts issued or legal acts concluded in breach of the obligations referred to in Article 72 para. (1) shall be absolutely null and void*” (art. 73).

The Administrative Code refers in this matter, on the one hand, to Law no. 161/2003 as well as to Law no. 176/2010 and, on the other hand, establishes disciplinary sanctions such as in the case of local and county councilors although “it does not establish a list of administrative-disciplinary sanctions” (Apostol Tofan, 2020, 303). For example: “*for violation performed by local councilors or county councilors of (...) the conflict of interest provisions, the local council or county council may impose the following disciplinary sanctions: warning; call to order; withdrawal of the floor; exclusion from the meeting room, etc.*” [art. 233 para. (1)].

According to the Administrative Code, civil servants shall be bound to comply with the conflict of interest regime (art. 445 para. 1), they “*shall be subject to the conflict of interest regime in the exercise of public office established by the special legislation on some measures to ensure transparency in the exercise of public function and public office*” (art.463). Furthermore, “Law no. 184/2016 provides for the establishment of a mechanism to prevent conflict of interest in the award of public procurement contracts” (Ștefan 2017, 592).

From the criminal perspective, conflict of interest is regulated in the Criminal Code in Title V - Corruption and malfeasance, Chapter II - Malfeasance by means of two articles: art. 301 - *Use of office to favor certain individuals* and art. 308 *Corruption and malfeasance committed by other individuals*.

Therefore, art. 301 para. (1) of the Criminal Code provides as follows: “*The offence of a public official who, in the exercise of his or her official duties, has carried out an act which has resulted in a pecuniary gain for himself or herself, for his or her spouse, for a relative or a relative up to and including the second degree, shall be punishable by imprisonment for 1 to 5 years and disqualification from holding public office for three-year term*”. Criminal Code provides an exception in para. (2), “*para. (1) shall not be applicable in case the act or decision relates to two situations: the issue, approval or adoption of legal acts and the exercise of a right recognized by law or the performance of an obligation imposed by law, subject to the conditions and limits laid down by law*”.

According to the doctrine, “the State intervenes against those who commit offences, through its specialized bodies, to punish, re-educate and restore them to society” (Neagu and Damaschin, 2020, 36) and “the criminal trial has, as a rule, a typical and progressive structure, consisting of criminal prosecution, preliminary chamber, trial and enforcement of the judgment. During prosecution, evidence necessary for the prosecutor to decide whether or not to refer the defendant for trial is gathered” (Micu 2022, 9).

3. Selective examination regarding the conflict of interest from National Integrity Agency and court cases

In this section, after presenting the legal framework, the focus was to know the dynamics of conflict of interest cases at the level of public authorities. In this regard, an analysis was conducted, on the one hand, the work of the National Integrity Agency and, on the other hand, the work of the High Court of Cassation and Justice, Division of contentious administrative and fiscal.

From the Annual Activity Report of the National Integrity Agency, we have chosen years 2020 and 2021, in order to check the situations this institution faced in the midst of the Covid 19 pandemic.

Therefore, the *2020 Activity Report* shows that: “at the end of December 2020, the situation of the findings of the National Integrity Agency that have become final, in case of unjustified assets, conflicts of interest and incompatibilities, is the following:

- 511 administrative conflicts of interest which are final (by not submitting objections against the evaluation report or by irrevocable court decisions) of which 57 central authority public officials, 369 local elected officials, 34 senior officials within public institutions, 1 magistrate, 2 civil servants with special status and 48 civil servants;

- 12 cases in which indictments were issued - following indications of criminal offences found by the National Integrity Agency;

- 47 decisions in which the court ordered imprisonment” (page 6-7 of the Report).

The *2021 Activity Report* shows that: “at the end of December 2021, the situation of the findings of the National Integrity Agency that have become final, in case of unjustified assets, conflicts of interest and incompatibilities, is the following:

- 568 administrative conflicts of interest which are final (by not submitting objections against the evaluation report or by irrevocable court decisions) of which 58 central authority public officials, 418 local elected officials, 37 senior officials within public institutions, 1 magistrate, 2 civil servants with special status, 51 civil servants and 1 other categories provided by Law no. 176/2010;

- 12 cases in which indictments were issued - following indications of criminal offences found by the National Integrity Agency;

- 47 decisions in which the court ordered imprisonment” (page 6-7 of the Report).

For period 2008 – December 2021, the same 2021 Report shows that: “The total number of conflicts of interest April 2008 - December 2021 was of 1107, of which 760 conflicts of administrative interest and 347 criminal conflicts of interest” (page 11 of the Report). Therefore, comparing the two reports, we note that in 2021 the number of cases of administrative conflicts of interest that remained final increased compared to 2020.

Further on, in order to know the dynamics of the litigations on the conflict of interest, we will present selectively from the case-law of the High Court of Cassation and Justice, Contentious Administrative and Fiscal Division for 2014, the situations in which a conflict of interest has or has not been decided on the basis of public document - *Index of case law on control of assets, conflict of interest and incompatibilities regime*:

- “*There is a conflict of interest* (...) in the situation in which the county councilor voted in favor of the adoption of a decision of the County Council approving the list of the winning operators of an electronic tender, including the company in which he was a shareholder and censor – Decision no. 598/2013” (page 14).

- “*There is not a conflict of interest* (...) concerning the situation of a shareholder and director of a company. He concluded a service agreement (pasture cleaning and fertilizer spreading) with the commune's town hall. The signing of the delivery-acceptance protocol for the work by the checked persons (local councilor) was performed in the capacity of director of the contractor (the company in which he was a shareholder) and not in the capacity of a member of the acceptance committee set up by the town hall. The evaluation report did not allege that the local councilor participated in the deliberation and adoption of any local council resolution in which he had a personal interest – Decision no.7286/2013” (page 15).

- “*There is a conflict of interest* (...) with regard to a proposal for the employment of the spouse, son, daughter, brother or parents in the office of the Member of Parliament and approval of the employment contract – Decision no. 6874/2013” (page 15).

- “*There is a conflict of interest* (...) concerning the Executive Director of the Directorate-General for Public Finance for the purpose of concluding contracts with a

company in which his son is a shareholder. It is irrelevant that the conclusion of procurement and service contracts with that company was required by the objective situation that that unit is the only specialized unit – Decision no. 708/2014” (page 15-16).

4. Conclusions

The analysis of the proposed topic was carried out from a threefold perspective: legislation, doctrine and case law and it emerged that the legal regime of conflicts of interest is regulated both in administrative law and in criminal law. By means of the selected cases from administrative practice, we were able to note actual situations where conflicts of interest are present, as well as situations where conflicts of interest are absent.

The paperwork also presented the rate of cases of administrative conflicts of interest compared to criminal ones, in order to know whether there are more violations of the law in terms of conflicts of interest and from which area, administrative or criminal. It has been noted that there are more situations of conflict of interest that involve the administrative area than those involving the criminal area. In terms of the persons involved, the case law of the High Court of Cassation and Justice has shown that there are conflicts of interest with regard to civil servants, public officials or local elected representatives.

With regard to their obligations, the analysis of the legislation revealed that persons exercising public office and public functions are bound to submit a declaration of interests, on their own risk, on the functions and activities they carry out, which is submitted exclusively online, through the e-DAI platform managed by the National Anti-Corruption Agency. We therefore consider that compliance with this obligation is both legally and ethically necessary.

Furthermore, sanctions differ according to the type of conflict of interest, administrative or criminal. Unlike administrative law, the most serious sanction for conflict of interest is that of the criminal law, namely imprisonment from 1 to 5 years and disqualification from holding public office for 3 years. The final conclusion of the paperwork is that violations of the law on conflicts of interest lead to sanctions, as compliance with the law is required for everybody.

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Criminogenic Approach to the Dimension and Dynamics of Gender-Based Violence: A Particular View on Violence against Women

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ABSTRACT: Gender-based violence is a challenge of the current society. The discrimination against women in considering the dominant role of men, regarding the position of power, and, at the same time, the emphasis of gender inequalities are factors generating gender-based violence—a phenomenon faced by the whole world-wide society. The right to life, gender equality, prohibition of discrimination on the grounds of sex, protection of physical integrity, and the right to health are fundamental human rights impacted by gender-based violence, safeguarded by many instruments acting at the international level. The Convention of the Council of Europe on preventing and combating violence against women and domestic violence (the Istanbul Convention) is the reference instrument in matters of combating gender-based violence, campaigning for equality between men and women and for protection of women against all forms of violence. Therefore, we now have a comprehensive legal framework where violence against women is considered a serious violation of human rights and, at the same time, a form of discrimination of women in society. The accelerated increase of gender-based violence made the European Union intensify its efforts against such phenomenon, and therefore, on June 1, 2023, there was the adhesion of the EU to the Istanbul Convention, Decision (EU) 2023/1075 and Decision (EU) 2023/1076, published in the Official Journal of the European Union, L 1431 of June 2, 2023.

KEYWORDS: gender-based violence, discrimination, protection, Istanbul Convention, Proposal of an EU Directive

Introduction

The development of society and enablement of the role of women by participating with men in the social and economic life to the same extent, determines serious imbalances with regards to the role distribution at the family and society level. Discrimination against women in considering the dominant role of the man, regarding the position of power, and, at the same time, the emphasis of gender inequalities, are factors generating gender-based violence, a phenomenon faced by the current society, at the level of all its structures and levels. The amplitude of the phenomenon falls within the dynamics of the society, in the light of cultural and social regulations, affecting mainly women. The concept of gender violence includes a variety of physical, sexual, psychological and economic manifestations, on the grounds of inequality related to age, social class, race, ethnicity, religion, sexual orientation or gender identity that can take place in both the physical and virtual environment. The diversity of such manifestations and the severity of the consequences caused, requires a focus mostly on prevention.

Conceptual clarifications regarding gender violence in the light of the legislative instruments from international level

The concept of gender violence is relatively new, but includes those abusive behaviors manifested on the grounds of gender, the women being mostly affected. That is why the term of gender violence designates most of the time the violence against women, exerted on the background of power inequality between men and women in a society where patriarchal values continue to be acknowledged, even if not at a declarative level. The concept should be regarded as an ascending

trend, in the context of evolution of the society, the problem being situated at the crossing of the cultural, legal, economic and political factors. Thus, the political imbalances, the situations of economic and social crises increase the level of weaknesses, determining a high risk of violence. The most affected categories target disabled women, young women and female teenagers, older women, especially the persons belonging to the LGBTIQ community or to ethnical minorities. Also, family environment, personal and professional status, geographic mobility, nomadism, migration or refugee status, determine the social characteristics conferring vulnerability (Damian, Şchiopu and Hegheş 2023, 70).

Gender violence, especially violence against women and girls, is recognized as being an extremely serious violation of human fundamental rights and liberties. The primary importance of such values for the society and the concern for their express dedication, by national and international regulations, plays a primary role in the exercise of the government (Popescu 2023, 62). In matters of human rights, the stereotypical sexual roles of men and women represents a fundamental aspect of women inequality and should be eliminated. *The Convention on the Elimination of All Forms of Discrimination against Women*, adopted by the General Assembly of the United Nations of December 18, 1979 (CEDAW) that requires the signatory countries to take all appropriate measures, including legislative ones, in order to ensure and guarantee the exercise and usage of human rights and liberties to the same extent as men (CEDAW, art. 3). Therefore, the decision makers at the level of each State should act based on democratic principles, adopting efficient instruments to ensure the equal treatment. By consensus, it is imposed to take appropriate measures to amend the social and cultural behavior patterns of men and women, in order to obtain the elimination of common law practices and damages or of any other type which is based on the idea of inferiority or superiority of any of the genders or on stereotypical roles for men and women (CEDAW, art. 5).

A comprehensive definition of violence against women is included in the UN Declaration *on the Elimination of Violence against Women*, being any act of violence based on gender having as a result or likely to have a result physical injuries or sufferance, sexual or psychological ones for women, including threats to commit such acts, constraint or arbitrary lack of freedom, no matter if they take place in the public or private life (article 1, United Nations Declaration on the Elimination of Violence against Women, Proclaimed by General Assembly resolution 48/104 of 20 December 1993). Within the meaning of this international document, pursuant to article 2, violence against women includes largely manifestations referring to:

- physical, sexual or psychological violence taking place within the family, including sexual violence, abuse against female children within the household, violence related to dowry, marital rape, female genital organ mutilation and other traditional practices detrimental to women, non-marital violence associated to exploitation;
- physical, sexual or psychological violence taking place within the general community, including rape, sexual abuse, sexual harassment at the work place, in the education institutions and other places, women trafficking and forced prostitution;
- physical, sexual or psychological violence committed or tolerated by the State, anywhere it may occur.

The benchmark, at international level, in matter of combatting violence against women is *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention, which was adopted in 2011 and entered into force in 2014), which admits the structural nature of violence against women as being gender violence and advocates to ensure equality between men and women. With regards to combatting such dramatic phenomenon, the Istanbul Convention is the most comprehensive instrument in matter of protection of all types of violence against women, promoting the culture of equality and stigmatization of any gender discrimination (Marzullo 2021, 10). Its contents refer to all actions of gender violence resulting or likely to result in physical, sexual

psychological or economic injury or sufferance caused to women, including threats to commit such actions, coercion or arbitrary lack of freedom, no matter if it occurs in the public or private life (article 3(a), Istanbul Convention). Also, gender violence against women is considered the violence which is directed against a woman because she is a woman or which affects women disproportionately. Regarding the clarification of the notion of gender, it should be understood as the social and behavioral role, the activities and characteristics that the society considers as appropriate for men and women (article 3(c), Istanbul Convention). Thus, not the sex of a person, but his/her gender is the criterion based on which the violence is exerted. The issue of gender targets effectively and specifically the situation of the persons belonging to the LGBTIQ community, with regards to the violence manifested because of their sexual orientation, issue intensively debated and criticized by the advocates of conservatism (Gümüş 2021, 43-52).

Despite all the efforts made by the international organizations to eradicate gender violence, it is in constant manifestation and has new forms, too, such as cyber violence, cyber harassment, cyber stalking and non-consensual distribution of the intimate materials by means of social media. Pursuant to the latest data and records, at global level, there is a prevalence of online violence against women and girls, who are victims of the different forms of online abuse, such as sharing of images, videos or intimate messages without their consent, humiliating and sleazy messages, abusive and threatening language, sexual harassment and false content (Ahlenback, Clugston and Vlahakis 2022, 7-10).

The rapid growth of gender violence and, at the same time, its underreporting, determined the European Union to enhance its actions against this phenomenon (Jurviste and Shreeves 2018). Obtaining the approval of EUCJ on October 6, 2021, as a result of the request of the European Parliament, allowing the Council to ratify the Istanbul Convention without a previous common agreement, represented a favorable process, finalized with the accession of the European Union to the text of the Convention on June 1, 2023 (Decision (EU) 2023/1075 and Decision (EU) 2023/1076, published in Official Journal of the European Union, L 143I, June 2, 2023).

Gender equality – priority axe of the European Council in combatting gender violence. Policies and measures of combating gender violence (VBG)

The problem of gender equality is experienced at all levels of the economic, cultural, social and political life of any society, and eradication of gender violence, and especially of violence against women and girls, represent an essential requirement to effectively ensure gender equality, as a human fundamental right (Franguloiu and Hegheş 2023).

The essential objective of any constitutional state is gender equality, as a guarantee of ensuring human rights, an issue intimately linked to the individual. That is why the concepts regarding the definition of the problems generated by gender inequalities can target psychological, sociological, cultural, medical, educational and political aspects, and so on.

At the European Union level, promoting equality between men and women is a fundamental value (Charter of Fundamental Rights of the European Union, article 21 and article 23), violence against women and domestic violence are considered violations of human rights and forms of discrimination. The alarming increase in gender violence and of harassment imposed a new approach to gender equality, through a better integration of the gender perspective at the level of all EU policies. The strategy of the European Commission regarding gender equality for the 2020-2025 period had in mind to establish the key-actions to eliminate gender violence, sex discrimination and structural inequality between men and women, having as main objectives (EU Gender Equality Strategy 2020-2025, 3-4):

- *to eliminate violence and stereotypes* – they have in view the extension of the fields of criminality, by including some specific forms of gender violence – named EU offences and

the proposal of additional measures of preventing and combatting specific forms of gender violence, including sexual harassment, abuses against women and women genital mutilation. Gender stereotypes generate inequality, often combined with other stereotypes, such as the ones based on race or ethnic origin, religion or beliefs, disability, age or sexual orientation, requiring thus an intersectoral approach in all fields (social, economic and cultural). Also, they emphasize the role of artificial intelligence in the economic progress, women being encouraged in this regard to take part in its development as researchers, programmers and users. For this purpose, the New White Paper of the Commission regarding AI lays out a European approach based on the fundamental rights and values of EU, including non-discrimination and gender equality.

- *to eliminate gender disparities in the labor market* – they have in view the increase of participation of women in the labor market; thus, women and men should have equal chances of professional and personal development, which means the assignment of rights and responsibilities for both parents, to the same extent, regarding the care of the family. Also, they have in view: to ensure equal participation of men and women in different sectors of the economy – by eliminating social discriminatory stereotypes regarding the competences of men and women and the undervaluation of the women’s work; to address the difference in payment between men and women and the gender disparities regarding pensions – by transposing into the EU law the principle of equal pay for equal work or work of equal value.

- *to ensure a gender balance in the decision-making process and in the political environment* – by enforcing some more efficient strategies to increase the number of women in decision-making positions, at the levels of all Member States. An important endeavour in this regard is the adoption of *Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures* (published in Official Journal of the European Union, L 315, 7.12.2022), having as objective that women should represent at least 40% of the non-executive members in the boards of administration of the companies. Also, ensuring gender parity in management positions represents an important objective at the level of EU agencies.

- *to approach the intersectional character of gender with other reasons for discrimination within EU policies* – women can face intersectional discriminations based on several personal features – race, colour, ethnic or social origin, genetical traits, language, religion or faith, political opinions or of any other nature, affiliation to a national minority, assets, birth, disability, age or sexual orientation. In this regard, the Member States have the obligation to pay appropriate attention to the victims affected by such intersectional discrimination, by taking specific measures. The members of one or more groups of persons protected against discrimination on grounds of sexual orientation, disability, racial or ethnical origin, are exposed to a high risk of intersectional discrimination and to a high risk of being victims of gender violence. In this context, the EU legislation and policies should meet the specific needs and circumstances of women and girls from different vulnerable groups, taking into consideration this high level of risk (Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence, Strasbourg, 2022 COM(2022) 105 final).

Proposal for a directive on combating violence against women and domestic violence – a new approach to the phenomenon

The absence of a specific legislative instrument at the EU level, regarding the regulation of violence against women and of domestic violence, was a benchmark for the European Commission in the fight to stop gender violence, to protect victims and to punish offenders. As a consequence, in 2022, the European Commission adopted the Proposal for a Directive of the European Parliament and of the Council on combating violence against women and

domestic violence (COM/2022/105 final), establishing the minimum standards regarding: indictment of relevant offences and establishment of sanctions with regards to them; protection of victims and access to justice; granting support to victims; prevention; coordination and cooperation (Franguloiu and Hegheş 2023).

The necessity of this legislative instrument was grounded on the Istanbul Convention on preventing and combating violence against women and domestic violence, in order to ensure the full exercise of the fundamental rights within the European Union, including the right or equal treatment and right to non-discrimination between men and women.

The proposal aims at ensuring a comprehensive framework for efficiently combating violence against women and domestic violence at the European Union, also having in view additional indictments that the Istanbul Convention did not address in its contents.

The proposal for directive, as a first act to address comprehensively the violence against women and domestic violence, contains specific measures regarding offences and rights of victims (COM(2022) 105 final, 4-5):

- Indictment of some forms of violence affecting women disproportionately and that are not addressed satisfactorily at national level, such as: indictment of rape in considering exclusively the lack of consent, female genital mutilation or certain forms of cyber violence – exchange of intimate images without consent, cyber stalking, cyber harassment and cyber incitement to violence and hatred;
- Reinforcement of the access of victims to justice and of the rights to an appropriate protection that should directly meet the specific needs of the victims of violence against women and of domestic violence. The term of “victim” should refer to all persons, regardless of sex and, except otherwise specified in such a provision, all victims should benefit from the rights related to protection of victims and access to justice, to victim support and prevention.
- Granting support adjusted to the specific needs of the victims of violence against women and of domestic violence – focus is made on vulnerable groups, including also women refugees from armed conflict areas.
- Prevention of violence against women and of domestic violence, including by actions of awareness, of training of professionals who may get in contact with victims, and of working with the authors of the offences;
- Reinforcement of coordination and cooperation at national and EU level by setting up a multi-institutional approach and by improving data collection regarding violence against women and domestic violence.

Adopting a EU legislative act on combating violence against women and domestic violence, is likely to ensure a minimum level of protection in the entire EU, through a harmonisation of concepts and indictments at the level of all States, respectively by fair and targeted measures of prevention and protection against such manifestations. The proposal for directive of the Council of the European Union of 17 May 2023, revised for of the proposal of the Commission of 8th April 2022, falls within this respect.

Cyber violence – an ascending trend in the field of criminality generated by gender violence

Cyber violence – is a relatively new phenomenon, generated by the development of computer technology and of internet, the increased usage of social media having many society implications (De Vido, Sosa, 2021, 8). Undoubtedly, this type of violence is a global problem, in full expansion, safety in the digital environment being difficult to be ensured, as access to internet has become a necessity and a human fundamental right.

At present, the phenomenon is not defined or regulated completely, the terminology used in this space being varied: TIC-facilitated technology, online violence, technology-

facilitated violence or similar, digital or cyber violence. Consequently, there is a wide range of forms of violence against women and girls in digital contexts, that can be grouped as follows (UN Women, 2022, 3):

- *online violence taking place in the digital world* – for example, social media platforms, virtual-reality platforms, the platforms used at the work place, gaming, dating, chat-rooms etc.

- *technology facilitating violence with the aid of digital instruments* – GPS, IA, transport applications, communication tools, such as mobile phones etc.

Both women and men can be victims of cyber violence, but studies show that women and girls are the most exposed (EIGE 2022, 8). Although this type of violence is many times regarded as an insignificant virtual phenomenon, as it is less made aware, still the consequences caused are very serious, resulting in physical, sexual, psychological and economic injuries. In the current society, the physical and online spaces are more and more integrated, and cyber violence can occur as precursor or as online extension of physical violence, under the form of cyber harassment and stalking, thus enhancing the consequences caused in the physical space. The current reality shows the need to conceptualisation of the cyber violence against women, starting from the idea of unitary phenomenon including the offline violence, too.

In the absence of a standardized definition regarding cyber violence against women and girls, it generically designates the gender violence committed by electronic communication and internet: „*online gender-based violence*” (OGBV), „*cyber violence against women and girls*” (Cyber VAWG), „*technology-facilitated gender-based violence*” (TFGBV). Special attention should be given to artificial intelligence (AI), that, beyond its benefits, can have a serious impact not only on the right to private life and to data protection, facilitating different criminal actions and generating new forms of violence, such as creation of video and audio materials and extremely realistic false images, the so-called ”deepfakes” (Europol 2022, 7).

The fact that more and more women and girls become victims of gender violence on internet and on social media, is a ruthless fact which imposes the adoption of specific legislative measures in matter of gender cyber violence, with clear conceptual boundaries. The lack of conceptual clarity is the main obstacle in matter of an effective prevention and combating of the phenomenon.

Manifestations of online violence against women and girls often refer to threats with physical and sexual violence, sexual harassment or stalking, but it can include body shaming, cyber harassment and insulting language. Also, on the other hand, the phenomenon also includes the non-consensual sharing of private videos or images, named *video and image-based abuse*”. The inconsistency of the terminology makes that the scaling of the phenomenon be reported to different benchmarks, which causes significant gaps regarding the nature, prevalence and impact of online violence against women and girls (Ahlenback, Clugston and Vlahakis 2022, 2-4). Cyber violence against women and girls should be addressed as an intersectional form of violence, with different patterns and levels of vulnerabilities. Studies show that the women who suffer from multiple discriminations due to the nature of overlapping their identity have more opportunities to experience online violence – for example, coloured women and ethnical minorities, LGBTIQ women and disabled women, are exposed to a high risk of online violence (Jacqueline 2021, 8).

Therefore, the need of an express regulation culminated in new rules of the European Union that come to indict, inter alia, the acts of gender violence committed in the online space (Ahlenback, Clugston and Vlahakis 2022, 2-4). On the background of cyber violence, in the context of the trends of digital transformation, they shape a unitary and harmonized legislative framework for certain types of computer criminality, such as: non-consensual sharing of intimate or manipulated materials, cyber stalking, and cyber harassment and cyber incitement to violence or hatred. The proposal for directive of the Council considers harmonised

definitions of offences and punishments regarding some forms of cyber violence when the violence is intrinsically linked to the usage of technologies of information and communication, thus modifying the characteristics of the offence (Council of the European Union, Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence, Brussels, May 17, 2023, 12).

Conclusions

Worldwide, gender violence is a worrying phenomenon that any society faces, no matter the level of culture or of development, being a blatant violation of human rights and a serious form of discrimination. Although great progress has been made to ensure equality between men and women, the core of the problem can be found in gender inequalities, on the grounds of the abuse of power and of common law practices, characteristic of a conservatory and traditional society. The consequences are extremely negative, being felt at individual, familial and societal level imposing a resolute position with regard to prevention and to victim treatment.

The dynamics of society and the expansion of the digital environment precipitate the phenomenon of gender violence, generating new forms and dimensions, and the absence of a conceptualized framework with common rules allows the perpetuation of this flagellum. The Proposal of the European Commission regarding a new directive on combating violence against women and domestic violence has in view the establishment of a unitary and harmonized framework to ensure a minimum level of protection in the entire European Union against such violence. The proposal for directive and the recent adhesion of the European Union to the Istanbul Convention is an important step in combating violence against women as a form of manifestation of gender violence.

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Wealth of Ecowellness Biohacking

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ABSTRACT: The contemporary finance literature is focused on monetary assets and financial instruments. In a holistic approach, this article draws attention to humane features of capital in outlining the influence of a healthy lifestyle and biohacking on personal wealth. The COVID-19 pandemic raised awareness for healthy lifestyles as panacea to avoid viral complications as well as drove people to consult online information sources about healthcare as never before in the history of humankind. Previous work has connected health and capital on the individual, nuclear family level, corporate community standards and conduct as well as the overall economy. This paper focuses on the new trend of Ecowellness Biohacking. The term Ecowellness derives from ecological (as pertaining to nature) wellness. Wellness became prominent in the 1980s as a combination of Wellbeing and Fitness. Wellness is thereby the active practice of healthy habits (such as sports but also nutrition and mindfulness) on a daily basis to attain better physical and mental health outcomes. Ecowellness stresses the connection with nature for the wellbeing. Active Ecowellness trends include the transformation of the healthcare system through holistic approaches in nutrition, prevention, supplements and sports. Biohacking has recently become a prominent term in integrating biology, genetics, neuroscience and nutrition to enhance physical and mental performance as well as improve health and well-being. As a newly forming phenomenon since the early 2000s, biohacking comprises multiple fields such as nutrigenomics, do-it-yourself-biology and grinders. Nutrigenomics studies the effects of nutrients on the expression of an individual's genetic makeup and encompasses nutritional factors that protect the genome from damage. Do-it-yourself biology (DIY biology) is a biotechnological social movement, in which laymen/women are studying biological effects of life sciences with traditional research methods on their own. Do-it-yourself biology thereby comprises of bioinformatics projects that use programming; genetic engineering that makes use of big data from biology; open source medical experimentation; grinders who use technological implants or introduce chemicals to the body to influence body functions; as well as mostly modern tech-supported arts to achieve body outcomes. As the Ecowellness Biohacking trend is currently evolving, little attention has been paid to the economic impetus of Ecowellness Biohacking. Some suggestions are given about the business model of health-and-wellness-lifestyle coaching, but no clear economic model exists today that helps evaluate and discount the long-term value of Ecowellness Biohacking for the individual and society. This article first discusses the new trend of Ecowellness Biohacking to then estimate some of the positive impacts of the trend on the overall health, wellbeing and monetary success of individuals as well as the economic influence of Ecowellness Biohacking. The discussion is dedicated to address the potential but also the risks associated with this new trend of Ecowellness Biohacking.

KEYWORDS: Bioasset, Biohacking, Banking, Big data, Economics, Economics of Arts, Ecowellness, Finance, Grinders, Health, Healthcare, Investment, Law & Economics, Money, Multiplier, Precaution, Prevention, Socially Responsible Investment, Sustainability, Sustainable Finance, Wealth management

Introduction

The world of finance has a long-standing history of providing advice for individuals on how to maximize their personal wealth. Many different empirical strategies exist to whole-roundedly increase one's own portfolio and financial wellbeing. In the wealth of knowledge on mathematical formalization and the broadness of how to improve financial performance, the information on how health and wellbeing contribute to financial standings has largely been ignored. The COVID-19 pandemic has recently vividly outlined the importance of health for

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

The COVID crisis triggered an interest in Ecowellness trends, including relocations from urban areas to more rural territories, as well as biophilia styles in architecture, which resemble nature at home. The post-pandemic COVID long haul situation, in which it is estimated that millions, if not billions, are suffering an impaired health and suboptimal well-being than what they could have enjoyed without COVID, raised attention to a healthy lifestyle. COVID long haulers were found to reduce some of the symptoms – mainly related to long-term low-grade inflammation – by reducing stress, living in harmony with the environment and changing precaution as well as nutrition to a healthier lifestyle (Salzburg Declaration 2020). All these trends have driven the contemporary advent of Ecowellness Biohacking.

Biohacking is an interdisciplinary, hands-on approach to optimize one's health and wellbeing. As an additional step to medical care prevention, biohacking lives from the self-determined individual that wants to maximize body performance throughout life on their own terms. Acknowledging that one knows one's own body the best but also by the help of cutting-edge technologies and crowdsourcing online, biohackers gain information for their own plan to improve body health and wellbeing over time. Positive examples of Biohacking include using nutrigenomics as a way to understand how nutrients influence the individual's genetics. Biohacking also gives space for do-it-yourself experimentation with nutrition and supplements. Biohacking also derives novel data from wearable or implemented gear that collects body function information in real time. All these new evolvments to understand the body and empower oneself with self-care open enormous potentials to improve the lives of the masses. At the same time, many questions remain open regarding the liability, oversight and impact on the medical field if Ecowellness Biohacking becomes a mainstream.

This article is a first preliminary attempt to outline some of the features and impacts of Ecowellness Biohacking. The article makes the case the Ecowellness Biohacking is a way to reduce costs over a lifetime by precaution, prevention and overall productivity of a human life. In this light Ecowellness Biohacking appears as novel and complementary resource to improve individual wealth as well as economic prosperity of nation states.

The article is structured as follows: First, the concept of Ecowellness Biohacking will be explained. Then the contemporary drive to marry finance with wellbeing will be introduced in order to make the case that health can be an overlooked factor to boost personal finance and productivity over a lifetime. Ecowellness Biohacking should thus be considered as an economic input factor for national productivity and economic growth, which will be argued in the third part of the paper. The discussion offers an analysis of the positive advantages but also the potential risks of Ecowellness Biohacking trends as well as future prospects calling for additional research on Ecowellness Biohacking economic features.

Ecowellness Biohacking

The concept of Ecowellness derived in the 1980s from a combination of ecological wellness. The idea of 'wellness' originally derived from the integration of 'wellbeing' and 'fitness.' Wellness described the fact that fitness and sports can lead to an overall improvement of health and wellbeing. Ecowellness then integrated a holistic view of ecological influences on wellbeing.

Overall, Ecowellness captures positive ecological influence on health and wellbeing. Spending time outdoors and nurturing the body with ecological care in healthy food are all meant to lead to a whole-rounded physical and mental state of betterment.

The concept of Ecowellness evolved throughout the previous decades. Notable are influences like the green wave in the German speaking world, which emphasized awareness for an ecological care of the general population. Environmental catastrophes, like the Chernobyl nuclear disaster but also climate change, have driven the demand for Ecowellness attention. Most recently, the COVID pandemic and its long lasting impacts on the general world population have furthered the concept of Ecowellness. During the pandemic, a moving tendency from metropolitan areas to more rural areas became noticeable. While lockdowns and restrictions were imposed in countries all over the world, biophilia trends boomed, which brought nature design into interior architectural solutions. During the days when hospitals and healthcare providers urged to remain at home if possible and e-health as well as telehealth options were granted, the general population turned to online solutions for all sorts of medical concerns. As lingering health issues in some COVID long haulers persisted over time, health and wellbeing were boosted with Ecowellness attention in terms of healthy nutrition, stress free environments as well as sleep hygiene and supplements. Ecowellness also became part of the rising Biohacking trend.

Biohacking is a concept that started in the early 2000s with people using modern technology to boost physical performance and mental health. In general, Biohacking focuses on the people's own ability to enhance body functions with alternative and complementary means to the traditional medical approaches. As for the novelty and rising popularity of Biohacking, the concept is rather vaguely defined and can comprise of all individual steps a person can take to improve one's bodily and mental functioning. Biohacking oftentimes includes complete lifestyle changes or adjustments to honor positive health contributions and behavioral choices – for instance, enabled in diet plans, regular medical checks for health plan adjustments, sports routine and supplement plans as well as mental health and meditation. Biohacking is also oftentimes informed by newest healthcare and wellness trends. On a molecular level, Biohackers often track their health status in frequent checkups and then make informed adjustments to their daily routines, nutrition plans and supplement schedules accordingly. Biohackers are thereby oftentimes informed not only by online sources and information exchange in online forums for Biohackers. Biohackers are also prone to use real-time tracking devices (e.g., smartwatches, blood sugar monitors, that constantly monitor body functions electronically). Biohacking thereby integrates personalized technology development with online crowdsourcing of information instantaneously. Biohackers also study cellular and biological aspects of health and sometimes are referred to experimenting with influences – like medication and supplements but also lifestyle adjustments and nutrition – on their overall health and wellbeing. Biohackers appear to be open to try newest trends in lifestyle improvement and alternative healthcare.

Ecowellness Biohacking integrates the ecological imperative of Ecowellness with Biohacking methods. Ecowellness Biohackers apply the concepts and methods of Biohacking with particular attention to the ecological influences on the genome and human health performance as well as mental health. Plant-based, non-chemical nutrition, ecological benefits of outdoors activities (e.g., grounding therapy using barefoot walking outdoors as inflammation reduction method) but also harmony with the environment and sustainability in online contexts (e.g., hate-free zones, integrating natural environment features in online spaces, discussion about data storage sustainability) are the most cutting-edge advancements of Ecowellness Biohacking.

Financial Impetus of Ecowellness Biohacking

In the wealth of literature on individual finance and personal asset management, the information about health and wellbeing contributing to lowered medical costs and improved economic performance on the job market is rather scarce. Prevention in due course as a means to lower medical expenses over a lifetime is one of the behavioral aspects that is often missed out of long-term profitability calculus.

Ecowellness Biohacking may have multiple layers of positive contributions to the individual, community, nation state and overall economy. Health is connected to lowered medical expenses and productivity, which offers the best propensity to financial success and wealth accumulation. Ecowellness Biohacking enables the individual to change their lifestyles and adjust habits based on biological facts and individualized, personalized data results. Not only the individual becomes more productive if being healthy and cautious about medical risks, but also do family dynamics benefit from everyone being in good health and benevolent mental spirit. Anne Case and Angus Deaton (2020) make the case in their book titled “*Deaths of Despair and the Future of Capitalism*” that unhealthy lifestyles connected to economic influences lead to disastrous life expectancy outcomes.

While ample evidence exists on the economic impetus of multipliers since John Maynard Keynes’ *General Theory*, multiplier effects may vary based on the causes that receive governmental funding. Although evidence of country differences in multiplier effectiveness already exists, hardly any connection between economic productivity boosts due to multiplier effects after investment in overall governmental healthcare exists. Problematic appears that industry-specific multiplier measurements were primarily focused on industries such as construction and education. In addition, multipliers appear to trickle down in society with a certain time lag. Ecowellness Biohacking may serve as a prevention and holistic approach, whose impetus in the overall economy is hard to quantify as a prevention and precaution measure.

The COVID-19 era has generated growing attention to health capital and health wealth. The realization of the connection between health and economic productivity as a financial asset has largely been shed out of the contemporary finance literature. The overall well-being underlying human workforce productivity have become hidden driver of economic growth in the eye of a global contagion risks. With the growing awareness of long-term implications of COVID-19 – for instance in COVID long haulers, who have prolonged health impairment after an initial infection – but also with climate change pressuring healthy living conditions around the globe, Ecowellness Biohacking promises to alleviate the socio-economic fallout of the crisis and grant long-term benefits to humankind.

In the entirety, health wealth is a prerequisite for economic prosperity of corporations and nations. The aspect regarding Ecowellness also promises to contribute positively to climate stabilization goals, which grants the gift of positive transfers into the future for future world inhabitants.

Discussion

Ecowellness Biohacking complements traditional healthcare in an individualized, self-empowered and technologically-advanced way. Ecowellness Biohacking allows for a deeper embeddedness of human in nature in a harmonious way. The connection of health with productivity calls for further attention to health in standard economic growth theories. Future research on Ecowellness Biohacking should investigate the personal relation between health and financial outcome but also in the macroeconomic foundation of a healthy workforce and population for overall wealth of corporations and development of nation states. Ecowellness Biohackers also promise to hold the

key to prevention-focused lifestyles and healthcare-dependent multipliers granting more widespread and long-term health as a prerequisite of stable economies and successful societies.

At the same time, Ecowellness Biohacking holds several potential risks and negative externalities. For one, the question of oversight of self-imposed dietary restrictions as well as biomedical experimentation arises. People's experimental attempts may cause problems of lacking scientific proof and medical control. While industry problems can be evaded with Ecowellness Biohacking, such as lobbying and biased medical care, biohackers may fall for self-acclaimed experts and group dynamics in internet forums. Ecowellness Biohacking may also erode support of the general medical system, which may cause financial distress that then trickles down negatively on those segments who are the weakest and financially most constraint.

As for the future of Ecowellness Biohacking, in the contemporary attempts of the European Union and the United States to bring nature into national and international accounting, Ecowellness could be estimated for its positive impact on society. The European Union Next Generation EU Sustainable Finance Taxonomy but also the US endeavors to bring nature into economics as well as assess changes in environmental and ecosystem services in benefit-cost analyses could also start focusing on Ecowellness as a prerequisite to be productive for nations. The forthcoming World Bank Changing Wealth of Nations report integrates natural resources and greenhouse gas emissions into international accounting, which could in the future also feature Ecowellness aspects, such as a stable and favorable climate.

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The Influence of Educational Management in the Modernization of Romanian Education

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ABSTRACT: The education system in Romania reached a high degree of maturity in the period after the First World War, integrating different educational systems, thus managing to include a large number of the country's population in a form of organized education. At that time, only primary education was compulsory and free, and the country was faced with illiteracy that affected especially the elderly segments of the population. Education has been and will remain a priority. It begins at birth and continues throughout life in various forms. To support this judgement, we proceed to the development of policies that integrate the health and social fields into education.

KEYWORDS: management, education, PISA, school management

Introduction

The complex management process involves the conception, preparation, organization, coordination and administration of various elements in order to achieve specific objectives. The management process involves the conscious direction and coordination of both individual and group actions, along with the allocation of an organization's resources to achieve its goals in accordance with its mission, goals, and economic and social responsibilities. The term that was once limited to the economic sphere has seen an expansion in recent decades. The compliancy of the concept extends to various other fields, such as education and training, where it fulfills the same functions and dimensions as in any other field, albeit with specific nuances shaped by the unique character of the teaching activity. Thus, educational management applies the theory and practice of general management to the education system and process, to schools and classes of students. Educational management, as it emerges from the vision of the author Tudorică (2006), consists in the science and art of training human resources, of polishing characters and behaviors in order to prepare them for adapting to the needs and demands of society. The concept of educational management is a comprehensive and strategic approach to education. It involves a set of principles and methods that ensure the achievement of the objectives of the educational system in an efficient and high-quality manner.

Educational management has clear and hierarchical objectives, specific functions and strategic elements that encourage creative problem solving. Its approach is interdisciplinary and systematic, with an emphasis on fundamental research. Unlike general management, educational management is tailored to specific goals of education, content, trained staff, and communication and uses specific instructional strategies to encourage positive behaviors and attitudes such as motivation, responsibility, cooperation, logic, and affectivity (Thompson & Anderson 2003, 45).

The magnitude of the changes, the difficult and surprising problems that humanity has faced and still faces, require the formation or development of necessary skills to be able to adapt and to be able to face the challenges we face. A school that takes into account the needs of teachers is a school that, over time, can adapt to society changes and the demands of the community. To reach this level, a motivated and motivating manager, well organized, who sets well-defined targets is needed. After, from a theoretical point of view, I have mostly shown the role of management in the evolution and modernization of Romanian education, the research carried out highlighted how important the manager's strategy is, both at macrostructural and microstructural levels, in achieving performance by motivating teaching

staff who do the same with the students. In fact, the improvement of school results depends on the degree of involvement and satisfaction of those who sum up the education system. We could observe this by analyzing the teachers' initial answers compared to the final ones, but also by analyzing the students' answers from the questionnaire "Modern methods used in the training process" through which we learned that students understand information better when it is delivered attractively, they are more engaged when activities are interactive and interesting, and find it easier to work when they are willing to work in teams. Thus, the research hypothesis, according to which:

I1: We assume that, within the activities carried out in a Romanian educational institution, the manager can guide the collective towards performance by ensuring training and creating a favorable environment, confirmed by the questionnaire method. The second hypothesis, according to which:

I2: We assume that, following the elaboration of the resource analysis and their solution, job satisfaction increases and thus performance also increases, it was confirmed by the method of studying school documents, namely the analysis of the Institutional Development Project, as well as by the questionnaire method.

Educational management strategies

Effective implementation of educational activities requires careful organization and control of the implementation context, conditions, forms and instructional content. In order to achieve the desired goals, it is important to have a solid understanding of the advantages and limitations of the educational strategies used. Proper devising and design are crucial elements of effective training program management. Improving the quality of education and achieving expected learning goals in schools is strongly influenced by the environment in which teachers are trained and, by extension, school management. Numerous studies have shown that the management of a school has a significant impact on the academic performance of its students (Păun & Potolea 2002, 103).

While most OECD countries have shifted towards a management approach that focuses on transforming the educational process, school principals in Romania are mostly responsible for administrative tasks. The leadership responsibilities of today's principals are diverse and include defining school goals, monitoring classroom lessons to provide valuable feedback to teachers, supporting professional development, and collaborating with teachers and parents to improve students' performance. Romanian executives frequently face numerous challenges without adequate training or support. Those in urban areas are responsible for overseeing large and diverse educational institutions, while those in rural areas must manage schools with a high proportion of disadvantaged students, who face numerous obstacles that hinder learning outcomes and increase the likelihood of early school leaving. So, creating schools where teachers feel supported and where all students can realize their potential requires leaders of integrity, dedication and performance. Strategies that favor the motivation of educational factors: Effective use of praise and recognition of merits, Creating a friendly atmosphere, Marking important events, Organizing performance review sessions.

Principles and functions of school management

Just because an educational institution works does not guarantee its success. The key to success lies in execution, as well as the principles and values that guide its practices. Running a school is a difficult task mainly because of the many variables involved such as students, teachers, curriculum and educational technology. It is obvious that in order to be a school principal, one must possess not only excellent teaching skills, but also managerial skills. (Latham and Pinder 2005, 67)

The management that offers solutions to issues such as keeping a balance between work and family, adapting conditions to changes that produce various effects, devising a work team

in which members support and cooperate, encouraging the desire for change and modernization is principled leadership. Principles that guide managerial activity:

- The principle of efficiency of managerial activity;
- The principle of participative management and unity of action;
- The principle of rational organization and programming;
- The principle of dynamic management;
- The principle of permanent innovation

Functions of the education system

The education system includes the institutions organized on the basis of some principles and functionally interconnected within which the training and education of man is carried out, his preparation for entering society, for assuming a role within it, for adapting to the constant changes that occur. So, we can distinguish three main functions of it: the economic function, the social function and the cultural function (Dowling and Sayles 1978, 55).

Economic function is closely related to the importance of knowledge and education in the development of society, in economic progress. In the education policy “Education for Economic Growth and Inclusion”, the Council of the European Union states that each country is responsible for its own education and training system. Ensuring that citizens possess the skills to succeed in the labor market is essential to improving growth and employment in the EU. Education and professional training can contribute to combating poverty and social exclusion, ensuring the maintenance of human and civic values and preventing and eliminating forms of discrimination.

Social function- in any community the school is expected to train individuals prepared to face society. In order for them to be successful in the labor market, it is absolutely necessary that they have formats and skills related to social behavior. Social integration is supported by family, school, church, as well as by political and professional institutions. This function is achieved through the process of socialization through which the child acquires a cultural identity and reacts to it. Through education, the school forms citizens who are actively involved in the realization and management of social production, capable of fulfilling various roles. The purpose, organization and systematization of educational influences transforms the education system into the main channel for the transmission of social experience from generation to generation and for the continuous formation of the human personality (Grant 2007, 94).

Cultural function-The transfer of cultural values between generations is facilitated by the dissemination of culture in society. The preservation of national culture and its distinctive features is a vital function of the education system. As a person becomes immersed in the culture, he becomes the bearer of the collective national consciousness and psychology. The process of education plays a vital role in maintaining social and cultural norms. It provides knowledge of manufacturing and construction techniques, as well as enables the systematization, communication and accumulation of information. As a result, the exchange of knowledge and experiences becomes rather widespread and dynamic.

Human resources

Training and improvement of teaching staff

A profession, a high status and recognized nationally and internationally, depends on the qualification, competence and professionalism of those who practice it. In the field of education, in order for its beneficiaries to reach a level of performance, a thorough theoretical and practical training of teaching staff is necessary. The occupation of a position for the period of this internship can be achieved through a competition for the occupation of vacant or reserved positions or chairs, or through the assignment by the school inspectorates to positions left

unoccupied following the competition. The first level grants the right to occupy teaching positions in prepreschool, preschool, primary and secondary education. The condition for granting this right is the accumulation of 30 transferable credits from the training program.

The second level grants university graduates the right to hold positions in high school and post-high school educational institutions. Unlike level I, it is conditional on the fulfillment of two conditions, namely obtaining 60 credits by cumulating those from the previous level with those obtained in level II and graduating a master's degree in the field in which the university degree was obtained license (Iosifescu 1999, 87).

There are also exceptions to the provisions mentioned above: the training of staff in the educator-childcare function can be done through pedagogic high schools or other equivalent schools that can offer specialization corresponding to each didactic function. However, practicing the teaching profession does not only involve initial training, but also requires opportunities and interest for continuous training. In a changing society, it is necessary to adapt the educational system to the new economic, social, cultural and even scientific reality.

Thus, the formation of continuous adjustment and adaptability capacities must be ensured. According to Law no. 1/2011, in Romania, continuous training is not only a right, but also a mandatory task for teachers, principals and not only, this having as components career evolution and continuous professional development. The career evolution of pre-university teachers is achieved by passing three exams: Definitive, degree II and degree I. Professional development is mainly achieved through continuous training programs and improvement of psycho-pedagogical and didactic training, studies in the field of another specialization, professional conversion programs.

The Romanian quality management system has the following distinct aspects:

- the existence of an evaluation system in the form of qualifications in primary education: Insufficient (I), Sufficient (S), Good (B), Very good (FB); (LEN, 2011/2022)
- changing the evaluation system in the form of grades from 1 to 10 starting with the secondary school cycle;
- at the end of the secondary school cycle, students take a national exam in the two main subjects: Romanian and mathematics; passing this exam is necessary in order to get admitted to high school (high school cycle); (European Commission 2022).
- at the end of the high school cycle, students take the Baccalaureate exam in three subjects: Romanian language, the mandatory profile test and the elective test depending on the profile and the chosen specialization; passing this exam is necessary in order for the high school studies to be considered as completed but also for admission to higher education institutions; (Points for designing, updating and evaluating the National Curriculum, 2022).
- the Romanian state provides the students' textbooks and they have the obligation to return them to the institution they belong to at the end of each school year;
- students spend approximately 4 hours at kindergarten and 5-6 hours at school during a normal schedule, every day, Monday to Friday;
- the existence of educational framework plans for early education (organized according to the type of kindergarten and learning activities) and for primary, secondary and high school education (study subjects are grouped into seven curricular areas: language and communication, mathematics and sciences of nature, human and society, arts, physical education, sports and health, technologies, counseling and orientation); (Guidelines for the design, updating and evaluation of the National Curriculum 2022).

The evolution of the Romanian education system

The concept of "educational policy" indicates both the goals that the leadership sets and the way in which the achievement of these goals is undertaken, the way of putting into practice the

fundamental options. The education system in Romania reached a high degree of maturity in the period after the First World War, integrating different educational systems, thus managing to include a large number of the country's population in a form of organized education. At that time, only primary education was compulsory and free, and the country was faced with illiteracy that affected especially the older segments of the population. Later, the law was established according to which 9 grades with compulsory frequency on a weekly day-to-day basis are mandatory. A major success of the educational policy was the implementation through Law no. 268/2003 of compulsory education of 10 grades, which caused a large percentage of the country's population to attend school. The policies of the education system in recent years have evolved trying to cope with the new demands and determinations of the changing society and the economy in transition. According to the Education Law of 1995, Romanian citizens have equal rights of access to all forms and levels of education, the state promoting the principles of democratic education and guaranteeing the right to differentiated education (Cristea 2002, 56). Several state policies provide transportation and lodging for out-of-town students and provide free rail transportation to day school students. The state assumes the obligation to cover the fees of libraries, school clubs, camps, merit scholarships and social scholarships and takes responsibility for students with special requirements, disabled students and orphans, which implies the establishment of special schools and providing support to students and students belonging to these categories. Another priority for the education system in Romania, at the policy level, was the idea of respecting the rights of minorities to be educated in their mother tongue. To achieve this goal, classes/study formations were organized with teaching in the mother tongue, where appropriate. The state also allocated special places for the Roma population to try to remedy the situation where the school results of the Roma presented a major difference compared to the results of other children, assigning inspectors to monitor their education. In 2016, the national project "Educated Romania" was launched, which aimed to reset society on values, to increase work, performance, talent, honesty and integrity.

Within this project, three stages were carried out over a span of 2 years. Its bases were: the personalization and quality assurance of the educational process for all pupils or students, the flexibility of the education system to understand and adequately respond to changes and adaptability to external changes and future trends, so that it was desired to increase access to education and training for people with disabilities, updating and adapting the educational offer to the labor market, improving the training of teaching staff to increase the quality and effectiveness of the instructional-educational process.

Also in the same year, the National Strategy for reducing early school leaving in Romania was discussed. In the long term, this strategy aims to contribute to the Government's efforts to increase the economy, productivity, by increasing the number of people aged between 18 and 24 who have completed a cycle of lower secondary education and who enroll in other education or vocational training courses. The strategy will ensure that the level of European funding for projects focused on tackling early school leaving will increase. According to the Eurydice platform, the official website of the European Union, this idea is approved and is being implemented. As it can be observed, education has been and will remain a priority. It begins at birth and continues throughout life in various forms. Thus, in order to support this judgement, we move on to the development of policies that integrate the health and social fields into education.

The adopted measures are diverse, they start from supporting parents in raising newborns by ensuring their integration in nurseries, the construction of a considerable number of nurseries and kindergartens, the development of the curriculum and the training of teaching staff for the care and education of children between 0 and 3 years of age (Cristea 2002, 44), the development of entrepreneurship programs from primary school to university, the construction of new student dormitories, the establishment of measures for students from disadvantaged groups, the increase in the quality and relevance of university study programs,

measures that refer to the beneficiaries of the education system, up to the redefinition the status and role of the teaching staff to ensure the quality of the educational process, the motivation of young teachers, the development of specialist practice strategies, the formation of the entrepreneurial spirit in both pre-university and university education, the development of the continuous training system, of community centers for permanent learning.

The magnitude of the changes, the difficult and surprising problems that humanity has faced and still faces, require the formation or development of necessary skills to be able to adapt and to be able to face the challenges we face. In the present, Romania is facing a difficult, unpredictable situation, for which the education system was not prepared.

Thus, the Internet, computers, tablets and phones, social networks and educational platforms have come to take control of culture and economy around the world. In this form of education, it is much more difficult to capture the attention of students and difficult to maintain their interest in learning. As a solution to this problem, education needs to be rethought and polished so that the end result is engaging, continuous and coherent. According to UNICEF, the priorities, in the medium term, for the period of the pandemic are: adaptation of the school curriculum, development of the environment in which online education is carried out and of the mixed educational approach, support for teachers, their training and professional development, the implementation of educational programs to come to help students. In the long term, the integration of socio-emotional skills, teaching and study practices in the curriculum, the transformation of pedagogical practices, the introduction of mixed education and the evaluation of the impact of closing schools on education is desired. In order to make online education possible, it was necessary to implement a Pilot Project on digitized education, connect all schools to the Internet through high-speed connections, build a virtual library, and implement the electronic catalog, purchase, at the educational unit level, an educational platform where teachers and pupils/students can conduct their courses. According to the Emergency Ordinance no. 144 of 08/24/2020, students' access to the learning process is ensured by equipping them with mobile equipment such as tablets so that teaching activities can be carried out online. (Hegheş 2020, 141)

In the situation where, in the context of the pandemic, the courses are held physically, the measure of providing medical protection equipment was adopted: masks, disinfectant, visors, and coveralls. In 2022, the Ministry of Education, in partnership with other ministries capable of providing help in this area, proposed the implementation of a National Strategy for parenting “educated parents, happy children”. The stage reached is not mentioned, but after approval by the Government, it is desired to develop a National Plan for the development of parental education and some integrated action plans with the participation of the ministries involved. This strategy aims to ensure for each child a favorable environment to develop to their maximum potential and become a responsible adult. The orientation towards change and action in education led to the theorization, approval by GD no. 59/2023 and even the implementation of a Strategy regarding education for the environment and climate change. Starting from January 2023 until December 2030, the Ministry of Education in collaboration with the Ministry of the Environment, Waters and Forests aims to contribute to the shaping of individual, group or system behaviors that lead to the deterioration of nature and the environment, to support people in finding some solutions in the fight against pollution, environmental degradation and climate change.

Mini research

Questionnaire method

The questionnaire is made up of well-organized questions that have the role of informing with the most accurate data about a person or a group of people whose answers are recorded in writing. It is a method used quite often in research with the help of which information can be collected about the psyche of an individual.

The method of studying school documents

This method involves the analysis from the perspective of some factors established in accordance with the objectives and purpose of the research. You can study official documents such as minutes, catalogs, school documents that allow building an overview of the organization of activities. The PDI constitutes a document that is the basis for the development of a school unit. It paints a real portrait of the school, analyzing its past and present status and activity, and at the same time projects the future by setting clear targets.

The research batch

In my research I observed, for the case study, a school, and the questionnaires were applied to 60 subjects, 30 teachers and 30 students. The case study followed the activity of an urban school. The “Modern methods used in training” questionnaire was applied to a group of 30 students, 15 of them studying in a rural school and 15 in an urban school. The 30 respondents to the first questionnaires are among the teachers from Secondary School No. 2 „Poet Ovidiu” from the town of Ovidiu and Ciobanu Technological High School.

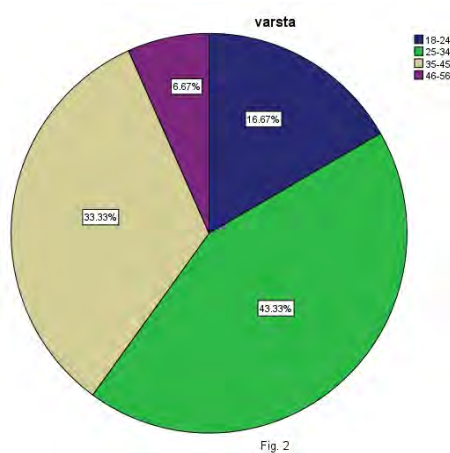


Fig. 2

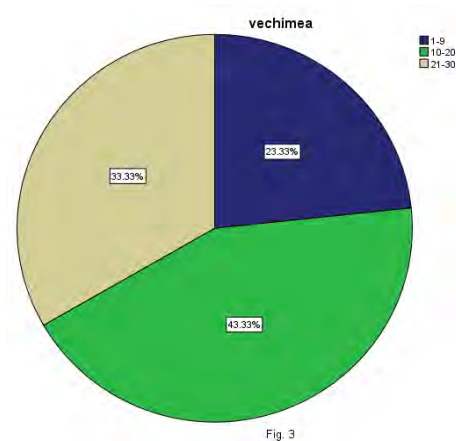


Fig. 3

Figures 2 and 3 show that the majority of respondents, 43.33%, are between 25 and 34 years old and have 10 to 20 years of experience in the system. In second place, with a proper percentage, 33.33%, are those aged between 35 and 45 years with 21- 30 years of experience. One step below we find teachers between the ages of 18 and 24 years old, 16.67%, and teachers at the beginning of their career, ranging from 1 to 9 years of field experience. The lowest percentage of age in the two schools is represented by teachers aged between 46 to 56 years old.

Organization of research

Description of the stages:

1. Evaluation of the level of job satisfaction of teachers from both schools - In October 2022, a questionnaire was applied to teachers from the experimental group and the control group, and the results are analyzed. The workplace performance questionnaire is also applied to both batches.

2. Elaboration of the SWOT analysis - Following the results of the analysis of the questionnaires aimed at the satisfaction of the teaching staff in terms of the workplace, for a good diagnosis of the educational institution, the analysis is prepared for the school where the teaching staff from the experimental group are part of and tries solving the identified problems. This was done in October 2023.

3. Progress evaluation - At the end of April 2023, the questionnaire regarding job satisfaction was again applied to the teaching staff from the experimental group, and the “Workplace performance scale” questionnaire was also applied. In order to perform a

comparative analysis at the end of the activity, they were also distributed to the teachers in the control group.

4. Carrying out final research - The answers to the "Satisfaction at work" questionnaire will be compared with the initial answers to see if things have improved, but also with the results from the "Workplace performance scale" questionnaire to see whether performance is influenced by satisfaction and management strategies. A case study is drawn up based on the analysis of the institutional development project and the observations from the school where the teachers from the experimental group belong. At the end, a questionnaire is applied to the group of students and the results are analyzed.

Conclusion

The development of human society is characterized by rapid variability, a fact that requires continuous improvement. The most important mission of school will be to teach students how to learn. Day by day, the means of self-education are gaining more and more ground. The teacher stops teaching the subject, his role being that of a "torch" that illuminates and guides the students' steps through the "tunnel of knowledge". Teachers from the urban environment are more motivated to get out of the routine and try new methods, those who agree to a great extent with the statement being in a percentage of 33.33%, and to a great extent 26.67%. The efforts made by the manager, teaching staff and the community lead to increased satisfaction and implicitly performance. In the urban environment, 50% of the teaching staff claim that they have initiated ways to improve the way of teaching to a very large extent, while in the rural environment it is only 6.67%. The fact that they are satisfied with the recognition they receive, leads teachers to invest more resources and energy in increasing the quality of the teaching act. With a percentage of 26.67%, teaching staff from the urban environment who largely bring about changes in the way of carrying out their work tasks, surpass the teaching staff from the rural environment, who are at a percentage of 20%. In the urban environment it seems that teachers have more conditions and opportunities, this prompts 46.67% of them to be concerned with the constant improvement of the way of carrying out tasks. 53.33% of the teaching staff from the urban environment believe that they have largely offered ideas for increasing the efficiency of the organization and 33.33% to a very large extent. In the countryside, things are less good. Of these, only 40% offer suggestions to a great extent, 13.33% to a very great extent, and an equal percentage to a small extent (Gherguț 2007, 74). Therefore, the manager's managerial style influences the openness and involvement of teaching staff. In our case, their satisfaction with this approach increased and along with it the performance in the organization increased. Creating a pleasant, safe environment where everyone strives for the same results makes teachers more involved. This statement can be proven by comparing the answers of the teaching staff from the school in the urban environment, where work was done to intensify collaboration both internally and with the local community, with the answers of the teaching staff in the rural environment. Thus, at the first school, 46.67% of the respondents state that they were involved to a large extent in changes to increase the efficiency of the organization and 33.33% to a very large extent, compared to the second school where the percentage is 26.67% for large measure and 13.33% for very large measure. When they are cooperative and support each other, there is a greater chance for teachers to get involved both in analyzing the environment, offering ideas, initiatives to make the activity in the institution more efficient, and in their implementation. Following the analysis of the activity products, it was found that 82.00% of the students noted that different methods are used in class compared to regular teaching, 70.00% believe that it is important for the teacher to use interactive games in class, and 66.00% claim that they better comprehend the information they receive when it is conveyed through an activity that appeals to them. The majority of students, represented by a percentage of 68.00% of the respondents, share the opinion that teamwork is much more pleasant and easier. Of these, 78.00% say that the activities they do in class motivate them to study more and 82.00%

think that the games and activities increase their willingness to be more involved in the activity. Of the 50 students responding to the questionnaire, 90.00% claim that the teacher's role is to help the students in the activities they do, not just to teach. In conclusion, through the case study method, it was found that the success of the school also lies in the passion that the principal shows towards the basic activity of the job, working with children. It is necessary for the manager to be a symbol of the leadership and training approach to inspire the teachers under supervision to be more involved and effective. Another value possessed by an interested and interesting school manager is the ability to listen actively, along with his decision-making skills. He must listen to ideas, proposals and issues from all parties involved and be able to find solutions that are beneficial to everyone.

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Excessive Spending

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ABSTRACT: This article discusses God's love for humanity and His desire for reconciliation, as revealed in the parable of the prodigal son. The investment that God makes in man is immense. His willingness to give an individual a chance even without having the guarantee that he has straightened up and not repeated his fall is immense, and this attitude is visible in the parable of the prodigal son. Although many people like to compare themselves to the prodigal son due to the happy ending of the parable, most of them actually have much more in common with the older brother and refuse to understand that every person, regardless of public attitude, is equally precious to God. However, it should be noted that the identification with the older brother is unfortunately real. The article emphasizes that although humans fall prey to a recalcitrant attitude, God is always willing to wait and make atonement for each individual. It reveals that His forbearance, as well as His grace, are far more than human understanding can comprehend.

KEYWORDS: waiting, sacrifice, prodigal son, older brother, trust, understanding, joy

The third parable in Luke chapter 15 presents a special point of view. The pericope is wide and the development is special. A father had two sons, one of whom, more rebellious, after investigating the possibilities of development in the parental home, asks the father, still alive, to give him his share of the fortune. He tries to find his future apart from the family matrix and goes out into the world. Without minimal economic knowledge but also with little life experience, our young man quickly ends up spending the wealth he received and, pragmatically, decides that, rather than starve to death, it is preferable to return to his native broken house.

He is also preparing a speech in this regard. Atonement forced by the sufferings he was going through, conjunctural emotional speech that camouflaged the food sufferings that shook his health and self-esteem! Complacency solution?! Pride wounded by the personal tragedies he experienced, and which set the course of his later life.

On the other hand, the emotionally wounded father, who knew very well his son's ability to "conquer" the world, decides to faithfully wait for his son. He was certain that the youngest son would not be able to hold out much longer and would return home, on the same road he had set out on with the hopes given by the illusion of independence he had won and leaving behind a parent who had looked at him and raised him with more warmth than he could understand. This constant expectation of the son's return gives the father the strength to follow the daily self-imposed ritual of watching the road where he suspected that one day, he would see his son return. And the miracle happens, and the passive father becomes proactive when he recognizes his child, runs towards him, falls "on his back", offers him the preserved coat and the appropriate ring. He had forgotten the son's offensive attitude towards the boy, his proud demeanor, the irony and humiliation of the village, the conduct of his own servants, who were probably more insolent because they knew the family secret which they regarded as an educational failure of the master. And about the local people, they understood the unsuccessful pedagogy of their rich citizen with democratic views, remembering that the long-awaited son had made an implicit wish when he was asked for his "share of the fortune". It was a codified "wish" through which the spendthrift son wished the end of the progressive father willing to experiment with new forms of capital transfer. The old man, however, unperturbed, had continued his life within the same rigors to which he had added one more, the daily search of the way home.

After the son's departure, the disconsolate father had lived in anticipation, longing for the traitorous son's embrace. He had been waiting for him for a long time, so the reunion triggered the parental outpouring that the oprelists do not seem to have. This emphasized the joy of the old man, the pillar of his godhood, and it was also the victory of his educational style. "Teach the child the way he should follow, and when he grows old, he will not deviate from it" (Proverbs 22:6). And he asks the servants, like a master reborn from his own failure, to sacrifice the "fatted calf" "let us eat and be merry" (Luke 15:23). It seems that the old father was ready to waste even though this spendthrift child had caused significant damage to the family by his departure. But after all, was the party given in honor of his son's return, but was it also the father's party celebrating his educational triumph? Teach the child the way he should follow...

As is known, the ancient Hebrew ceremonial system includes several types of sacrifices. Bringing a gift for a Jew was a moment of enjoyment, of party because it gave the horizon of a new life after the "burial" of the past and full of visible failures. They followed the unwritten rule but enunciated many later by Nehemiah, "This day is dedicated to the Lord your God; do not mourn and do not cry!" (Nehemiah 8:9).

To the common Jew this mixture of bitterness mingled with joy was second nature. At every sacrifice the Jew experienced this joy-sorrow dualism. At the wedding in Cana there is the trouble of the lack of wine and the joy of turning water into wine (John 2:3.10). When they had crossed the Sinai Peninsula, although they had suffered a lot, they were happy to reach Canaan. After fears, joy. The sacrificial lamb was impressive. The ritual required the man to stab his own domesticated animal, and this added an additional emotional connotation. According to this procedure, difficult to understand in the terms of today's modern man, a party followed and the Jew, upset that the animal he had raised had died, rejoiced for its eternal salvation. The Jews seemed to be made of this bittersweet human dough.

There is in the Jewish system of atonement a special type of sacrifice, the atonement for the unconscious and therefore unassumed sin. This cleansing was regulated according to the economic level of the one who requested the sacrifice, according to his social class. A person with a higher social weight in the case of this type of sacrifice brought a larger animal to the altar, if you were a commoner, a smaller animal. If you were a priest with a blessing, you sacrificed a ... calf (Leviticus 4:3) because priests were at that time the highest social class that ensured not only the religious ritual, but also the administrative functioning of the state, the school and the medical.

A chieftain was asked to sacrifice a goat (Leviticus 4:22.23) and a commoner, a hell (Leviticus 4:27.28). There is also a peculiarity for this type of loot. It could also be offered for the "sin of the whole assembly" and the sacrificed animal on this occasion was a... calf (Leviticus 4:13.14). As in the case of the priest!

According to cultural arrangements our character, the old father, was the priest of the family. And he wisely decides to sacrificed ... the calf. The found son came from a high social class and his social position is not that of the common man, and that is why it is decided that the calf must be sacrificed. According to the rank and in accordance with the laws promulgated by Moses, the father has the attitude of Job: "And, after the feast days passed, Job called and sanctified his sons: he got up early in the morning and brought for each of them a burnt all. For Job said: "Perhaps my sons have sinned and angered God in their hearts" (Job 1:5).

The choice of the calf does not seem random. In the case of unknown sins, a calf was sacrificed for the priest but also for the entire congregation. The priest's family, except for the married girl, could participate in the meal with holy dishes (Leviticus 22:12). Wasn't the sin of the whole congregation here as well because everyone in the house had participated in the wrong decisions made by the prodigal son? Hadn't everyone, servants, servants, or other people in the house been guilty of the son's wrong decisions? Did their advice, from different

moments of the young man's life in the parental home, misdirect him? They all had to atone! The wrong attitude must be assumed, and the father does it implicitly. The son's fault, the father thinks, is not only his but also the fault of the whole community, because we all did not know how to guide him properly.

The return of the son to the parental home did not give the senior of the house any guarantee that the boy could not start over. Our imagination makes us think that the boy stayed in the house, good, obedient! The happy ending is in the reader's head. However, Paul also accepts a pessimistic scenario: "For those who were once enlightened and who nevertheless fell... crucify again, for themselves, the Son of God" (Hebrews 6:4.6).

It is not a guarantee that once someone has "tasted the heavenly gift" he remains with the same "taste" for the rest of his life. And although the father probably knew this, he still receives it with great pomp! Without guaranteeing that the return of the son is an assurance, the old man does not seem to be concerned with this scenario. was lost and found" (Luke 15:23.24)

And the father orders the slaughter of the fatted calf. As a sacrifice for the sin committed by his son, sin committed unwillingly, out of ignorance, and now discovered. As a sacrifice for him, the family priest, as a sacrifice for the community he patronized. As usual the parable does not have a clear ending and leaves us to give free rein to our imagination.

The complaints of the grumbling brother are also worth noting. Much has been said about him, although his attitude rather suits the average Christian, who consumes his religious life in the darkness of the church. He is the usual case, confused by stupid rituals without the courage to assume an open rebellion. The exception is his brother, not him. He wants a lot but does not cross the line he draws in his own head. It's the revolt hidden under a broad smile that is always displayed, but only out of complacency. "I have served you as a slave for so many years, and I have never disobeyed your commandment; and you have never given me even a kid to make merry with my friends" (Luke 15:29)

The eldest son does not look up, does not touch the air; only the earth is his horizon and the position claimed and assumed is the humble one. "You didn't even give me a kid"... not even a kid. His claim was a goat, a common man's sacrifice for an unknown sin. The brother could not be seen from the high social class and runs away to make a destiny away from the one who had subjugated his childhood because he does not understand who his father is, but even the decent boy who did not have educational problems could not look up even though he had stayed permanently next to his father. He didn't understand who his father was either. The main impediment was his lack of perspective, his own opinion of himself. The two brothers were in different spiritual phases in relation to the father. And the most painful part follows: "and when this son of yours came, who ate your wealth with harlot women, you cut off his fatted calf" (Luke 15:30).

The eldest son is not part of the "team" of the house, he cannot be one with his rebellious brother and therefore cannot rejoice with someone who ate his father's fortune "with lewd women" He distributes justice and stands as the defender of the father's honor which is honorable even though in the background the unspoken accusation is heard: "You father sponsored these debaucheries, and indirectly paid for these promiscuous women; You are the MORAL AUTHOR. I can't be part of this family".

From the beginning, we can say that the reader/listener does not like the attitude of the good son who stayed at home to inherit. Paradoxically, he becomes the negative character through his speech and behavior, so we naturally identify with the prodigal son. However, an identification with the older brother is much more normal because we have a lot in common with him. We hide our thoughts under crafted words that apparently protect the Father's honor but deep down we strike Him. We defend his cause, "the father's wealth", but forgetting that the father's wealth is even the brother with whom we do not want to share anything, whom we want to see how he pays for the years of ease assumed by him and only suffered by us! We

forget the father's promised answer "all that is mine is yours" (Luke 15:31) and ignore the invitation to take up "My anger is kindled against you and against your two friends, because you did not speak so righteously of me as the servant spoke Mine" (Job 42,7).

In Luke chapter 15 there are three parables. People from various social classes, an investor, an old woman with low income, a rich man with two sons. They all have a common reaction: they throw a party when they solve a loss. A patch that exceeds the value of the loss. To immediately fall in love with a boy who stole half your fortune, for one who went out of his way to bankrupt his father, seems bizarre. And yet the father thinks so, illogically. And not only do they think like that, but they also act like that. The divine economy has other rules that defy material gain. God does not seem like a very successful investor, but rather a naive one. A father willing to waste love and, despite negative experiences, ready to start over, which also assumes a future loss but the moment of spreading love should not be missed. Although everything seems to be an economic failure, only he understands immateriality because it involves a lot of feeling, a lot of emotion.

The parable "breathes" love and immerses you in an uncontrolled dissipation of affection, thrown continuously and in any direction. It is an uncalculated waste of tenderness given "thoughtlessly", a strong soul attachment for something that does not deserve it but still seems immeasurable in the eyes of God (Rotaru 2016a, 34-44), a passion for His own good, a love without limits (Rotaru 2016b, 29-43), in fact, some immeasurable expenses, exaggerated even, to save someone. Paul's question is piercing "How shall we escape, if we are indifferent to such a great salvation/love?" (Hebrews 2:3). The parable of the prodigal son has a painful epilogue in the subtext: it is so easy to get to heaven when there is so much grace and so hard to miss it definitively with minimal opposition.

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The Pantheon: An Ancient Masterpiece that Inspired Academic America

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ABSTRACT: The Roman Pantheon is one of the most notable and influential structures ever produced by Western Civilization. Built of a variety of materials, including a type of ancient concrete, the Romans employed a variety of new construction techniques and features that gave it a unique look and lasting qualities. Today it remains one of the best-preserved ancient structures, which has been replicated in various form over the course of the 20th Century, especially in academic architecture. Here we will look at *four* examples in particular that attempted, in some fashion, to mimic the grandiosity of the original monument while adding features unique to present structural utilization. Additionally, we will delve into *why* the Pantheon was replicated and imitated, as opposed to other famous, iconic structures.

KEYWORDS: Campus Architecture, Architecture, Pantheon, Neoclassical, Replica Architecture, Jefferson, Anchor Buildings, flattery, imitations

Today, the University of Virginia's main campus stands as one of the most inspiring designs that continues to influence campus design and architecture, both nationally and internationally. Designed personally by Thomas Jefferson in the early 1800's, the encompassing, landscape altering 'academical village' built from scratch was a relatively new idea. Jefferson's vision of a college was that of a community constantly interacting in class and beyond, totally divorced from the dangerous and distracting urban realities that most colleges faced back then. The design would be one of an enormous grassy mall, lined with neoclassical "pavilions" and anchored by a structure directly mimicking the Roman Pantheon, both in style and in scale, from within and without (Wilson 2009, 108-112).

The Grandeur of the Roman Pantheon

The Roman Pantheon is a structure that has literally stood the test of time. Few doubt during any era of history that it was and remains one of the best preserved structures of the Ancient Roman Empire, and a grand and precise one at that. Its scale is enough to render a normally sized adult humbled, as its gigantic portico of granite Corinthian columns commands one's attention on the way in. Its grand dome rises over 100 feet from the Earth's surface, and its interior is *meant* to awe (DuTemple 2003, 24).

Inside the Pantheon is a single spherical hall surrounded by a series of statuary and other niches. All attention is directed upwards over 180 feet to its huge concrete dome, coffered with mathematical precision. Atop the dome is no statue to any god or goddess; rather, is a large hole that serves as the Temple's main source of light: the oculus. Though open to the elements, the structure is designed to let in rain which then harmlessly drains toward the center of its vast marble floor (DuTemple 2003, 40-44).

Jefferson's *Rotunda*: Campus Anchor

This was the structure Jefferson sought to copy and adapt for his vision of the University of Virginia's campus. The admiration of the Pantheon in the United States was actually not new. In his original plans for the United States Capitol as designed in the 1790's, architect William

Thornton basically adopted the Roman example (with wings for each legislative house) to be set atop Jenkin’s Hill in the nation’s administrative center. To enhance the structure’s importance, a series of streets and boulevards radiated from it in every direction to remind everyone of the importance and centrality of the Federal Government in the Modern Republic. And until the installment of the present dome in the 1860’s, *this* was the design that overlooked Washington, D.C. (Gugliotta 2012, 183-185). Jefferson absolutely adored the Pantheon. In his later years, when reflecting on the Classical architectural legacy, he said:

“It is the most perfect and august temple, which was ever erected by the hand of man. This building has stood about seventeen hundred years, as a monument of the taste and munificence of the Romans.”

In later correspondence to a variety of American worthies, he would continually stress the physical ‘perfection’ of the ancient structure. To Jefferson and others, the Pantheon was more than just stunning. It was one of humanity’s earliest examples of successful scientific construction. From its various measurements to the quality of its materials, this was a building that was designed to last, not because it embraced the supernatural, but because it employed preparation, reason and balance (Adams Letter 1785).

Certain divorce from the supernatural and an embrace of balance of reason were directly on Jefferson’s mind when he designed *The Rotunda* at the University of Virginia. Its form, scope and size would be on par with that of the Pantheon that inspired it, albeit constructed with marble and red brick. Like Thornton’s Capitol, it too would be designed to be a sort of geographical ‘anchor.’ A structure so well balanced and dominating that there would be little doubt it was the *omphalos*, or spiritual/psychological center of the institution. Students would see it daily, from distances as they strolled to class, and intimately as they used it as their campus library and central event space (Wilson 2009, 34).

The Rotunda proved popular with not only staff and students but with most of America’s foremost architects. Frank Lloyd Wright called it “one of the most beautiful and harmonious buildings ever designed.” Modern architect I.M. Pei, who would go on to design his own iconic monuments in D.C., stated that it was “a building of timeless beauty and grace. It is a testament to the genius of Thomas Jefferson and the power of architecture to inspire and uplift.” It was this quality – the ability of the design to ‘inspire and uplift,’ that would lead to numerous imitations in the early 20th century, from the Mall in Washington, D.C. to some of America’s best known academic centers.

McKim’s Academic Pantheons

The majesty of the Roman Pantheon would continue to deeply inspire American architects well into the late 19th Century. America in the late 1800’s was no longer interested in considering itself a new version of Ancient Athens or the Roman Republic; this was now a nation with global influence, colonialization, and grandeur in mind. The nation, once characterized by a collection of a few state and small farm homesteads, had transitioned into an international industrial superpower. Unlike the sprawling, global British Empire, the United States was largely compact, contiguous and filled with citizens – not distant foreign subjects.

America’s growing colleges and universities regarded themselves as the core of this new global behemoth. Here, at these great centers of learning, Americans would be transformed, trained and sent out to remake parts of the globe in their own image. Additionally, these institutions were now flush with cash donated by an increasing cadre of wealthy alumni. If greatness was now the American birthright, its campuses would have to *look* the part.

At this point in the narrative enters an architect and his firm that specialized in Neoclassical monumental edifices: Charles McKim of McKim, Mead and White. From the late 1800’s to the early 20th Century, this famed partnership would design some of the most

monumental and memorable structures in America. Many of these buildings continue to dominate their respective landscapes, like the Boston Public Library.

But it would be in the academic architectural field that McKim and his partners would experience the most success. And on three occasions, in three different structures, McKim turned directly to the Roman Pantheon's exterior and interior design for inspiration. Also, all three structures still stand in all of their original glory, and continue to serve their respective institutions and the public at large – and like the Pantheon several have been *repurposed* over the decades. The structures are listed as follows. The first being the first being the Low Memorial Library (1895) on the Columbia Manhattan Campus, the second is the Gould Memorial Library on the 'Old Campus' of New York University in the Bronx (1900) (now a community college), and the third being the Wilson Library (1929) at the University of North Carolina.

Each structure would share numerous commonalities to the Pantheon – and each other. All would serve as their respective campus “anchors,” with such centrality that they were literally meant to dominate each day on their respective campuses. All would include a monumental neo-classical façade, either utilizing the Corinthian order (like the Pantheon) or the Ionic. Each would sport a broad yet tall dome and all interiors would be dominated by a *single spherical space* designed to literally *envelop* the visitor.

McKim's vision of the legacy of Rome in America was nearly a singular obsession. His ideas of Rome was that of a vast, balanced republic brimming with citizens, ideas and ‘great men of letters.’ In a 1905 speech he boasted:

“Ancient Rome became the ruler of the world by virtue, not of her legions, but by the might of her ideas. Today Rome rules us by the force of her spirit of law and order in the arts, making citizens of those who have the open mind to receive her teachings” (Moore 1929, 253).

Did McKim ever reflect on the realities of the ancient Roman state? Not publicly. Like most admirers of Roman Civilization, the Republic/Empire's reliance on violent conquest, tribute and slavery rarely (if ever) concerned him. Like Jefferson, he regarded the extensive university campus as a sort of ‘Academic Acropolis’ to be admired from afar and inhabited by mainly peaceful, if not ambitious scholars, students and rhetoricians (Moore 1929, 251-255).

While many styles of architecture have come and gone over the decades, much of McKim's Pantheon-inspired designs have garnered much praise. Jane Jacobs, the author of the influential 1961 book *Death and Life of Great American Cities*, praised the Low Library as one of the most “inviting” in Manhattan. Her praise would be echoed in the 21st Century by former U.S. President Barack Obama, who said, “The iconic Low Library is a testament to the university's commitment to excellence.”

McKim's Pantheon-inspired design would be so impactful it would even find its way onto official U.S. Postage. In 1954 the Post Office Department honored the iconic structure on a stamp, in honor of Columbia University's bicentennial commemoration (Colnect Website).

Other Inspirations and Interpretations of the Pantheon

After World War I, the Pantheon-As-Campus-Template model seemed to reign supreme. Numerous college and universities constructed their own interpretations, with some being more elaborate than others. Perhaps the most elaborate, large-scale ‘Academic Pantheon’ created during and after World War I was the ‘Social and Religion Building,’ or “SR” for short, on what is now the campus of Vanderbilt University (then Peabody College for Teachers) (Conklin, p. 188).

The influence of not only ancient Rome endured in its design, the legacy of Charles McKim loomed large as well. The building, meant to not only dominate the campus but serve

as its ‘architectural anchor,’ was designed by Ludlow and Peabody, a firm comprised of several architects that had studied and worked under McKim (Conklin, pgs. 188-89).

The influence of the Pantheon is apparent in the structure, but interestingly enough, it goes *beyond* other replications. Present, of course, was the monumental, broad dome which created a central rotunda and an impressive façade comprised of marble columns of the Corinthian Order. Additionally, on each side were matching Corinthian niches that were the ‘hallmark’ of the Ancient Pantheon’s *interior*. It was almost as if the architects wanted to leave no doubt that this new structure was their interpretation of its Roman inspiration, inside and out (Conklin, p. 190).

The SR was designed as the campus hub as well, fitted with its large central rotunda for campus ceremonies like convocations and graduations, classrooms and an auditorium. Additionally it had several ‘MPR’ or “multipurpose rooms” as its designers wanted it adapted to the likes of each campus class for generations to come. In a way, this was also in line with the Pantheon’s design, as it was designed to be flexible in its daily uses (Conklin, pgs. 190-193). After World War I, many architects intentionally ‘retired’ the neoclassical style. The 1920’s and 30’s, after all, are justifiably identified with the glory of the Art Deco Style. This new style did incorporate some of the features of neoclassicism, like an emphasis on symmetry and monumentalism, but discarded others – especially details like fluted columns that followed the original ‘Greco-Roman’ orders. The style embraced the forms of the machine age, and employed a variety of materials such as shiny metals and mathematical geometric patterns and forms. Obvious campus-based examples can be found in the Oregon State Capitol Complex and the ‘Cathedral of Learning’ at the University of Pittsburgh (Bayer 1999, 78-81, 197).

Yet the “Pantheonic” model endured, and in 1930 rose perhaps the last of these grand replicas, this time on the campus of Syracuse University. Hendricks’ Chapel was constructed as a testament to the ecumenical and cultural needs of the university. Named for a former New York Senator, the familiar form of the Pantheon was certainly present, though the heft of the building was certainly a level down from its predecessors, particularly Low Memorial Library (Phillips 2005, 20-22).

Conclusion

Eternally useful, adaptable, gloriously decorated inside and out, and blessed with a dome that nearly defies the laws of physics, the Pantheon is one of the foremost structures of humanity. Though ancient, it remains remarkably intact and practical as architects over the ages have competed with each other to replicate or transform it in some way. Architects have been utilizing the Pantheon’s design for centuries, and in America perhaps this effort is most visible on our many college campuses. Jefferson himself found the building so mesmerizing he not only modeled his monumental home after it but also the Rotunda Building, which continues to dominate the University of Virginia’s Campus. Today, architectural forms and styles have come and gone on our college campuses. From Neo-classical to Art Deco to Bauhaus to Brutalist, these structures testify to the power of the human mind to imagine new spaces for critical thinking, conversation and inspiration. Even today, we are sure that architects are not done with their own interpretations of the Pantheon.

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The Ethics of Social Media and the Mental Health Crisis

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ABSTRACT: This essay explores the ethical considerations surrounding the use of social media platforms and their detrimental impact on mental health. With the proliferation of social media in today's interconnected world, it is crucial to critically examine the ethical implications of these platforms. The essay delves into the various ways in which social media can contribute to the mental health crisis, such as through increased exposure to cyberbullying, unrealistic body image standards, and constant social comparison. By analyzing the role of social media companies in the dissemination of harmful content and the potential ethical responsibilities they bear, this essay provides insights into the moral obligations of platform owners and the need for stricter regulations. By comprehensively analyzing the ethical dimensions of social media's impact on mental health, this essay aims to foster a broader conversation and inspire action for a more responsible and compassionate digital future.

KEYWORDS: Ethics of social media, Applied ethics, Social media, Mental health, Addiction

Introduction

Social media platforms have the power to amplify both positive and negative aspects of human behavior. Unfortunately, the negative consequences often take center stage, with cyberbullying, body image issues, and social comparison playing significant roles in damaging mental health. These phenomena raise ethical questions about the role of social media companies in perpetuating or mitigating these harmful effects. The issue which I am raising sounds slightly superficial, doesn't it? Because we are surrounded and so connected to what happens online. However, I believe it is time to become aware about the implications of social media, the psychological factors which keep us addicted and begin to develop healthier relationships with these platforms.

The usage of social media

It is no mystery that most people see social media as a necessity, similarly as we are seeing food, water, etc. Certainly, our usage of social media has become an integral part of our lives, with billions of people navigating on the internet daily. However, the question of whether our usage of social media is moral raises important ethical considerations. First of all, social media does have a massive potential for positive impact. It makes it possible to connect with our loved ones, from family to friends, it enables us to share ideas and raise awareness about important causes. Platforms can be used to promote social justice, to militate for inclusivity and to amplify marginalized voices. Unquestionably, social media allows many individuals and organizations to not only improve their status and position, but to bring a change of perspectives to a broader audience. On the other side of the spectrum, we can state that the ethical challenges of social media are apparent. The spread of misinformation, cyberbullying, invasion of privacy and the addictive nature of these platforms raise concerns about the negative consequences of our usage. Social media can undeniably fuel negative behaviors, promote comparison and envy, and contribute to mental health issues.

Taking all of that into consideration, it is clear that our usage of social media is moral only if we take charge on how we navigate certain challenges and what we allow ourselves to indulge into.

It is our responsibility as individuals to exercise critical thinking, fact-check information, and promote respectful dialogue. By practicing digital empathy and kindness, we can contribute to a more ethical online environment. Likewise, holding social media platforms accountable for their policies, addressing algorithmic biases, and reducing harmful content is crucial.

The identity crisis

The internet seems more attractive to the younger audience, starting from kids to young adults. How harmful can a few hours online be and what effects are most people experiencing as a result of online activities?

Social media affects the young population and because it is not as visible as an actual weapon, which comes across immediately as an imminent danger, we perhaps tend to be more permissive and overlook certain concerning factors. Being exposed to all sorts of content, it is nearly impossible for the younger audience not to compare themselves and to feel inferior. Children and teenagers are more prone to develop depression or anxiety or even body image issues because of the way social media is constructed, 64% of teenagers experience depression because of the time spent online.

The prefrontal cortex, which is in charge of regulating our thoughts, impulses, actions and emotions, fully develops at around 23-25 years old. Until we reach that point in our lifetime, we are constantly growing both physically and mentally, so isn't it wrong when you do not have a clear image of yourself, of who you are and who you want to become, to be stimulated by so much information, one more fabricated than the other?

With the alarming rise in mental health issues, society should be increasingly calling for stricter regulations and oversight of social media platforms. Ethical debates center around the need for legislation that holds these companies accountable for their impact on mental health, ensuring transparency, algorithmic fairness, and user protection. Striking the right balance between innovations and safeguarding human well-being becomes an essential ethical challenge.

Being present in the moment. Are we the most lonely we have been?

Social media is an incredible and powerful tool when it comes to connecting with people worldwide, however it has also contributed with certain negative aspects, one of them being the feelings of loneliness in individuals. At this state of time, we certainly have formed more superficial connections than real and genuine ones, because they come handy and easy. While social media allows us to maintain connections with a broad number of people, most of these connections often lack depth and substance. Interpersonal interactions might resume to likes, comments or a mere emoji, with the effect of leaving individuals craving for more meaningful connections, looking for them in the same environment and all of it summing up to a small but dangerous vicious cycle.

Because of the nature of social media, face-to-face interactions have substantially reduced, especially over the past couple of years. Indulging in a more comfortable way of "socializing," I actually believe that does more harm than good in most cases. Constantly engaging with screens instead of interacting in person can hinder the development of genuine connections and emotional support networks. If most of our lives are spent through a screen, aren't we missing out on living? We, as humans, are meant to speak to one another, relate to one another, and have empathy and strong connections with other individuals. Are we perhaps slowly losing touch with the actual reality?

Another issue that I would like to raise is the online vs offline personas. People often present idealized versions of themselves on social media, carefully curating their content and showcasing only the positive aspects of their lives. This can lead to feelings of loneliness as individuals may believe they are the only ones struggling or experiencing difficulties. Feeling

like they do not belong because they are different, because nobody else seems to be honest and truthful about their lives and struggles. We, as a society, have normalized showcasing the best of the best on the internet and leaving out the truth which so many people should be aware of, that all humans are struggling, some more than others, but life is never and can never be perfect. There is a need for imperfections in order for us to have an idea of what perfection may be, there is a need for certain moments to not be as glorious in order for us to be able to enjoy to the fullest the outstanding and remarkable personal wins and moments throughout our lives. We lack transparency and honesty when it comes to the content that is put out on the internet.

The most concerning part is when we understand that we feel lonely even when we are surrounded by other human beings, because we have disconnected from what actual socializing is or should be.

Social media and dopamine - are we addicted?

Dopamine is a type of neurotransmitter, a chemical substance that transmits signals between nerve cells in the brain. It plays a crucial role in various brain functions, including movement, motivation, reward, and pleasure. Dopamine is associated with the brain's reward system and is often linked to feelings of pleasure, satisfaction, and reinforcement of certain behaviors. Additionally, it has roles in regulating mood, attention, learning, and sleep. Dopamine is linked to activities which we enjoy, so automatically, it is present in our online dependence.

The process is easy to understand, but incredibly hard to combat - every single time we get a notification, a like, a comment, or any sort of attention, the brain receives a flood of dopamine. So every time we engage in any online activity, the dopamine level increases. The same levels of dopamine can be gained by doing a meditation or going for a walk or for a run, but in these cases we get the reward after completing them, so after a longer period of time. Because of the way social media was created, the reward comes not instantly, but much faster. We can analyze a couple of emblematic examples in order to be able to capture the essence of this issue. When movies started playing on TV, we were incredibly excited, however there were ads so when certain platforms such as Netflix appeared, people were able to get dopamine faster. Now we can compare Netflix with TikTok. After a movie, which can have 2 hours, we get rewarded with dopamine but in the case of TikTok, we get dopamine after every single video on the explore page. How can the young audience not be addicted to this platform? Imagine getting a dopamine flood, and another one, and another one and so on, every 30 seconds. Some individuals treat the internet as an escape from reality, the more they use certain platforms, and they start to feel a magnetic attraction towards this easy fix.

Is it effective and realistic to talk in such instances about a social media detox, or rather, a technology detox? Is it achievable and attainable? The most alarming issue is that because of our habits, our lives would not be as enjoyable and easy without our phones and laptops. No music, no internet, no social media, no easy way to gain dopamine.

Ethical solutions also lie in empowering users with knowledge and skills to navigate social media responsibly. Education initiatives that promote media literacy, critical thinking, and emotional resilience can empower individuals to recognize and address the negative impacts of social media on mental health. By encouraging self-regulation and responsible digital citizenship, we can create a more ethically conscious online community.

Our usage of social media is a complex issue with moral implications. While it has the potential for positive impact, it also presents ethical challenges. By being mindful of our actions, promoting empathy, and advocating for responsible practices, we can strive to make our usage of social media more moral and beneficial for ourselves and society as a whole. Awareness is the first step towards addressing the ethical quandary surrounding social media. Understanding the psychological factors that contribute to our addiction to these platforms is

crucial. By recognizing the persuasive design techniques, such as infinite scrolling and notifications, we can begin to regain control over our online behavior.

Conclusion

Perhaps I shall end this article by asking all the readers: Should we not start to analyze the core of the issue at hand - what happened to our “real” life and why the most satisfying part of it shall be online? At what point in time have we stopped living and started simply existing? Why did we slowly lose the joy of the small things and why have not we noticed it yet? Why is it so normal to be active and have an account on social media? Do we want to be seen, heard, praised? But at what cost?

To develop healthier relationships with social media, we must prioritize self-care and set boundaries. Taking regular breaks, setting time limits, and engaging in offline activities can help us strike a balance between our virtual and real lives. Being mindful of the content we consume and curating our online experiences to promote positivity and well-being is also essential.

Furthermore, fostering open conversations about mental health and the impact of social media is vital. By sharing our experiences and supporting one another, we can create a culture of empathy and understanding. Encouraging platforms to provide more mental health resources, helplines, and access to professionals can also be a significant step towards addressing the mental health crisis exacerbated by social media. Ultimately, it is up to us as individuals, as well as society as a whole, to navigate the ethical challenges of social media. By recognizing the potential harm, educating ourselves, and advocating for changes in policies and regulations, we can shape a future where social media platforms prioritize mental well-being and ethical practices. Let us embrace technology with awareness, compassion, and a commitment to fostering a healthier digital landscape for all.

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Navigating the Teaching Profession: How Mentorship in a Teacher Preparation Program Works to Support Academic Development in Black Women

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ABSTRACT: This paper will briefly expound on how a teacher preparation program, at an Historically Black College and University (HBCU), pairs graduate research assistants with mentors to support their development as teachers-in-training and burgeoning researchers. We will focus on the Black women who serve as graduate research assistants and explore how mentoring can be used as a tool to support their growth and development in academic environments. The author and co-author of this paper will serve as an example of the mentor-mentee relationship.

KEYWORDS: Black women, mentorship, HBCU, teacher education, teaching profession

Introduction

Several scholars have examined mentorship in academia and its importance for the personal and professional development of Black women at various points in their academic or professional careers (Jordan-Zachary 2004; Cropps & Esters 2018; Johnson-Bailey et al. 2015). As noted by Johnson-Bailey et al. (2015), “Mentorship has long been a means by which individuals aspiring toward upper mobility or career success find support from a person who has already achieved that desired goal” (para. 5). Unfortunately, identifying appropriate mentors in their selected field of study may not always be an easy task for Black women in graduate school (McClure 2019), including Black women who are pursuing graduate degrees in education. This paper will briefly describe how one teacher preparation program, at an Historically Black College and University (HBCU), provides mentorship opportunities to Black women while they pursue their graduate degrees in a teaching field. We will discuss how the women serve as Graduate Research Assistants (GRAs) to faculty and, in turn, faculty serve as mentors who assist the graduate students with navigating not only graduate school, but also the teaching profession.

Program Activity: Strengthening Teacher Education

Alabama A&M University is an Historically Black College and University (HBCU) located in Normal, Alabama, USA. The university is the largest HBCU in the state of Alabama and boasts enrollment of approximately 6,000 students (Alabama A&M University *Points of Excellence* 2023a). In the fall of 2022, 86% of the students who attended Alabama A&M University identified as Black (Integrated Postsecondary Education Data System Report 2022).

The Department of Teacher Education and Leadership is housed in the College of Education, Humanities, and Behavioral Sciences, one of four academic colleges at the university. The Department of Teacher Education and University offers a number of programs in teacher education and instructional leadership, including at the bachelors, masters, specialists, and doctoral levels. At the graduate level, students can earn degrees in several areas including Pre-Elementary Education, Elementary Education, Secondary Education, Special Education, General Education, and Instructional Leadership (Alabama A&M University *Graduate Programs* 2023b).

One of the goals of the department is to ensure that students are provided with well-rounded experiences that contribute significantly to their development as future teachers and school leaders. As such, the department has received funding to strengthen its teacher education programs by providing opportunities for graduate teacher education candidates to serve as Graduate Research Assistants (GRAs) and assist faculty with conducting research. GRAs also participate in professional development opportunities that serve to support their academic development, including attending local and national conferences, presenting at conferences in their field, participating in grant writing activities, developing manuscripts for consideration for publication, and participating in any other scholarly activities deemed as important for GRAs. In turn, faculty provide support and mentorship to the GRAs as they complete their studies. At the center of the *Strengthening Teacher Education Program Activity* are mentor-mentee relationships that are established between faculty and graduate students.

As part of McClure's (2019) study on the experiences of Black women in doctoral programs, the researcher identified three important themes that impact the experiences of Black women in graduate school. One of the themes discussed by the researcher is mentoring. As noted by McClure (2019), "Participation in positive mentoring experiences has the potential to help Black women overcome and reduce their negative experiences by providing them with tools to navigate the academy. Thus, allowing them to feel more connected to their institutions..." (p.55). For the Black women who serve as GRAs in the Department of Teacher Education and Leadership, mentoring is considered an essential component of their academic development. Well-established mentor-mentee relationships can ensure that GRAs are provided with the "tools" needed to navigate the teacher education pathway and the teaching profession.

How the Program Works

Graduate Research Assistants (GRAs) are identified from the graduate student body in the Department of Teacher Education and Leadership. Graduate students who are interested in serving as a GRA complete an application and provide a personal statement indicating why they would like to become a research assistant with the Strengthening Teacher Education Program. In addition to the application and personal statement, GRAs are required to meet the following criteria if they are selected:

1. Must maintain a GPA of 3.25, on a 4.00 scale, throughout their programs.
2. Commit to working with a mentor for at least 20 hours per week.
3. Commit to participating in scholarly and professional development opportunities.
4. Work to publish at least one article and present at local and national conferences during their tenure as a GRA.

The program works to maintain a maximum of five (5) graduate research assistants who concurrently work as GRAs in the department. GRAs can serve in the department for a total of two years while they work on their graduate degrees, and they are paid a stipend during their tenure. While the program is open to Black graduate students enrolled in any one of the teacher education programs, most participants have been Black women who are new to the teaching profession. Hence, after participants are interviewed and accepted into the program, they are paired with faculty mentors who are content experts and who have a track record of working well with students in their respective programs.

The Mentor-Mentee Experience: The Authors as an Example

As an example, we seek to highlight how we, the author (mentor) and co-author (mentee) of this paper and participants in the *Strengthening Teacher Education Program Activity*, approach the

mentoring experience. Kern et al. (2019) identified three factors that might enhance the quality of mentor-mentee relationships. According to the researchers, the age of the participants, matching ethnicities, and matching genders are possible factors that may impact the mentoring relationship (Kern et al. 2019). While Kern et al. (2019) did note that the literature showed mixed results when examining these factors, we do believe that these factors work to the benefit of our mentor-mentee relationship. For example, there is only a 12-year age difference between us as mentor and mentee. Furthermore, we both identify as Black women.

Due to our participation in the *Strengthening Teacher Education Program Activity*, our mentor-mentee relationship has been ongoing for a year. Although focused on academic development and the development of professional and research skills of GRAs, our mentor-mentee relationship is grounded in openness as guidance is provided and a willingness to learn is exhibited on both sides. The following statement from the co-author (mentee) encapsulates our relationship:

“While in the program, I have gained experience from writing proposals. I get the chance to explain why my research is significant and it gives me a platform to demonstrate my projects. Most importantly, this program has given me the opportunity to have a mentor. I am fortunate to have a mentor who is Black and a woman. It is vital that Black women have mentors because we are able to see someone who is successful and looks just like us. The support I gain from working with Dr. Strachan is great because I can ask questions about my education and career and receive honest feedback. She is also able to quickly connect me with people who can better assist me when my concerns or questions are out of her scope. Having a black woman as my mentor provides motivation to continue pursuing my career as an educator based on how successful she is. I know that there will always be someone rooting for me to win because of the mentee and mentor relationship we have.”

She continues by stating that she feels more “well-prepared, confident, and optimistic” about her experiences in graduate school and her training as a teacher. As we work together in the program, we will continue to examine how the mentor-mentee relationship impacts her academic development as well as the academic and professional development of Black women who serve as GRAs in the department.

Conclusion

This paper offers a very preliminary discussion into how one program seeks to enhance academic development in Black women who serve as Graduate Research Assistants (GRAs) in a teacher education program. Pairing Black women with mentors can serve as one avenue to assisting Black women with developing academic and professional skills as they work as research assistants in graduate school. Therefore, we will continue to examine mentor-mentee relationships as established in the department and the Strengthening Teacher Education Program Activity. We hope that further examination of the mentor-mentee relationship will provide us with insights into how Black women can be supported as they navigate the teaching pathway and profession.

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The Artist and the Subway

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ABSTRACT: For both visitors and natives, the geography of New York City can be challenging to navigate. Literally divided into dozens of islands, with its only mainland connection via The Bronx, the Five Boroughs present different kinds of landmasses that millions experience daily—living in, visiting, escaping from, transiting, and utilizing them. Not only has the Subway System become a key aspect and symbol of New York’s culture, but it has also become infamous on a national scale. Uniting all since the early 1900s has been the Subway System, which continues to inspire, frustrate, challenge, alienate and envelop modern artists of every kind to his day. Through various sources and the thoughts/words of postwar artists Yoko Ono, Ellie Kayu Ng, Keith Haring, and James Yang, we have explored the New York Subway and its openness for interpretation. Out of countless post-war artists who have included the Subway in their artwork, we have chosen to compare and contrast a few artists who have utilized the subway in differing ways in their art. The Subway System has been depicted and interpreted in countless ways to communicate its promise, aesthetic, democratic spirit, kinetics and, of course, connectivity. Ultimately, we have come to the conclusion that Subway can be interpreted in endless ways, allowing artists to form differing views, feelings, and meanings from the same subject, in this case, the Subway.

KEYWORDS: art, artist, interpretation, post-war, subway

Introduction

For both the visitor and native, the geography of New York City can be challenging. Literally divided into dozens of islands, with its only mainland connection via The Bronx, the Five Boroughs present different kinds of landmasses that, for millions daily, are lived in, visited, escaped from, transited, and utilized. Uniting all since the early 1900s has been the Subway System, which continues to inspire, frustrate, challenge, alienate and envelop modern artists of every kind. The Subway system has been depicted and interpreted in countless ways to communicate its promise, aesthetic, democratic spirit, kinetics and, of course, connectivity. Postwar artists Yoko Ono, Ellie Kayu Ng, Keith Haring, and James Yang have all been inspired by it in different manners.

Yoko Ono and The Subway

The system has been dramatically praised and strongly condemned. Modern artist Yoko Ono claims that “...the subway is a living canvas, a gallery of diverse stories and experiences. It’s where art meets humanity in motion.” Ono also considers the system as more or less of a great leveler, a living network in motion bringing together humanity in all of its forms and classes (Chung 2018). Over the decades, Ono has utilized the subway as her canvas, particularly for her mosaic pieces. In 2018, she collaborated with the Metropolitan Transit Authority to complete a series of six mosaics that highlighted blue sky scenes. Ono wanted to bring the majesty of the open sky to some of the city’s busiest subway lines, to remind the rider of the wider world and its majestic dome that unites us all. She also sought to use the artwork as a memorial to her late husband, John Lennon, an artistic dynamo unto himself during his living years in the music industry (Chouinard 2018).

For Ono, the Subway means, first and foremost, *freedom*. It provides the pedestrian with an almost superpowered tool to promote motion, connectivity and curiosity. It is an *empowering* mechanism. "The subway is a constant reminder of the resilience and spirit of

New York City. It's a place where dreams collide, and the ordinary becomes extraordinary. It's my endless source of inspiration and the heartbeat of this vibrant metropolis" (Chouinard 2018). Ono has used the subway system to wander and feels extremely grateful for the anonymity it's afforded her over the decades. Let's face it: she remains an *extremely* recognizable person in many settings. So the idea that she can more or less 'mask up' and embark upon an urban journey has long been a liberating one. "The Subway is a sanctuary of anonymity," she's stated, "where strangers share intimate moments without ever speaking a word. It's a testament to the unspoken connections that bind us all" (Chouinard 2018).

Ono also perceives New York's subway network as a system of infinite possibilities and gateways. With over 750 stations and lines that are still under construction, the ever-expanding system is home of thousands of artworks, advertisements, video displays, performance spaces, entries and exits to neighborhoods and institutions. "The subway is a canvas of expressions, a tapestry of dreams. Each station is an active portal to countless possibilities, inviting us to imagine a better world as we journey through the underground labyrinth" (Hood 2004).

Ng and New York's Underworld

New York's subterranean network has also inspired other artists in their quest for self-expression and their connection to the city. Painter Ellie Kayu Ng has crafted complicated portraits and depictions. Her renditions of the subway utilize color, texture and scene to provide a degree of almost photo-realistic accuracy while simultaneously utilizing hue and tone to communicate mood, motion and place (Ng n.d.).

In *My Train of Thought*, Ng treats us to what is either a reflection or view into a subway train window. Here she's in a fantastic position, practically wrapped around one of the train's steel poles and dressed elaborately as if she's on her way to some kind of formal event. She's obviously in a moment of serious contemplation or fantasy, but what could she be thinking about? Lights from different parts of the journey are reflected around her, giving the scene a sense of motion and direction. One can almost hear the roar of the train as it *bolts* its way through the city's underground world. And yet, there are two worlds at work here: the cement and steel environment of the subway and the vast recesses of the artist's mind. They are simultaneously connected and co-dependent, yet comprised of entirely differing substances. The organic and inorganic have temporarily connected to form something greater, something empowering and communicative (Ng n.d.).

Also notable in *My Train of Thought* is the way the artist presents her physical form. She's elongated, stretched out, blissfully extended. She's navigating the system's passages at high speed and in a heightened state of glamor. There are no limitations here; there's only movement, freedom and possibility. The viewer is left to wonder where she's going. To a party on Manhattan's Upper East Side? Perhaps to the Met to catch one of Mozart's operas. Maybe she's en route to a romantic meeting at a Brooklyn Coffeehouse? Or what is she thinking? What world has *swallowed* her up amongst the hypnotic sounds of the subway? (Ng n.d.).

Ng continues her contemplation of the subway and its inhabitants in her work *Lonely Together*. Here we see what looks like a couple gesturing dramatically on a platform while waiting for a train to arrive. Examined individually, each figure seems completely immersed in some kind of moment or performance and frozen in the moment. They're obviously embedded in some other reality and, like many of us, are having a moment of dramatic fantasy in an otherwise ordinary spot. Perhaps they're being adored by their own fantastical respective audiences, with standing ovations all around. But the reality of the situation is much more ordinary, as they pose with great zest on a raised platform far over a busy city street, bathed in yellowish light that fills the entire scene with its moody hue (Ng n.d.).

Both scenes strongly explore the interplay between inner and outer worlds, the clanging dynamics of the subway network and the Walter Mitty-like fantasies that riders experience as a result of the system's unrelenting visual patterns and rhythms. Our figures are using the subway for different reasons. All for travel, of course, but also as a place for *fantasy* and realization. "The subway is a place where people can let go of their inhibitions and be themselves," asserts Ng. She also claims it is a place of contrasts, where individuals can experience loneliness and isolation amid impressive, rapid, even *clanking* connectivity (Ng n.d.).

Haring's Love Affair With The Subway

The New York Subway has various aspects that inspire artists in different ways; for artist Keith Haring, he noticed and admired the fact that the Subway was - and still remains - a "cross section of humanity that cut across all boundaries" (Haring 2023). A wide variety of people regardless of occupation, race, gender, upbringing, character, and destination, all use the Subway (Haring 2023). Haring himself started to become familiar with the New York Subway when he moved to New York at twenty years old as an "observer" of public art. Rather than the chaos of the Subway, he was "attracted to the subway graffiti" and admired its display of various artistic abilities and understanding of artistic elements. For him, the Subway became something he could admire in his everyday life, almost like a museum of sorts (Haring 2023).

Aware that many believe that the only way to enjoy art is to make time during the day to visit a museum or an exhibit, Haring wanted to create art for as many people as possible to view and enjoy on a regular basis similar to how he admired others' graffiti art. With the hustle and bustle of New York's cities, it is not often that people slow down to enjoy the simple things in life. After seeing other artists contribute to the beautification of the Subway, Haring joined the community, beginning to create stylized line drawings with chalk, leaving the viewers to interpret the pieces for themselves. His growing fondness for this new tradition and the admiration of the artwork by viewers pushed Haring to continue creating graffiti art in the subways whenever an advertisement panel was left blank for a few days in order to foster an appreciation for art in public (Haring 2023).

The Subway also contains (and sometimes entombs) various communities. Whether the riders of the Subway realize it or not, the fact remains they're linked by the enormous system to get from point to point. For many, they take the same trains every day at the same times as a consistent part of their routines, riding with strangers they have taken the Subway with possibly hundreds or thousands of times. Artistic communities have formed as well; the graffiti art community that Haring joined when he began embellishing the Subway links the artists through a mutual respect for each other's works and effort to share the beauty of art to the public (Haring 2023).

The sharing of art in the form of graffiti has led to an increased appreciation for the arts as well; even the police officers who fined or handcuffed Haring admitted their fondness for his art. This universal admiration of not only Haring's, but other artists' work fuels the passion for artmaking in the Subway. Despite how short-lived the designs were, Haring felt that "even if a drawing only remained up for only one day, enough people saw it to make it easily worth my effort" (Haring 2023). Like Ono, Haring is also one of the many artists who use Subway stations as canvases for their art, dedicating themselves to decorating a symbol of and capturing the spirit of New York City.

Yang's Subway Car Artwork

There is art in unexpected areas as well, such as inside the Subway cars themselves. One artist who decorates Subway cars with his artwork is James Yang. As a way to create a "momentary sense of calm or zen" (Yang 2023), Yang was asked by the Metropolitan Transit Authority to

create wallpapers for the inside of subway train cars. The cars with these design features allow commuters to be fully immersed in and feel the zen effect of the designs that cover the doors, walls, and ceiling (Yang 2023). Featuring images of the New York skyline and subway cars, Yang encapsulated elements of the New York subway in a simple way that would enhance the cars with designs relating to their location. Having thought of the charismatic idea of portraying “catching lines” (Yang), Yang designed subway cars with nets on the top of the cars, catching colorful circles that represent the lines one could “catch” on the Subway (Yang 2023).

The Subway, being a major mode of transportation for residents of New York, tourists, and commuters, is often chaotic and stressful, especially for those not used to the environment. Knowing this, the Metropolitan Transit Authority requested the calming artwork for the insides of the cars. Depending on the person, the notoriously crowded subway can be either exhilarating or daunting; with this additional effort to help some travelers, hopefully they can feel some release of tension. Yang’s artwork could also create a sense of belonging or tranquility for riders on the way to an important meeting or interview.

As previously mentioned, the Subway is used by people from all walks of life, but a commonality between many of these people is that they take the subway as a way of commuting to work. James Yang specifically mentioned creating a peaceful moment “during a commute;” he took his artwork as a way to help people relieve stress before a full day of work (Yang 2023)

Conclusion

As long as there have been trains and subways, artists have been creating works to praise, observe, exemplify, criticize, and ennoble them. Ono herself acknowledges that her works could be interpreted as a complement to those of her late husband’s songs about such subjects. John Lennon and the Beatles wrote hundreds of songs, of course, and some of their most famous works are either about trains or reference them. Two examples particularly come to mind here. The first could be “Ticket To Ride,” where the Lennon-led song laments about a girl that’s obviously leaving on a train to go somewhere far away from the boy who loves her. The other could certainly be “The Ballad of John and Yoko,” which is not only about how the couple is constantly misunderstood by fans and the popular press but specifically mentions constant travel and trains. It could be argued that both songs also have a kind of locomotive tempo to them suggesting the rhythmic, even hypnotic movement of a train on the rails. And when it comes to considering hypnosis, one cannot forget “Lucy in the Sky With Diamonds,” which describes a sort of ‘ideal’ and fantastical train station, colorful turnstiles included.

Ng’s considerations of the subway are almost entirely different from Ono’s. Instead of presenting elements of the outside world to remind the Subway rider of their part in the wider world (via her *Blue Sky* murals), for Ng, individuals are like ‘creatures of the night’ that utilize the subway to express their spirit and even seductive nature (as in “My Train of Thought”). Yang plugs into the ‘spirit’ of the Subway as well, but primarily concerns his work with all-surrounding color and playful interpretations of the system fonts, symbols and overall aesthetic. He seeks to directly enrich the lives of riders and remind them of the marvel of the network. In this age of Climate Change, cities all over the world, from New York to Hangzhou, are spending billions modernizing and expanding their subways and rail systems. The Age of the Car in the City is *over*, and there is no doubt that the relationship between artists, riders, and subways will continue for many decades to come (Abbey-Lamberts 2015).

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Academic Integrity Considerations

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ABSTRACT: Ethics and academic integrity play important roles in fostering a balanced and contented life. Because integrity is a personal choice, an uncompromising and consistent predictable commitment to honoring moral, ethical, and spiritual values and principles, we assert that the present study entails highlighting academic integrity as a human valence. Academic integrity respects its unanimously recognized principles at the doctrinal level, and the violation of academic integrity has a negative impact on all levels: personal and professional development, self-esteem, social valorization, etc. The creation, transmission, exchange and application of knowledge are goods that belong to the entire academic community.

KEYWORDS: Integrity, ethics, morality, academic/university environment, professionalism, principles

1. General aspects regarding integrity in the academic environment

The university/academic environment must represent a benchmark of ethics and morality for all social domains. The personnel who are tangential to this environment, as well as those who interact, even temporarily this environment, must acquire professional, ethical and moral virtues and values of the highest degree because they represent benchmarks of conduct to which the beneficiaries of the activities will relate representatives of this environment, whether it is the academic one or the university one.

The concept of "academic integrity" was introduced in the specialized literature by the researcher Donald McCabe in the early 90s and refers to the conduct of academic activities by respecting the values represented by honesty, trust, justice, respect and responsibility. Thus, the emphasis is placed on the values, behavior and conduct of members of an academic community, especially with regard to intellectual fraud, especially plagiarism. Some authors (Durac 2021-2022, 33) define the phrase "academic integrity" as "a personal choice to act responsibly and take responsibility" and consider that the term "integrity" can be understood as "respecting the intrinsic value of each individual and his human dignity".

Moral integrity, professionalism, professional and social responsibility, justice and equity are just a few attributes that must complete a set of norms and virtues of the academic and university environment. The question can be asked: where are all these elements that define integrity to be found, if not in the academic and university environment? We believe that being whole means being in harmony with yourself and society. The ethical trajectory of each individual man is the expression of his way of relating to a concept of order, lived in universal extension (Pleșu 1994, 64).

The term integrity has different interpretations in the academic community. The word derives from the Latin term "*integritas*", which means whole, completeness. Starting from the essence of the word contained in the Latin root, integrity is a requirement to bring different parts into the whole that contains them. It can be deduced that integrity as a moral value can be synonymous with honor. When we say about someone that he is of integrity or moral, it means that that person cannot be reproached for anything, integrity being therefore the quality of being or remaining whole, of preserving his qualities, without them being tainted or altered by the pseudo-imperatives imposed by the condition of the opportunity of the times lived.

Academic integrity is the foundation on which academic life is built and developed. The role of academic integrity is to defend the fundamental values of the academic process, values represented by honesty, trust, justice, respect and responsibility. These values are closely related to each other, each representing a specific and decisive aspect of academic integrity and without which an academic community cannot carry out its activity (Aslam, Moraru and Paraschiv 2018, 26).

Academic ethics therefore falls within the genre of professional ethics and is a species of applied ethics specialized in analyzing the behaviors of agents and moral patients who are part of educational and research institutions: teachers, students, pupils, researchers, administrative staff, staff auxiliary, etc. (Aslam, Moraru and Paraschiv 2018, 25).

We observe that academic integrity emphasizes aspects related to ethics and morals, the adoption in professional and even personal life of desirable ethical behaviors and conducts as a result of the internalization of ideals, principles and ethical norms in moral consciousness. Academic integrity promotes compliance with ethical norms starting from the rational arguments present in the great ethical theories and not with eyes directed to the punishments provided by the legislation in force. Likewise, the moral agents involved in the educational act must respect the ethical norms, not out of fear of the punishments formulated by the legal norms, but out of the conviction that they represent the model of humanity to which the rest of our fellows aspire.

2. Integrity as a virtue

As a dominant character trait, integrity as a virtue makes the human individual better, from a moral and intellectual standpoint. From the perspective of ethics and integrity, research can also be considered an art. Being original means contributing to the completion of one's own learning with all the skills and talents that make us unique. Creativity is an intrinsic part of the academic process. Scientific research based on exploring existing information and bringing new knowledge in an original way is essential for academic success (Dinu 2021).

The academic/university environment pursues performance and is concerned with the construction, equally, of some ideas, but also some destinies, the academic activity must be calibrated by a spectrum of values to guide its profession, it needs moral benchmarks for so that her performance is not just a quantitative illusion and not a qualitative one at all. Therefore, the university environment aims through its activity not only to obtain percentage results that are advantageous to it (for example, a high percentage of integration on the labor market of its graduates), but also to cultivate and preserve a climate of debate and honest knowledge, result of respecting the principle of academic freedom. The academic or university professional who respects his mission and does not want to deviate from it has, from this perspective, the duty to make efforts so that this desired does not remain in the realm of the possible, but is a reality that is lived and built daily.

In this sense, the members of the university body bear this responsibility towards their own moral formation, but also towards that developed within the institution, because the standards imposed at this level will subsequently determine the quality of education and research, but also the level of honest performance which its members' touch. If the society complains (legitimately) that the scourge that destroys the balance in the society is precisely the moral corruption of the people, which may end up, sooner or later, manifesting itself in deeds, then it would be imprudence with dire consequences in the long run on the part of the universities to neglect the moral aspects of the training process for which they are responsible (Enoiu - <https://www.syntopic.ro/de-ce-este-importanta-integritatea-academica/>).

We highlight a statement by Jean-Jacques Rousseau: *“as long as his (n.r. man's) sensitivity is limited to his own person, he has nothing moral in his actions; only when sensibility begins to extend outside him, he first acquires feelings, then the notions of good or*

bad, which make him truly human and an integral part of his species” (Rousseau 1973, 203) what follows from this assertion, is that members of the academic community must observe what are the implications of their activities relative to the beneficiaries of the skills they distribute by checking and examining how its members relate to morality.

3. Respecting the principles of academic integrity

Inevitably, any prestigious institution, which trains highly qualified specialists, fully aims to promote academic integrity as well as to protect moral values such as: honesty, collegiality, respect, trust, responsibility, academic freedom, transparency, goodwill, care etc. From these moral wills arose the principles of academic integrity; these are: moral integrity, collegiality, loyalty, respect and tolerance, professionalism, honesty and intellectual correctness, justice and equity, transparency, professional and social responsibility, academic freedom, merit.

Integrity must be appreciated in correlation with various aspects related to a person’s life. It is about those attributes of a person’s behavior that outline their professional, artistic or intellectual integrity (Calancea 2019, 22). The same author rightly believes that integrity cannot be cataloged only as a character trait or a quality that a person or an organization can have, but also belongs to the efficiency with which social groups function, since a group can function effective only when the members who make it up are willing to always respect the same values considered by all to be important and to direct all their efforts in order to respect the social promises assumed publicly (Calancea 2019, 24).

Integrity is a concept that speaks of consistent actions according to values, methods and measures, as well as reporting to principles and expectations that can be verified by results. Integrity expresses the virtues, experiences and application of beliefs, without discrepancies between statements and the example of personal experience. In ethics and morals – integrity is considered as honesty and fairness, and is evaluated by the accuracy of one’s actions (Informative material from anti-corruption education campaigns - Competence makes the difference! Project selected within the Administrative Capacity Operational Program co-financed by the European Union, from the Social Fund European). According to the German philosopher Immanuel Kant, integrity as personal autonomy implies *“always acting in such a way as to treat humanity, both in your person and in others, always as an end in itself and never only as a means”*. Thus, integrity becomes a necessary restrictive condition applied to systems of institutional rules. Every human being has a dignity and a moral status (Anticoruptiesebes.ro. n.d.)

Collegiality as a principle of integrity implies that the members of an academic group owe each other’s assistance, kindness and respect. They exclude not only vulgarity, but also harsh and inappropriate manifestations. The members of the academic group must refrain from any offending words, any malicious imputations, steps or service offers for their benefit or to the detriment of others and, in general, refrain from any action likely to harm others colleagues.

The principle of academic loyalty implies the obligation to loyally defend the prestige of the academic environment, as well as to refrain from any act or fact that may harm the image or legal interests of the academic institution. This does not mean that an absurd obedience is required and that a member of the academic environment must accept actions likely to bring violations of human dignity. We expressly mention that the loyalty of public officials to the public institutions in which they work is not the same as the loyalty to be found in the academic environment. If civil servants are prohibited from certain unauthorized actions or from disclosing and using secret information of the public institutions in which they work, in the academic environment the principle of loyalty implies, in our opinion, something else entirely, namely the externalization of respect and passion for the academic/university environment of an assertive behavior and discourse but also relative

nipitic to the professional activity as well as highlighting the accuracy of the members of this environment.

Respect and tolerance as principles of academic integrity represent moral values that manifest themselves in multiple ways. Respect means being polite and kind to others. Respect is also seen in the way we speak, showing understanding, fairness, punctuality, appreciation and care for the behaviors and feelings of the interlocutors. Respect is the ability to see values in ourselves and others. This ability presupposes a certain degree of social, cognitive and emotional maturity.

The notion of “tolerance” appears in the history of European culture at the beginning of the 16th century, in close connection with humanist thought, embodied in the person of Erasmus of Rotterdam, in his effort to combat religious fanaticism. Other personalities who illustrated themselves in their consistently tolerant attitude when confronted with other views or worldviews were John Locke (1632-1704), Voltaire (1694-1778) and Gotthold Lessing (1729-1781). John Locke.

Tolerance means knowing, recognizing and accepting the way of being of people and groups. This involves the deliberate choice not to prohibit, not to prevent, not to intervene in the behavior of a person or a group, even if we disapprove of that behavior and have the knowledge and the power to prohibit or prevent it.

The concept of tolerance has many meanings and can be understood in different ways. It was stated (Manole 2016, 18) that: *“tolerance, in the original sense, presupposes respect for the contrary opinion and is closely related to the freedom of the person. Also, tolerance means respecting the decisions of other people, groups, peoples, religions, other ways of thinking and points of view, other styles and ways of life. Tolerance is an active attitude, generated by the recognition of the universal rights of the human person and the fundamental freedoms of others. Under no circumstances can tolerance be invoked to justify the violation of these fundamental values. Tolerance has its limits in the rules of law, which regulate the coexistence of members of society, for the defense of people’s dignity and freedom. Tolerance is necessary both between individuals and within the family and community. The promotion of tolerance and the shaping of attitudes towards different opinions in the sense of mutual decision-making and solidarity are to take place in schools and universities and through non-formal education, at home and in the workplace. In accordance with respect for human rights, practicing tolerance does not mean tolerating social injustice, nor giving up one’s own beliefs, nor making concessions in this regard. Tolerance means the common sense of not being selfish and understanding that something that for you is unimportant to another comes first.”* We agree with the opinion expressed by the author and add that, both in accordance with the respect for human rights, but also at the global level, action should be taken to put into operation research programs in the field of social sciences and education for tolerance and nonviolence.

Professionalism as a principle of integrity can be analyzed and characterized starting from a definition of the profession that represents: *“an occupation that several people have voluntarily organized to earn their living by directly serving a certain ideal in a morally permissible way, beyond what the law, the market and the common morality directly demand of them”* (Davis 1999, 139). Professionalism can represent a relevant ideology for those who work in the same field, exercising the role of coagulating the common beliefs of a profession, strengthening the identity and increasing the self-esteem of the members of a professional group. Professionalism is characterized by expertise in the exercise of a profession (epistemic authority), by the belief in the autonomy of professional decisions and the exercise of the profession, but also by identification with the profession and with those in the same field. At the same time, professionalism sums up both the dedication for a long part of life to the chosen profession and the moral obligation to work in the service of the client, avoiding excessive emotional involvement (but not empathy), arbitrariness and unjustified preferential

treatment by field policies. Last but not least, professionalism is given by the belief in the capacity for self-regulation and the collegial maintenance of professional standards.

Honesty and professional fairness presuppose impartiality as an intermediate duty. Impartiality is fair as desired when it comes to respecting rights.

Honesty is that human virtue by which the person is determined to always act on the basis of truth and genuine justice, giving everyone their due. This virtue gives people the ability to take actions that are based on the exposition of truth, producing a positive effect on the environment or where it is applied. It is part of the principles that make up ethics, comes from morality and promotes favorable effects in all areas. Honesty is mainly considered a virtue because it is a human quality that improves the coexistence between individuals, society and community. It is considered a virtue, because it acts for social, cultural and human development (Milea 2021).

The formation of professionalism represents an act of creation in the profession. Each professional, specialist in a certain field participates in the creation of the profession he exercises by applying his own procedures, modes of action, tactics and strategy, bringing, at the same time, his contribution to the attitudes of the professional group to which he belongs (Blidariu 2020).

Justice and professional equity in the academic space presuppose, among other things, the application of non-discrimination, respect for equal opportunities and treatment as well as the prevention and combating of corruption, opportunities for professional training, personal development of members of the academic community. Justice and equity are values that the academic environment consistently promotes, always adopting, for all its members, correct attitudes and resolutely rejecting discrimination and exploitation, regardless of the more direct or subtle character in which they occur.

The members of the academic community have the obligation to objectively evaluate and apply the criteria related to professional competence by excluding favoritism and discriminatory treatment. Also, favoritism is prohibited in the evaluation of professional performances, the establishment of rewards, disciplinary measures etc.

Another characteristic of equity requires the prohibition of harassment, in any form, in the academic environment. Misogyny, racism, chauvinism, xenophobia, sexual harassment or sexually corrupt behavior are condemned. On the same axis of principle, any activity or action or behavior, in the academic environment or outside it, that affects human dignity or university ethics is intolerable. The academic/university environment must adopt firm measures for non-discrimination and equal opportunities in access to studies, employment and programs, to eliminate conflicts of interest, to prevent and combat any form of favoritism.

Transparency, as a principle of academic integrity, must ensure to all categories, information that interests the members of the university community, potential candidates, graduates, the institutions with which they collaborate and the general public, ensuring consistent and correct information. This ensures the facilitation of equal opportunities in the competition and fair access to academic/university resources. The university space forbids the hiding, falsification or distortion of information to which its members and the general public are entitled (Code of ethics and university deontology of the University of Pitesti, 39). Also, this principle imposes decision-making transparency in the managerial and administrative act, communicating the decisions completely and on time to all members of the academic community. The members of the academic community have the duty and moral obligation to bring to the attention of the management any case, act or phenomenon of violation of the moral and ethical norms contained in the Codes of Ethics, this being a beneficial action, establishing a climate of trust and stimulating in activity, a sure way of increasing the prestige of the entire academic community.

Professional and social responsibility. Some authors (Costin 1970, 83) believe that responsibility represents an active way of reporting the individual and the collective to a

certain cause, it involves the assumption of responsibilities and risks, sometimes acting beyond the system of norms that generate their rights and obligations; responsibility therefore refers to freely consented self-employment, the obligation stemming from the system of rules becoming a duty imposed by the individual or collective through self-constraint.

The university/academic environment must encourage the application of the principle of personal and professional responsibility which requires the avoidance of behaviors likely to cause harm to another person and, at the same time, the adoption of respectful behavior in order to maintain an appropriate climate for the academic environment. The members of the university community must distinguish themselves by collegiality and civic attitude, as well as by a behavior appropriate to the academic environment (Code of ethics and professional professional deontology of the “Dunărea de Jos” University of Galați, art. 39).

The principle of *academic freedom* presupposes “the right of every member of the academic community to openly express their scientific and professional opinions, in courses, seminars, conferences, debates, but also in the works developed and supported or published. Members of the academic community have freedom in selecting and discussing relevant topics, in critically examining values, norms, institutions and social practices in the spirit of intellectual honesty and responsibility for the production and dissemination of knowledge. Also, the members of the academic community are protected against censorship, manipulations, persecution, under the conditions of respect for scientific standards and professional responsibilities.” (Idem, art. 5 and 6).

It is also considered (Explanatory Memorandum to the Code of Ethics of the University of Agricultural Sciences and Veterinary Medicine Cluj-Napoca, 1) that “academic freedom does not manifest itself in an ideal context; this can be limited by the existence of generally shared cultural values. The appropriate approach to such situations is rational and democratic deliberation. It is not morally permissible for academic freedom to be used as a shield against scientific and ethical criticism. Knowledge evolves, it is relative, but it must be respected in the sense of current scientific data.”

It should be noted that academic freedom also entails responsibilities. Thus, in carrying out academic work, discipline-specific methods and the fulfillment of scientific standards related to accuracy, completeness and relevance must be respected. Closely related to this concept is the idea of “institutional autonomy” of universities.

Very important to note is the statement that: “*a corollary to their role in advancing and disseminating knowledge, academics have ‘academic freedom’ - the freedom of academics to carry out their teaching, research and publishing activities without fear of intrusion or retribution by powers such as university governance*” (InaSchool.ro 2023), or the political factor.

Merit as a principle of academic integrity must ensure the recognition of merits, the cultivation and rewarding of personal and collective successes that contribute to the achievement of specific objectives and the increase of the university’s prestige. The merit “*will be appreciated according to the attachment and dedication to the profession and study, to the university and members of the academic community, according to talent and own effort, creativity, efficiency and performance.*” (Code of university ethics of “George Bacovia” University in Bacău, art. 5).

All these principles make up academic integrity and are found or should be found in all university Codes of Ethics and adopted by the entire academic body.

Conclusions

It is inescapable that education is the cornerstone of a nation’s well-being, and an education devoid of sound moral principles cannot move in the right direction and instill in the nation the values it must believe in to progress. That is why it is essential that the country’s future

researchers and teachers acquire the ethical principles and moral values to transmit to other members of society in order to spread the notion of meritocracy based on fairness, professionalism and mutual respect.

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The Changing Landscape of Teaching and Learning: How Adult Students View Online Approaches at a University in South Africa

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ABSTRACT: As university lecturers of an education program, we aim to enhance community college lecturers' social and economic well-being, empowering them with skills for employment and community development. We respond to the need to train lecturers and prospective Adult and Community Education lecturers in South Africa. Due to the COVID-19 pandemic, our traditional content delivery method has shifted to online teaching and learning. This shift can negatively and positively impact adult students' learning processes. Therefore, it is crucial to investigate the perceptions of students involved in online teaching and learning approaches. To achieve this, we adopted a qualitative approach and an experimental design, collecting data from 22 students deemed information-rich. Thematic content analysis was used to analyze the data collected, and the results positively reflected the relevance of the education program and online teaching and learning. Based on the emergent results, we recommend proper funding and close monitoring of the entire education programme to ensure quality delivery using online approaches.

KEYWORDS: Adult Education, Online teaching and learning, Community Education, COVID-19, South Africa

Introduction and Background

The sudden outburst of COVID-19 has impacted the education system in the world. It has been scorching for universities in most countries, and South Africa is no exception. The government has experienced severe disruptions in its education systems. Worst of all, the government imposed a total shutdown on both the primary and higher education sectors, apparently because of a lack of knowledge on the extent of the Pandemic on human lives (Spaull & van der Berg 2020). This has brought distractions to the entire education system, resulting in a complete shutdown imposed in South Africa to manage or combat the Pandemic. Citing Kaplan (2000), Le Grange (2020, 91) describes the closure of institutions in one word, 'lockdown', which depicts a mandatory or non-mandatory geographical quarantine to include educational institutions, among others.

However, bringing the whole education system to a halt can have severe implications for the labor market and raise poverty levels in South Africa and beyond. Primary data collected from select countries in Western Europe and North America have exposed principal labor market contractions (Jain, Budlender, Zizzamia & Bassier 2020). Therefore, if the higher education system is not strengthened amidst COVID-19, emerging economies in developing countries like South Africa can see a steep rise in unemployment and poverty. Jain et al. (2020) buttress their findings from a study that revealed active employment decreases, increasing poverty for job losers. Thus, strengthening the education system in this time of crunch is vital for promoting the well-being of individuals nationally. The perception of students investigating this critical issue will help support the focus of the educational programme we are involved in, use appropriate teaching and learning methods, and ensure an enabling academic environment for current and future students.

The higher education sector, especially, has seen an accelerated paradigm shift to online pedagogical methods of teaching. According to Assalahi (2020), Ogbonnaya, Awoniyi and Matabane (2020), there is a global demand for online teaching and learning emanating from

the emergence of the Pandemic and the bleak future of resuscitating the situation for the general educational good. Although the shift to online is pivotal to keeping the higher education systems foregrounded in the delivery of their programmes, the challenges of a complete revamp from a campus-based approach to Open Distant E-Learning (ODEL) must be addressed. According to Ogbonnaya et al. (2020), online teaching challenges are encountered because of the COVID-19 pandemic, including the inability to use computers, erratic power supply, and lack of internet access in rural Africa. We, thus, sought to solicit the views or perceptions of students in a South African university to contribute to the existing body of knowledge.

Indeed, the COVID-19 pandemic has caused great havoc to the South African education system, which needs to be addressed urgently. This calls for all education stakeholders to maximize their commitment to keeping the education system grounded and functioning in the new normal. From a curriculum studies point of view, Le Grange (2020b) suggests a multidimensional approach to tackling the effect of the Pandemic on education. These range from moral, race, surveillance technologies, information sharing, neoliberalism and ultimately, the application of *Ubuntu-currere* – oneness in humanity with a collaborative effort in combating the effect of COVID-19 on education. Wahab and Ali (2020) advocate solidifying ODEL in higher education as necessary in the fight against the menace. Besides, Mhlanga and Mloi (2020) intimate that the Fourth Industrial Revolution (4IR) must be unleashed in higher education to heighten the move to online learning. The principle of the 4IR emphasises the need to incorporate technologies of all kinds and apply them in our current state of affairs embattled with COVID-19 (Mhlanga & Mloi 2020). Indeed, never before have the 4IR tools become so necessary in the entire education system during the COVID-19 pandemic.

Adult and Community Education Training and Teaching (ACETT): Policy and Practice

Educational policies are developed to radically change the education people are involved in, conceptualize and develop a curriculum for students' academic development. Major role players comprising a group of scholars from 10 South African universities were assigned to create a curriculum framework for the programme: Advance Diploma in Adult and Community Education and Training Teaching (ACETT) (Ismail 2018). The development of this new qualification targets students in the post-school sector as a priority to capacitate and develop Adult Education and Community lecturers in Community Education and Training (CET) colleges. This policy on the lecturer expansion project aligns with the National Qualification Framework (NQF), aiming to grow the professionalism of community college lecturers.

Moreover, the Sector Education Training Authorities (SETAs) have taken great strides in funding students enrolled for the ACETT program in universities in South Africa designated for quality implementation. This funding has increased the prospects of adult educators to attain professionalism through training and teaching. Thus, recognizing ACETT in the NQF is a milestone achievement for the designers of the curriculum and the affected students (Ismail, 2018). Besides, the policy directly responds to the call for a new qualification framework to develop adult educators and lecturers in the Adult and Community Education and Training (ACET) sectors. Thus, the Department of Higher Education and Training (DHET) 2015 published a policy on the minimum requirements of programmes leading to qualifications for educators and lecturers in ACET. A major lamplight of the procedure for the general South African populace is to provide “quality learning opportunities for out-of-school youths and adults whose learning was affected negatively and who have been and are still being disadvantaged educationally” (DHET 2015, 5).

Therefore, Adult and Community Education and Training (ACET) is an educational tool that promotes optimal opportunities for adult learning and literacy, increases knowledge and skills development, and subsequently recognizes ACET as a lifelong and continuing education in the post-school sector. The DHET set up CET colleges to achieve this objective, which brought together all community learning centers under one umbrella. However, to

qualify to teach in these colleges requires appropriately trained and competent lecturers. Meanwhile, cohorts of students are being skilled across designated universities in South Africa to meet lecturer demand for CET colleges. These students are enrolled for the Advanced Diploma in Adult and Community Education and Training Teaching (ACETT). The ACETT curriculum is delivered through face-to-face contact teaching on various campuses. However, due to the sudden outbreak of COVID-19, the curriculum delivery method has shifted solely to online teaching and learning. Therefore, we sought to investigate students' perceptions in a South African university as the ACETT programme turned to online approaches.

Educational Experiences of the Author's Involvement in Policy Implementation: Adult and Community Education Teaching Training

In this section, we reflect on our roles as university lecturers in implementing the policy on ACETT in a South African university. As university lecturers and concerned citizens, implementing the policy is significant to national development. We are taking cognizance of the detrimental effect of apartheid on black citizens of South Africa. Education and training are shelved, leaving most adult learning colleges needing qualified teachers or lecturers. We come into the picture by training Community College lecturers to be fortified with teaching methodologies for imparting knowledge and skills to individuals accessing Community Colleges.

We are part of a team of academics coordinating teaching and training college lecturers registered for the Advanced Diploma in Adult and Community Education and Training Teaching (ACETT) programme. Current students are the first cohort on the curriculum. The ACETT programme has a duration of two years part-time. Most of the students are already placed at community learning centres. However, the programme also admits out-of-school youths and adults who require self and community development (Tawiah 2020). Indeed, we aim to be part of educational and socio-economic programmes to transform lives.

Incorporating Transformative Learning Theory into Adult and Community Education and Training Teaching

Jack Mezirow institutionalized the transformative learning theory. For decades, the approach has survived exploration and criticism through studies (Taylor 1998). The work of Mezirow helps to make meaning of one's life experiences encapsulated in community-based learning for social transformation, intercultural understanding, developing courage, critical reflection of past experiences, lifestyle and education for a career change. However, the theory has gained support recently with some form of criticism. According to Taylor (1998), transformative learning processes should, to a great extent, influence context, have varying natures of learning processes, minimise the critical reflection process and encourage other ways of knowing, relationships and the practice of a particular teaching approach geared towards an outcome termed "perspective transformation" (Taylor 1998, 10).

Transformative learning theory gives insight into discourses of reflective experiences, helping individuals gain autonomy to enhance life's changes. According to Mezirow (1997), independent thinking is a significant agent for democratic citizenship and making good moral choices to foster change in conditions. It can lead to productive self-reflective attitudes, enabling one to acquire and use information, identify and organize resources, engage in collaborative work, communicate ideas, plan and organize activities, and use mathematical knowledge and computers as essential competencies and skills (Mezirow 1997).

Mezirow's theory has significant implications for adult learning and higher education. It speaks to adult educators, lecturers and Adult and Community College Lecturers to understand the social structures and belief systems that influence adult learning processes. The aim is to transform community college lecturers into autonomous and responsible thinkers. College lecturers reflecting critically on their past experiences will be able to take advantage

and be serious about learning processes and programmes towards their professional development. It will also help them gain mastery and expertise in their specific subject matters and selected areas of learning. The relevance of the transformative learning theory ensues the overarching goal of adult education in general.

The Objective of the Study

Because of the COVID-19 pandemic, higher educational institutions have shifted to virtual or online teaching methods to keep their programmes running. Students have no choice but to adapt to the new normal to achieve their learning goals. This drastic change in teaching and learning demands an investigation. The present study, therefore, aims to investigate the perception of students involved in virtual teaching and learning in a South African university.

Methodology

We solicited qualitative methodology to gather data from semi-structured individual interviews. We used Google Forms and Zoom media platforms to collect data from the first cohort of students registered for the Advanced Diploma in Adult and Community Education and Training Teaching. Using a random sampling method, we conducted interviews with 47% of students from a total population of 48 final-year students. The researchers explained the research rationale to the participants before they were asked to participate in the study voluntarily. The researchers sought all necessary permission before the start of the study. Participants' names were withheld to maintain confidentiality. The data collected were analyzed using thematic content analysis. The themes were elaborated upon and discussed in detail. These were supported with direct quotes from participants' responses, illuminating the study's findings.

Data Presentation and Analysis

The study aimed to understand students' views as they switch from traditional contact teaching and learning to online pedagogical approaches. After the data collection process, the researchers coded and categorized the data. The information gathered was analyzed using thematic content analysis. It is appropriate because it exhibits some rigor and inductiveness elements and contains a set of designed procedures to identify themes from textual data (Guest, MacQueen & Namey 2012). For these reasons, the researchers were able to identify themes and presented data accordingly. The paragraphs below elucidate the data submitted under specific themes. These are formulated from the main research question: What are students' perceptions of online teaching and learning in a South African university?

Relevance of the Adult and Community Education and Training Teaching Programme

The state of community colleges is like a sheep without a shepherd. Most lecturers in these colleges must be professionally qualified to teach in the institutions. It can make students enrolled in community colleges fail to achieve their learning goals. Therefore, the provision of the Advanced Diploma in ACETT must be relevant to up-skill prospective and current lecturers. Participants were asked how they felt and whether the programme was relevant to their needs. Overwhelmingly, the majority of the participants were pleased with the ACETT programme. One participant joyfully said:

This program is beneficial because it addresses the need for Community education.

Yet another student also said thus:

I really appreciate what I am specializing in, and the class is good. Our Lecturer really knows what he is doing and knows the specialisation very well and this is helping me because I am the specialist in the KZN CET COLLEGE in this subject. I am in a position where I am the curriculum specialist in this subject nationally. I am the

examiner for the Life Orientation. In the province, I am the Chief Marker and the ATP implementer.

From the above quote, the student has an educational duty to develop community members who enroll in KZN CET COLLEGE. The ACETT programme has fortified this individual to manage and teach Life Orientation as a subject in which he is a specialist. Indeed, the Advanced Diploma in ACETT has come to rescue unqualified community college lecturers in the nick of time. It has increased the confidence and the excitement of teaching their subject specialization as they learn. A participant could not hide her feelings when she said:

I feel great because I have learned different theories that I can use when I am teaching, and I feel like an expert on them. Life Orientation is a subject that people despise, thinking it is easy and end up not being able to pass it on to other people.

The above extract suggests that the Advanced Diploma in ACETT programme can be a turning point in the history of Adult Education in South Africa. To see it survive, it must be appropriately managed, financed and monitored to ensure quality.

Benefits of the Adult and Community Education and Training Teaching Programme

The Advanced Diploma in ACETT is delivered through media platforms such as Zoom Meeting, Microsoft Teams and Moodle. These online means of teaching and learning were used because of COVID-19. Therefore, during the investigation, the students were asked to express their views of the benefits they might derive from the programme. The responses from the students revealed that although there was a drastic shift to online teaching and learning approaches vis-a-vis direct contact teaching and learning, the programme's benefits were alarming. The following quote explains how the students intend to benefit from the ACETT programme they are enrolled for:

It will benefit me a lot because I will be gaining more knowledge about the subject and feel confident to deliver/conducting it on my workshops/roadshow we used to have in the province. This will also benefit me when I am setting question papers for the national.

From the quotes above, the participants anticipate academic knowledge and skills for self and community development. As they are skilled and professionally developed, they will be in a better position to assist community members in their everyday lives. Besides, the programme will help them to become experts in their field of study. Yet still, some were already benefiting from the programme. They have been able to use the skills and experience acquired in their teaching lessons. A participant said thus:

At the moment, I am teaching Life Orientation, which is one of my specializations, it has given me more experience and has helped me with different things in my field of work. At the moment, I am coming up with different teaching methods that I learned from the programme.

From the quotation above, the participant indicated that she has come to learn about different teaching methods. This implies that the effective use of other teaching methods can help achieve good and quality lesson delivery and work with colleagues. The extract below indicates this fact:

By using it to students and develop other teachers by showing them more methods that they can use to teach their students. Life Orientation will help me communicate well with my team and be able to solve some problems in my centre.

ACETT programme is indeed helping students to gain mastery of their subject areas leading to a better understanding of the subject matter, learners and their environment. One participant expressed this thought by saying that:

My specialization helps me understand more about the learners and environments they come from. By helping learners through the teaching & learning process also broadens my horizons on my social structure of communities. Instead of just confusing what happens in the classroom, I will be able to understand the learners' backgrounds, thus understand the different learners' needs.

The extract above also revealed the state of confusion in which the students find themselves when it comes to subject matter delivery in class, for example, the social structure of communities. Teaching methodologies through the ACETT programme has helped alleviate such content knowledge gap. The participants' responses also illuminated the benefit they derived from virtual teaching and learning as they improve their computer skills. One participant has this to say:

My technical skills have improved since I joined online classes. I feel more comfortable answering questions by email than by my mouth. I prefer online courses as they are mostly scheduled for scheduled dates similar to face to face lessons.

Without efforts to learn how to use computer technologies, the students will not be able to achieve their academic and professional development desires. This informs why they have adapted to online teaching and learning methods. The extract above further revealed the preference for online courses, which gives them comfort in learning. However, only one participant sees little or no benefit from virtual knowledge besides being instigated to keep up with current technological devices. He laments thus:

As from my own perspective, there are no benefits from online learning besides helping learners to keep up with current technology.

Professional Development of Community College Lecturers

A major problem identified in community colleges is that most lecturers are underqualified or not professionally qualified to teach. The provision of the Advanced Diploma in ACETT is in the right direction to professionally qualify college lecturers for the field. The onus rests with lecturers and prospective college lecturers to enroll and take advantage of the programme. The participants' responses indicated that ACETT is a milestone opportunity for professional educational development. This finding is revealed in the extract below.

Being in the mainstream education sector was a dream come true for me, as I am passionate about education and imparting knowledge is what fulfil me. When I got an opportunity to be involved in the Adult Education sector I realized that this was a different scenario altogether to what I was used to. So I began looking at opportunities to develop and expand my knowledge regarding Adult and Community education.

The above extracts show that the ACETT programme is an opportunity for current students to gain knowledge and skills and improve their academic qualifications. Further, it will make students qualified to teach in Adult and Community Education colleges. Therefore, students cannot let this educational opportunity slip by. A participant aptly said:

I wanted to upgrade myself and the programme came just in time of need. When the opportunity came I grabbed it and I don't regret myself. It was the best decision ever. I am learning a lot and gaining more experience.

Motivation to Enroll in the Adult and Community Education and Training Teaching Programme

Motivation to learn is significant if students are to take advantage of ACETT programmes. The Department of Higher Education and Training (DHET) has been beneficial in this regard. The students are given financial assistance with their tuition through a government-provided bursary. Without mincing words, a student said:

.... it was a Bursary that motivated me to enroll in the Advanced Diploma in Adult and Community Education and Teaching Training programme.

The extract above makes one believe that without financial assistance from the DHET, most students cannot enroll for the ACETT programme. So, to achieve the objective of the programme, it is good that students are funded. Moreover, the entire ACETT programme must be adequately funded and monitored to ensure quality. Meanwhile, some students have a different perception of the matter. The students believe that enrolling in the ACETT programme was for self-educational development and job security:

I wanted to develop myself and secure my job by learning more about adult education and its policies and how to manage the programmes of community learning centres.

Most of the students who are enrolled in the programme are already teaching at the community colleges. Therefore, to keep their jobs, they have to upgrade their qualifications. Also, from a different perspective, some of the students believe that most people in communities are educationally disadvantaged and unemployed. Hence, ACETT will help make a difference in their lives by assisting them to attain the primary education they need to learn life skills for survival. One participant revealed this finding by saying that:

In most communities, most people are disadvantaged because they do not have access to basic education, which impacts their job opportunities. I want to make a difference in the community by helping people get the basic education they need to learn life skills.

From the above, the participant believes that a lack of basic education can negatively impact job prospects for community members. Therefore, there is a need for access to basic education and training.

Discussion of the Findings

The study has brought to light significant findings. First, the study revealed that ACETT is relevant to up-skilled community college lecturers and prospective lecturers to equip them for their duties. Most community colleges lack qualified instructors, so the Advanced Diploma in ACETT is needed to capacitate these individuals. However, COVID-19 threatened the training and development of community college lecturers (Spaull & van der Berg 2020) undergoing training in higher institutions. To avoid this problem, most institutions shifted to online teaching and learning approaches, thereby exacerbating the demand for online pedagogical teaching methods (Ogbonnaya et al. 2020). For this reason, the ACETT programme has been kept alive to train and develop community college lecturers to be fit for purpose.

Second, the provision of ACETT is beneficial from the participants' perspective. Regardless of COVID-19, the benefits of moving towards virtual methods lessons were alarming. Some participants expect to increase their academic knowledge and skills for self and community development. Others were equipped to teach and organize workshops for community members, thus, allowing them the opportunity for primary education. Most students enrolled in the ACETT programme are trained to use different teaching methodologies to benefit their learners. This corroborates the principle of Jack Mezirow's transformative learning theory (Mezirow 1997). Emphasizing this point, Taylor (1998) mentioned that transformative learning should influence context, use different methods of teaching processes and encourage different ways of knowing.

Moreover, the study's findings have revealed the need for the professional development of community college lecturers. Professional development is significant for job retention and to up-skill underqualified lecturers. The ACETT programme has taken this dimension of educational development by acquiring knowledge, skills and academic qualifications needed to teach in Adult and Community Education colleges. Therefore, according to the participants, the ACETT programme is a first-class opportunity for professional educational

development. With this in view, there is a need to draw insight from transformative learning theory (Mezirow 1997). ACETT students should be conscious of reflective experiences, thus, helping them gain autonomy in their thinking to bring about changes in their circumstances. Independent thinking and productive self-reflective attitudes are the pillars for making sound judgement towards education and training (Mezirow 1997).

Furthermore, the study's findings exposed that motivation is an essential component that instigates a person to act. Therefore, students need to be motivated to take advantage of the ACETT programme. An important element to help achieve this agenda is to provide students with financial assistance. No doubt, the participant revealed during the investigation that they were motivated to enroll for the Advanced Diploma in ACETT because of the bursary provided by SETAs and the DHET. We argue that without this bursary or financial support, most students cannot enroll for the ACETT programme. And this might lead to continuous unqualified staffing at ACETT centres, poor training, and persistent unemployment, especially in deprived areas. Nonetheless, it is good that the DHET, in collaboration with SETAs, has broken the back of such perceived encounters. In addition to funding received, ACETT students were self-motivated, desiring to be qualified to secure their jobs and help community members have access to basic education and training to engage in productive activities.

Lastly, by comparing the two entities, the participants were asked to shed light on their perception of shifting from direct contact teaching to online lessons. The study revealed that the students welcomed the move to online education and learning methodology. Besides, they have no choice but to adapt to the new normal. Some students have used the opportunity to improve their computer skills. However, others struggle with technology and media platform usage (Ogbonnaya et al. 2020). Hence, individuals need to learn how to use technology in the fast-growing digital economy. This agrees with the Fourth Industrial Revolution (4IR) principles, where there is a need to incorporate technologies of all kinds in education amidst COVID-19 (Mhlanga & Moloji 2020). Given this, Pete and Soko (2020) argue for evaluating both the instructors' and students' preparedness for online teaching and learning regarding digital competence, internet access, and connectivity. Unfortunately, the sudden blast of COVID-19 did not allow such an evaluation. Meanwhile, the students were responsive and benefited from online teaching and learning without contact lessons, although preferred.

Implications of the Study for Adult and Community Education and Training Teaching Programme

Most community college lecturers are underqualified. Therefore, ACETT aims to train and professionally qualify these individuals to effectively and efficiently carry out their duties. As an urgent matter of government policy, the study has significant implications for the professional development of community college lecturers. Well-trained instructors can have a positive impact on their learners. Hence, it is necessary to fortify Community Education and Training lecturers with knowledge and skills to impart to their students, leading to community and nation-building. Another significant implication is to see ACETT adequately supported financially and monitored for quality assurance. When these mechanisms are implemented and checked accordingly, ACETT can achieve its goals in South Africa and the entire African continent, where Adult Education is used as an instrument for educational, social, economic, and political emancipation.

Conclusion

The study investigated students' perception of the shift of the ACETT programme to online teaching and learning because of the COVID-19 Pandemic. The study's findings indicated that the students embraced the provision of ACETT through virtual lessons. Furthermore, ACETT is relevant to community college lecturers desiring to be up-skilled and academically qualified to

teach at community colleges. Also, the study revealed that although COVID-19 forced the ACETT programme to online approaches, the students still benefitted from it. It helped them conduct workshops and use different teaching methodologies to benefit their learners.

Moreover, the study illuminated that ACETT is instrumental in lifelong learning and community development. It also aids the professional development of community college lecturers. Another revelation of the study is that motivation is significant if students are to take advantage of ACETT programmes. Indeed, the DHET and SETAs have financially supported students to enroll for the Advanced Diploma in ACETT. Finally, the study revealed that online teaching and learning helped students achieve their goals, while face-to-face lessons were impossible because of COVID-19. All these findings imply that ACETT is a significant Adult Education programme in South Africa today. Therefore, we recommend that to achieve and ensure the programme's continued success, it must be adequately funded and monitored closely to ensure quality in its input and output delivery.

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The Long Way of Actions towards Ethics and Morality

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ABSTRACT: The concepts presented in this article are based on the context of morality. The analytical grasp of morality results in its identification as a property of what is moral, the nature, character, value of a fact, of the conduct of a person, or of a collectivity from a moral standpoint. Morality does not offer answers to specific questions but it only indicates whether something—a fact, an idea, or an action—is acceptable or unacceptable from a moral point of view. Morality may align with a certain set of laws while conflicting with another. In ethics, there are no categorical laws and there are no orders, there are only actions that are congruent with an ethical current and incongruent attitudes. We subscribe to the idea that ethics teaches individuals how to think but does not prescribe what to think. Like morality, ethics is not an absolute phenomenon.

KEYWORDS: ethics, morals, moral values, morality, human behaviors

Introduction

The science of law, in general, is not by itself a philosophy, given that, if it were, it should be translated into common language. Ethics and morality treat what is good or evil in the human behavior; the difference between ethics and morality is that ethics is imposed by legislative norms and customs, while a citizen's moral values and inner beliefs determine the citizen to perceive such norms from the perspective of distinguishing between good and evil in the context of legal norms. Doctrine belongs, however, to the best-known modes of describing, arguing and avoiding rejection of the application of norms, which are mandatory, having recourse to the rules of logic, philosophy and legal dialectics.

Law is science because it has its own area and rules, whereby confusion and subjective states are removed, as it is the aggressive psychological interpretation of some damaging action or inaction. The essence of human emotions in truth or in falseness, lying, and misleading (all being forms of the untruth) confirms by antithesis the terminology of concepts such as *subjective law* and *objective law*. As a rule, we are speaking of *subjective law* as the possibility (safeguarded by law), at the discretion of a natural or legal person, of claiming something from another person. “*Claiming something*” has the positive meaning of not waiving something, not abandoning something, of perseverance, and not of omission, but of its very opposite. Some authors distinguish the tendencies to use factually and methodologically the meaning of the term *subjective law*, such distinction overlapping, in part, the one used when emphasizing the terminology of *objective law* (Tănăsescu, Tănăsescu and Tănăsescu 2014).

Justifying a judicial decision considering legislative matters requires the assessment of pro and con argumentation, so that, eventually the judge is able to pronounce a judgment that is justified by the relevant evidence, taken until a certain phase in the trial, involving the conviction that all the construction issues have been solved. No ideological discussions, political opinions, arguments oriented towards discriminatory movements, or stylizations far beyond the legal language should exist in a judge's judgments.

Justice is organized in such a manner that there is always the possibility that another judge, upon the appeal provided by law, may explore in depth the reasons of the judgment appealed, so that, following a critical assessment of the evidence taken and of the variants of

arguments, in the context of considering legal norms, pronounce a judgment with the help of which, *inter alia*, the life course is directed and a contribution to social emancipation is made.

Any human relation and any human action are exposed to a regulation, to a set of legal norms, having the function to blur individual excesses and to defend the society as a whole. Individual freedom does not mean “*doing as you like*”, for instance, the possibility of doing something or the option to choose one or another course of action, but it means considering the subjective option in light of the legal rules (norms) adopted by each state. The totality of laws that require promulgation in the defense of the individual, of the social, forms the *objective law*. This consists of a system of laws, for a nation, which, based on the existing relations, accepts global regulation in order to guarantee the rights and to safeguard both individual obligations (*statutus civilis*) and national ones (*ius gentium*) (Tănăsescu, Tănăsescu and Tănăsescu 2014).

Adapting one’s behavior to ethical rules

a) Any attitude (as a form of individual behavior) and, even more so, any behavior, as an objective mode of expressing one’s psyche in relation to the environment, should be permanently changing, more or less convincingly, based on what is required from a person and what such person should offer, in order to achieve an equilibrium in a given situation.

The rules whereby human behaviors are systematized preserve what is positive in social life, even if some of them “expand, under the influence of a minor violation of norms, so that all individualities may return to what is reflected in the existence of most people, according to reality.

b) The stage of development of the individual educative process is reflected in the behavioral norms, which were strictly established over time, and which indicate the sound condition, from a physical and moral standpoint, of behavior, in accordance with the rules of honesty, good conduct and the perseverant defense of such.

Unlike the rules that impose ethical and moral conduct, to enable society as a whole to be able to support a set of positive behaviors fixed in the main dimension of human thinking, the state establishes what actions pose social danger, proposing solutions, by establishing punishments, in order to enable a radical change in the perpetrator’s outlook on life.

Before trying to study the moral essence of law, in order to construe goodness and equity as intrinsic elements of law, we should avoid some summary, easily foreseeable interpretations of the moral essence of law. The sentence „*ius est ars boni et aequi*” (*the law is the art of goodness and equity*) postulates a purpose that was valid in the times of the Roman Empire, while its essence cannot be dismissed even in our time. The moral content of law is formed of the most realistic moral rules, which made possible for humans to „*exist*” completely safely (Tănăsescu, Tănăsescu and Tănăsescu 2014).

Crime as a mode of coercion, but also of reeducation of a person

The Law no. 286/2009 is the New Criminal Code of Romania, which came into force on 1 February 2014, consecrating the principle of legality of actions (*nullum crimen, nulla poena sine lege* – no crime without law) and prohibiting the retroactive application of penal law, if applied to the disadvantage of the accused (art. 1).

As regards the assertion regarding the fact that only the penal law provides actions that are considered crimes, this should be retained as a general, basic rule, meaning that the term *penal law* should be construed widely as consisting of any provision of penal nature contained in laws or normative acts, and not only in the Criminal Code, known as a normative act containing the main systematic compilation of general penal rules (Tănăsescu, Tănăsescu and Tănăsescu 2014).

Given that it is not possible to regulate, via the Criminal Code, all the areas of social activity, there are also special penal norms within the normative acts regulating technically some areas whereby penal sanctions are established for the violation of the prescribed rules (Tănăsescu, Tănăsescu and Tănăsescu 2014). Further, penal law does not extend to actions that failed to fulfill previously the conditions to be considered crimes, the analogy procedure being forbidden. The punishments to be applied cannot be more severe than the ones that are applicable at the time when the crime is committed.

The New Criminal Code of Romania established in art. 15 the essential characteristics of a crime.

- **If an action**, in itself, indicates, from an objective standpoint, the person's reactions to external stimuli, the actions or inactions which are defined as crimes by the Criminal Code externalize such person's incapacity to assimilate and understand the social rules of conduct, as well as to adapt to the related requirements. However, the state was required to identify those actions or inactions, as an externalization of the mode of thinking and assessing their social value, establishing concretely the actions sanctioned as crimes, the limits of applicable punishments and the manner of enforcing them.

In order to delimitate the scope of crimes, as structures integrated into a code, art. 15 in the Criminal Code established the essential characteristics of a crime, as consisting in: the action provided by the penal law, committed culpably, without cause and imputable to the person committing it. Therefore, no other supplementation or consequence of the crime content is to exist, apart from the one established by the legislator, but only a judicial interpretation (CCR – the Constitutional Court of Romania - and ICCJ – the High Court of Cassation and Justice) or a doctrine interpretation of the judiciary content of a crime, considering the concrete action committed by a person.

Undoubtedly, if, in the manner of understanding crime theory, opinions may be identical (analysis "*in abstracto*"), as regards the manner of application of the penal norm, there are some variations, but what should be considered significant is that the random variation must be avoided, when, on the merits, the person is acquitted, while, upon the appeal, based on the same evidence, the same person is convicted.

The legal models regarding crimes the legislator proposes in the Criminal Code indicate a gradual balancing between the state of danger generated and the amount of punishment, as a consequence of the lawful order identified in the collective milieu (Hegheș and Franguloiu 2023). When in the new Criminal Code are included incrimination sections from special laws, in order to remove overlapping sections safeguarding the same social values, one should adopt the rule of repealing the sections from special legislation and adapting punishments for the crimes remaining in such legislation, in accordance with the principles provided in the new Criminal Code (Tănăsescu, Tănăsescu and Tănăsescu 2014).

According to *Aristotle*, two factors are necessary for achieving harmony among people: *justice* and *affection* (*Dike* and *Philotes*). Without such elements, social life could not operate perfectly. Thought in the light of truth, in relation to the capacity for tolerance of principles that are useful for social life, the notion of *unlawful* emerges always in the phase of searching for rules and considers that unique action performed by the individual under the governance of other rules or principles that have only limited applicability (to the individual, time and space).

- **The capacity of Romania as a member of the European Community** made that the provisions of the Criminal Code, as well as the construction of the content of penal norms by the Constitutional Court and ICCJ were performed by derogation from the norms of Romanian legislation, in accordance with the international conventions Romania is party to, as well as with the Directives of the European Community.

Even if the Romanian Criminal Code contains norms that have modern content as regards the description and assessment of the structures of culpability and committing of

crimes, any construction position that is contrary to the European Community, respectively to the decisions pronounced by the European Court of Justice via the two distinct jurisdictions (ECJ) and the tribunal (ECJT) are assessed by the high judiciary authorities of Romania: CCR and ICCJ, only in accordance with the interpretations of the judges of the Court of Justice.

Such an adaptation of the national penal law does not mean waiving its authority or reducing the power of national judicial authorities, given that, through the fundamentals of the European Union establishing such judicial order was accepted, and these should be integrated into the judicial system of each signatory state, the prime importance, prevalence or priority of the European Union law not being a direct or indirect lessening of national sovereignty.

This is the reason why the manner of application and also of construction of the decisions expected by the European Union courts are not different from one member state to another, given that the 27 European Union member states accession meant that natural or legal persons are able to request ECJT to rescind the acts issued by the European Union institutions or agencies damaging them; in their turn, member states may file actions against the decisions of the European Commission or against the Council with regard to some social protection measures, etc.

As regards the jurisdiction of the European Court of Justice, this refers to construing the European Union law. The development of a EU Constitution and of a European Criminal Law are desiderata to be reached only when the ambitions of the prevalence of national judicial systems will diminish until disappearing, a reason for which, at least as regards the collaboration between member states, the European Court of Justice continues to adopt uniform judgments, the enforcement of which is in general mandatory for the European Union member states.

The directives arising from the Court judgments are truly innovative for the member states, as regards the resolution of some complex legal matters for avoiding discrimination at the workplace, for reasons related to religious freedom, recognition of civil partnerships and of same sex marriages, related to the genetic modification of animals, to harvesting and transplanting human organs, to euthanasia, etc.

In the overall assessment of the relations between the mode of regulation of crime in the national penal law and the judgments seeking the uniformity of European penal legislation, there are clear principles whereby the European Union jurisdiction is not tolerated and the member states invoking the abuse due to its dominant position as regards the observance of the general conditions prescribed by the judgments made and of the principles regarding the mode of management of funds assigned to member states is not accepted (the statute of limitations for penal liability, as provided in the Criminal Code, becoming thus inapplicable in this area).

As a consequence, as regards the legislating of some new crimes, or periodically amending the existing penal norms, the legislator and the institutions authorized to construe them should avoid any language or procedure contradiction with the interpretations of the Court or with the real supremacy of the European Union law (Franguloiu, Bitanga and Sanchez-Hermosilla, 2018).

Only in this manner the modernization of national legislation can be guaranteed, and its uniformity with the European legislation can be ensured; the understanding of the concept of “morality” requires a careful review of the theses developed up to the present about the human being. Moral values and virtues, morality norms and principles are undergoing significant changes currently also under the influence of globalization of life models of the Western type, of new technological systems of global communication (geostationary satellites, the internet), of the dominance over the international financial market by the American dollar and the European Community currency.

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Inclusion: Transition from School to Higher Education

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ABSTRACT: The paper highlights the educational journey of visually challenged learners as they navigate the path from school to higher education. The policies and provisions of the Indian education system designed to enable the inclusion of learners with special needs constitute the theoretical foundation of the study. In this context, the Rights of Persons with Disabilities Act, 2016 is especially relevant since it presents a revised version of the 1995 Act and incorporates contemporary concerns from the field of disability research and practice. The methodology includes an exploration of the experiences of visually challenged learners with the help of personal narratives and group discussions. The findings bring forth the challenges that learners face in their pursuit of career advancement. The critical role of enabling provisions in facilitating their educational progress and helping them realize their aspirations is another important aspect which emerges from the interpretive analysis.

KEYWORDS: Inclusion, visually challenged learners, policies and provisions, The Rights of Persons with Disabilities Act 2016

Introduction

The discourse on inclusion can be correlated with the Universal Declaration of Human Rights (UDHR 1948) which enabled the world to recognize the worth and dignity of each and every human being irrespective of considerations such as, gender, caste, creed, religion, nationality. It declares that, “all human beings are born free and equal in dignity and rights.”

The preamble of UDHR states the following,

“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.” In continuation, the General Assembly proclaimed the Universal Declaration of Human Rights as a “common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.”

This international agreement formed the bedrock of ideas of equality and justice which flowered into an aspiration for an inclusive society. Subsequently, other documents such as the Jomtein Declaration on Education for All (1990) and the Salamanca Statement and Framework for Action (1994) have been instrumental in carrying forward the torch of inclusion and inspiring a network of policies and practices that support inclusive education.

The Rights of Persons with Disabilities (RPWD) Act, 2016: Indian Context

The policy perspective in India has largely been guided by the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. It served to establish the ground rules for empowerment of persons with disabilities. Disability research and practice have

evolved from the medical approach to the human rights perspective, as validated by India being a signatory of the United Nations Convention on the Rights of Persons with Disabilities in 2007. Narayan and John (2017) have talked about how this necessitated the incorporation of this perspective in the new legislation, namely The Rights of Persons with Disabilities (RPWD) Act, 2016. One of the major differences between the 1995 and the 2016 Act is an expanded definition of disability and the inclusion of 21 disabilities instead of 7. It takes into account contemporary issues and concerns, including in its ambit disabilities such as, acid attack victims, multiple sclerosis, cerebral palsy, muscular dystrophy, Parkinson's disease, haemophilia and thalassemia. The RPWD 2016 emphasizes autonomy of individuals, allowing them to make independent choices, human dignity, equality of opportunity and meaningful participation in society. The changing paradigm is reflected in the acceptance and celebration of disability on the continuum of the human diversity spectrum.

According to the RPWD Act, 2016, “the appropriate Government shall ensure that the PWD enjoy the right to equality, life with dignity, and respect for his or her own integrity equally with others.” Section 16 of Chapter III enlists the duty of educational institutions as follows,

“The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall— (i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others; (ii) make building, campus and various facilities accessible; (iii) provide reasonable accommodation according to the individual's requirements; (iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion; (v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication; (vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them; (vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability; (viii) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.”

Specific measures to promote and facilitate inclusive education under section 17 include the following,

“The appropriate Government and the local authorities shall take the following measures for the purpose of section 16, namely:— (a) to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met: Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act; (b) to establish adequate number of teacher training institutions; (c) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability; (d) to train professionals and staff to support inclusive education at all levels of school education; (e) to establish adequate number of resource centres to support educational institutions at all levels of school education; (f) to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfill the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society; (g) to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years; (h) to provide scholarships in appropriate cases to students with benchmark disability; (i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of

scribe or amanuensis, exemption from second and third language courses; (j) to promote research to improve learning; and (k) any other measures, as may be required.”

As we can discern from the discussion, the RPWD Act, 2016 provides a comprehensive framework to understand disability and inclusive education.

Research Methodology

The transitional phase from school to higher education formed the mainstay of the study. Thus, it was thought relevant to focus on students who were about to graduate from school, as well as those who had started college. Accordingly, ten students with visual impairment, from both the stages respectively, were chosen as participants. The methodology included an exploration of the experiences of visually challenged learners with the help of personal narratives and group discussions. The spotlight was on the nuances of the educational experience for learners, including orientation for college, career counseling, spatial orientation, mobility issues, negotiation with college culture. The analysis consisted of locating trends and correlating the findings with the policy perspective.

Interpretive Analysis

The interpretive analysis brought forth the challenge that students faced during preparing for admission into college. On the other side of the spectrum were the students who had cleared the initial hurdle of entry into higher education but were trying to adjust to the new educational environment. The next section presents the themes which have emerged from the analysis, while situating the narrative in the relevant policy framework.

The Transitional Phase

The following vignette is from an interview with Muskan, a grade XII student:

“I have been talking to many people who have joined college and they have told me about the problems they are facing. It makes me nervous to think how I will manage. How will I reach college without a school bus? The classrooms are on the second or third floor, there are no ramps. Reading material is also an issue.”

Seven students voiced similar apprehensions about their future in higher education, while three were sanguine about their prospects. The majority cited issues such as, mobility, longer distances required to reach college, lack of accessible infrastructure, need for orientation to the new environment especially curricular requirements and expectations.

The RPWD Act (2016), as discussed in a previous section of the paper, has specific provisions with regard to inclusive education. It endeavours to make educational institutions accessible to all, provide reasonable accommodation, as well as, transportation facilities, support individual's in environments that maximize academic and social development consistent with the goal of full inclusion. International treaties like the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD 2006) also foreground the promotion of educational rights of people with disabilities. These policy initiatives firmly place the responsibility of creating a conducive environment on the respective educational institutions. Yet, we find that the real time facilities in schools are inadequate in equipping high school students to confidently make the transition from school to college.

Coping with College Life

A recent entrant into the higher education system has the following to say about her experience, “I was very excited to join college. New places and people .. but after coming here, I am a little disappointed. I have hardly made any friends and the teachers are not approachable. I am

not sure of the readings given in the class and even if I get the reference, it is difficult to convert it into audio format.”

Six of the participants had a relatively negative perception of college life. They found the environment alienating and saw themselves as ‘outsiders’ in the institution. The initial experience of college was confusing, with the major hurdle being the lack of physical access. Ramps were available usually near the entrance but stairs needed to be used for accessing other areas. The facility of lifts was present but participants reported that it took them weeks to figure out its location. Other aspects, such as, Braille markings, QR codes, tactile tiles were few and far between. The RPWD Act (2016) spells out the provisions pertaining to standards of accessibility for the physical environment. However, these directions largely remain on paper and students with disabilities feel bereft of the benefits of the legal mandate.

The academic climate of the institution, specifically the learner-teacher interactions and the curricular material were other areas of concern. The RPWD Act (2016) mandates the following regarding the provision of educational resources. “The appropriate Government shall take measures to ensure that, - (i) all contents available in audio, print and electronic media are in accessible format; (ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning; (iii) electronic goods and equipment which are meant for everyday use are available in universal design.”

In the above context, although tape recorders and other text-to-speech devices were made available to some students, others made personal arrangements. The libraries had a Braille books shelf and screen reading software installed in their computers but students did not use it very often. They cited their hectic schedule as the main reason for not being able to visit the library on a regular basis.

Learners with visual challenge reminisced about how the special educators in their schools supported them and liaised with the other teachers and administrators to ensure a proper learning environment. This included orientation and mobility training, provision of assistive devices, adaptation of assignments and examination papers. At the college level, neither is there a provision for special teachers nor is the university teacher trained in inclusive education practices. Thus, the learners felt unprepared to cope with the university ecosystem independently. They perceived that their college teachers displayed a lack of awareness and understanding about their special needs and pedagogic requirements. As a result, many students felt excluded from the mainstream. Experiential research studies based on learners with visual impairment corroborate this. Whitburn (2014) studied students’ opinions about teachers’ practices that increased their access and autonomy. They reported that they felt more included in the school when teachers used appropriate communication modes, made accessible resources available to students in a timely manner and were approachable outside of scheduled lessons for individual consultation. Opie, Deppeler, Southcott (2017) found that students experienced difficulties due to the time available, inability to access e-print and large format materials, problems in accessing assistive technology and exclusion from science, mathematics and physical education classes. The study concluded that in order to prevent exclusionary practices, educators and support staff need to understand the perspectives of students with visual impairment to better facilitate successful teaching and learning experiences.

Concomitantly, teacher attitudes towards learners with special needs can make the difference between inclusion and exclusion. Sometimes, the relationship between teacher and student remains distant because the teacher has had no exposure to a person with special needs and thus feels awkward in her presence. According to a research study conducted by Parasuram (2006), teachers feel more inclined towards inclusion if they have previously known a person with special needs.

In a similar context, Pandey and Pandey (2020) studied higher education for students with visual impairment in India. They emphasize that equal access to higher education is a civil liberties issue demanding immediate attention. The study found that there is an emergent need to focus on everyday living skills, quality of teachers, relevance of curriculum, advocacy and vocational opportunities. Teacher preparation and sensitization towards inclusive education is of utmost importance. There should be a seamless continuum from school to college. Guidance and counseling needs to equip students for the academic path after school, create awareness about the variety of career options open for the students and orientation to the college environment. Satapathy and Singhal (2002), has emphasized the importance of counseling in adolescents with visual impairment. Particularly important are the soft skills required in a relatively unstructured higher education environment, such as, time management, advocacy, independent as well as life-long learning.

As is evident from the above discussion, enabling policy frameworks for inclusion are in place, at the school, as well as, college level. However, meaningful inclusive education is possible when a strong foundation is built from the grassroots and carried forward at the tertiary phase with the guidance of all educational functionaries, including sensitive and aware teachers.

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It is Not Easy to be Green: Towards Understanding The Factors Influencing the Employees' Engagement in Multiple Pro-Environmental Behaviors

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ABSTRACT: The integration of Green Human Resource Management (GHRM) into organizational environmental management has increasingly gained attention as a significant topic in academic research, and the impact of GHRM on individual and organizational outcomes has received increasing attention. Despite the existence of these studies, there is still a paucity of research about a conceptual model that considers the national differences and underlying individual differences linking GHRM to employees' engagement in multiple pro-environmental behaviors. In view of such gaps, this paper proposes a conceptual model of GHRM using the ability-motivation-opportunity framework, open-system theory, theory of reasoned action, and theory of planned behavior as theoretical foundations. The model identifies societal factors, including economic policy, cultural orientation, and level of development, as well as organizational green orientation, such as organizational green culture, green activities, and available green resources, as antecedents of GHRM practices. The proposed model also includes eight indicators of GHRM, including green selective staffing, green training, and green participation in decision-making. Additionally, the paper discusses how this framework connects GHRM practices to employees' engagement in multiple green behaviors, such as Green formal behavior, Green Organizational Citizenship Behaviour (GOCB), and Green Interpersonal Citizenship Behaviour (GICB), through the mediating role of employee green attitude. This paper contributes to the theoretical understanding of GHRM and suggests avenues for future research.

KEYWORDS: Green Human Resource Management, Societal Antecedents, Employee Green Behaviour, Green Attitude, Organizational Green Orientation

1. Introduction

In response to the growing interest in environmentalism, organizations are facing increased scrutiny over the environmental impact of their business operations (Opatha 2013). Consequently, companies are compelled to implement green practices, and integrating sustainability into corporate strategy has become mandatory to address the negative consequences of their operations. Notably, implementing green practices has become essential for organizations to gain a competitive edge in the current business environment (Ahmad 2015). Research suggests that human resource management plays a crucial role in achieving environmental performance (Mishra 2017). For example, organizations are integrating green practices into their personnel selection, performance evaluation, and other HR functions to achieve their environmental objectives.

The concept of green human resource management (GHRM) has emerged to highlight the need for coherence between traditional HR practices and environmental goals, emphasizing the incorporation of eco-friendly concepts into human resource management (Chaudhary 2020a). In this direction, it has been proposed that effective GHRM practices can help organizations achieve their sustainability goals by fostering positive employee attitudes and behaviors (Saeed et al. 2019; Masri and Jaaron 2017; Chaudhary 2020b).

In addition to prioritizing environmentally sustainable practices through GHRM initiatives within organizations, there is an increasing emphasis on examining the effects of GHRM on the workforce (Pham et al. 2019; Jia et al. 2018; Garavan et al. 2023). Yeşiltaş et al. (2022) investigated the mediating role of GHRM between organizational green culture and green employee behavior (GEB) in green hotels. Meanwhile, Omarova and Jo (2022)

examined the effects of environmental transformational leadership (ETL) on fostering pro-environmental behavior (PEB) among employees in both private and public organizations operating in Kazakhstan. Chaudhary (2020b) examines the impact of GHRM practices on employee green performance behaviors (task-related and voluntary) with organizational identification as a mediator in the automobile sector in India. Although there is some evidence linking GHRM practices to employee green outcomes, recent literature has identified some theoretical gaps. In particular, the individual differences that might influence how employees respond to GHRM practices are still not fully understood.

Moreover, most of the research regarding GHRM is analyzed in the organizational context and focuses on organizational and/or employee outcomes, while few studies paid attention to the societal antecedents of GHRM in a broader context. Christensen and Læg Reid (2007) suggest that contextualization plays a pivotal role in the success or failure of transformations. In line with this argument, Zubair et al. (2020) advocate for a thorough examination of governance and sectoral context, in recognition of Andrews's (2008) claim that reform efforts bereft of consideration for context and environment can lead to solutions that are incompatible with the prevailing circumstances and incoherent. (p.380). Thus, there is an urgent need to take broader context and environment into account to contextualize GHRM. The research community has recently recognized the growing importance of the green orientation concept. This term refers to the process of redefining one's mindset and behaviors to align with environmentally sustainable objectives, thus promoting ecological friendliness. Thus, this paper adopts the concept of green orientation to understand how societal context impact organizational green orientation influencing the application of GHRM.

Given the aforementioned context, our paper aims to put forth a conceptual model of GHRM that considers the wider societal context, organisational environment, and individual variances. Our research specifically investigates the potential influence of national distinctions on an organization's green orientation towards implementing GHRM. Furthermore, this framework intends to shed light on the employee outcomes associated with adopting GHRM, as viewed through the lens of employee green orientation. These outcomes include green attitude, green in-role work behavior, and green extra-role work behavior. This paper endeavours to address the following questions:

- What societal factors determine the organizational green orientation?
- What are the green employee outcomes linked to the adoption of GHRM?
- What underlying mechanisms connect GHRM to various green employee behaviors?

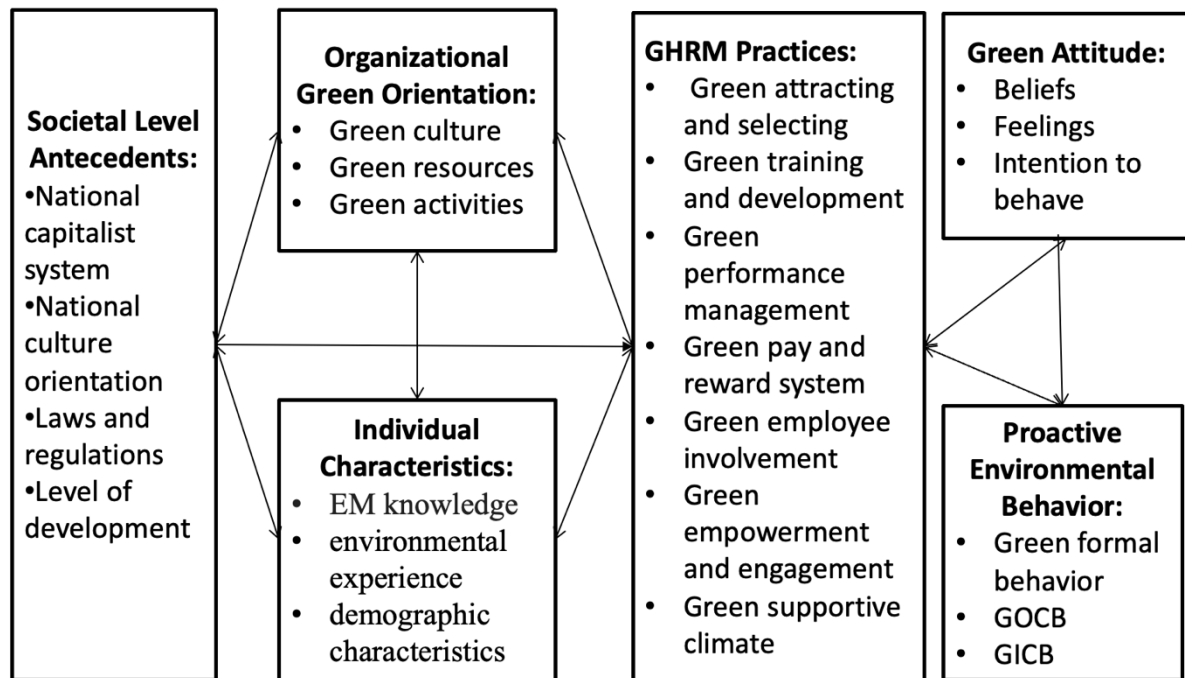
The forthcoming section introduces the proposed conceptual framework of GHRM and provides a thorough review of relevant literature, culminating in precise propositions grounded in four theoretical foundations and substantial evidence from existing sources. The objective of our paper is to offer theoretical insights and recommendations for forthcoming research and practical implementation within the scope of business practices.

2. A Proposed Conceptual Model of Green Human Resource Management

With regard to GHRM research, it is common practice to consider industry and geographic context as essential components in research design and result interpretation (Paillé et al. 2014). However, few studies directly focus on these contextual factors. Context is a complex construct that includes multiple dimensions such as economic, normative, technological, and legal facets that have not been comprehensively explored. Consequently, the need to develop knowledge that takes into account the societal contextual influences on the phenomenon of interest remains a critical challenge.

Employees' favorable perceptions of human resource practices trigger their green orientation which includes employee green attitude and green behavior (Iddagoda et al. 2022). Although there are many studies regarding the relationship between GHRM and employees' green behavior, very little is known about the individual differences underlying GHRM to

employee green behavior. In light of this reasoning, this paper adopts green attitudes as a mediator linking GHRM to Green official behavior (GOB), Green Organizational Citizenship Behavior (GOCB) and Green Interpersonal Citizenship Behavior (GICB). Moreover, this paper argues that analyzing the employees' green orientation (green attitude and behavior) can give feedback to GHRM and broader social antecedents.



Note: GOCB=Green organizational citizenship behavior; GICB=Green interpersonal citizenship behavior

Figure1. A Conceptual Model for Green Human Resource Management

2.1. Theoretical Foundations

Yong et al. (2020) suggest that incorporating theories, such as the Ability-Motivation-Opportunity (AMO) framework, could enhance comprehension of how GHRM is interconnected to diverse behavioral outcomes. This study, in particular, expands upon this concept by utilizing other three theoretical foundations. In doing so, this research applies the open-system theory, theory of reasoned action, and theory of planned behavior, along with supporting information obtained through relevant literature, to establish an international GHRM conceptual model.

The Open-System Theory can explain 'what' why' and 'how' of GHRM in the proposed conceptual framework. This theory emphasizes the importance of understanding organizations as open systems that interact with their environment through inputs and outputs of energy and information. In this proposed conceptual framework, the System theory (open system model) is applied, and a new perspective is added from the standpoint of green HRM. The framework considers society as a system that operates through energetic input-output mechanisms, where the energy coming from the output reactivates the system. Within this perspective, an organization can be seen as a subsystem that is influenced by what happens in the wider society. Green human resource management is also viewed as a subsystem that exchanges information and energy with the external environment to attract, develop, motivate, and retain employees who ensure the effective functioning and survival of the organization (Arulrajah and Opatha 2016). Furthermore, the proposed conceptual framework also considers the organization as a system and employees as a subsystem. As such, the perception and behavior of employees can be influenced by the organizational environment. By applying the System theory (open system model) and incorporating the perspective of GHRM, this framework emphasizes the interconnectedness among society, organizations and employees.

Our paper introduces a comprehensive conceptual model of GHRM that aligns with the widely recognized AMO framework. As a dominant theory in the field, the AMO framework is known for its effectiveness in explaining the impact of human resource practices on employee and organizational outcomes (Ari et al. 2020). In line with this theory, our model suggests that human resource initiatives aimed at enhancing employee ability and motivation lead to positive performance outcomes. Human resource practices, as categorized by Jiang et al., are divided into three categories, namely skill-enhancing, motivation-enhancing, and opportunity-enhancing. For instance, skill-enhancing training programs that teach employees how to handle customer problems with greater efficacy (opportunity-enhancing) often result in higher levels of work engagement and improved performance outcomes.

The Theory of Reasoned Action (TRA) is a social psychology theory that has been widely used as a model to predict individual behavior based on their pre-existing attitudes and behavioral intentions (Ha 1998, Vallerand et al. 1992, Blue 1995). Developed by Fishbein (1979), the TRA suggests that an individual's behavior is determined by their intention to perform that behavior and their attitude towards it. In this theory, attitudes are considered to be a function of an individual's beliefs about the consequences of performing a particular behavior and their evaluation of these consequences (Montano and Kasprzyk 2015). Over the years, the TRA has been applied in various fields, such as marketing, health, and environmental studies. In marketing, the TRA has been used to understand consumers' purchase intentions and behaviors. For example, in the study of Teng and Wang (2015), the TRA was used to predict consumers' purchase intentions of organic food. Similarly, in environmental studies, the TRA can also be adopted to understand the factors that influence individuals' green behaviors.

Ajzen (1991) introduced the concept of perceived behavior control to supplement the TRA, considering external factors that may influence an individual's intentions and behaviors, which is known as the Theory of Planned Behavior (TPB). This model includes beliefs related to access to resources and opportunities necessary for performing a specific behavior. An individual's perception of their own resources and opportunities positively influences their perceived behavioral control over subsequent actions. As GHRM practices can be seen as a perceived behavior control that has an indirect influence on employee green behavior, this theory is adopted to predict the relationship between GHRM, green attitude and green behavior. Since TPB argues that perceived behavior control has both a direct effect on behavior in the workplace and an indirect attitudinal implication on work behavior through intentions, it is reasonable to argue that environmental attitude is a primary reason why GHRM impacts employees' pro-environmental behavior at work.

2.2. Societal Context

Numerous studies have explored the concept of GHRM within organizations; however, there are few research that explores the factors influencing GHRM beyond the workplace. This paper serves to illuminate the significance of the macro-level external environment on the implementation of GHRM. Across various geographical locations, national disparities have been observed in the realm of GHRM (Ren et al. 2018). Such differences stem from regulations and laws, national cultural orientation, national capitalist systems, and level of development.

Coordinated market economies VS liberal market economies

According to Witt and Jackson (2016), the Varieties of Capitalism framework remains a predominant framework in the field, and recent studies affirm that advanced industrialized nations tend to cluster in either Coordinated Market Economies (CMEs) or Liberal Market Economies (LMEs). This paper adopts the classical framework of LMEs and CMEs as a general guide to investigate the influence of national capitalist systems on organizational environmental strategies. CMEs are regulated markets with strict rules regarding labor standards, union density, and corruption. Trade unions and employer associations coordinate wages across industries, and

employers are encouraged to invest in employee training, resulting in greater job security and trust within organizations (Walker et al. 2019). In contrast, LMEs rely less on strategic collaboration and lean towards unregulated markets with a greater emphasis on current earnings and share price, resulting in managers having greater freedom in hiring and firing employees. Relationships between organizations in LMEs tend to rely on formal contracts and antitrust regulation, as opposed to voluntary collaborations built on trust, characteristic of CMEs (Ritchie 2009). As a consequence, companies in CMEs are more likely to face environmental challenges due to their stricter policies and pressures to maintain healthy relationships built on trust and mutual collaboration. Some empirical studies also identified the association between country-level factors and organizational environmental strategies. For example, Basoglu and Uzar (2019) found that financial institutions operating in CME countries are involved in more environmental matters than banks domiciled in LME cultures. Similarly, Walker et al. (2019) analyzed five years of data across 16 countries and found significantly greater corporate social responsibility in CMEs compared with LMEs.

National Cultural Orientations

National cultural orientations can also have a significant impact on the development and adoption of organizational green strategies. Different cultures may place varying degrees of importance on environmental concerns and sustainability, which can affect the way they perceive and respond to green initiatives. For example, in some cultures, there may be a strong emphasis on individualism and immediate gratification, which can make it challenging to promote sustainable behaviors that require long-term thinking and sacrifice. Similarly, societies with a fatalistic orientation believe that much of what happens in society is largely beyond their control (Chauvin 2018). They see nature as capricious and, thus, uncontrollable. Given these characteristics, they tend to be indifferent toward environmental risk, except for risks that affect them personally and directly. In contrast, other cultures may prioritize collective well-being and stewardship of the environment, making it easier to implement and embrace green initiatives. In addition, this paper argues that another cultural variable-time orientation can influence organizational green attitudes and green practices, including Green HRM. Societies with long-term orientation are more likely to consider green issues more seriously than those with short-term orientation. This is because green issues are issues that have long-term implications. Also, employees from long-term orientation societies are more likely to comprehend organizational green orientation vision and strategies than those who are from short-term orientation culture. Moreover, the society with cultural orientation towards harmony with the environment are more likely to take environmental issues into account. Drawing on the example of Asia, it appears plausible that cultural values prevalent in the region may facilitate GHRM. Confucianism and Daoism, which are prominent philosophical traditions in East Asia, have always emphasized harmony with nature (Ren, Wood, & Zhu 2015). China, for instance, has been grappling with escalating air pollution, particularly smog (wumai in Chinese), which has led to widespread speculations about the ecological and ethical legitimacy of businesses. In response, the Chinese government has initiated a nationwide campaign to cultivate a harmonious society in China, which has resulted in key measures and initiatives as outlined in the latest (13th) Five-Year Plan (2016-2020), greater transparency in reporting and information channels (BBC, 2016), and revisions to the Environmental Protection Law in 2014 (Zhen 2014). By contrast, some societies with cultural orientation towards dominance of the environment are less likely to pay attention to environmental issues.

Laws and Regulations

Governments around the world are increasingly enacting legislation and regulations aimed at promoting environmental sustainability, such as emissions reduction targets, waste management requirements, and renewable energy incentives. For instance, The Clean Air Act in the United States, which was first passed in 1963 and has been amended several times since then, sets national standards for air quality and regulates emissions from a range of sources, including

power plants, factories, and vehicles. India's National Green Tribunal Act, which was enacted in 2010, established a specialized court to hear cases related to environmental issues, with the aim of providing faster and more effective resolution of environmental disputes. The European Union's Waste Framework Directive sets out a legal framework for waste management in the EU, with the aim of promoting the transition to a circular economy and reducing the environmental impact of waste. Organizations must comply with these laws and regulations, which can require significant investments in infrastructure, technology, and processes. However, these regulations can also provide opportunities for organizations to differentiate themselves and gain a competitive advantage by demonstrating their commitment to sustainability. Therefore, Laws and regulations regarding environmental issues can have a significant impact on the development and implementation of organizational green strategies.

The Level of Development

The level of development of a country or region can have a significant impact on the development and implementation of organizational green strategies. In less developed countries, there may be more pressing social and economic issues that take priority over environmental concerns. These countries may lack the necessary infrastructure, technology, and financial resources to invest in green initiatives, and may be more focused on addressing basic needs such as food, shelter, and healthcare. In contrast, more developed countries may have greater access to resources and technologies that support environmental sustainability and may be more likely to adopt green initiatives as a way to differentiate themselves and gain a competitive advantage. However, even in developed countries, there can be significant differences in the level of support for green initiatives, with some industries and regions more supportive than others. The paper asserts that, according to open system theory, it is crucial to recognize that external societal factors can significantly influence organizational culture and practices. Therefore, variations in societal elements such as national economic systems, cultural orientations, legal frameworks, and levels of development can affect an organization's green orientation, ultimately shaping the implementation of GHRM within the organization.

2.3. The Impacts of GHRM at the Employee Level

Multiple Employee Green Behavior

As stated by Neal et al. (2000), an organization values behaviors that are linked to organizational involvement, effort, performance, and output. The concept of behavior is dictated by the activities that are performed; therefore, green activities result in green behavior. Yeşiltaş et al. (2022) further assert that employee green behaviors are not independent of others, but rather complement the self-efficacy of individuals as opposed to being a reflection of their authenticity or "real me". This means that employees exhibit altruism and assist others connected with the idea of green, irrespective of their own green identity. According to Laeeq (2021), 'green behavior' indicates the level of engagement in activities aimed at promoting eco-friendliness. Iddagoda et al. (2022) have identified three aspects of green behavior, namely green interpersonal behavior, green organizational citizenship behavior, and green formal behavior. These components comprise the dimension of green behavior.

Green Attitude

According to Kempton (1995), environmental attitudes take inspiration from a range of sources, including religious and ethical values, pragmatic and anthropocentric orientations, and biocentric beliefs asserting that all living organisms have the right to exist and survive. Dunlap et al. (2000) identify three key determinant facets of environmental attitudes and emphasize that these attitudes encompass multiple beliefs and values. In the field of environmental psychology, environmental attitude is a pivotal concept recognized by scholars such as Kaiser et al. (1999) and Milfont (2007). Green attitude is also known as environmental attitudes, ecological attitudes,

environment-friendly attitudes, and environmentally sustainable attitudes (Opatha and Kottawatta, 2020). According to Kautish and Sharma (2019), green attitude plays a crucial role in shaping our behavior towards the environment. (Rusyani et al., 2021) further delineate green attitude as a set of appropriate beliefs, feelings, and intentions to behave with regards to greening. According to Amoako et al. (2020), the definition of green attitude centers around an individual's belief in eco-friendly activities and issues, reflecting their concern for the environment. In line with the open-system theory introduced earlier, this paper considers employees as a 'subsystem' in this framework and argues employees' attitudes and behaviors can be influenced by organizational strategies. Thus, GHRM practices have impacts on both employee green attitude and multiple green behavior.

Green Attitude and Green Workplace Behavior

According to TRA, this paper asserts that the behavioral intentions of individuals, which serve as the precursors to their actions, are influenced by prominent information or beliefs regarding the probability of engaging in a specific behavior. The concept of using psychometric testing as part of the recruitment process, a practice that continues to be implemented, is rooted in the assumption that the behavioral intentions of potential employees can be identified as either suitable or unsuitable based on their attitudes and subjective norms towards the job description, even prior to joining the workforce. For instance, it is normally expected that people with pro-environmental attitudes (beliefs, feelings and intentions to behave) are more likely to behave in a way that can benefit the environment. Consequently, employees' green attitude relates positively to green behavior. Furthermore, according to TPB, the extent to which individuals believe they possess these resources and opportunities tends to enhance their perceived ability to control their behavior. When individuals perceive little control over the performing of their conduct due to limited resources, their intention to perform the action may be hampered even if they hold favorable attitudes and/or subjective norms towards the given behavior (Madden et al. 1992). Therefore, the information, pressure and direction provided by societal green context and ability, opportunity and motivation emphasized by green human resource management practices can be seen as resources outside individual control, which can have a positive impact on employee green behavior through enhancing their green attitude and intentions.

3. Conclusion

3.1. Theoretical Contributions

Most studies analyzed GHRM at the organizational or individual level, while few studies understand this topic at the macro-societal level. The conceptual framework of this paper contributes to the GHRM literature to consider whether countries' differences shape the GHRM systems. Specifically, this paper proposes four main social/country-level factors that may influence organizational environmental strategies (including GHRM): economic model, national culture orientation, laws and regulations and level of development. Understanding countries' differences as direct influences on GHRM and as moderators that shape the adoption and effectiveness of GHRM is especially important as environmental issues increasingly require transnational collaboration (Ren et al. 2018).

There is a growing trend towards utilizing a behavioral perspective in order to explain how GHRM affects employees' capabilities, motivations, and opportunities (Ren et al. 2018). While it is important to continue building upon the foundational research in the area of strategic HRM literature and the behavioral perspective, only focusing on the behavioral perspective is not sufficient. This article posits that the current GHRM literature requires theoretical development that draws upon a more diverse range of disciplines and philosophical foundations in order to provide a thorough understanding of the phenomenon. There are several promising theoretical perspectives, such as the open system theory (Von

Bertalanffy, 1950), the theory of reasoned action and the theory of planned behavior in psychology, that offer innovative pathways forward.

Specifically, sociological theories offer valuable insights into the complex, ambiguous, and tense nature of GHRM phenomena. Open system theory, for instance, represents a promising avenue for research aimed at enhancing our comprehension of GHRM systems' propagation across industries and countries. Analyzing the interplay between economic transformation, evolving social norms, and the diffusion of GHRM can provide a framework for deciding whether organizations should adopt a universal or individualized approach towards local contexts. Furthermore, psychology theories such as the theory of reasoned action (Ajzen and Fishbein 1977) and the theory of planned behavior (Ajzen, 2002) can offer valuable insights into the dynamic processes through which GHRM influences employee attitudes and behaviors.

3.2. Directions for Future Research

Empirical investigation is needed to explore the numerous conceptually relevant variations in context at the national level, as noted by (Ren et al. 2018). Specifically, it is advisable to assess how countries' differences inform the contours and specific elements of GHRM systems in organizations. Industry type also plays a pivotal role in shaping corporate environmentalism, as exemplified in the manufacturing sector (Jabbour 2011). However, it is essential to recognize that firms in other sectors also need to address environmental issues. Therefore, it is recommended to conduct further research that examines the service sector and compares different sectors, utilizing cross-national as well as cross-industry studies.

Additional studies are needed to prospect the application of artificial intelligence (AI) in the Green HRM practices. In order to further explore the relationship between AI and organizational green practices, it is suggested that forthcoming research place emphasis on the main differences between AI and previous advanced technology. Previous studies have already investigated how EHRM interact with GHRM to achieve organizational environmental goal (Yusoff et al. 2015, Ibrahim et al. 2015, Anjum et al. 2022). However, the combination of AI and GHRM is not investigated. For example, future research can examine the moderating role of AI on the association between GHRM and employees' green behavior. Such investigation has the potential to yield valuable insight into the extent to which GHRM can be optimized through adopting AI.

When it comes to the consequences of GHRM practices, most studies focus on organizational and/or employee green outcomes, such as organizational green performance and green organizational citizenship behavior. It would be worthwhile for future research to explore additional types of positive workplace variables that are not necessarily related to environmental sustainability. For example, future studies can investigate whether and how GHRM affect employees' career development and career satisfaction. By widening the scope of research to encompass a broader range of positive workplace factors, a more comprehensive understanding of how these variables impact employee well-being and productivity can be achieved.

An area that warrants further investigation for future research is the examination of the procedures that can most effectively ensure the integration and harmonization of GHRM with other functions of management. For example, if an organization designs and adopts a comprehensive GHRM system but other functional areas do not also implement new management and operational practices, the effects of GHRM are likely to be minimal. Thus, it is necessary to entail a thorough analysis of the approaches that can be employed to attain optimal alignment between GHRM and other relevant areas of management. Such inquiry would serve as a valuable contribution to the field as it would enhance our understanding of the ways in which organizations can effectively establish and sustain a cohesive and integrated management framework.

3.3. Implications for Business Practice

Our organizational framework (Fig.1) can offer several practical implications. Firstly, it indicates that organizations must prioritize employee attitudes and interpretations of GHRM. Employee engagement surveys can be an effective investment for organizations to grasp employee perceptions and comprehend the alignment between GHRM practices and best HRM practices. Furthermore, fostering green work-life balance can help align compliance expectations in the work domain with employee attitudes towards the environment in their personal lives.

Additionally, to effectively develop and implement green strategies, multi-national organizations must take into account the economic model, cultural values, regulations and development level of the countries and regions in which they operate and adapt their strategies accordingly. This may involve partnering with local organizations and governments to better understand the unique challenges and opportunities related to environmental sustainability and developing tailored approaches that are appropriate for the local context. By doing so, organizations can help drive progress towards a more sustainable future, while also contributing to economic and social development in the communities in which they operate.

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Exploring the Application of Article 10 (1¹) in Law no. 241/2005: Tax evasion and Non-Punishment Clauses

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ABSTRACT: In Article 10 (1¹) from Law no. 241/2005 for the prevention and combating of tax evasion, a clause of non-punishment is regulated, which becomes incident if the damage caused by the commission of one of the acts provided by Article 6¹, 8 or 9 of this law does not exceed the value of 100,000 Euros, in the equivalent of the national currency, and this damage, increased by 20% of the calculation basis, to which interest and penalties are added, is fully covered during the criminal investigation or during the trial until a final ruling is rendered. In Article 10 (1²), this normative act also states that the provisions governing this clause of non-punishment apply to all defendants even if they did not contribute to covering the damages. In view of these provisions, the High Court of Cassation and Justice - the judicial panel for the settlement of legal issues in criminal matters was seized in order to issue a ruling by which the question of law would be resolved, consisting in the question of whether the provisions of Article 10 (1¹) of Law no. 241/2005 are applicable in the case of covering the damage as a result of an involuntary activity, respectively a foreclosure procedure. By Decision no. 39/2003, The High Court of Cassation and Justice - the judicial panel for the settlement of legal issues in criminal matters rejected as inadmissible the seizure made in order to issue a preliminary ruling for the resolution of the legal issue under analysis, considering that the admissibility conditions stipulated by the Code of Criminal Procedure were not met in the case that generated the seizure, because it is not allowed to resort to this legal means in order to receive from the supreme court the concrete resolution of the case and the question that was the object of the seizure referred to a form of Article 10 (1¹) prior to the current form, which did not condition the incidence of this case of non-punishment by the maximum amount of the damage caused, of 100,000 Euros, a form that was not applicable to the case in which the seizure was made and therefore the dismissal by law did not lead to the resolution of the case. Considering that the problem with which the Supreme Court was seized was not resolved as a result of the rejection of the seizure as inadmissible, in this article we proposed to conduct an analysis; on how the provisions of Article 10 (1¹) and (1²) of Law no. 241/2005 should be interpreted and applied in the situation where the damage caused by the offense is covered by a third party or as a result of an involuntary activity, such as in the case of a foreclosure procedure.

KEYWORDS: clause of non-punishment, damages, tax evasion, real circumstance, foreclosure

Introductory aspects. The conditions in which the clause of non-punishment provided for by Law no. 241/2005 becomes applicable

241/2005, measures are provided to prevent and combat acts of evading taxpayers from paying taxes, fees, contributions and other amounts due to the general consolidated budget of the state, several tax evasion or related tax evasion offences being regulated in this sense in the articles 3-9¹. At the same time, taking into account the state's superior interest in recovering the damage suffered by committing tax evasion crimes, as well as the fact that in the matter of tax evasion, the rules of criminal law come in support of the tax rules (Bugnar-Coldea 2021, 496), to ensure superior protection to the state's right to recover tax debts from taxpayers, in Article 10 (1¹) and (1²) this normative act also regulates cases of reduction of punishments or of non-punishment. They become incidental under certain conditions, when the damage suffered by the state is covered.

We will refer further to the clause of non-punishment provided by Article 10 (1¹) from this normative act, which is the subject of this analysis. Thus, according to this legal text, „if the damage caused by committing the acts from *Article 6¹, 8 or 9* does not exceed the value of 100,000 Euros, in the equivalent of the national currency, and during the criminal investigation or during the trial until a final court decision is issued, this, increased by 20% of the calculation basis, to which interest and penalties are added, is fully covered, the act is not punished, applying the provisions of Article 16 (1) h) of Law no. 135/2010 on the Criminal Procedure Code, with subsequent amendments and additions”.

From the analysis of the legal text, the following cumulative conditions result that must be met in order for this clause of non-punishment to become applicable (Vîrjan 2020, 328-349): i) the commission of an offense under Article 6¹, 8 or 9 of Law no. 241/2005 through which damage is caused to the general consolidated budget of the state; ii) the damage caused not to exceed the value of 100,000 Euros, in the equivalent of the national currency; iii) the damage caused, increased by 20% of the calculation basis, to which interest and penalties are added, to be fully covered during the criminal investigation or during the trial until a final court judgment is issued; iv) the perpetrator has not previously benefited from the provisions in the last 5 years after committing the act provided by Article 10 (1¹) or (1²).

With regard to the condition regarding the commission of an offense under Article 6¹, 8 or 9 of Law no. 241/2005 by which a damage is caused, it must be said that not all the normative ways provided by Article 9 are able to generate a damage. Thus, in the specialized literature it was rightly shown that with regard to Article 9, only in the case of committing the crimes provided for by Article 9 (1) a), b) and c) the immediate consequence consists in the production of a damage, the other modalities provided for in Article 9 not being able to produce such a result (Bugnar-Coldea 2021, 480).

Given that the value of the damage is expressed in Euros, but is calculated in equivalent in lei, the question arises as to what is the RON/EURO exchange rate communicated by the National Bank of Romania that is taken into account when this calculation is made. In the specialized literature it was shown that, considering that this clause of non-punishment was provided in favor of the defendant and the law does not specify which is the reference date according to which the RON/EURO exchange rate communicated by the BNR is established, the principle of applying the more favorable criminal law should be taken into account, even if we are in extra-penal territory, because the course of the national currency is governed by financial-fiscal regulations (Vîrjan 2020, 344). Under these conditions, the highest exchange rate of the Euro communicated by the BNR in the interval between the date of the damage and the date on which the value of the damage is ascertained should be taken into account (Voinea 2006, 186). By Decision no. 258 of May 5, 2016, the Constitutional Court considered, however, that in order to comply with the constitutional requirements of clarity and predictability of the criminal law, the damage should be calculated by applying the exchange rate from the date the act was committed.

Regarding the condition that the damage caused, increased by 20% of the calculation basis, to which interest and penalties are added, is fully covered during the criminal investigation or during the trial until a final court decision is issued, we show that interest and penalties related to the main debt are not included in the notion of damage caused. Thus, the calculation basis provided for in the law, to which the 20% increase is applied, only takes into account the damage caused by the commission of the act, without taking into account the related interests and penalties. By Decision no. 66/2021 pronounced by the High Court of Cassation and Justice – the judicial panel for the settlement of legal issues in criminal matters, it was established that the interests and penalties referred to in Article 10 (1¹) of Law no. 241/2005 for the prevention and combating of tax evasion, it is applied only to the damage caused by committing the act, without taking into account the 20% increase from the calculation basis.

Last but not least, in order to benefit from this clause of non-punishment, the perpetrator must not have committed a crime provided by Law no. 241/2005 within a period of 5 years from the date of the commission of the act for which he benefited from the provisions of the causes of punishment reduction or non-punishment provided by Article 10 of Law no. 241/2005.

Decision no. 39/2003 pronounced by The High Court of Cassation and Justice - the judicial panel for the settlement of legal issues in criminal matters

According to Article 10 (1²) of Law no. 241/2005, the provisions of the clause of non-punishment apply to all defendants even if they did not contribute to cover the damage. In relation to the application of this legal text, in practice there have been situations in which part of the damage was recovered not as a result of active conduct on the part of the defendants, but as a result of foreclosure procedures carried out by the National Tax Administration Agency (ANAF), a civil party in the trial. Such a situation also appeared before the Bucharest Court of Appeal, and in this case, in contradiction with the decision of the court of first instance and the position of the defendants, the prosecutor's office considered that if part of the damage is covered as a result of the steps taken by the fiscal body, as a civil party in the criminal trial, through foreclosure actions, the clause of non-punishment could not be retained, because the recovery of the damage, under the terms of the text of Law no. 241/2005, does not take place as a result of a voluntary action on the part of the defendants. Under these conditions, the Bucharest Court of Appeal seized the High Court of Cassation and Justice – the judicial panel for the settlement of legal issues in criminal matters, for the pronouncement of a decision by which to give a solution in principle to the following question of law: *„If the provisions of Article 10 (1¹) of Law no. 241/2005 are also applicable in the event of damage coverage as a result of an involuntary activity, respectively a foreclosure procedure?”*

The High Court of Cassation and Justice – the judicial panel for the settlement of legal issues in penal matters, however, it considered that the seizure does not meet the admissibility conditions provided by Article 475 Penal Procedure Code, which is why it rejected as inadmissible the seizure made by the Bucharest Court of Appeal – 2nd Criminal Section. In principle, the Supreme Court held that the referring court, in the act of seizure, referred to the clause of non-punishment in a form prior to the current form, in which its applicability was not conditioned by the existence of a damage threshold of 100,000 Euros. However, in the current regulation, the applicability of this cause of non-punishment is conditioned by a maximum damage threshold of 100,000 Euros, in the equivalent of the national currency, a condition that is not met in the case. Under these conditions, the Supreme Court showed that the substantive resolution of the case depends on the application of the current legal provisions relevant to the case, considering that the application of the clause of non-punishment is conditioned by the amount of the damage provided by the law. Therefore, the Supreme Court considered that the resolution on the merits of the case before the Bucharest Court of Appeal does not depend on the clarification of the legal issue that was the subject of the seizure. At the same time, the Supreme Court considered that the condition that the seizure should aim at the interpretation *in abstracto* of certain legal provisions, and not at the implicit resolution of some issues related to the particularities of the case's merits, is not met either.

And yet the clause of non-punishment provided by Article 10 (1¹) of Law no. 241/2005 is incident to prevent and combat tax evasion if the damage is covered by a third party or as a result of an involuntary activity, such as a foreclosure procedure?

Given that the Supreme Court did not solve the legal issue with which it was charged, rejecting the seizure as inadmissible, the question remains whether this clause of non-punishment is incidental and if the damage is fully covered, according to the provisions of

Article 10 (1¹) of Law no. 214/2005, by a third party or as a result of an involuntary activity such as a foreclosure proceeding.

We believe that in order to be able to answer this question, we need to clarify whether the provisions of Article 10 (1¹) of Law no. 241/2005 regulate a clause of non-punishment that represents the characteristics of a *personal circumstance* or we are in the presence of a *real circumstance*. Clarifying this aspect allows us to determine whether the provisions of this case of non-punishment are also applicable in the event of coverage of the damage by a third party or as a result of an involuntary activity, respectively of a foreclosure procedure, or whether they are applicable only if the damage coverage occurs as a result of a voluntary action by the author or the secondary participants in the commission of the crime of tax evasion.

In doctrine it has been shown that *the real circumstances are related to the deed, influencing its degree of social danger, while the personal circumstances are related to the person of the criminal and highlight his dangerousness* (Mitrache and Mitrache 2014, 446). Thus, the real circumstances relate to the action or inaction committed and to its material result (Daneş and Papadopol 1985, 382) and have in mind the act provided by the criminal law, being external to the participant (Antoniou, Bulai and Duvac 2010, 102), while the personal circumstances highlight the mental position of the participants in relation to the commission of the crime or certain characteristics of their personality (Crăciun 2016, 94).

The importance of the distinction between real circumstances and personal circumstances results from the rule established by Article 50 Criminal Code, according to which *The circumstances related to the author or to a participant do not reflect on the others*. [Article 50 (1) of the Penal Code], while *the circumstances concerning the act reflect on the author and on the participants only if they knew or anticipated those circumstances*. [Article 50 (2) of the Penal Code]. In other words, personal circumstances produce effects *in personam*, while real circumstances produce effects *in rem*.

Returning to the legal issue that is the subject of this analysis, we show that with regard to the provisions of Article 10 (1) of Law no. 241/2005, by Decision no. 9 from March 15, 2017, The High Court of Cassation and Justice – the judicial panel for the settlement of legal issues in criminal matters, established that *this legal text regulates a clause of non-punishment/reduction of personal punishment limits*, solution that was also embraced by the Constitutional Court through Decision no. 459 of June 25, 2020 by which it rejected the exception of unconstitutionality of the provisions of Article 8 (1) and (3) and of Article 10 (1) of Law no. 241/2005 for preventing and combating tax evasion. Essentially, in Decision no. 9/2017 it was shown that *the full coverage of the damage until the procedural moment established by the legislator does not refer to the act of tax evasion, but concerns the conduct of the perpetrator after the moment of committing the act, outlining the mental attitude, of active remorse shown by the perpetrator up to that procedural moment, conduct in relation to which its hazard can be appreciated*.

However, the two decisions mentioned above are not sources of constitutional law, considering that courts only have the role of interpreting and applying the law, while the decisions of the Constitutional Court by which exceptions of unconstitutionality are rejected only confirm the presumption of constitutionality of the legal rule that has been subjected to the constitutionality review. Therefore, the pronouncement of these decisions does not prevent the legislative body from amending or even repealing the legal norm that was the object of the analysis made concrete by the pronouncement of the two decisions mentioned above, with the respect of course of the provisions of the Constitution. In this sense, we recall the provisions of Article 477¹ of the Penal Procedure Code, according to which *The effects of the decision shall cease when the legal provision that caused the settled legal issue is repealed, found unconstitutional or amended, except for the case when it subsists in the new regulation*. Or, after the pronouncement of the two decisions, by Law no. 55/2021 regarding

the amendment and completion of Law no. 241/2005 to prevent and combat tax evasion, the legislator introduced Article 10 (1²) with the following content: “*The provisions of this article apply to all defendants even if they did not contribute to cover the damage provided for in paragraph (1) and (1¹)*”. From the analysis of this legal text, it follows that the incidence of the clause of non-punishment is not conditioned by the coverage of the damage as a result of a voluntary action of each participant in the commission of the crime.

Introducing this legal text, which provides that the effects of this circumstance provided by Article 10 (1) and (1¹) also affect the other participants, the legislator practically transformed a personal circumstance into a real circumstance, justified by the need to recover as quickly as possible the damage caused to the general consolidated budget. As the Constitutional Court also held in Decision no. 101/2021 of February 17, 2021, *even if a clause of non-punishment or reduction of punishment limits has all the characteristic elements of a personal circumstance; considering the specificity of the analyzed field, nothing prevents the legislator from modifying its legal regime and regulating it as a real circumstance*. Thus, in this decision of the Constitutional Court, it is noted that by Law no. 55/2021 the legislator converted this clause of non-punishment/reduction of punishment from the category of personal circumstances to the category of real circumstances. We agree with this opinion of the constitutional review court, which was also retained in the doctrine (Bugnar-Coldea 2021, 495), in the sense that it is the right of the state, within its criminal policy, to qualify this circumstance as either personal one or a real one. In the specialized literature it was shown that this qualification by the legislator of the circumstance provided by Article 10 (1¹) as being real highlights *the ancillary nature of criminal law in the matter of tax evasion crimes* (Bugnar-Coldea 2021, 496).

Thus, considering that this clause of non-punishment produces effects on all participants in committing the crime of tax evasion, even if not all of them contributed to covering the damage caused by committing the crime of tax evasion, we find that we are in the presence of a real case of non-punishment. Under these conditions, we consider that the provisions of Article 10 (1¹) of Law no. 241/2005 are also applicable in the event that the damage is covered as a result of an involuntary action, respectively a foreclosure procedure.

Regarding the hypothesis of the coverage of the damage by a third party, the solution must be the same as the situation in which the damage is covered as a result of a foreclosure procedure, for the same reasons as previously stated. In support of this solution comes the argument that in Article 10 no clarification is made regarding the need for the damage to be paid by the defendant or one of the defendants, the wording of the legal text being a general, impersonal one: *the damage is fully covered*.

On another note, regarding the reasons invoked by the initiators of the legislative proposal regarding the amendment of Law no. 241/2005, through which this clause of non-punishment was introduced, in the sense that a motivation was sought for those who commit such acts of tax evasion in order to cover the damage caused, we hold that these reasons cannot change the factual circumstance characteristic of this special non-punishment case. The real character results from the specific effects that are attributed by Article 10 (1²) subsequently introduced by the legislator, aspect confirmed by the Constitutional Court by Decision no. 101/2021 of February 17, 2021, which rejected the unconstitutionality exception of the provisions of Law no. 55/2021 regarding the amendment and completion of Law no. 241/2005.

It is true that in Decision no. 66/2021 of September 29, 2021 pronounced by the High Court of Cassation and Justice – the judicial panel for the settlement of legal issues in criminal matters, it is mentioned that this clause of non-punishment is based on the will of the defendant to remove the harmful effects of his actions, being grafted on the active remorse of the perpetrator. This mention of the Supreme Court in the considerations of Decision no. 66/2021, however, was not part of the logical-legal reasoning that was the basis of the device

by which the legal issue that was the subject of this decision was resolved. Therefore, the said mention did not contribute to the solution rendered, which is why the court is not bound by these considerations.

At the same time, we remind you that this clause of non-punishment implies not only the coverage of the damage caused together with the related interest and penalties, but also the payment of an additional amount of 20% of the calculation basis. Or, if the damage caused together with related accessories can also be covered as a result of an involuntary activity, such as the situation of a foreclosure procedure, the amount of 20% of the calculation basis can only be covered as an expression of the will of the defendant. Thus, as established by The High Court of Cassation and Justice in Decision no. 66/2021, this amount of 20% of the calculation basis is essentially a form of civil penalty that is left to the discretion of the defendant, therefore it does not have the legal nature of a tax claim or a civil claim. Under these conditions, the amount of 20% cannot be the subject of a foreclosure procedure, but can only be based on the will of the defendant to remove the harmful effects of his act, in order to benefit from the clause of non-punishment. Therefore, we appreciate that this is the explanation why the High Court of Cassation and Justice considered in decision no. 66/2021 that this clause of non-punishment is grafted on the defendant's active remorse.

Therefore, and in the hypothesis in which the consideration of the damage and related accessories are fully covered by the foreclosure procedure, if the defendant chooses to pay the 20% difference in order to benefit from the clause of non-punishment, the condition of a voluntary action of the defendant, grafted on active remorse, is fulfilled, a condition specific to a personal circumstance.

Conclusion

Considering the above, our logical conclusion is that this clause of non-punishment provided by Article 10 (1¹) of Law no. 241/2005 for preventing and combating tax evasion is also applicable if the damage is covered by a third party (for example, the damage is covered by the civilly liable person) or as a result of an involuntary activity, such as in the case of a foreclosure procedure.

This conception of the legislator, which puts the recovery of the damage in the foreground, starts from the fact that in the case of tax evasion crimes, the rules of criminal law are adopted to support the rules of tax law. The aim is thus the criminal protection of the state's right to collect the tax debts it has towards taxpayers. Under these conditions, when the purpose envisaged for the adoption of these criminal rules is achieved by collecting tax debts, the state is no longer very interested in applying the criminal rules.

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Preserving and Balancing Ecosystems: Strategies to Mitigate Human-Elephant Conflict Through Law

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ABSTRACT: This paper focuses on addressing the issue of human-elephant conflict in India by implementing mitigation strategies, with a specific emphasis on Indian legislation. Human-elephant conflict is a significant problem in India as the shrinking habitats of elephants and the expansion of human settlements lead to encounters that pose risks to both humans and elephants. The paper provides an overview of the factors contributing to human-elephant conflict in India, such as habitat loss, encroachment, and resource competition. It then explores the legal framework related to wildlife conservation and protection in India, particularly highlighting the Wildlife Protection Act of 1972 and relevant policies and guidelines. Various mitigation strategies are discussed to reduce human-elephant conflict, including habitat management and restoration, community participation and awareness, elephants' welfare and relocation, crop protection and compensation, and the use of early warning systems and technology. The study emphasizes the significance of Indian legislation, particularly the Wildlife Protection Act, in guiding and supporting these mitigation strategies. It acknowledges the challenges and limitations associated with their implementation and provides recommendations to enhance conflict mitigation efforts. By examining the intersection of human-elephant conflict and Indian legislation, this study contributes to a better understanding of the legal and policy framework for managing such conflicts. It provides valuable insights for policymakers, wildlife authorities, and conservation practitioners in developing effective strategies to mitigate human-elephant conflict in India.

KEYWORDS: human-elephant conflict, mitigation strategies, legal framework, compensation, sustainable solutions

Introduction

The Human-elephant conflict is a pressing issue in India, driven by the increasing encroachment of human settlements into elephant habitats. This conflict poses significant risks to both humans and elephants. This study delves into the multifaceted problem of human-elephant conflict, with a particular focus on how Indian legislation, notably the Wildlife Protection Act of 1972, plays a pivotal role in addressing and mitigating this issue. By examining the factors contributing to this conflict, the legal framework in place, and a range of mitigation strategies, this research aims to shed light on the comprehensive approach needed to manage human-elephant conflict in India effectively. It offers valuable insights for policymakers, wildlife authorities, and conservation practitioners in their efforts to safeguard both human communities and the majestic elephants that call India home.

The paper begins by providing an overview of the factors contributing to human-elephant conflict in India, including habitat loss, encroachment, and competition for resources. It then delves into the legal framework surrounding wildlife conservation and protection in India, particularly the Wildlife Protection Act, 1972, and related policies and guidelines. The study discusses various mitigation strategies employed to reduce human-elephant conflict, including:

Habitat management and restoration

The conservation and restoration of elephant habitats play a crucial role in mitigating conflict (Basu 2010). This involves creating and maintaining corridors, protected areas, and elephant reserves to ensure suitable habitats for elephants.

Community participation and awareness

Engaging local communities in conservation efforts is vital for effective conflict mitigation (Athreya 2018). The study explores initiatives that promote community participation, awareness programs, and capacity-building to foster positive attitudes towards elephants and encourage cooperation in conflict management.

Elephants' welfare and relocation

The paper examines measures undertaken to ensure the welfare of elephants and explores the possibility of relocating problematic elephants to reduce conflict risks (*Nationalzoo.si.edu* 2012).

Crop protection and compensation

The study highlights measures such as crop protection techniques, installation of barriers, and compensation schemes for farmers who suffer losses due to elephant crop-raiding incidents (Ghosh 2020).

Early warning systems and technology

The use of technology, including early warning systems, camera traps, and drones, can help detect and prevent human-elephant conflicts by providing timely alerts to communities.

Throughout the analysis, the study underscores the relevance of Indian legislation, such as the Wildlife Protection Act, in guiding and supporting these mitigation strategies (Sheebha & Sangaiah 2014). It also discusses the challenges and limitations associated with their implementation and provides recommendations for improving conflict mitigation efforts. By examining the intersection of human-elephant conflict and Indian legislation, this study contributes to a better understanding of the legal and policy framework for managing such conflicts and provides insights for policymakers, wildlife authorities, and conservation practitioners in developing effective strategies to mitigate human-elephant conflict in India.

Objective

In the realm of legal strategies to mitigate human-elephant conflict, a comprehensive set of objectives has been identified to address the multifaceted nature of this pressing issue. The first set of objectives primarily focuses on safeguarding human interests and well-being. The paramount goal is to protect human lives and property in areas prone to human-elephant conflict, which involves implementing measures to minimize the risk of incidents like property damage, crop raiding, and human injuries or fatalities. Simultaneously, the conservation of elephants is another pivotal objective, aiming to address the root causes of conflict by promoting coexistence and ensuring the long-term survival of elephant populations while respecting their natural habitats and resources.

The second set of objectives encompasses the legal and socio-economic dimensions of human-elephant conflict mitigation. Compliance with existing legal frameworks is essential, as mitigation efforts must align with national wildlife protection acts, environmental laws, and land-use regulations, ensuring that interventions are conducted within established legal boundaries and respect the rights of both humans and elephants. Further, the strategies aim to promote sustainable livelihoods for communities living in conflict-prone areas, aiming to reduce economic losses caused by elephant-related damage to crops and property, ultimately

improving the well-being of affected communities. This objective acknowledges the socio-economic factors that underpin conflicts and seeks to alleviate poverty in these regions.

In essence, these objectives together constitute a holistic approach to addressing human-elephant conflict within the legal realm, with a focus on protecting lives and property, conserving elephants, complying with legal frameworks, promoting sustainable livelihoods, fostering public awareness and participation, conducting research and monitoring, and enhancing collaboration among diverse stakeholders. Such a multifaceted strategy is essential for effectively managing and mitigating the complex challenges posed by human-elephant conflicts in India.

Literature Review

The selection of books presented here forms a diverse and comprehensive literature review on the multifaceted world of elephants and their conservation. Collectively, they paint a vivid picture of the challenges and significance of these majestic creatures in various contexts. "Elephant Destiny" by Meredith (2003) offers a compelling exploration of the challenges faced by African elephants, delving into their biology, behavior, and the critical issues of habitat loss and human-elephant conflict. It underscores the urgent need for conservation efforts and emphasizes the responsibility to protect these iconic animals. Similarly, "The Last Elephants" by Bell and Pinnock (2020) provides a comprehensive examination of the threats to elephants in Africa and offers hope through inspiring examples of conservation initiatives.

On a more personal and scientific level, "Elephant Memories" by Moss (1988) takes readers into the lives of individual elephants over thirteen years, offering intimate insights into their social dynamics and emotional lives. This book deepens our understanding of these remarkable animals and their critical role in ecosystems. "Silent Thunder" by Payne (1999) explores the unique world of elephant communication, shedding light on their complex social interactions and emphasizing the importance of conservation. "Elephants on the Edge" by Bradshaw (2009) offers a thought-provoking examination of the ethical dimensions of human-elephant interactions, challenging conventional perspectives and encouraging empathy and compassion in our relationships with these sentient beings. "The Elephant's Secret Sense" by O'Connell (2007) delves into the sensory world of African elephants, showcasing their remarkable abilities and emphasizing the need for conservation efforts.

The literature review also encompasses broader environmental and ethical issues. "The Sixth Extinction" by Kolbert (2014) highlights the broader context of the current mass extinction crisis, with a focus on the interconnectedness of all species and the need for collective action. "Elephants and Ethics" edited by Wemmer and Christen (2008) takes an interdisciplinary approach to explore the moral dimensions of human-elephant interactions and encourages readers to reflect on our ethical responsibilities towards these animals. "Elephant Complex" by Gimlette (2016) offers a unique perspective on the intertwined history and culture of Sri Lanka and its elephants. Lastly, "The Fate of the Elephant" by Chadwick (2003) is a compelling call to action, shedding light on the urgent need for elephant conservation and highlighting the efforts being made to secure their future.

These books collectively provide a deep and multifaceted understanding of the world of elephants, their conservation challenges, and the ethical dimensions of our interactions with them, making them a valuable resource for anyone interested in the welfare and preservation of these iconic creatures.

The selected articles provide a comprehensive overview of the intricate issues surrounding human-elephant conflict and the management of elephant populations in Africa and India. "Elephant-Human Conflict in Africa: A Literature Review" by Osborn (2002) offers a valuable synthesis of existing literature, shedding light on the multifaceted nature of conflicts between humans and elephants. By analyzing the causes and impacts of these conflicts, Osborn's work serves as an essential resource for researchers, conservationists, and

policymakers engaged in efforts to mitigate human-elephant conflicts. Additionally, it emphasizes the importance of informed decision-making, grounded in a deep understanding of the complexities involved in coexisting with these majestic animals.

"Human-Elephant Conflict in India: A Review of Socioeconomic Drivers and Mitigation Efforts" by Reddy and N. Reddy (2015) delves into the specific socioeconomic drivers of human-elephant conflict in India and examines the diverse range of mitigation strategies in place. This review underscores the need to consider the broader context of land use changes, urbanization, and cultural dynamics that contribute to these conflicts. It also provides a critical evaluation of the effectiveness of various mitigation approaches, highlighting the significance of interdisciplinary research and stakeholder collaboration. This work is instrumental in guiding future conservation efforts in India and offers a holistic understanding of the challenges associated with human-elephant conflict, making it a valuable resource for policymakers, researchers, and conservation practitioners.

Moreover, "A Decision-Making Framework for Elephant Management" by Hoare (2000) presents a comprehensive and ethical approach to elephant management. Hoare's framework recognizes the ecological and social complexities inherent in managing elephant populations and emphasizes the importance of making decisions based on a solid understanding of these factors. The framework not only considers the biological needs of elephants but also the well-being of local communities and ethical considerations, providing a valuable tool for guiding elephant management decisions that prioritize the coexistence of humans and elephants.

In addition, "Predicting Spatial Aspects of Human-Elephant Conflict" by Sitati, Walpole, and Smith (2003) takes a proactive approach by focusing on the spatial patterns of human-elephant conflict. By identifying areas of higher conflict potential through a predictive model, this study offers practical tools for wildlife managers and policymakers to target interventions effectively, thereby reducing conflicts and mitigating risks for both humans and elephants.

Lastly, "Agroforestry, Elephants, and Tusklessness in Africa" by Nyhus and Tilson (2004) explores the fascinating relationship between agroforestry practices and the occurrence of tusklessness in African elephants. The paper contributes to the understanding of how human-induced land-use changes can influence the genetic traits of elephant populations, shedding light on the ecological consequences of such practices and emphasizing the need for sustainable land-use strategies that consider the long-term impacts on elephant populations and genetic diversity. Collectively, these articles offer a comprehensive and multifaceted understanding of the challenges and solutions related to human-elephant conflict and elephant management, making them essential resources for those working towards the coexistence and conservation of these magnificent creatures.

Legal Loopholes in Mitigating Human-Elephant Conflict

Human-elephant conflict is a significant and complex issue with profound implications for both human communities and elephant populations. The study underlines the critical need for legal mechanisms that effectively address this conflict, given the overlapping territories of humans and elephants that often lead to confrontations and risks for both parties. It highlights various legal loopholes that currently hinder the mitigation of human-elephant conflict. These include inadequate legislation, enforcement challenges, coordination gaps among stakeholders, compensation and livelihood issues, and limited resources. The existence of these loopholes can result in a lack of clarity, weak accountability, and fragmented approaches, ultimately impeding the effective resolution of this conflict.

In response to these challenges, the study advocates for comprehensive legal solutions that specifically target human-elephant conflict. This includes the development of robust legislation tailored to address the nuances of this issue, as well as strengthening enforcement mechanisms to ensure accountability and deter offenders. Additionally, the study emphasizes

the importance of enhanced coordination among various stakeholders involved, such as government agencies, local communities, and conservation organizations, to create a more cohesive and effective approach to conflict mitigation. Addressing compensation and livelihood issues, and securing sufficient resources for mitigation efforts, are also highlighted as essential components of a comprehensive strategy. By shedding light on these legal shortcomings and proposing solutions, the study contributes to the ongoing efforts aimed at mitigating human-elephant conflict, ultimately promoting harmonious coexistence between humans and elephants while safeguarding the interests of both parties.

Strategies Implementation Loopholes in Mitigating Human-Elephant Conflict

Human-elephant conflict poses a significant challenge in regions where human populations and elephants share common landscapes. Mitigating this conflict is crucial for the well-being of both communities and elephants. The study provides an insightful examination of the strategies commonly used to address human-elephant conflict, emphasizing the paramount importance of their effective implementation. These strategies encompass habitat management, community engagement, early warning systems, and crop protection measures, all of which contribute to creating a harmonious coexistence between humans and elephants.

However, the study uncovers several critical loopholes in the implementation of these conflict mitigation strategies. These loopholes encompass issues such as inadequate awareness and education, insufficient funding and resources, poor coordination and collaboration among stakeholders, inadequate monitoring and evaluation mechanisms, and gaps in existing legal and policy frameworks. These challenges can collectively hinder the successful execution of mitigation measures, delaying or impeding the achievement of desired outcomes. In response to these implementation challenges, the study advocates for a comprehensive set of solutions. These include prioritizing awareness and education efforts to engage local communities and stakeholders effectively, securing adequate funding and resources to support mitigation activities, fostering stronger coordination and collaboration among the various parties involved, enhancing monitoring and evaluation mechanisms to assess the impact of strategies, and reviewing and updating legal and policy frameworks to address gaps and inconsistencies. By addressing these implementation loopholes and proposing solutions, this study contributes significantly to the ongoing endeavors to mitigate human-elephant conflict. It underscores the imperative of not only developing effective strategies but also ensuring their efficient execution to foster peaceful coexistence between humans and elephants in shared landscapes.

Human-Elephant Conflict- Landmark Cases and the Role of Judiciary

Human-elephant conflict has been a recurring issue in many countries, including India, where the shrinking habitats of elephants and the expansion of human settlements have resulted in increased encounters and conflicts between humans and elephants. In addressing this complex problem, the role of the judiciary and landmark legal cases play a crucial role in shaping policies and decisions related to human-elephant conflict mitigation. Landmark cases related to human-elephant conflict have provided important precedents and guidelines for addressing the issue. These cases often involve conflicts between conservation efforts and the rights and livelihoods of local communities living in proximity to elephant habitats. The judiciary plays a significant role in balancing these competing interests and ensuring the protection of both human and elephant populations. One such landmark case in India is the *T.N. Godavarman Thirumulpad v. Union of India case*, commonly known as the Forests Rights Act case. This case addressed the rights of forest-dwelling communities and their entitlement to traditional forest resources. The judgment recognized the importance of including local communities in decision-making processes regarding forest conservation and management, which is relevant to mitigating human-elephant conflict. Another

notable case is the *Wildlife First v. Ministry of Forest and Environment case*, which focused on the implementation of wildlife protection laws and the need for comprehensive management plans for protected areas. This case emphasized the significance of ensuring the well-being of both humans and wildlife, including elephants, and the need for effective management strategies to reduce conflicts.

The judiciary's role in human-elephant conflict extends beyond individual cases. It also plays a vital role in interpreting and enforcing existing laws and regulations related to wildlife conservation, land use, and community rights. Through their judgments and directives, courts can influence policy decisions, establish guidelines for conflict mitigation measures, and hold authorities accountable for their implementation. The judiciary's involvement in human-elephant conflict cases has contributed to the development of guidelines and best practices for conflict mitigation. These may include recommendations for habitat management, community engagement, compensation schemes, and the use of technology for early warning systems. Furthermore, the judiciary's interventions have helped raise awareness about human-elephant conflict and the need for sustainable solutions. They have created platforms for stakeholders to voice their concerns and engage in dialogue, fostering a collaborative approach to conflict mitigation.

In summary, landmark cases and the role of the judiciary are instrumental in addressing human-elephant conflict. Through their judgments, the judiciary provides legal clarity, establishes precedents, and guides the formulation and implementation of policies and measures for conflict mitigation. Their decisions consider the rights and welfare of both humans and elephants, striking a balance between conservation efforts and the well-being of local communities.

Human-Elephant Conflicts in Odisha: A Decade-Long Empirical Analysis

This empirical study aims to analyze the human-elephant conflicts in the state of Odisha, focusing on the number of elephant and human casualties over the last decade. The data available includes the total number of surviving elephants is 1976, annual human deaths due to elephant attacks, and elephant deaths in human-elephant conflicts. The study provides insights into the severity of the issue and the impact on both elephants and human populations.

Methodology

Data Collection: The primary data used in this study includes the Odisha 2017 census data, which provides the initial count of surviving elephants was 1976. Additional data on annual human deaths due to elephant attacks and elephant deaths in human-elephant conflicts have been collected from reliable sources, such as official records and reports (through RTI).

Data Analysis: The collected data are analyzed to derive meaningful insights. The main focus is on comparing the number of elephant and human deaths over the last decade (from 2013 to 2022).
Analysis and Findings:

Initial Elephant Population: According to the Odisha 2017 census data, the state is home to a total of 1976 surviving elephants, with an unfortunate annual average of approximately 80 elephants tragically succumbing to death.

Human Deaths in Elephant Attacks: It has been reported that around 133 people die every year in elephant attacks. Therefore, over the last decade, the estimated number of human deaths would be 1,330 (133 x 10).

Elephant Deaths in Human-Elephant Conflicts: The available data states that around 80 elephants die in human-elephant conflicts each year. Consequently, during the last decade, a total of 800 elephants (80 x 10) have died.

Elephant and Human Casualties in the Last Decade: As of 07.02.2023, the recorded data shows that 784 elephants and 947 humans have lost their lives during the same time period.

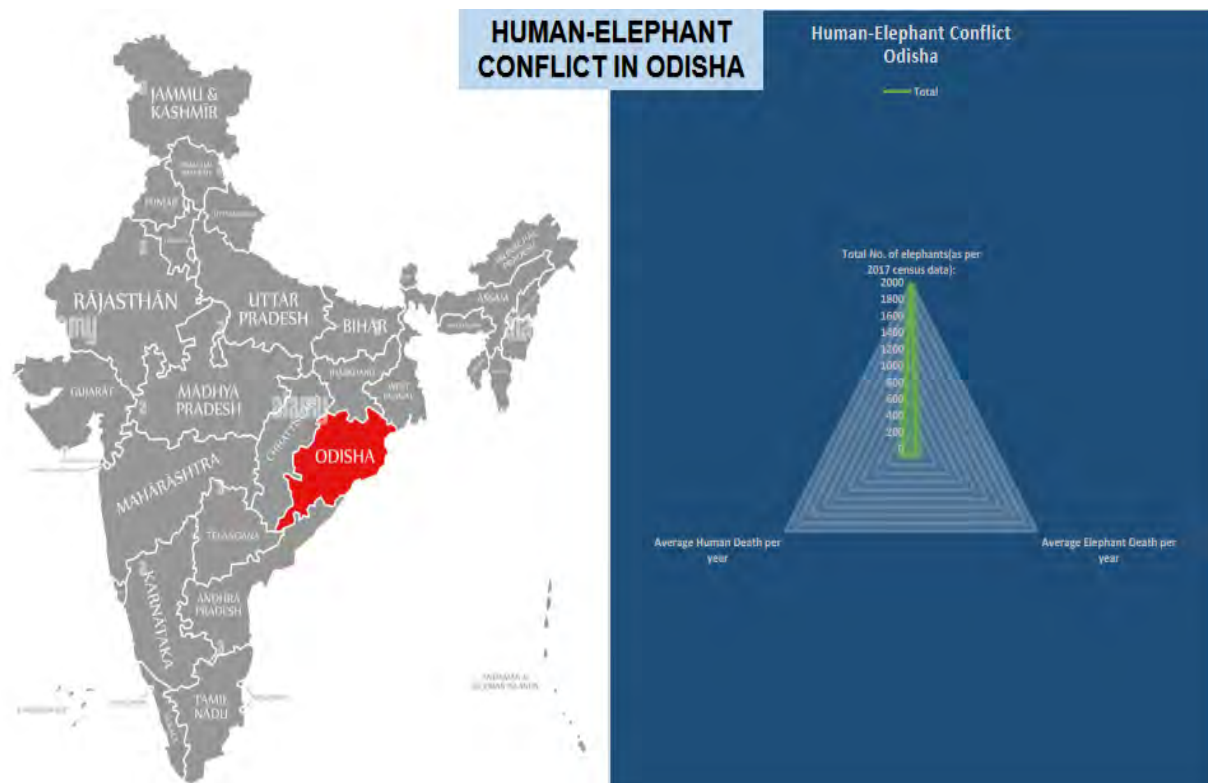


Figure 1. Human-Elephant Conflict in Odisha

The analysis of the data indicates that human-elephant conflicts in Odisha have led to significant casualties for both elephants and humans. The last decade has witnessed a heart-wrenching toll of 784 elephant deaths and 947 human fatalities, underscoring the profound sorrow caused by human-elephant conflicts. These findings emphasize the urgent need for effective measures to mitigate human-elephant conflicts and ensure the coexistence of both species. Further research and initiatives should be undertaken to develop strategies that promote peaceful interactions between humans and elephants while preserving their habitats and minimizing risks to human lives.

Conclusions

In conclusion, compensation has emerged as a sustainable solution in human-elephant conflict mitigation strategies within the legal realm. The provision of compensation to affected individuals or communities for losses incurred due to elephant-related damage or conflicts serves multiple purposes. Firstly, it addresses the immediate economic impact on farmers, households, or businesses, mitigating their financial burden and providing them with the means to recover and rebuild. This contributes to the overall well-being and stability of affected communities. Secondly, compensation acts as an incentive for communities to actively participate in conflict management efforts. By recognizing the losses incurred and offering fair compensation, it fosters a sense of trust and cooperation between local communities and conservation authorities. This partnership is crucial in implementing long-term sustainable solutions to mitigate human-elephant conflicts effectively. Furthermore, compensation can serve as an indirect conservation measure by incentivizing communities to engage in sustainable practices that reduce conflict risks. For instance, offering compensation for adopting crop protection techniques or implementing elephant-friendly agricultural practices encourages coexistence and reduces the likelihood of confrontations between humans and elephants. However, it is important to ensure that compensation schemes are well-designed, transparent, and equitable. Clear guidelines and

procedures should be established to assess and determine compensation amounts objectively. Adequate funding and efficient administrative mechanisms are necessary to ensure timely and fair disbursement of compensation to affected individuals or communities. While compensation is a valuable tool in human-elephant conflict mitigation, it should be complemented with other strategies such as habitat management, community participation, and public awareness. A holistic approach that combines legal frameworks, sustainable livelihoods, research, and collaboration among stakeholders is essential for effective and long-lasting solutions to human-elephant conflicts.

In conclusion, compensation serves as a sustainable solution within the legal realm of human-elephant conflict mitigation strategies. By providing financial support to affected individuals or communities, it not only addresses immediate economic losses but also incentivizes cooperation, promotes conservation-friendly practices, and fosters a sense of shared responsibility. By incorporating compensation alongside other strategies, a comprehensive approach can be achieved to minimize human-elephant conflicts and promote harmonious coexistence.

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Establishing the Frontier of International Law: The Nuremberg Trial

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ABSTRACT: Conducted from 1945-1946, the Nuremberg Trials were the first instance of justice for the unique crime of genocide, and redefined international law and obligation, setting a precedent for holding individuals responsible in cases of human rights violations. The trial and conference transcripts and images of the time tell the story of nations attempting to navigate through the inherent clash between national sovereignty and international law, as well as creating an entirely new international code. Controversy, however, remains on the desired outcome of the trials as contention remains over the Allied powers' use of the Nuremberg Trials for propaganda and "show" trials. While the Nuremberg Trials were utilized to restore justice, their extensive use of film and photography suggests that another key interest was to immortalize WWII's crimes. Additionally, critics contest the Nuremberg Trials' validity due to their predetermined outcome. Furthermore, although the Nuremberg Trials marked a significant step in international justice, the subsequent genocides and human rights violations provoke questions of the trial's effectiveness. This paper argues that although the Nuremberg Trials were flawed, they altered history in their debut of international justice with creations of bodies such as the International Criminal Court; yet, it is only when nations can truly lay down self-centered interests for the greater good that justice can be impartially executed.

KEYWORDS: World War II, Nuremberg Trials, Nazism, Genocide, Jurisprudence, International Law, International Justice, Propaganda, Due Process, Holocaust, Germany, criminality, London Conference, precedent, Nazis, Joseph Stalin, Winston Churchill, Harry Truman, Occupation, Human Rights, Civil Rights, London Charter, Postwar Europe, Moscow Declaration, Victor's justice, Allied Powers

"Fiat iustitia, et pereat mundus" — Let justice be done, though the world perish

Introduction

Following the heinous crimes of the Nazi Regime during World War II, twenty-two senior officers were apprehended and tried in 1945, charged with crimes against peace, crimes against humanity, and war crimes in the debut of an international criminal court system: the Nuremberg Trials. With no successful precedent for this scale of international justice, the victorious Allies of WWII (France, Great Britain, the Soviet Union, and the United States) gathered in Nuremberg, Germany for "one of the last acts of war and one of the first acts of peace," molding the frontier of international justice. The unprecedented crimes of the Holocaust required four nations with comprehensively distinct judicial systems to create a system of international justice to protect the world's future, and while the Nuremberg Trials were imperfect, they illustrated that in times of human rights violations, the world can unite and hold perpetrators responsible. The Nuremberg Trials questioned international aims of justice and responsibility, establishing a frontier of international law, morality, and justice in a post-WWII world (Shirer 1990, 1141-1143).

An Unprecedented Need for Justice

The four Allied powers of WWII recognized that Germany's utter violation of human rights could not go unpunished. Thus, as the Allies gained momentum in the early 1940s, they gathered the big three—Stalin, Churchill, and Roosevelt—to coordinate, unify, and end the war. The Conference concluded with the signing of the Moscow Declaration, which was signed by each of the Allies in

addition to China. The Moscow Declaration had three sections regarding the plans and demands of surrender and annexation, but the fourth was a Declaration on Atrocities that addressed the “ruthless cruelties” occurring on Axis-power territory and declared a warning: all individuals committing atrocities “will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of...free governments.” Prior to WWII, it was often left to each state to determine punishments for their crimes as nations did not want to interfere with state sovereignty; therefore, the Declaration marked a radical departure from this tradition, symbolizing a shift towards individual accountability and foreign judgment. However, while the Moscow Declaration declared an international justice system signed upon by the Allies, it gave little insight into the mechanism of their vision, and when WWII officially ended in 1945, the Allies were tasked to create the unprecedented method of international justice they promised (Jewish Virtual Library 2023).

There was continued debate as to what each leader proposed as punishment for German officers, but both Stalin and Churchill spoke about extreme measures such as execution or imprisonment without trial. Both leaders were under immense pressure from their citizens to bring the Axis Powers to justice as their countries and citizens bore the full weight of German atrocities. Yet, while Germany’s atrocities were both unforgettable and unforgivable in the minds of Europeans, the United States, who suffered no damage on their own soil and believed in the necessity of bringing the war criminals to judicial justice. U.S. President Harry Truman firmly declared this in a letter noting the important “distinction between retributive justice and vengeance” (see Appendix A). Ultimately each nation saw the importance of international trials, recognizing that executions may only bring more instability into a world brutalized by the Third Reich’s violence. Moreover, each nation had their own personal values in the trial with the Soviet Union viewing them as excellent propaganda, Britain simply to appease America, and America enjoyed the moral authority trials provided. Despite the diverse motivations behind the trials, judicial representatives from all four governments gathered at the London Conference to reconcile their legal structures and devise procedures for international justice (Feigel 2016, 290-293).

Molding a Frontier In the London Conference

From June 26 to August 2, 1945, views and aims clashed at the London Conference as representatives from the Allies worked to formulate an outline for the trials. Due to the radically different traditions and perceptions of judicial systems, the first day was spent discussing and comparing each nation’s similarities and differences. Immediately, discrepancies between the Soviet Union and the Anglo-American—specifically American beliefs—became apparent. Although the Soviets acknowledged the potential power of trial and international law, they mainly viewed courts as “one of the organs of government power, a weapon in the hands of the ruling class for the purpose of safeguarding its interests,” a stark contrast from Anglo-American paramount faith in law. Furthermore, Soviet representative Iona Nikitchenko stated that “We are dealing here with the chief war criminals who have already been convicted and whose conviction has been already announced.” For the Soviet Union, the guilt of the Nazis was certain, and their participation in the trials were mainly to conduct “show” trials that demonstrated their education and enlightenment. These views were a stark contrast to the West’s trust in due process, with Justice Jackson of the United States declaring, “There must also be provisions to assure that these trials will be fair, that defendants will have responsible notice and opportunity to defend.” The differences between each justice system illustrate the inherent complexity of the London Conference: knitting together four nations with fundamentally different goals and justice systems to create a fair and cooperative trial. The trials’ success relied on representatives realizing that they were not merely advocating for national sovereignty or their countries, but rather, the interests of the world (Mettraux 2008, 381-82).

There were multiple drafts of the London Charter, highlighting the different perspectives and debates that surrounded the creation and procedures of the Nuremberg Trials. The French and American drafts as well as the Soviet Union's proposals were all similar in their Axis Power-centric focus, with America's call to prosecute those who committed "atrocities and offenses...since 1 January 1933" and France's and the Soviet Union's call to prosecute "aggression...carried out by the European Axis Powers." These nations' focus on the Axis Powers reflects their strong nationalistic roots: if the London Charter is only applied to the Axis Powers, the document will not and cannot jeopardize their own nation's sovereignty because it will never be applicable to them. However, Britain directly opposed these drafts by calling for the universal application of the London Charter, expanding the reach of these laws to *all* nations at any time (Heller 2012, 135-138).

This aspect of universality was quickly adopted by the other nations with the exclusion of the Soviet Union. According to Justice Jackson, the Soviets pushed to declare "certain acts crimes only when committed by the Nazis." France and America, on the other hand, both had extremely vague definitions of the international law on which they would charge criminals, mainly referring to it simply as "the dictates of the public conscience." The U.S. argued that broad terms of international law would make them more universal; however, these broad terms would consequently lessen the Charter's reach on their own nation's sovereignty as the laws would become more subjective. Ultimately, the nations agreed to Britain's draft as it clarified the specific acts that international law will consider criminal violations, such as war crimes and conspiracy, while allowing the acts to remain relatively universal. The adoption of Britain's revisions during the London Conference resulted in the codification of international law, but the discussions and compromises made illustrate the intricacy and complexity of their novel task as judges had to decide what would come first: justice or their own state (Heller 2012, 136-137).

On August 8, 1945, after months of negotiations and discussions around one table in a cramped room, the London Agreement and Charter were signed (see Appendix B). The London Agreement illustrated the novel path of prosecution and punishment for major war criminals while marking the concrete creation of international justice. These documents were the creation solely of judges—not political actors—who spent months familiarizing themselves with alternate judicial systems to provide the world with an unparalleled model of international law. The London Charter explicitly and unambiguously defined international law and its violations: crimes against peace, crimes against humanity, and an array of war crimes. Additionally, this charter forever nullified the argument of "superior orders" or state-ordered actions that once freed soldiers from legal responsibility, reflecting the shifting anti-war attitude of society after WWII's atrocities. The London Charter not only showed that nations would unite for the greater purpose of justice, it held the entire world to an entirely new standard: these precedents were revolutionary, though the protocol was not perfect (Heller 2012, 134-138).

Discourse of the Nuremberg Trials

The Nuremberg Trials prosecuted twenty-four of the highest military and political leaders of the Third Reich from November 1945 to October 1946. While the Nuremberg Trials were themselves precedential, so was their extensive use of film as leading evidence. In his opening speech, U.S. Chief Prosecutor Robert Jackson said, "We will show you their own films." Despite accounts by soldiers and victims from the camps, it was difficult for the general public to understand the full extent of the war's atrocities without visible evidence. Therefore, throughout the highly publicized Nuremberg Trials, those watching in the courtroom and worldwide were privy to thirty-seven reels of film and twelve reels of microfilm, mostly images captured by Allied forces as they advanced into Germany (see Appendix C). The films and images of the Nuremberg Trials illuminated the true horrors of the Holocaust, presenting to the world the severity of the crimes,

which continues to inform our contemporary image of the Holocaust (see Appendix D). These films documented the Axis Powers' atrocities with such refutable evidence that denial and martyrdom would be inconceivable (Feigel 2016, 154-155).

Although film was used to accentuate the trial's legitimacy, critics still spoke against the trial's validity. The leading accusation was of "conducting an unfair trial with a predetermined outcome." Often referred to as the idea of "victor's justice," critics indicated the Allies had already won the war and were holding a trial with the intention of punishing German officers. In support of this argument, people highlighted the *ex post facto* nature of the lead convictions: defendants were being punished for actions made illegal after they had committed the act, a blatant violation of traditional justice standards. During the creation of the London Charter, judges were aware that the notion of *ex post facto* may have been held upon them and subsequently, ensured that their laws remained under the scope of aggressive warfare, an established law. However, critics pressed on: If men are being charged in front of the tribunal with the view that they do not deserve to go free, what is the point of a trial? (Feigel 2016, 147-150).

Critics continued to challenge the validity of the trials with the use of the *tu quoque* (you, too) principle, essentially arguing *I should not be punished if you did it, too*. One example of the *tu quoque* can be seen through Karl Doenitz, commander of the German Navy and successor to Hitler during WWII. He was charged with crimes against peace for waging aggressive submarine warfare, but when rumors that the United States also used aggressive submarine warfare emerged, Doenitz argued *tu quoque* in defense. Although his argument was rejected by the tribunal, he mysteriously faced no punishments or sentencing for the specific act. The *tu quoque* argument highlights a logical fallacy and does not disprove or verify truth, but it illuminated the Allied Powers' own war crimes and challenges whether the intentions of the trial were punishment or justice (Rohan and Zyberi 2017, 513-514).

Surprisingly, criticism also arose from the largest victim group of the defendants in Nuremberg—the Jewish population. Despite initial support and optimism for the trials from Jewish journalists, writers, and survivors, "this optimism soon yielded to fundamental disappointment." Jewish expectations for the Nuremberg Trials were centered on the hope they would foreground the Jewish perspective of the Holocaust; however, when the Holocaust was merely another one of the countless crimes that the Nazis were prosecuted on, many Jews "believed the Allies had the political power to conduct the trials, but not the moral power." Furthermore, Jewish representation and participation throughout the trials were marginal. Although the key forms of evidence were through film, the trial also had multiple witnesses, but of the ninety-four witnesses on the stand, only three ended up being Jewish (thirty non-Jewish witnesses testified on crimes against Jews) (Jockusch 2012, 108-109).

The Nuremberg Trials in themselves marked a new frontier of international justice, but they were not without their faults. Critics claim it was a "show trial" with arguments against *ex post facto* law and *tu quoque*, and it did not bring peace to Jews, one of the main victims of WWII. However, although the trials were not flawless, they sent a clear message, declaring that the global community will condemn and intervene. Ultimately, the trials ended with nineteen convictions, twelve death sentences, and three acquittals, and while the legal foundation and validity for the trials may draw criticism, the final sentences rested on facts (Shirer 1990, 1142-1143).

International Justice Since Nuremberg

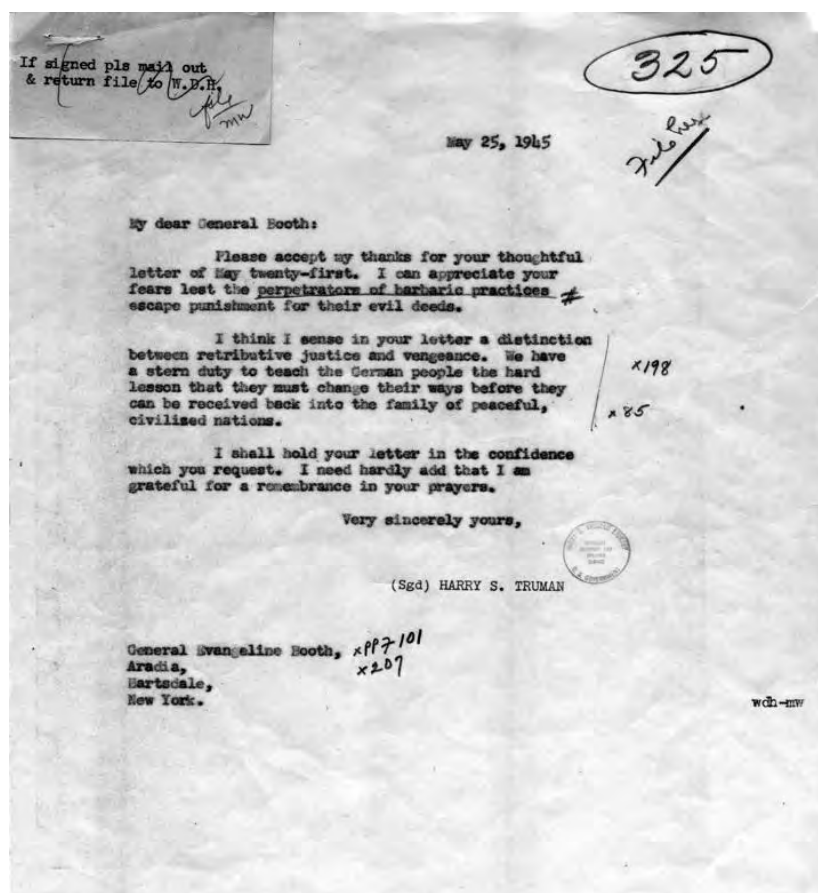
Three expectations were set by Nuremberg: state hesitancy at violating human rights, a permanent international court, and quicker prosecution of those responsible. However, after the trials' conclusion on October 1, 1946, these expectations were not fulfilled. In the same year of the trials' closing, the United Nations General Assembly unanimously affirmed the legal principles found in Nuremberg's charter during their first meetings, illustrating what the society thought was

an international change of attitude in war and all of human suffering. Yet, this illusion was broken with the genocides of Bosnia, Kosovo, Rwanda, and Darfur resulting in thousands dead and little change or justice from the United Nations and the international world. The codification of the Nuremberg principles and international law merely led states to discover different ways to justify and hide them with the rise of euphemisms such as ‘ethnic cleansing,’ and the use of “reverse jargon” to normalize and minimize humanitarian crime (Robert H Jackson Center. n.d.).

After countless years of atrocities and struggles in international justice, the International Criminal Court was established in 1998, differing from other international criminal tribunals because of its permanent standing—a drastic evolution of international law. The ICC holds jurisdiction over the Nuremberg Principles and acts mainly to complement national courts, only intervening when national courts are unable or unwilling to try cases. However, four major world powers, the United States, China, and Russia refuse to join the ICC because of the threat it poses to their national sovereignty, a fear observed from the very start of international justice with the London Charter (Schabas 2020, 23-35).

The international laws and justice established in the Nuremberg Trials were both a precedent and promise of the international world to unite in placing human rights at a higher standing. Nothing could make up for the devastation of WWII, but the Nuremberg Trials helped rebuild a post-war world and defined the unknown frontier of international law. Furthermore, a half-century later, international law continues to evolve with organizations such as the International Criminal Court to defend against humanitarian abuses. The Nuremberg Trials created the frontier of international law, and it will continue to alter and evolve until every nation places human rights and international justice above national sovereignty.

APPENDIX A



Only weeks after the end of WWII in Europe, Truman was corresponding with others and attempting to discern how to establish international justice. This letter specifically comments on the difference between vengeance and retributive justice, highlighting the key aims of the preceding Nuremberg Trials. (Truman)

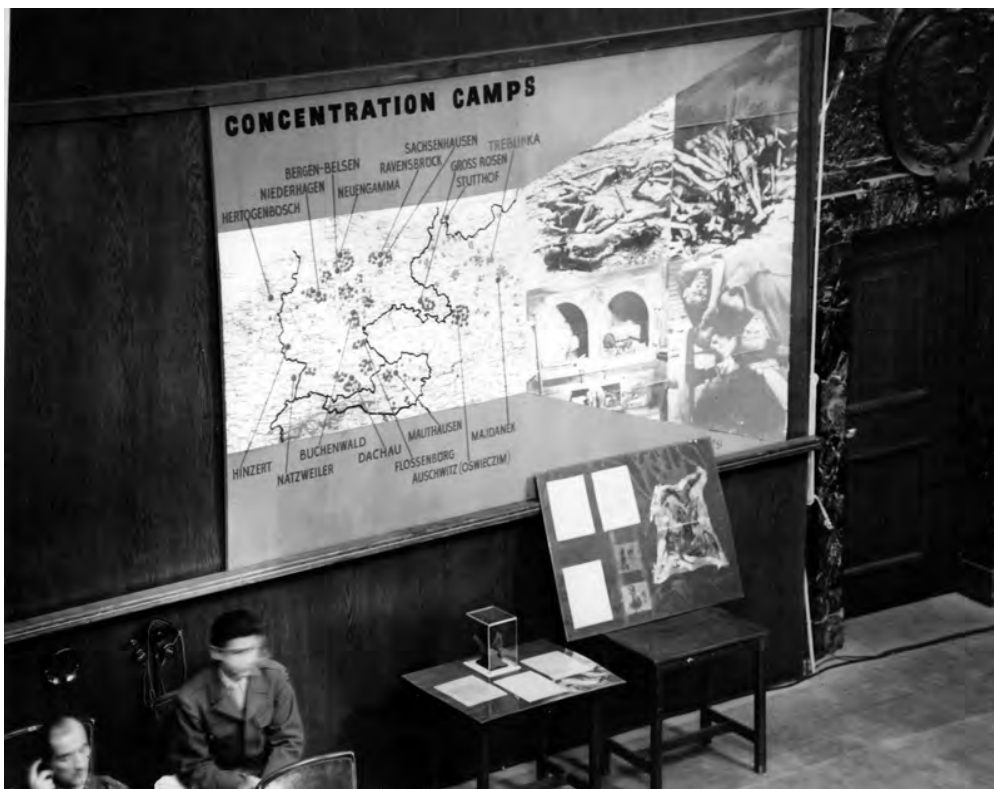
APPENDIX B

All the diplomats in the London Conference. This image of the London Conference shows how revolutionary the creation of the Nuremberg Trials was and provides insight on the true atmosphere and feeling of the room: full of different minds, peoples, cultures, and judicial systems.

APPENDIX C

This photograph illustrates the layout of the courtroom, specifically emphasizing every person's view to the screen where maps, film, and audio would play from. The Nuremberg Trials was the first trial to use film as leading evidence, and it displayed to the world the true visual horrors of the Holocaust. (United Nations)

APPENDIX D



This image documents Germany's concentration camps in WWII, one of the many uses of film throughout the trials. The photographs and videos that were shown during the Nuremberg Trials exposed the majority of the world to the horrors of the time and aided in the contemporary vision of the Holocaust. (United Nations)

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Final Countdown for the Implementation of the Deposit Return System in Romania

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ABSTRACT: This study aims to present the current status of the Deposit Return System (DRS) implementation in Romania (called in Romanian ‘Sistem de Garantie Returnare’ and abbreviated as SGR). In 14 days from now, Romania must start operating the deposit return system according to the European Union legislation and the Romanian legislation put in place. Being an important component of the circular economy, everybody's asking if, through this implementation, Romania will be able to attain the recycling objectives of the European Union and be clean, especially now, on November 16, 2023, when the European Commission initiated infringement proceedings against Romania and five other EU member states over waste management issues. Numerous questions arise concerning the implementation and operation of DRS. Is Romania ready for this moment, especially since it is supposed to collect more than 7 billion recipients at the national level? What is the present status of the deposit return system implementation and how difficult will be to put in place a functioning operating system? Are all the stakeholders involved in DRS ready? This study will address the current issues in implementing the deposit return system in Romania, hoping that point by point will be addressed by the Romanian authorities in due time to have a functional system on November 30, 2023.

KEYWORDS: deposit return system, DRS, EPR, European Union, packaging waste, Romania, targets, SGR

Introduction

At the European Union level, waste management and recycling are key elements on the EU agenda. The EU waste policy, which represents a series of legislative packages addressing waste in general and packaging waste in particular, is very complex, setting objectives and targets to improve waste management, stimulate innovation in recycling and limit landfilling (European Commission 2023a). The EU waste policy is based on the *polluter pays principle* and on the *extended producer responsibility* (EPR), to attain the objective of *zero pollution*.

The principle regarding the polluter pays was first introduced in 1972 by the Organisation for Economic Co-operation and Development (OECD) “as an economic principle for allocating the costs of pollution control” (OECD 1992, 5). The European Commission (2023b) has consulted EU citizens and stakeholders on the polluter pays principle which “requires polluters to bear the cost of the pollution they cause.”

Aware of the consequences of not properly applying this principle, the Directorate-General for Environment of the European Union considers them as “the bill for environmental damage caused by polluters too often ends up being paid for by citizens and weighs heavily on public funds” (European Commission 2023b). Therefore, the polluter pays principle supposes that consumers or companies should bear the costs of the negative externality created by them. It is a basic principle applicable in environmental policy in order to prevent pollution and to repair damages.

The extended producer responsibility (EPR) is an environmental policy in which the producer has the extended responsibility for its product to the post-consumer stage of the cycle of the respective product life. According to the OECD definition, EPR is “an environmental policy approach in which a producer’s responsibility for a product is extended to the post-consumer stage of a product’s life cycle” (OECD 2023). This principle supposes that the responsibility is shifted upstream towards the producer from the municipalities.

Taking into consideration these two principles, in order to prevent pollution, the European Union has regulated the deposit return system (DRS) as a complex component of the circular economy, which supposes that things are made and consumed in such a way as to minimize the world resources use, to cut waste and to reduce carbon emissions. Through repairing, recycling and redesign, products are kept in use for as long as possible being used again and again. When the product's life is ended, the component materials are kept in the economy and are reused wherever possible.

As regards the deposit refund system (Walls 2011), this system is very complex from the legislative point of view due to its way in which the various stakeholders involved in the producer consumer recycling chain organize a system of voluntary return of packaging, single use or reusable, through the use of a financial incentive (guarantee). Its complexity is given by the fact that it must be implemented in compliance with the existing provisions on waste and packaging waste, and a number of legislative amendments are needed to ensure its functionality in line with the current legislation in order to avoid interpretations contrary to the intended purpose and operational bottlenecks. In this system, the consumer pays a monetary deposit called a guarantee when buying a product packaged in returnable packaging and it recovers the guarantee when returning the packaging to one of the specially set up collection centres.

At the end of November 2023, Romania must start operating the deposit return system according to the European Union legislation and the Romanian legislation. It is true that in the European Union, the deposit refund system has already been implemented with success in countries such as Germany, Denmark, Norway, Sweden, Finland and Croatia. In this respect Romania has the possibility to learn from other EU member states experience. As you will see further on how this system is expected to work and what are the current issues in operating the deposit return system in Romania

Romania, the waste management and the DRS

For years, it has been well known that, at the European Union level, Romania has a huge problem with waste management. The basic problems are related to illegal landfills and to minimal recycling. Even if the EU has provided Romania with large amounts of money to counter the waste management problems, and even if the Romanian authorities try to implement the waste management package, many infringement procedures (European Commission 2023c) regarding waste management are under scrutiny of the European Union.

Even on the day of our Conference, 16 November 2023, the European Commission initiated infringement proceedings against Romania and five other EU states over waste management issues. In this respect, the Commission has sent formal letters of formal notice to Austria, Bulgaria, Cyprus, the Czech Republic, Estonia and Romania, in order to remedy deficiencies in the transposition of Directive 2008/98/EC on waste, as amended by Directive (EU) 2018/851/EU (Dumitrescu 2023). In this regard, in the procedure for transposing the legislative amendments introduced by Directives no. 851 and 852 of 30 May 2018, Romania has undertaken through its environmental policy to adopt this return system for non-refillable and refillable primary packaging made of glass, plastic or metal.

At the European level, in 2020, we—the authors of this present study—have been involved in preparing a scientific opinion on the regulation and implementation at the national level of the deposit return system at the request and for the exclusive benefit of the Ministry of the Environment, Water and Forests in Romania. This scientific opinion was given regarding the implementation at the national level of the deposit return system applicable non-refillable primary packaging made of glass, plastic or metal, with volumes between 0,1 l and 3 l inclusive, used to make available on the national market beer, beer mixes, spirit mixes, cider, other fermented beverages, juices, nectars, soft drinks, mineral waters and drinking waters of all kinds, wines and spirits. In the Annex no. 1 of this scientific opinion there was attached a

model legislative act (a government decision) on the establishment of the deposit return system drawn up based on the vision of the Ministry of the Environment, Water and Forests, regarding the implementation and operation of the deposit return system. This proposal was drafted upon the national provisions of Law No. 249/2015 on how to manage packaging and packaging waste, which established the mandatory elements to be included in this act, as well as on the legislation developed in other EU Member States where the deposit return system has already been implemented.

Through its legislation, Romania has undertaken a commitment to regulate and transpose a deposit return system into national legislation by 1 January 2021, but because all the stakeholders were not ready at that time, the Romanian competent authorities decided to postpone this deadline to 30 November 2023. In this respect it is applicable the Government Decision no. 1074/2021 on the establishment of the deposit return system for primary non-refillable packaging, published in the Official Gazette No 955 (2021).

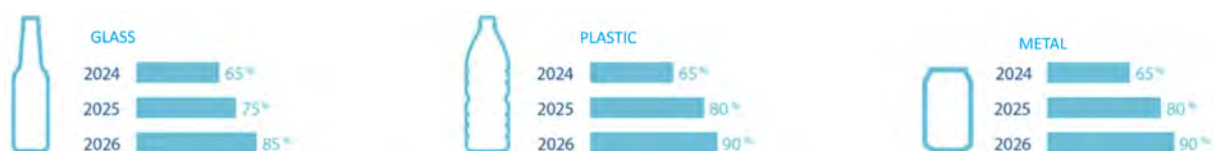
According to the Romanian legislator, the DRS has the sole purpose of implementing the EPR in order to collect and recycle the DRS packaging waste introduced by them on the national market. In this respect, please note that the DRS is the way for the economic operators referred to in art. 16 paragraph (1) of Law no. 249/2015 (i.e. producers), to carry out the responsibility for the collection, transport and recycling of DRS packaging. According to the Romanian law, the DRS applies to primary non-refillable packaging made of glass, plastic or metal with volumes between 0.1 L - 3 L inclusive. Non-reusable packaging can be related to the following products: beer, beer mixes, alcoholic beverage mixes, cider, other fermented beverages, juices, nectars, soft drinks, mineral waters and drinking waters of all kinds, wines and spirits. Consumers or end-users may return the DRS packaging at any return point organized by traders on the territory of Romania, regardless of where the packaged product was purchased and without being required to present the tax receipt in order to recover the guarantee. The guarantee applies to each unit of product in DRS packaging and is separately evidenced in the fiscal documents of producers, distributors and traders when marketing products, including to consumers or end users.

From 30 November 2023, producers with primary non-refillable packaging are obliged to charge the guarantee when placing products in DRS packaging on the national market. And from the same date, the value of this guarantee is of 0.5 lei for all SGR packaging (i.e. ten euro cents). The objectives of the DRS in Romania will be achieved by the DRS administrator: RetuRo Sistem Garanție Returnare S.A. (<https://returosgro.ro/>), a Romanian legal entity, unique at national level, established exclusively for the purpose of implementing, managing, operating and financing the system.

The DRS administrator has as shareholders the associative structures of the producers, which together hold a market share of at least 30%, based on the number of DRS packaging units placed on the market in the last fiscal year completed prior to the submission of the documentation for accreditation, and the Romanian State represented by the central public authority for environmental protection with a percentage of 20%.

Beverage producers, through the DRS administrator, are obliged to achieve the following minimum annual DRS packaging return targets: return targets for recyclable glass, plastic or aluminium packaging within DRS Romania:

Fig. 1. Objectives for glass, plastic, and metal for the period 2024-2026



Source: TOMRA (2023)

So, how will this system work more concretely? The DRS will work in Romania as follows:

- i. the consumer will pay a deposit of 0.50 lei when purchasing a drink in DRS packaging from a retailer;
- ii. after emptying the package, the consumer will have to bring it to any of the return points organized by the retailers (automatic or manual, depending on their consumer flow), not being necessary to present the receipt;
 - in order to be accepted for return, the packaging must meet a number of acceptance criteria, as follows:
 1. the mark indicating DRS membership must be affixed;
 2. the marking and the barcode must be visible/readable;
 3. be whole, undamaged or undeformed so that DRS membership can be established;
 4. be completely emptied of contents;
 5. be returned no later than 24 months after the date of publication on the DRS administrator's website of the notice of the manufacturer's cessation of the placing on the market of the product concerned.
- iii. in exchange for the packaging, the consumer will receive back, on the spot, the amount of the guarantee originally paid, in the form of cash, voucher or bank transfer;
- iv. once the packaging has been received at the return points, it will be taken over by the DRS administrator.

The trader is obliged to keep the returned DRS packaging separate from other packaging that is not part of the DRS.

Romania and the current issues in implementing the deposit return system

According to the provisions of art. 10 paragraph (1) of the Government Decision no. 1074/2021, from 30 November 2023, the DRS, which is unique at national level, shall be binding on all producers and traders under the terms of this decision, applying to both products manufactured on national territory and products imported or purchased intra-Community, under non-discriminatory conditions, including the possibility for economic operators to participate effectively in the operation of the scheme and the tariffs imposed on them by the DRS administrator. Of course, that at this moment, all the stakeholders are under pressure to be ready for the date of entry into operation of this system, at the end of November 2023, when the system must be put in place. However, there are still current issues in implementing the deposit return system in Romania.

Firstly, the system functionality is not tested. We do not know when it will be tested, if all the stakeholders know what to do and how to operate. There are so many obligations established for the producers and for the traders...

For instance, the producers placing DRS products on the Romanian market have the following obligations:

- i. to register in the DRS database;
- ii. to conclude a contract with the DRS administrator in order to fulfil the legal obligations;
- iii. to mark the DRS packaging according to the legislation, with a distinctive sign/symbol easily recognizable and understandable by consumers, as well as a bar code and DRS logo (here link to the technical specifications file);
- iv. to use the software developed, managed and made available by the DRS administrator to report on the packaging placed on the national market and covered by the DRS;
- v. to keep records of the total number of products in DRS packaging by type of material, weight and volume, as well as records of the related guarantees charged;
- vi. to communicate to the DRS administrator the updated records referred to in the previous point by the 10th of the following month for DRS packaged products placed on the national market during the reference month, in the format and procedure established by the DRS administrator;

- vii. to pay the DRS administrator the amount of the guarantee for the DRS packaged products placed on the national market by the 25th of the month following the placing on the market of the products;
 - viii. to collect from their customers the guarantee for products in DRS packaging placed on the national market and purchased by them;
 - ix. to pay the DRS administrator the administration fee according to the contract concluded.
- Instead, traders have the following obligations:
- i. to register in the database managed by the DRS administrator;
 - ii. to conclude contracts with the DRS administrator within 90 days of the date of registration;
 - iii. to clearly indicate the amount of the guarantee on the shelf and on the fiscal documents relating to the product in the DRS packaging;
 - iv. to pay the amount of the guarantee to the economic operators from whom they purchase products packaged in DRS packaging;
 - v. not to market products packaged in DRS packaging purchased from producers not registered with the DRS administrator or from distributors of such producers;
 - vi. not to market products packaged in DRS packaging which are not marked in accordance;
 - vii. to collect the guarantee for products in DRS packaging from their customers;
 - viii. to display information to consumers or end-users in their sales structures regarding DRS;
 - ix. to organize return points;
 - x. to take back at the return points all DRS packaging returned by consumers or end-users and to return the value of the guarantee to them when they return the DRS packaging;
 - xi. to protect the DRS packaging taken back at the return points against damage, theft and other similar situations until it is taken back by the DRS administrator;
 - xii. to allow the DRS administrator alone to take back the DRS packaging from the return points, at the request of the DRS administrator or his designated representative;
 - xiii. to use the software made available online by the DRS administrator for reporting DRS packaging and the associated guarantees;
 - xiv. to keep records of the total number of DRS packaged products sold, broken down by product, for each sales structure and/or online shop they operate, records of the total number of DRS packages that have been returned to the retailer by consumers or end-users, broken down by type of material and volume, and records of guarantees paid, collected on the sale of products and returned to consumers at the point of return, respectively collected from the DRS administrator;
 - xv. to allow controls by the competent authorities and to provide them with documents, accurate and complete information on the trader's compliance with his obligations, as well as supporting documents received from consumers or end-users, the DRS administrator, and other economic operators within the DRS with whom the trader has concluded contracts;
 - xvi. to provide in writing, within a maximum of 10 working days, clarifications and information requested by the DRS administrator in relation to the fulfilment of the obligations.

We also underline that the Romanian legislator provided that the failure to register in the database managed by the DRS administrator is punishable by a fine of 20,000 to 40,000 lei.

Secondly, we do not have too much information about the IT platform and the supply chain. Nexus ERP announced that it implements the Romanian DRS system so that at the time of entry into force, all specifications to be functional (<https://www.nexuserp.ro/blog/sistemul-de-garantie-returnare-sgr-in-romania-ce-reprezinta-cui-se-adreseaza-si-care-sunt-responsabilitatile-partilor-implicate>). An additional setup of the Nexus ERP system is necessary to meet all the requirements specified in the Government Decision no. 1074/2021, in order to be able to proceed to keeping record of:

- i. the total number of products in DRS packaging marketed, broken down by product;
- ii. the total number of DRS packaging returned by consumers or end-users, broken down by type of material and volume;
- iii. guarantees paid, collected on the sale of products and returned to consumers at the point of return, i.e. collected from the DRS administrator.

We did not find any materials published regarding this setup so that Nexus ERP users to know how to set up their own system, reason for which we are a little bit concerned in this respect. From our experience, many problems may arise in this respect.

Thirdly, we are aware that not all the producers and traders had the ability to sign contracts in time and to take back packaging.

According to art. 3 of the Government Decision no. 1074/2021, the producers and traders placing on the national market packaged products were required to register in the database managed by the DRS administrator until 28 February 2023.

They were required in this respect to submit to the DRS administrator a notification in digital format with a simple or qualified electronic signature containing at least the following information:

- i. the identification data of the producer, accompanied by a copy of the tax registration certificate;
- ii. the name, telephone number and e-mail address of the designated contact person on behalf of the manufacturer in relation to the DRS administrator;
- iii. the number of packaging units covered by the DRS, and the related weight of packaging in kilograms placed on the national market in the previous calendar year, broken down by type of material, volume per packaging unit and product categories contained.

If the producers fail to provide such notification in time, then they will not be able to sign the contracts with the DRS administrator in time.

Fourthly, and the most important from our perspective, it is necessary that the Romanian legislator to adopt the necessary legislative package.

Changes in the primary legislation are required, for instance, to recognise the deposit return system figures within the producers' objectives according to the law. Producers are concerned in this respect in order not to be asked to pay a double penalty. Changes in the tertiary legislation are also required, for instance, to provide a functional calculation methodology which is not available at this moment.

We can only hope that the legislative package required to put in place such complex system will be finished in time in order to be applied – from our information, the remaining pieces of legislation of this legislative package are now under interministerial endorsement.

Of course, that many legal provisions must be put in place in order that the DRS to be functional in Romania and to be supervised. In this respect, please note that the supervision of the implementation of the DRS in Romania will be carried out by the Supervisory Committee, which will ensure the transparency and stability of the system and will refer the matter to the competent bodies whenever it becomes aware of a breach of any of the obligations laid down by the law and the DRS administrator. The Supervisory Committee is composed of representatives of producers, traders and public authorities with responsibilities in the field.

Concluding Remarks

We are all aware that waste management is one of the acute problems of contemporary European society, a reason for which we all need to identify optimal waste management solutions for this problem. Although Romania is nowadays concerned regarding several infringement proceedings on waste management in which very high fines are involved (fines of approx. 3,000 euros/landfill/day of non-closure), nowadays the Romanian authorities are very optimistic regarding the DRS start of the operation on 30 November 2023.

Through the deposit return system, Romanian authorities are hoping to increase the percentage of recycling targets achieved nowadays around 12% to 95% through DRS. Although thorough preparation for the implementation of the deposit return system can be observed at all stakeholders, we cannot ignore the complexity of this implementation based on the rural versus urban areas and the high number of retailers involved (i.e., around 80,000).

The DRS is an effective environmental tool to support separate collection for recycling of beverage packaging, by which different actors in the producer-consumer-recycler chain organize a return system for packaging with the help of an incentive called a guarantee. A change from one waste management system to another involves thorough preparations by all parties involved, but also the fact that this phase is critical especially for economic operators, the transition to the new system should be seamless and without jeopardizing the ability of the economic operators involved to really participate in the new system as soon as it becomes operational.

We are aware that 2024 will be for Romania a calibration year for the entire system. We hope that every stakeholder will be aware that this implementation is also a moral duty to have a cleaner Romania. Even the representatives of the Romanian Government, as for instance Mr. Mircea Fechet, the Minister for the Environment, Water and Forests, are aware of this huge step to be taken, declaring that “the DRS is the most important waste management policy in Romania in the last 30 years and will be the second largest in Europe after the German one” (Agerpres 2023). And, after all, the successful implementation of the deposit return system in Romania, will also serve the new level of ambition set by the European Commission, especially the Zero Pollution Action Plan (European Commission 2023b) which aims, until 2050, to reduce air, water and soil pollution to certain levels which are no longer considered harmful to human health and to natural ecosystems.

This EU action plan represents a key deliverable of the European Green Deal (European Council of EU 2023) which represents the EU’s strategy for reaching the climate neutrality by 2050. In this respect, we are hoping that through the correct implementation of DRS, Romania will be on the correct “pathway to a healthy planet for all”, as imagined by the EU representatives and presented in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions in May 2021(European Commission 2021).

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Contemporary Media and Its Socio-Anthropological Relevance

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ABSTRACT: Contemporary media has gradually acquired an increasingly important role in our times, becoming an essential factor in the decisions we make. It plays a decisive role in influencing human perceptions and values and contributes fundamentally to our understanding of ourselves and our place in society. It transforms our daily existence by working with a socio-anthropological perspective. This article will explore the main aspects of the media's influence on the human being from this perspective. It will also examine how society and the human being are evolving through different perspectives and thus better understand the direction of contemporary culture. Through socio-anthropological analysis, we will have a broad understanding of the concerns, aspirations, and challenges we face today. The social and cultural changes of today's society can only be understood when we identify the socio-anthropological perspective that the media offers us.

KEYWORDS: technology, function, anthropology, human behavior, media

Introduction

Media plays a particularly significant role in the formation and development of man and society, and it is important to analyze its premises and identify its anthropological relevance. Through the means and instruments at its disposal, the media, as we shall see, make a profound mark on the human being.

The role of the media in society is vital because of the place it occupies in the functioning of society. Perhaps if we asked ourselves just one question, we would fully understand what would happen to mass communication - if this great system through which we all interact were to be taken out of use, inexplicably collapse or stop functioning in a way that we no longer benefit from it, what would happen to us? What would it be like to no longer benefit from breaking news that is important to our society? What would it be like to no longer have access to information related to our well-being? At this point, I think it is obvious to all of us that everyday life is unimaginable without mass media. We can also speak of an individual's dependence on them, as he cannot function without having his life needs met. We can conclude by saying that, firstly, mass communication and its media are used by consumers as the main source of connection to life and that, secondly, their increased and accentuated role in the life of society is that they are seen as fulfilling needs. How real these are remains to be seen when a deeper analysis is made of them and how humans are transformed by them.

In order to better understand the importance of the media, we need to look at its functions in order to see the depth of interaction between man and these media.

General perspectives on the media

Walter Lippmann

Although he is a political scientist by profession and would have no connection with the field of media, Lippmann has distinguished himself as a reference point in the field of social communication, and through his work, *Public Opinion*, published in 1922, we can see the first major study of public opinion in its own right, a pioneering work that announces themes,

formulates judgments, raises questions of exceptional topicality. This is why most historical studies on public opinion, the media, etc. frequently cite this work, which imposes a coherent vision of public opinion and its role in society. Deeply influenced by the experience of the First World War, Lipmann argues that people do not act according to reality, but on the basis of how they interpret that reality. Thus people construct images and symbols with which they operate, with perceptions playing an extremely important role.”Lippmann's whole vision starts from the relationship between two realities: the external world and our representation of that world. The environment in which we live is too extensive and very difficult to contain in a unitary vision” (Dobrescu 2022, 33). This is why man is constantly seeking to reconstruct it by reducing it to a more accessible model, a simplified version. Lipmann goes on to say that “between man and the environment in which he lives there appears an artificial environment, a *pseudo-environment*, an environment of fictions” (Dobrescu 202, 49). By “fictions”, Lippmann does not mean lies, false things, but “a representation of the environment itself which, to a greater or lesser extent, is constructed by man himself” (Dobrescu 2022, 49). In this way, man does not see reality, but the representations made by him in his mind. Under these conditions, it is very difficult for man to define reality as it is, because he is the slave of his perceptions.

From this point of view, there are two major consequences. The first is that what we do in the future has to do with how we understand reality, and the second consequence is that the media influence our perceptions of reality. It is the media that shapes our understanding of the world, presenting things to us as it wishes, with its pluses and minuses, its values or lack of them.

Jacques Ellul

Jacques Ellul is known as the theorist of a key process in modern society: how technology has changed people's lives. Speaking of propaganda as a sociological, not a political phenomenon, Ellul makes the point that man is vulnerable and uncovered to its power, and technology is the means by which man allows himself to be influenced.

Professor Paul Dobrescu says in *Media and Society* that “if we replace the term”propaganda’ specific to the era with the term”communication’,”image’ if we ponder a little more on the place occupied by”communication strategies’ in modern governance we will come to a conclusion similar to Ellul's” (Dobrescu 2022, 49). We will understand that “there is an organic intertwining between the political act and the act of communication. The public appreciation of the former is increasingly influenced by the activity of the latter” (Dobrescu 2022, 49).

Ellul (2022) is not against technique and does not make a plea against it, he does not argue that we should be anti-technical, but only points out that in the hands of certain political, economic, etc. ideologies, technique is used in such a way that the individual is subject to manipulation and understanding of reality in a certain way. He draws attention to the fact that technology is not just a neutral tool, but is influenced and directed by social and political interests and ideologies and stresses the need to be aware of these influences and to develop a critical and autonomous approach to technology in order to avoid manipulation and to preserve individual freedom and authentic understanding of reality. Speaking about the characteristics of the technical phenomenon, Ellul reminds us of its purpose and achievements in modern society, namely that “technology today defines, by the will of the people, their future. Technology brings with it ways of being, of thinking, of living. It is a global culture, it is a synthesis” (Ellul 2022, 324).

Marshall McLuhan

A theorist renowned for his proposed studies in support of understanding how media work, McLuhan's (2011, 33-47) theory proposes a particular way of understanding the human-media

relationship. McLuhan says that any medium is an extension of the senses or the body. Technology, in his view, is an extension of the human body. From this point of view, we are not talking about technology and the human being as two separate entities, but as a whole. We thus speak of the lack of autonomy of the human being in relation to technology, and of the fact that we no longer speak of absolute freedom of choice but of one that takes on other meanings and embraces other definitions. The great danger of this understanding is that it can create “a total confusion between form and content, epistemically dangerous, because it is just another force trying to disrupt harmony and lead to unaccountable action” (Wagner 1967, 246-255).

We have to recognize that our way of being as humans can be influenced by certain ways of understanding the world that make us use technology in certain ways, without speaking here of determinism. The reciprocal relationship between man and technology is not excluded, as it can assimilate new values or imprint new ones. It is certain that from a religious point of view we can speak of the ambivalence of technology rather than its determinism or neutrality.

McLuhan (2011, 125-131) also talks about the media having the power to change our minds when he talks about the idea that the message is the medium. The point of reference of the changes has to do with the emergence of the printing press. From the spoken word, in a relatively short time, a new expression of the self through writing is achieved. Moving further along the line of technological developments we see a reaffirmation and rewriting of the human self in various ways, dictated by technology. Postman (2016, 30), in *The Distraction That Kills Us* says: “the introduction into a culture of a technique such as writing or time measurement is not merely an extension of man's power to fix time, but a transformation of his way of thinking and, indeed, of the content of his culture.” Postman goes on to say that “embedded in every tool we create is an idea that goes beyond the function of the tool itself” (Postman 2016, 31). McLuhan says that we see life in this way and our relationships bear the imprint of media, and this transformation occurs through the form or fidelity or infidelity of the message.

The social relevance of media

Everyday life highlights the fact that we are deeply influenced by media consumption, and we feel its unnoticeable effects without being aware of them (Drăgan 1996,166). The clothes we wear are related to the weather forecast provided by the media; through advertisements, we purchase various products and services that we consider useful to our livelihood; we receive recommendations of various kinds and act upon them because we are connected as media consumers. And the examples could go on. Even the political field is not outside this game of influence in which politicians are constantly looking for ways to win over voters (Petcu 2002, 142). In the field of advertising, especially for advertising agencies, it is important to know the habits, desires and needs of the consumer market in order to try to make advertisements that will bring the highest sales (Weiss 2007, 34).

The media create a profound impact on the public because they are an ever-present presence in the life of society; we are talking about a reach that cannot be rivalled by anything else, so it is important to be aware of how the media affect society (deliberately, as a result of a pre-planned strategy or by chance). In *Paradigms of Mass Communication*, Drăgan (1996, 236) lists how the media influence society down to its deepest structures. Thus, he says that “the media are the central core of environmental surveillance, an indispensable condition for complex societies.” Nothing can escape the attention of the media which becomes, through use and information, the medium from which information flows. We can no longer live without being informed. Ioan Drăgan also points out that another means is that in which “the media attribute status and confer legitimacy to problems, persons, institutions, activities that enter the public sphere (Drăgan 1996,236).

The power to decide who comes to the forefront of public attention is given by the media. It is the media that decides who gets the attention of public opinion. The themes or topics are decided by the more or less hidden priorities and agenda of the media. It has both veto power over the reporting mechanisms and the power to set the hierarchy and timing of the issues discussed. Ion Drăgan also says that “the media are an instrument of psychological gratification - entertainment, amusement, escape and dreaming, catharsis, intellectual satisfaction, etc” (Drăgan 1996,236).

Through its tools, the media penetrates the deepest layers of the human being, reaching so far as to define man in his totality. The individual is given the main coordinates of tomorrow's thinking, the persuasive function of the media being unparalleled.

As a result of technological development, society and individuals have made progress in trying to increase their interaction and manage the large flow of information. In this broad process of shaping mindsets and opinions, communication through the media has become a necessity. At present, through its functions and role, it has shown that it has an undeniable formative and influential force. That is why we can know the importance of the media when we go through its characteristics. Perhaps the best-known model of communication theorization was proposed by Harold Dwight Lasswell. He was interested in studying the use of propagandistic communication through the media during World War II; he started from the principle that through mass communication one person can harm another person. In 1948, Lasswell developed his model of communication in an article entitled *The structure and function of communication in society* (Schramm and Roberts 1971, 84-99).

The supervisory function

This is a more complex way of saying that a function of mass communication is to tell us what is happening in the world and to provide us with this information. Surveillance is about covering a wide range of important topics that impact society. This function involves monitoring events in society and informing people about them. Mass communication observes and informs society about developing events and happenings. Everything we need to know is available to us, whether we are talking about news watched on TV or on Facebook, Instagram and Twitter.

Technology makes available to us what we would have no way of knowing through any other means. We are talking about a beneficial function and that is that when natural disasters occur, such as hurricanes, blizzards and tsunamis, traditional and social media are the key communication tools to convey information about the path of an impending storm or to inform people about school and business closures and how to seek shelter and find evacuation routes. Through the media, the government keeps in touch with citizens, businesses keep in touch with customers, and society is kept alive and active through the proper dissemination of information. We can speak of a warning type of surveillance, as we can see in the examples above, or a utilitarian transmission that aims at informing the individual on a daily basis.

Dominick (2009, 33) points out some subtle consequences of this type of function. He says that “inaccuracies and distortions travel as fast as accurate news.” He talks about when it came to informing people about the Gulf War, reporters skipped important stages of reporting and so misinformation about the situation on the front slipped in. Another instance related to misinformation is the announcement that Vice President Al Gore had won the presidential election in 2000 in the state of Florida, a claim that ultimately proved to be false, with Governor George W. Bush ultimately winning (Dominick 2009,33).

Another consequence related to information is that “the media informs us about things beyond our immediate senses that are hard to verify” (Dominick 2009, 34) and with this the panic and anxiety created unnecessarily increases. Here we have the example of the Y2K virus that was said to destroy computers at the start of the new millennium, and then detailed all sorts of scenarios from planes crashing to power outages and a society thrown into chaos.

The last negative and subtle consequence mentioned by Dominick (2009, 34) is that surveillance confers status on an event or person.

The function of interpretation

Using Laswell's model further, we identify that the media not only provides information, but does more than that: it assigns different meanings and importance to different events. Although we are talking about a diversity of opinions and, implicitly, a broader perspective on the event or person under analysis, we cannot but notice a subtle consequence of the fact that the user, the media consumer is offered an opinion that he cannot filter and is tempted to accept unconditionally - his critical spirit is dependent on the content and opinion already conveyed.

The connecting function

Mass media create connections where there are none or facilitate interaction between different areas of life. An example is the advertising industry, which offers products and services to consumers based on their needs. The connections are so diverse that they can serve the diverse needs that individuals have. One example is the eBay site, which connects people who have something to buy or sell. Another example is the groups that can form around various activities, such as Facebook groups. We note that in these conditions, people can be mobilized much more quickly and when the group's intentions are focused on violence or aggression, the consequences can be major. Attali (2022, 233-234) speaks in this regard about the QAnon group, which was formed on social networks and of which the author says that: “emerging from the depths of the Internet, QAnon became, in three years, a kind of religion and penetrated the American middle classes who hoped for a saviour.” We thus see the main elements brought into question: the people's need and the solution found, on the one hand, and the global connection between people made by the media, on the other.

The function of transmitting values and/or socializing

This is a less obvious but present function in mass communication. While it presents us with portraits of society, it also conveys what should be representative of the members of society. In this direction we have advertisements that focus on our health and give us various medical advice or programmes that present the development and encouragement of virtues (Romania I love you 2022) that are good for society. At other times, mass media subtly inculcate certain ideas about our safety, well-being or future. However, in the rush to sensationalize, there is a possibility that television and social media may push the encouragement and promotion of certain values to the background, which could lead to long-term negative effects on society when combined with the other functions of mass communication. What we need to realize is that we should not leave this task of transmitting values to the media alone. We see here a responsibility to seek values also through other means: family, school (Rotaru 2021,190-196), church (Rotaru 2012, 5), etc.

The entertainment function

Perhaps the most consumed feature of the media is the entertainment function. So strong is the influence of this dimension on human life that we can speak of changing attitudes and behavior towards sexuality, family or family planning. The role of the characters promoted by the media as role models is decisive in determining the values to which people will relate (Ryerson 2010).

At the moment we are talking about a growing field, a real industry behind which there is money, tradition, cultural and economic conflicts and huge profits. (Cunningham 2019, 20-27) All of this is driven by the growing consumption of society that is increasingly looking to fulfill this real or artificially created need. So great is the momentum experienced by this industry that there is talk of trends that may reach as far as 2030, with staggering revenues. (Open Greek Labs 2023)

Anthropological relevance of media

Moral and religious values

When it comes to the relationship between religion and the media, three types of relationships can be distinguished. The first is that in which the media impinges on religion and substitutes for it, and from this point of view intrusion is condemned. The second type of relationship involves a symbiosis between the two, but it is religion that dictates the content of the media. The third type involves a hybrid relationship that leads to the emergence of new forms of religious manifestation. Within the relations created, we see present certain tendencies that imprint new religious constructions that have consequences on the way man understands and relates to religious phenomenology (Coman 2020,60-61). In each type of relation we observe a dynamic and a process of transformation to which the religious phenomenon is subjected.

Gavriliuță (2021, 156). underlines the same idea when he talks about the connection between technology and the sacred: “They are two profoundly different worlds that communicate subtly by appealing to the classical motifs of Christianity: the idea of a unique, ubiquitous, omnipotent and omniscient God.” The author goes on to explain what this entails: “...the search for salvation here, in time and history, the need for divine hierarchy; the need for a moral order for matrix society to function”(Gavriliuță 2021,156). Thus, we see that in the world dominated by technology, religion finds a new place where it can survive and from which it can make its presence felt in society.

We see that the media does more than absorb the religious phenomenon: it presents it in its own terms and imposes new definitions and new understandings of spirituality and what it might mean. Mihai Coman in *Media, Religion, Public Space* presents situations where the media has resorted to media sacralizations of people and even events, when it referred to the death of Corneliu Coposu, Michael Jackson or when it presented the plane crash in the Apuseni Mountains in 2014. The media discourse in the cases mentioned above resorts to the sacralization of the victim, describing them in a heroic way, integrating death in a sacrificial framework, the deceased are heroes by invoking reasons that are related to his soul and purity (Gavriliuță 2021, 71-86). Even if we are not talking about a direct influence on the media consumer, from the situations mentioned above remains the perspective of their presentation that produces mutations in the understanding of fundamental religious concepts, thus losing the distinction between sacred and profane. The risk of trivializing the sacred and its concepts can occur when the distinctions between the strictly religious and the profane are removed.

When we talk about the way in which the media influence us from a religious point of view, we notice that in the new structure of conceiving spiritual life, the church has another role: people, through technology, have resorted to worshipping online. Besides the fact that new media constitute an object of worship and we are dealing with a visible cult of glorification, (Gavriliuță 2021, 137-157) we cannot omit the fact that people are engaged in a competition of church selection and isolation from Christian fellowship (The New York Times 2022). encouraged by Holy Scripture. Worshipers often resort to the practice of online worship which however redefines biblical concepts of serving one's neighbor, fellowship, moral support, prayer, etc. (Galov 2023).

From an Orthodox perspective, Jean Claude Larchet, in *Captives in the Internet*, also mentions some of the effects of the media on moral-religious values, when he specifies that man is held captive by technology in a world of matter or that when man slips on the slope of relating to the divinity from this point of view, he replaces communication with communion and that there is a tension between connecting to God and connecting to the media. Taking the analysis into an anthropological zone, the media becomes the space in which changes in human nature occur, from the way man perceives himself to the encouragement of natural urges (Larchet 2018, 277-299).

Virgiliu Gheorghe, biophysicist and PhD in bioethics, presents a novel perspective, namely that we actually see a conflict between Christianity and the nihilistic philosophy that has been imposed and is promoted through the media. Christianity through the values it shares and what it encourages (logical thinking, metaphysical thinking, symbolic, mythical, written and oral culture) has contributed to the balanced and harmonious development of both cerebral hemispheres, and through its ethics and respect for truth and authority has encouraged exemplary behavior and a balanced experience of emotions. In contrast to him is nihilism which destroys everything that encourages and supports Christianity and reduces man to the state of an animal (George 2006, 430-444). Recent studies and analyses lead to the conclusion that nihilism is shaping future generations of young people (Global Network on Extremism & Technology 2022).

Knowledge and attitudes

In terms of new generations of young people, as well as adults, we recognize that most information comes to us through the media. Information occurs in unconventional and surprising ways in many ways, so that in a survey of high school students, two out of ten cited rock music as a source of information for their values, and one in four said that music was an important source of information about relationships. (Dominick 2009, 484) In this way, we are increasingly convinced that the conventional means by which we used to assimilate information has changed.

Jordan Shapiro, speaking in *The New Childhood, How to Raise Our Children in the Digital World*, tells us how the notions of writing, time, meditation, thus the education of a child, has gone through great changes in the last centuries. The way a child measures time or learns to write has been totally transformed. Today the means or tools that provide education for a child are related to the technologization of life, and he encourages this leap in teaching for the younger generation (Shapiro 2021, 143-168).

Those in charge of children's education should take up the lessons offered by the way technology teaches children. We notice in Jordan Shapiro's proposal a fray that has to do with how new generations store the information needed to mature. It is clear that technological advance is shaping education, but how much we should use it, and especially according to what principles, is a difficult question. On how young people and teenagers are influenced by technology, Manfred Spitzer says: "It leads to shallow thinking, distracts attention and has undesirable side effects, ranging from simple disturbances to child pornography and violence" (Spitzer 2020, 84).

In relation to how we inform ourselves and how the media shapes our knowledge, there is increasing talk of fake news. With technological development, disinformation, an age-old problem, has intensified and found increasingly powerful means through which to express itself. Recent examples of misinformation include conspiracy theories about COVID-19 and political situations in the United States. These have created various fears and reactions in the minds of media watchers that have led to unforeseen situations. One of these situations has to do with the fact that many Americans are confused about what is going on around them (Pew Research Center 2106). Another study we have available points out that when people don't know what to believe and who to trust, their ability to decide is seriously questioned (Plose One 2013). In this way we have a society that is adrift because it has information but doesn't know what to do with it. They are meant to help us, to make decisions for our own good and for the good of our fellow human beings, but when they create an emotional and intellectual blockage, the goal is no longer achieved. This is why we believe that through the media, man's conception of the world and life is changed.

Another important dimension that has to do with how people's knowledge and attitudes are affected stems from what psychologist Leon Festinger says, who uses the term "motivated reasoning" to describe how an individual's psychological and political biases can considerably distort his or her interpretation of what is thus neutral information.

Centola (2022, 293) says that “This specific type of cognitive bias makes some people much less inclined to process new scientific data about any topic rationally. What's worse is that this distortion is exacerbated by media and social media.” In other words, there is a fundamental problem in human nature that causes individuals to misinterpret the information available to them. Talking about the mechanisms by which humans are influenced, he continues, “Because they are the channels for communicating a huge amount of information, social networks act as filters for how we interpret new information” (Centola 2022, 293). By acknowledging the power of the algorithms behind media technology, the author recognizes the real problem he thus expresses: “The problem of distortions of various kinds affects everyone from powerful executives to the country's most vulnerable citizens” (Centola 2022, 300). From the analysis of how we are affected by the media, we cannot neglect the Christian premises of what man is, namely a sinful being who is subjective in his understanding of the reality in which he lives.

Human behavior

Human behavior has always been influenced by the media despite the fact that we did not want it to be. In contact with technology, humans discover their vulnerability and problems that are related to human nature. Writing about this, Dr. Mary Aiken tells us that “online space is a breeding ground for mutation. Real-world behavior is amplified or accelerated. This can sometimes have serious implications in reality” (Aiken 2016, 31). Apart from this principle that applies in the online environment and is mentioned, we also see that the main aspects of life also undergo certain transformations. If we are to talk about socialization and communication we observe that through the media the individual understands these aspects differently. For example, reality shows are an attempt to enter a world other than the personal one. It is a peek into what others are doing and thinking. They represent an attempt to break the classical patterns of how life can be viewed and the behavior acquired is questionable. Studies state that after watching this type of programme, people were more aggressive after exposure to an episode of reality TV that contained verbal and relational aggression (Gibson, Bushman, Thompson, Hou 2014). Behavior in the media becomes our behavior in real life, and communication and socializing there becomes an extension for what we experience in real life. The two environments cannot be separated. There is a close communication between the two dimensions.

Also as a means of influencing behavior, we see a close connection between media and popular culture, which is also a means by which religious themes and symbols are used for certain purposes to change individual behavior. In 1995, for example, a leaflet was distributed “containing a photograph of Pope John Paul II wearing a bicycle or motorcyclist's helmet, and the leaflet read: “The eleventh commandment: you must always protect yourself with a condom” (Coman 2020, 115). Of course, we are talking about an act of mockery whose commercial purpose is to create contrast for amplified effect, and this can only be achieved by inserting an important religious symbol in the advertisement. Reactions to the advert have been swift. “In that year, the British Advertising Association received 1,192 complaints against this advertisement, more than all the complaints that year against advertisements on various subjects, considered by some consumers to be offensive” (Coman 2020, 115). One would be tempted to think that this is a one-off and that we are talking about an unforeseen situation but, “in a similar vein, a 2007 advertisement by the US Planned Parenthood Golden Gate, showing two guardian angels watching a pair of young people making love, commenting favourably on the fact that young people use condoms, sparked numerous protests from conservative American religious groups, led by the Catholic League (Coman 2020, 115).

We see not only that religion is not given its due respect, but in this case it becomes a vehicle for the values it is fighting against. Going back in time, in 1998, in France, “numerous street posters appeared advertising the Volkswagen Golf, using as an image a paraphrase of

Leonardo da Vinci's painting *The Last Supper*, as well as the text: "Let us rejoice, my friends, because the new Volkswagen Golf has come into the world" (Coman 2020, 115). The values of society are highlighted through symbols with religious values, all leading to a depreciation of everything related to the Christian religion. The reaction in this case was not late either. A few days after the launch, the Association of French Bishops, together with other associations of the Catholic faithful, initiated legal action against the company (Coman 2020, 115). Although we are talking about different types of relationships within religion with popular culture, the aim remains the same: changing behavior through the use of elements of all kinds. Anything that serves the purpose can be used. There are no more boundaries, limits or inviolable rules.

If we can say that we take patterns from the media, the reverse is also true, namely that we bring a certain type of behavior to our relationship with technology, usually uninhibited, in the sense that things we would not normally do in real life, we are tempted to do online.

The general perspectives we have on media highlight the complexity of the relationship between humans and technology, but more importantly the way in which it inoculates us with certain interpretations of reality and how we are exposed to it. Its social relevance is highlighted by the functions it performs that mark every important aspect of social life. This dimension of life is mediated by the functions that the media has, which offers us new perspectives on present and future life.

It is worth noting that we are influenced not only socially but also anthropologically. As human beings, our way of functioning is conditioned and directed by the way in which the media present us with interpretations of the reality in which we live. It is, therefore, vital to understand that society and its individuals need to be aware of the direction in which we are heading, with the effects already mentioned, which will increase as anthropology in postmodern times undergoes profound changes.

Conclusions

From what we have observed so far, one thing is certain: the media needs a new direction and a new approach. The way the media presents and interprets things makes the individual form a certain opinion about the surrounding reality. The media is not a neutral element of society. Through its functions, it marks and shapes a view of the world and life that may prove important for the future of society. Its anthropology is decisive and powerfully presented in a context in which man is exposed and confronted for his choices. As we have seen, the whole being is exposed to the media phenomenon and his decisions are influenced by what he listens to and watches. In this sense, the anthropological observations that C.S. Lewis proposes to us can constitute a new starting point towards a complete but also uplifting understanding that will shed light on man and prepare him for the challenges of the future.

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Man Does Not Live on Bread Alone **(Matthew 4: 4)**

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ABSTRACT: There are several understudied types of addictions. Whether it is an addiction to food or alcohol, smoking, drugs, or, more recently, technology, the brain's reaction is the same, consisting of the secretion of serotonin, the pleasure hormone. Combating these addictions can be achieved through integrative therapy, which includes both the contemplation of nature and the discovery of its secrets, the cultivation of the mind, a balanced diet, and occupational therapy. In addition to lifestyle changes, religion is a recommended solution because it replaces the addiction of the brain with a benevolent attitude that can inter-neuronally discharge the same pleasure hormone.

KEYWORDS: adrenaline, addiction, alcohol, food, cigarettes, drugs, technology, religion

An unfortunate traffic accident that happened last summer on the seaside in which a young man under the influence of psychotropic substances killed two other young men, who were returning home in the morning, inflamed Romanian society. The social issue brought into discussion the widespread phenomenon of drug use and acceptance of their use in society. Suddenly, drugs were divided into good drugs or bad drugs, recreational drugs (the name originated from the West) or aggressive drugs. And as usual, the discussion "melted" after triggering a national outcry focused more on the death of the two innocent young men than the depth of the drug phenomenon, of their promotion, of the "networks of death" that sell it. As usual, it was considered that keeping the subject on the agenda of the newsrooms until it is consumed by the general public is sufficient, although its continuity was increased by the tragedy of the families touched by these deaths and to the same extent by the tragedy of the family with 3 children (less than said publicly) from which came "the one responsible for the whole tragedy", "the child out of control", "the criminal", "the drug addict". This side of the phenomenon was cruelly exploited by the mass media, which sporadically and futilely focused on the depth of the phenomenon.

The usual understanding is that we are talking about drug addiction: a young man who uses the "dust of death" to get pleasure is to be pitied in this sense. Legally, if she consumes them at home then it is not punishable and cannot be subjected to public reproach through a judgment. Only in the situation where he is "caught" by the competent bodies can he be charged with anything (Law No 143/2000). The subtext therefore accepts the idea that obtaining personal pleasure is tolerable by society if its unanimously accepted values are not attacked. However, the phenomenon in question, which is motivated by obtaining pleasure, has several facets insufficiently commented on or understood by society.

Addiction to food has led to an increase in obesity in the world with direct consequences on the health status of the world population (WHO 2021). The WHO reports bear witness to this. Although it is still not considered nearly as harmful as the consumption of psychoactive substances, obesity behaves like a "plague". Between 1016 (the date of the last WHO reports), it was found that since 2010 the prevalence of obesity in adults has increased from 11.2% to 13.1% worldwide (Food and Agriculture Organization - FAO 2023). Improper diet, sedentary lifestyle, genetic and hereditary factors, socio-economic factors have all led to the explosion of obesity recorded in WHO statistics.

The situation is also relatively accepted regarding alcohol, although it is visible to anyone that an increase in the amount of alcohol to obtain a higher bacchanal pleasure,

possibly multiplied, keeps the addicted to it and does not help to free it from its power. While the primary response to achieving pleasure is to increase the amount of liquid ingested or to switch to a higher level of strength, the solution seems to have the opposite effect. Increasing the amount of alcohol, which appears in the eyes of consumers as a "substitution therapy" for obtaining pleasure (increases the consumer's pleasure and confidence), seems to be a solution, but precisely this delusion reduces the chance of redefining an assumed man (Proverbs 23: 29) and acts by aggravating mental problems (Rehm 2019, 1). Neurological (Rocco 2014, 14652-9), hepatic (Rocco 14652-9), cardiovascular (Ronksley 2011, 671), diabetes (Neuenschwander 2019, 12368) following ingestion. This drug, considered harmless for usual situations and moderate amounts of consumption, becomes dangerous when exceeding a certain threshold that develops in pathological cases. Although it comes with certain advantages (anxiolytic, antidepressant, relaxing and sedative effect) useful for anxious, depressed or insomniac patients, the long-term effects are unfortunate (Xuan 2019, 117-118).

Cigarettes are part of the same category of socially accepted drugs. Despite the numerous studies that consider smoking guilty, it is appreciated as a habit that brings mental relaxation. It has a benefit!!! Serious analysis questioning the phenomenon appeared and began to be undertaken by the WHO since the beginning of the century (Samet 2001, report of WHO). In Romania, for example, the report "Smoking and Public Health in Romania" (Center for Health Policy and Services 2004) was edited at the governmental level. And yet, to maintain the phenomenon, to deceive itself, society invented a new tactic in the fight against smoking by putting electronic cigarettes on the market, in synthetic products with varying doses of nicotine. Although addictive and here it remains certain, it is still lower than that determined by cigarettes (Shiffman and Sembower 2020, 1924-1931), and as such, there is a minimal benefit that is far from bringing peace.

There is also a much more subtle addiction that wastes time, health, imprisoning individuals within their own boundaries: the movie. Living in an unreal world cannot prepare you for normal reactions to a real encounter. Whether indulging in pornography or sitcoms, this addiction weakens human connections, diminishes empathy, and erodes perseverance and inspiration. Things that in themselves would not be bad or sinful, can monopolize life and movie addiction can trigger the same mental patterns of pleasure in the same pattern as in the cases presented above. The inability to establish control over one's life, neglecting all obligations, physical health problems and ignoring risk factors, mental health problems (depression, anxiety, schizophrenia, panic attacks) also appear here and are clear evidence that the human body has the same pattern of reaction to aggression. It accesses the pleasure hormone—dopamine, (serotonin) (Behav 2015, 164-75) or the stress hormone—adrenaline.

The problem of addiction to movies (serials, soap operas, pornographic) (The influence of films on the personality of young people 2023) was not considered to have an impact on society, although it really exists. Society preferred to appreciate it as an innocent pleasure, although the social effects are similar (Gheorghe 2005, 25-40) to those of other addictions. The capture of the human psyche in an unreal (Ekman 2001, 33-34) realm where phantasms or fears produce the same chemically mediated discharge ends in the annihilation of one's own will (Memon et al. 2003, 48-73). The technological development of the last 30 years has also developed another form of addiction. Today's generation is no longer dependent on television, instead, they are addicted to the internet—a purchase with many advantages but also numerous disadvantages, which comes "as a package" together with the benefits and the development of the necessary devices. Two concurrent developments and two huge challenges—a much more treacherous discovery and to which society is filled with a deep thrill, not finding the right attitude to respond. Artificial intelligence and technology addiction.

In previous years, this was manifested by the shift from classic roulette casino gambling to modern casino gambling, where slot machines cause the same need for reward by

triggering the same psychic mechanism. Modern casinos in America allow individuals to try their luck any day, without the need to wait for a specific drawing. Tailcoats are no longer required. It is a form of vulgarization of the game, and after the "level" was relatively consumed, the one of technology dependence was passed. New and new skills are discovered by computer, an ever-growing blanket of people is dependent on this technology and willing to give up basic social security measures (TechCafe.ro 2022) to satisfy their pleasure and position themselves socially. Growing technology is guaranteed, exposure to an ever-increasing amount of information is assured, the vendors' offer of high-performance devices is certain in store windows, and advertisements inevitably lead to the maintenance of this addiction.

At Bethesda (John 5: 1-18) it was a primitive form of roulette using the same psychological mechanism. Under the tacit protection of the high Jewish religious authorities, a more discreet game of social "roulette" was played out. While waiting for the "turbulence of the waters," someone, a sick bastard, experiences the mental state following a disappointment or, on the contrary, the same release of dopamine for the winner of the moment. A more refined form of desperate running (John 5: 7) after the chemical discharge from the human brain. Like in the Roman arenas or in the Spanish bullfight. Although 2000 years have passed, the mechanism has not changed. It is the same and generated by the same spring.

The forms of addictions—a dependence that exceeds the limit (not clearly defined of the normal) can continue. Probably everyone knows or has a neighbor for whom animal husbandry (an otherwise honorable occupation) becomes the main object of pleasure, and then their house really becomes a menagerie, or heard of people who collect things from the street and turn their home into a huge garbage dump. Although the reaction seems pathological it is based on the same discharge of serotonin. Their reaction involves the same psychic mechanism. And if such an attitude is reprehensible even though the psychic mechanism is similar, why would we consider that the accumulation of sexual, technological, alimentary, olfactory information, of some shopping experiences would be less harmful, less criticizability or should be socially acceptable since they all lead to the same interneuronal chemical discharge and an excess accumulation of mediators that can become harmful (the hoarding case is relevant)? Just because the last one was diagnosed as compulsive hoarding disorder?

There is a famous experiment (Olds and Milner 1954, 419–27) with a mouse with some electrodes implanted in the brain that presses until exhaustion a pedal that discharges electrical impulses in the brain when the electrodes are implanted in the "pleasure" areas. Similar to the mouse in Olds and Millner's experiments, mankind runs obsessively to get its pleasure. Without electrical implants, individuals continuously stimulate their alimentary, visual, olfactory, and sensory receptors with prohibited or intellectual substances (such as technological addictions, cars, electronic devices). A shift towards explanations that impose pleasure as the one that dictates conduct has been observed. "If I like it" has become a leitmotif for a world without clear, objective but multicentric rules. There are too many unknowns, and such an equation leads to chaos. Too many subjective and continuously shaping factors cannot guarantee the existence of a valid solution but rather trigger the feeling of disaggregation. It has thus moved to a postmodern philosophy that condones any behavioral deviation in the name of reconciliation and understanding at any cost. It is the crisis that humanity is experiencing in recent years.

Elevating personal pleasure to the rank of obligatory accepted conduct, justifying it through the "inalienable" right of the person leads to the appearance of another right, the personal right which, tending to generalize, overshadows community law. It started subtly, innocently: "It's nice what I like," and it can end by establishing millions of "little dictators" who are hardly willing to negotiate.

Faced with all these changes, humanity has not been able to identify the meaning of evolution. Allowing the introduction of a subjective element into the discussion, the pleasure of each person has generated the multipolar society unable to know its limits, powerless to identify a grid to ensure the measurement of its efficiency. Unfortunately, the situation is reproduced with the same limits of variation also at the individual level because the authorization of the increase in the importance of personal law at the expense of collective law generates the appearance of an unsystematized world, with an increased degree of instability and chaos. The collective right is dislocated to the extent of the subjective wishes of the component individuals. It is predictable that it will prevail to the extent that the issue will be more socially or economically important and the decline will increase.

Postmodernism motivated this multipolarity and explained its necessity even though it pushes human society outside conventional norms; and all starting from some addictions that had to be justified in front of their own consciences. It's not bad if one indulges in overeating and becomes obese because that is the pleasure of the individual (it is understood that we are not discussing cases with medical motivation here). And you are not even allowed to pay attention to this direction, because everything can end up in court as an attack on the person. You can express yourself "in rem". It is not bad that he smokes if this is the desire of the consumer (and in the end it is good not to care that he destroys his health if he consciously assumes this passion). The disappearance of the social "frame" of resistance that warned led to the "flabby" society unfolding under one's own eyes. But also, to the increase of addictions, because there is a direct proportional correspondence between them. It is not bad that the individual drinks, the important thing is not to become antisocial, it is not bad that he constantly watches movies (pornographic or not) and that he becomes dysfunctional living in an imaginary world, what is important is the pleasure of the person concerned, in privacy to be satisfied. Carpe diem! It is also not bad if soft drugs are used in an organized setting. It can relax! It's a bohemian attitude! You can stimulate a state of well-being, there may be medical benefits! And if man runs after technology, it can become beneficial for personal development, by learning new skills or opportunities that technology makes available to man to increase his quality of life.

However, the identification of a new, unknown element that arouses fear, artificial intelligence, raises questions for humanity. One cannot expect masterful solutions in this field. Man is the same and built in the same way. A legal limitation, a definition of the terms will probably be tried, and everything will remain at the level of the first articles of the legislations of the various countries. No solutions, however, in the medium or long term.

But the development of all these addictions, over time was done to increase the pleasure of the addicted individual after discharging the pleasure hormone. But they all involve the same response mechanism in the brain, the discharge of dopamine in increasing amounts. The pleasure hormone cannot be secreted indefinitely and cannot produce infinite pleasure because such a state involves exhaustion. Though it may seem beneficial initially, in the first moments it mobilizes the body, it acts like coffee that keeps one awake by exciting nerve endings and creating a feeling of well-being, but subconsciously the body is depleted by real resources that do not have the necessary recovery time.

Until now, society has not identified a solution for these addictions. It was thought that if a punitive mechanism is considered alongside one to reduce acuity, the situation is as if solved. The force mechanism that tries to suppress the instinctual attitude, to subdue it, seems to be bankrupt. Instinct usually dominates intellect. It is a solution that the body knows. We fast not to attract the attention of the people around us to the quality of our spiritual life, but to subdue the instinct of the intellect. It is good if more distilled drinks are made, if cigarettes become more refined, if movies are more "broken" from reality, if new devices have additional technological advantages, but it is negative to improve the quality of drugs. Sometimes, for certain types of addictions, improving the quality of the "drug"—regardless of

its nature—seems to be an easy option. However, it is increasingly clear that the solution to reducing/stopping addiction does not lie in these specific improvements. Neutralizing dopamine or keeping it at a constant level did not find a solution either, or maybe humanity refrained here thinking it was triggering some biological misfortune (restraint that would be a testament to wisdom).

To reduce obesity, medicine has invented therapeutic procedures to eliminate excess adipose tissue, but its solutions are ultimately palliative. Surgical removal of fat deposits or reducing the amount of food ingested by surgically reducing the size of the stomach or using external means (balloons in the stomach) they are solutions that do not always prove salutary. palliation. Do not we know how to solve the smoking situation? We invented VEM - electronic smoking or nicotine patches. Humanity has the same standard answers here, either we reduce the intake of the substance that created addiction, or we replace it (we fool ourselves). Shaping the subconscious mind by introducing information that it is hoped will act on it in the long term on the principle of "at least keeping something in the head", was another direction of development. We no longer make films like in 1930 and the films must be as truthful as possible so that the viewer becomes more socially involved, poses some problems, looks for answers and gives up this sinful enslavement.

For the time being, humanity responds to addiction through symposia, working groups, meetings of responsible factors from ministries or even CSAT (2023), in Romania, (which recently on October 12, 2023 declared that drugs "harm national security values") and insufficiently coordinated attitudes.

Some of the proposed solutions for reducing addiction have been listed above although they cannot solve the problem. An absolute first rule is to involve the addicted subject in their own detoxification program. Achieving the desired result is achieved, in addition to the involvement of the subject in question, and through the involvement of society, of its specialized bodies vested by legislation (the police force) doubled by justice (Law No 143/2000 on preventing and combating illicit drug trafficking and consumption 2014), "the armed arm of the law." On the other hand, there are the well-known proposals that have in mind general indications such as reducing consumption or total abstinence, drug treatment carried out with the aim of mitigating the withdrawal syndrome, hepatic metabolism and neurometabolic therapy, neutralization of harmful substances, physical therapy, lifestyle change and of course treatment psychological. If those listed above obviously refer to patients addicted to psychoactive substances, considering that the mental reaction of the human body is unitary, regardless of the type of addiction developed - they all boil down to the discharge of serotonin - we appreciate that it is necessary to identify a unitary solution even if multipolar.

Returning to the present, can we ask the population to give up, for example, technology (the sophisticated form of addiction, developed in recent years) while also burying the positive aspects of development? Will we be willing to give up the vacuum cleaner or the washing machine and propose as a threshold of acceptance only robotization so as not to be enslaved? Robotization is good but computerization is bad?

In the recent pandemic, it has been demonstrated that humanity has lost the battle with the virus's ability to transform. It has become part of our lives, we have learned (Rotaru 2020, 71-82) to coexist with it and its mutations have hindered the speed of creating an effective vaccine. The declarations of war of 3 years ago now seem like forms of self-encouragement that we wish to forget. It has moved to the next more balanced stage in the attitude towards the unknown virus. We think that from these approaches ... we have to learn, to look for the optimal solutions? Could we find against an addiction, the unknowns that lack a proper analysis as well as enthusiastic solutions? Symposia will continue, medical studies will continue without interruption, lectures on the malignancy of addictions will be given in various more sophisticated or simpler symposia, the search for the identification of a molecule

that will curb addictions will continue steadily in all the great laboratories of the world, but they are at the disposition of all mankind some primary advice that is good to remember. The mechanism is relatively simple and fasting requires the control of the instinctive part of man by the intellect, the subjugation of the material, the immaterial. Fasting therefore teaches us a lot because man does not live by bread alone... and his addictions are inferior to dependence on an idea, a relationship, on divinity.

The proposal made is in fact to give up the claim that one's own conscience is infallible and can guide life without mistakes and permanently. An implicit and necessary tolerance is welcome because these attitudes ultimately affect the patient, his family (Rotaru 2010, 7), and the social support group in his various phases of involvement. That is why the solution must be integral and include all participants in the unpleasant experience of addiction even if the participation is in different degrees. Social aggression would thus be eliminated and the proposed solution, to stop the uncontrolled and compulsive use of illegal substances, or addictive attitudes, must be integrative. She finds herself in another, less kinesthetic but equally real plane.

It has been observed that pleasurable experiences are also associated with religious activity which is also accompanied by the activation of circuits that use dopamine. This common element with addictions leads to the idea, as already stated, that there is a pleasure control system in the mammalian brain that may be responsible for various attitudes. Religion (Rotaru 2017, 57-76) responds to these challenges through education. God is the source of knowledge, and steadfastness, perseverance, honor to yourself and to those around you, discipline and self-discipline are qualities that must be constantly cultivated. Contemplation of nature, learning from its secrets (Job 12: 7, 8), cultivation of the mind (Rotaru 2021a, 87-92), balanced nutrition, an adequate recreation program, appropriate but not strenuous physical exercises, occupational therapy, a thoughtful life and work regimen, activity for peers with problems alongside less "tangible" aspects such as the elimination of selfishness, decent attitude, spiritual education (Rotaru 2021b, 190-196) are all elements that together lead to a recapture of the confused meanderings of one's own mind.

Some of these solutions are already known and practiced in large clinics, but probably the simultaneous approach remains the solution to getting rid of addictions of various kinds so that the addictive cortical focus is moved to less dangerous areas or even annihilated. However, religion promises a solution to addictions and with the help of an external power that can be permanently accessed, and even for the most pragmatic, in the desire to remove acutum this solution is worth trying (White 2012).

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Enhancing HRM Practices for Cross-Regional Development in Chinese State-Owned Enterprises

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ABSTRACT: Chinese state-owned enterprises (SOEs) play a significant global role. Cross-regional development has emerged as a pivotal strategic choice due to China's imperative for sustained economic growth and the continuously evolving market dynamics. The research aim is to enhance Human resource management (HRM) practices within Chinese SOEs and provide a comprehensive understanding of HRM strategies to facilitate effective cross-regional development, which is a crucial insight into coordinated development and sustained growth in different regions. This objective is achieved through a quantitative research method to enable a meticulous analysis of the intricate interplay among Confucian cultural factors, HRM practices, and employee satisfaction, examining the complex relationships, including correlations, and mediating effects. Significantly, the research findings highlight a pivotal sub-domain of HRM—Staffing, which exhibits the highest mediating effect among these variables. This implies that dedicating resources, efforts, and attention to this specific area can yield substantial benefits for organizations. It establishes a foundation and focal point for formulating HRM strategies for cross-regional development. This research not only offers a nuanced perspective on HRM practices in a cross-regional context, but also reveals the intricacies of operations within Chinese SOEs. Furthermore, it holds the promise of providing valuable insights and inspiration for the fields of international business management and cross-cultural management, shedding light on the complexities involved and offering valuable lessons for international enterprises operating in similar contexts.

KEYWORDS: cross-regional development, HRM practices, HRM strategies, Chinese SOEs, cultural factors, employee satisfaction

Background and Context

In recent decades, Chinese State-Owned Enterprises (SOEs) have emerged as key players in various sectors globally, from technology and manufacturing to energy and finance (Jones and Zou 2017). The evolving dynamics of the global market demand a shift in their strategic approach. Faced with intense competition, fluctuating market demands, and geopolitical complexities, these enterprises recognize the necessity of cross-regional development. As emerging markets gain influence and traditional economic powerhouses adapt, Chinese SOEs find themselves at a crossroads of tradition and innovation. Conventional business models might not suffice in this context. Cross-regional development has become a strategic choice driven by the need for sustained economic growth, which enables diversification of revenue sources, mitigates risks associated with market concentration, and capitalizes on emerging opportunities worldwide.

Research Objectives and Significance

The research endeavours to address critical challenges faced by Chinese SOEs in the realm of Human Resource Management (HRM) within the context of cross-regional development. The primary objective is to enhance HRM practices within Chinese SOEs, ensuring they align with the intricate cultural dynamics and diverse regional contexts. Specifically, this research aims to unravel the complexities of Confucian cultural factors impacting HRM strategies. It seeks to investigate the correlation between these cultural factors, HRM practices, and employee satisfaction, offering profound insights into the mediating effects at play. By undertaking this approach, the research not only elucidates intricate and multifaceted relationships but also delves deep into the management landscape of Chinese SOEs. It provides invaluable insights for the fields of international business management and cross-cultural management. Simultaneously, it

has furnished actionable strategies for effective cross-regional development, thereby contributing significantly to the sustainable growth and coordinated development of Chinese SOEs across diverse regions.

Literature Review

In the contemporary global business landscape, Chinese SOEs have garnered extensive attention. These entities, buoyed by robust governmental support, assume a pivotal role in shaping international trade dynamics and investments. This literature review critically examines various facets of Chinese SOEs, with a specific focus on their global roles, cross-regional developments, HRM practices, cultural factors, and employee satisfaction within these organizational contexts.

Role of Chinese SOEs in Global Contexts

Chinese SOEs play a pivotal role in the global economic and political landscape, engaging in various sectors worldwide, such as energy, communication, and manufacturing (Fu and Kamenou 2013). Their multifaceted involvement has profound implications for the global market and international relations, rendering them indispensable in discussions concerning economic interdependence. Their influence extends across multiple dimensions, including economic impacts, technological innovation, geopolitical and diplomatic relations, as well as sustainable development. Notably, scholars emphasize their function as instruments of Chinese government policies, often serving national interests and fostering China's economic diplomacy on the international stage (Muzapu et al. 2016). It is essential to recognize that, while Chinese SOEs exert a significant impact on both domestic and international markets, they also encounter numerous challenges, including international market competition, issues related to managerial efficiency, and mismatches with local cultures and legal systems.

Cross-Regional Developments in the Context of Chinese Business

As Chinese SOEs continue their expansive ventures, they inevitably encounter diverse regional environments. Consequently, cross-regional research assumes paramount significance in assisting these SOEs in adapting and thriving within such contexts, particularly concerning recent initiatives such as the "Belt and Road" initiative, the commercial influence in the Asia-Pacific region, investments and trade in Africa, and collaborations with emerging economies. Cross-regional developmental studies comprehensively illuminate the significance of cultural factors and the economic and political disparities across various regions. Such insights are instrumental in facilitating timely strategic adjustments for these enterprises.

HRM Practices and Cultural Factors in Chinese SOEs: Balancing Tradition and Modernity

The coexistence of traditional Confucian cultural values and modern management practices poses unique challenges for HRM in Chinese SOEs (Brock and Ma 2021). Cultural factors have the potential to create confusion in HRM practices, resulting from disparities in communication styles, ethical norms, and leadership expectations, often causing misunderstandings and inefficiencies. China's inherent Confucian values, including a paternalistic worldview, respect for hierarchical norms, relationship-oriented management, and collectivist customs, give rise to characteristics such as moral incentives, medium to high power distance, and family-oriented employment relationships (Burt and Burzynska 2017; Liu and Woywode 2013; Xiao and Cooke 2020). These characteristics frequently conflict with the global business arena's demand for flexibility and innovation. Formulating strategies to mitigate these challenges, while balancing the preservation of traditional cultural values with the adoption of contemporary HRM methods, is crucial for the successful cross-regional development of Chinese SOEs.

Employee Satisfaction in Chinese SOEs: A Key to Sustainable Growth

Employee satisfaction stands as a pivotal determinant of organizational success. Research indicates that content employees exhibit higher work efficiency, increased innovation, and a stronger commitment to organizational objectives (Kurdi, Alshurideh, and Alnaser 2020). Ensuring employee satisfaction within Chinese SOEs entails addressing unique challenges, such as striking a balance between job security and performance-based incentives and fostering a supportive work environment that values employee contributions. Effective HRM practices addressing these issues can enhance employee engagement and retention rates (Edmans et al. 2023).

In summary, the cross-regional development of Chinese SOEs demonstrates intricate interactions among cultural, managerial, and strategic factors. Understanding the global role of Chinese SOEs, analysing their cross-regional development, and addressing the challenges in HRM are of paramount importance for scholars and practitioners navigating the complexities of the international business landscape. By recognizing the significance of cultural factors, implementing effective HRM practices, and prioritizing employee satisfaction, Chinese SOEs will have a high probability of achieving successful cross-regional development. This understanding not only facilitates their success but also positions them as valuable contributors to policymaking, providing essential insights and inspiration to policymakers dealing with the complexities of the international business arena.

Theoretical Framework

In this research, a model exploring the relationships among cultural factors, HRM practices, and employee satisfaction was developed, accompanied by the formulation of research hypotheses. The establishment of this relational model aimed to analyse the connections between cultural factors, HRM practices, and employee satisfaction. This model comprises three main elements: the impact of cultural factors, the implementation of HRM practices, and the manifestation of employee satisfaction (see Figure 1 and Figure 2).



Figure 1. The Direct Effect

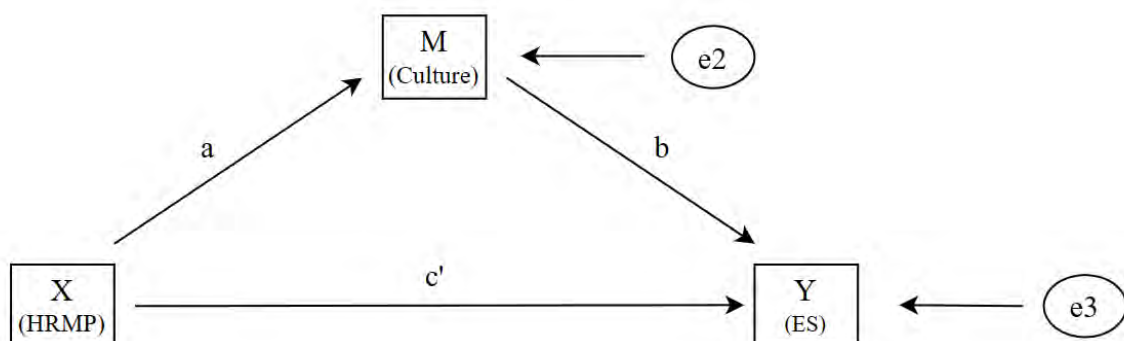


Figure 2. The Mediation Model

We will explore the interactions between these elements as well as mediating effects to reveal how cultural factors influence employee satisfaction, thereby providing insights for HRM strategies facing diverse cultures in cross-regional development.

Furthermore, due to cultural differences, implementing HRM practices tailored to the specific characteristics of SOEs for cross-regional development poses a significant challenge. Previous studies have established a significant correlation between HRM practices and employee satisfaction. This section aims to investigate whether cultural factors mediate this relationship and how HRM practices influence employee satisfaction. Based on this, two hypotheses are formulated.

H1: Cultural factors mediate the effect of human resource management practices on employee satisfaction.

H1a: Cultural factors mediate the effect of performance and reward practices on employee satisfaction.

H1b: Cultural factors mediate the effect of training and development practices on employee satisfaction.

H1c: Cultural factors mediate the effect of staffing practices on employee satisfaction.

H1d: Cultural factors mediate the effect of human resource planning practices on employee satisfaction.

H1e: Cultural factors mediate the effect of human resource practice projects on employee satisfaction.

H2: Cultural factors can positively impact employee satisfaction.

Lastly, the theoretical foundation of the quantitative research methodology employed in this research was discussed. Quantitative research methods were utilized, employing questionnaire surveys and statistical analysis to quantify the relationships among cultural factors, HRM practices, and employee satisfaction, which can offer objective and quantifiable data, aiding in a deeper understanding of the interconnections between these factors.

To sum up, the theoretical framework of this research will uncover the interrelationships among cultural factors, HRM practices, and employee satisfaction, offering strategic guidance for organizations to enhance the outcomes of HRM practices.

Methodology

In this research, a quantitative research approach was employed to thoroughly investigate the intricate relationship between cultural factors, HRM practices, and employee satisfaction. The following provides a detailed description of the research methodology.

Data Collection Methods and Sources

To collect data, this research used a questionnaire survey. It sought to understand if cultural factors play a role in how HRM practices affect employee satisfaction. This method of data collection encompassed a broader participant pool, providing a quantitative source of data. The questionnaire was divided into three sections: HRM practices, Chinese culture, and employee satisfaction. All questions were designed as anonymous, self-administered format and were standardized closed-ended questions, wherein respondents were required to select their answers from predetermined fixed options. Additionally, the research incorporated the use of Likert scales to assess participants' attitudes toward the research (Roopa and Rani 2012). Questionnaires were distributed and collected using hyperlinks on the Qualtrics XM Platform. Respondents could access the survey questionnaire via internet hyperlinks using web browsers on computers, tablets, or mobile phones. The data source included managers and employees from six large Chinese SOEs in telecommunications, energy, and technology industries.

Sample Selection and Size

The research opted for a non-probability sampling method, specifically employing the snowball sampling technique. This approach was chosen due to the emphasis placed on privacy concerns within Chinese SOEs. Obtaining contact information and insights regarding these enterprises typically proves challenging, necessitating a certain level of trust for individuals to willingly participate (Parker, Scott, and Geddes 2019). Moreover, the pivotal role of "guanxi" (relationships) in Chinese society allows for maximal organizational access through established social networks (Bian 2018; Li 2016), mitigating the difficulties faced in accessing the general populace. Nevertheless, there is also a risk of bias, so it is essential to ensure that the recommended participants genuinely meet the research criteria to maintain the authenticity of the data (Parker, Scott, and Geddes 2019). Ultimately, following data cleaning and screening processes, 332 valid responses were obtained.

Variables and Measurement

Three primary variables were examined in this research: cultural factors, HRM practices, and employee satisfaction. Cultural factors were measured by considering the importance of specific cultural values, such as respect for seniority, respect for hierarchical structures, harmony preservation, "Guanxi" (relationship networks), and collectivism. HRM practices encompassed policies and practice outcomes related to recruitment, training, performance management, reward management, and HR planning. Employee satisfaction was assessed based on their contentment with various aspects such as the job itself, promotion, and development, working environment, pay and rewards, and top management. Following a Kaiser-Meyer-Olkin (KMO) test, which yielded a value of 0.967, and a Bartlett's sphericity test (significant at 0.000), this research found that there were an excessive number of sub variables within the HRM practices section of the questionnaire. Therefore, factor analysis was employed to reduce the dimensions and facilitate interpretation (Shrestha 2021; Yong and Pearce 2013). In this research, the Kaiser (eigenvalue) criterion was utilized to retain important factors with eigenvalues exceeding 1.0, and for the purpose of simplifying and clarifying the data structure while minimizing subjectivity, data rotation was performed (Basto and Pereira 2012). Preliminary analysis results revealed five factors with eigenvalues exceeding 1.0. They were retained and collectively explained 74.045% of the information. They were subsequently renamed based on their respective content into P&R Practices, T&D Practices, Staffing Practices, HRP Practices, and HR practice projects. In this model test, the variables involved are: PAF_PR, PAF_TD, PAF_S, PAF_HRP, PAF_P, cultural factors (PAF_CF), and employee satisfaction (PAF_ES), the writing form of PAF_ is the abbreviation and renaming of each variable during testing.

Data Analysis Techniques

To explore the relationships among these variables, correlation analysis, mediation analysis, and statistical tools were employed for data processing. Correlation analysis assisted in determining the degree of association between variables, while mediation analysis revealed the mediating role of cultural factors between HRM practices and employee satisfaction. Advanced statistical tools, such as Structural Equation Modelling (SEM), were utilized to validate our research hypotheses. To address the non-normality of the data distribution in this research, bootstrap standard error and confidence interval based on bootstrap can be employed for interpretation. Fortunately, Mplus's Bootstrap feature offers a potential solution for estimating statistical p-values and parameter standard errors in model testing under the condition of non-normal data (Nevitt and Hancock 2001). It employs a fully non-parametric approach, enabling the assessment of indirect effects (Preacher and Hayes 2004). Consequently, Mplus emerged as the preferred choice for this research due to its broader options and flexibility in handling non-normally distributed data (Muthén 2011; Narayanan 2012). This significantly ensured the reliability and accuracy of the research findings.

In conclusion, this research utilized a quantitative research methodology employing survey questionnaires, which were distributed through a snowball sampling method. Data analysis for the three key variables was carried out using the Mplus software package.

Results and Discussion

Analysis of Data

Before analysing the data, it is crucial to observe the goodness-of-fit tests, as shown in Table 1. The chi-square value χ^2/df (<5) is .000, and both the Tucker-Lewis Index (TLI) and Comparative Fit Index (CFI) are 1.000. The Root Mean Square Error of Approximation (RMSEA) value is 0.000. These results indicate excellent fit indices for the structural equation model.

Table 1. Model Fit Information

Chi-Square Test of Model Fit		
Value		0.000
Degrees of Freedom		0
P-Value		0.0000
RMSEA (Root Mean Square Error of Approximation)		
Estimate		0.000
90 Percent C.I.	0.000	0.000
Probability RMSEA <= .05		0.000
CFI/TLI		
CFI		1.000
TLI		1.000

And the specific operation results are as follows.

Table 2. Maximum Likelihood Estimates Model Results

Path	Estimate	S.E.	Est./ S.E.	P
PAF_CF ← PAF_PR	.485	.060	8.086	***
PAF_CF ← PAF_TD	.316	.052	6.115	***
PAF_CF ← PAF_S	.440	.053	8.354	***
PAF_CF ← PAF_HRP	.258	.038	6.725	***
PAF_CF ← PAF_P	.139	.047	2.955	**
PAF_ES ← PAF_CF	.221	.073	3.025	**
PAF_ES ← PAF_PR	.500	.057	8.732	***
PAF_ES ← PAF_TD	.318	.051	6.205	***
PAF_ES ← PAF_S	.203	.045	4.466	***
PAF_ES ← PAF_HRP	.123	.033	3.686	***
PAF_ES ← PAF_P	.279	.048	5.800	***

Model results represent the significance of each path. When $P < 0.001$, the value of P will be displayed as "***"; When $P < 0.01$, the value of P will be displayed as "**". When the P value is less than 0.05, it is considered meaningful. As shown in Table 2, the P values of 11 path factor loads are all less than 0.05, which indicates that all 11 path factors are meaningful. Also, this table details the path coefficient of each path. According to the data, cultural factors have a significant positive impact on performance and reward practices ($B=0.485$, $P<0.001$), and cultural factors have a significant positive impact on training and development practices ($B=0.316$, $P<0.001$), cultural factors have a significant positive impact on staffing practices ($B=0.440$, $P<0.001$), HR planning practices ($B=0.258$, $P<0.001$) and HR practice projects ($B=0.139$, $P<0.01$), employee

satisfaction has a significant positive impact on cultural factors ($B=0.221$, <0.01). H2 was supported, and the partial regression coefficient of organizational culture reached statistical significance.

Table 3. The result of Standardized Total Effects

Parameter	Standardized Total Effect	95% Confidence Interval	
		Lower Bounds	Upper Bounds
PAF_CF ← PAF_PR	.485	.379	.587
PAF_CF ← PAF_TD	.316	.194	.424
PAF_CF ← PAF_S	.440	.350	.528
PAF_CF ← PAF_HRP	.258	.180	.325
PAF_CF ← PAF_P	.139	.043	.223
PAF_ES ← PAF_CF	.221	.066	.359
PAF_ES ← PAF_PR	.607	.502	.704
PAF_ES ← PAF_TD	.388	.293	.479
PAF_ES ← PAF_S	.300	.219	.381
PAF_ES ← PAF_HRP	.180	.118	.241
PAF_ES ← PAF_P	.310	.226	.389

As shown in Table 3, between cultural factors and HRM practice, after rounding, the indirect effects in 95% confidence intervals are [0.38, 0.59], [0.19, 0.42], [0.35, 0.53], [0.18, 0.33], [0.04, 0.22], these intervals do not include 0, illustrating that the total effect is significant. The total effect value of employee satisfaction and cultural factors is 0.221, and 95% confidence intervals is [0.07, 0.36], excluding 0, so the total effect is also significant. Between employee satisfaction and HRM practice, after rounding, the indirect effects in 95% confidence intervals are [0.38, 0.60], [0.22, 0.41], [0.10, 0.30], [0.05, 0.19], [0.20, 0.36], and all these five intervals excluding 0, showing that the total effect is also significant.

Table 4. The result of Standardized Direct Effects

Parameter	Standardized Direct Effect	95% Confidence Interval	
		Lower Bounds	Upper Bounds
PAF_CF ← PAF_PR	.485	.379	.587
PAF_CF ← PAF_TD	.316	.194	.424
PAF_CF ← PAF_S	.440	.350	.528
PAF_CF ← PAF_HRP	.258	.180	.325
PAF_CF ← PAF_P	.139	.043	.223
PAF_ES ← PAF_CF	.221	.066	.359
PAF_ES ← PAF_PR	.500	.383	.607
PAF_ES ← PAF_TD	.318	.220	.411
PAF_ES ← PAF_S	.203	.101	.298
PAF_ES ← PAF_HRP	.123	.052	.186
PAF_ES ← PAF_P	.279	.198	.364

Table 4 summarizes all the results of standardized indirect effect values and 95% confidence intervals, where the indirect effects of performance and reward practices, training and development practices, staffing practices, HR planning practices and HR practice projects on employee satisfaction are 0.107, 0.070, 0.097, 0.057, and 0.031 respectively. In addition, after rounding, the indirect effects in 95% confidence intervals are [0.01, 0.07], [0.02, 0.10], [0.03,

0.17], [0.02, 0.13], [0.03, 0.19], and none of these five intervals contains 0, indicating that the indirect effect is significant, and it has a mediation effect.

Table 5. The result of Standardized Indirect Effects

Parameter	Standardized Indirect Effect	95% Confidence Interval	
		Lower Bounds	Upper Bounds
PAF_ES ← PAF_CF ← PAF_PR	.107	.033	.187
PAF_ES ← PAF_CF ← PAF_TD	.070	.023	.131
PAF_ES ← PAF_CF ← PAF_S	.097	.030	.166
PAF_ES ← PAF_CF ← PAF_HRP	.057	.016	.101
PAF_ES ← PAF_CF ← PAF_P	.031	.005	.072

From the data results, it can be concluded that HRM practices can not only directly affect employee satisfaction, but also indirectly affect employee satisfaction through cultural factors. Further, this research adopts a more rigorous reporting method, that is, comparing the symbols of ab and c' , and if they have the same sign, it belongs to partial mediation effects, and reporting the total contribution rate of mediation effect, which is obtained by dividing the indirect effect (ab)

and the total effect (c), that is Effect $M = \frac{ab}{c}$. By comparing the symbols with the same sign, can find that it belongs to partial mediation effects, that is, cultural factors have partial mediation effects between HRM practices and employee satisfaction. H1 was also supported. And through the standardized effect value calculation, it can be known that the proportion of mediation effects are 17.6% (0.107/0.607), 18.0% (0.070/0.388), 32.3% (0.097/0.300), 31.7% (0.057/0.180), 10.0% (0.031/0.310), respectively (see Table 5). Based on the above analysis, it can be able to conclude that the mediation effect of staffing practice contributes the most to the total effect.

Identification and Explanation of Staffing

In HRM, staffing is a pivotal concept that encompasses how organizations determine, attract, select, train, assess, and retain employees to meet their needs. Its primary aim is to ensure that organizations possess an adequate quantity and quality of staff members who can effectively contribute to the organization's objectives (Pahos and Galanaki 2019, 4). However, in the context of this research, due to variable consolidation and renaming, staffing differs from its traditional definition. It predominantly focuses on recruitment and selection, as well as the written managerial documents related to training and development, and performance management. In essence, it emphasizes the processes of attracting suitable candidates to fill internal positions within the organization, assessing and selecting the most appropriate candidates for specific roles, which may involve methods such as interviews, tests, background checks, and the utilization of policy-related documents for training, development, and performance management.

Analysis of results

The mediation effect of staffing yielded the highest return, suggesting that in cross-regional development, organizations should place particular emphasis on staffing practices when managing human resources. Effective staffing leads to better performance through adaptable and satisfied employees. Hence, organizations can prioritize optimizing staffing strategies to enhance employee performance and satisfaction.

Furthermore, this result may also indicate the presence of synergy between cultural factors and staffing. Culture's influence on staffing decisions and practices may play a role in selecting and configuring employees who align with the organizational culture. Conversely, staffing decisions and practices may also be influenced by organizational culture to ensure that selected

and allocated employees align with organizational values and expectations. This synergy may underscore the significance of staffing in mediating the return on investment.

Discuss the implications of the research findings on HRM strategies for cross-regional development

The data analysis results indicated that staffing played a major role in mediating among HRM subfields. This suggests that investing resources and attention specifically in this area can yield more pronounced benefits for the organization. This finding provides a crucial basis for formulating HRM strategies and offers guidance for enhancing HRM practices. In practical terms, this discovery can be applied in several ways.

To begin with, regarding strategic priorities, strategic investments can be moderately adjusted to allocate more resources, including financial and human resources, to the staffing subfield. This initiative may involve hiring specialized HR professionals or investing in advanced HR technologies tailored to personnel needs, such as applicant tracking systems, AI-driven resume screening tools, and virtual interview platforms. These tools significantly enhance the efficiency of recruitment and selection processes. Additionally, emphasis can be placed on training and skill development, specifically providing HR personnel with specialized training in staffing strategies, techniques, and technologies. This ensures they are well-informed about the latest staffing trends and best practices.

Moreover, in operational enhancement, large SOEs developing across regions require an efficient recruitment process to enhance staffing efficiency. Simplifying and optimizing the recruitment and selection procedures, leveraging technology, data analysis, and automation as much as possible, shortens the recruitment period and improves its quality. The integration of such technology brings benefits, such as understanding staffing trends, identifying successful recruitment patterns, and predicting future staffing needs. Data-driven decisions significantly enhance the effectiveness of staffing strategies.

Once a comprehensive recruitment and selection process is established, continuous improvement becomes imperative. This entails creating a mechanism for continuous feedback and enhancement. Regularly evaluating the effectiveness of staffing strategies, identifying areas that need improvement, and adjusting strategies accordingly are essential. Conducting periodic market research to stay abreast of industry trends and labour demands is particularly crucial for cross-regional development. Understanding the evolving demands of the local job market helps formulate staffing strategies to attract suitable talents.

Furthermore, when a significant amount of resources is put in, measuring the return on investment becomes important. This involves establishing metrics and Key Performance Indicators (KPIs) and conducting cost-benefit analyses. Specifically, developing crucial KPIs to measure the effectiveness of staffing efforts, such as fill time, recruitment quality, and retention rates, provides in-depth insights into the return on investment of staffing strategies. Regular cost-benefit analyses assess the financial impact of staffing plans, comparing the costs incurred during the staffing process with the value brought in by recruiting employees.

Conclusively, SOEs must prioritize compliance and diversification when entering new regions. Compliance ensures that all staffing practices adhere to relevant local laws and regulations. Non-compliance could lead to legal issues, potentially damaging the organization's reputation. Emphasizing the diversification and inclusivity of staffing efforts is crucial. Diverse teams often bring different perspectives and experiences, fostering innovative ideas and problem-solving approaches. Establishing diverse teams and cultures in various regions effectively enhances the organization's inclusivity and social responsibility.

By understanding that the highest return on investment in the context of cross-regional development comes from the staffing subdomain, organizations can adjust their human resources strategies to fully harness this knowledge. This customized approach can lead to more efficient

processes, optimized HRM practices, higher-quality employees, ultimately enhancing employee productivity and satisfaction.

Conclusions

This research delves into the relationship between cultural factors, HRM practices, and employee satisfaction. The research reveals that the staffing domain plays a crucial mediating role in HRM practices. This finding offers practical insights for Chinese SOEs, emphasizing the significance of focusing on the staffing domain in the context of cross-regional development. It assists businesses in better formulating HRM strategies, enhancing HRM practices, and holds the potential to provide valuable inspiration in the realms of cross-regional enterprise management and cross-cultural management. Based on the research findings, the following recommendations are proposed: strategic emphasis should be placed on the staffing domain, involving adjustments in strategic investments and a focus on training and skill development. Operational efficiency should be enhanced, and continuous improvements made, utilizing technologies, data analysis, and automation. Regular measurement of return on investment is essential to promptly adjust strategies. Additionally, stringent attention should be paid to compliance and diversification aspects.

While this research has made significant findings, there are limitations to be acknowledged. For instance, the research sample may be limited, and future studies could consider expanding the sample size or including a more diverse range of enterprises. Additionally, this research focused on Chinese SOEs; future research could compare differences between enterprises of various ownership structures for a more comprehensive understanding. Simultaneously, this research introduced a new topic in its recommendations – the impact of emerging technologies on HRM.

In summary, this research not only provides practical guidance for HRM in Chinese SOEs but also offers valuable directions and insights for future research endeavours in the field.

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Loyalty Programs in Second-Hand Markets Stimulate Demand but May Interfere With Supply

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ABSTRACT: This study investigates a specific attribute of the circular economy, the direct reuse of old products, and the use of the traditional marketing mechanism of loyalty programs of stimulating this attribute. We conducted two studies into common (clothing) and uncommon (electronics) second-hand markets, testing the effectiveness of rewarding purchases and donations in stimulating the (intended) demand and supply in second-hand stores. Our findings indicate the effectiveness of various loyalty programs in stimulating the intention to repurchase in second-hand stores. We also identify that a loyalty program, which rewards purchases and donations, can effectively stimulate the supply to second-hand stores, but only for customers with a low donation history. However, for those with a substantial donation history, loyalty programs that rewards donations reduce their donation intentions.

KEYWORDS: circular economy, loyalty program, second-hand market, repurchase, donation

1. Introduction

The Circular Economy (CE), which is a closed loop environmentally sustainable economy utilizing used resources and supporting local networks of businesses and communities, has risen in prominence as a popular economic model in recent years. Numerous governmental bodies around the world are currently supporting or developing a CE (Metta & Bachus 2020), with associated sustainable supply chain practices also being recognized within the retailing sector (Vadakkepatt et al., 2020). According to Geissdoerfer et al. (2017), the CE can be divided into three categories: the direct reuse of old items, often known as the second-hand industry, the recycling of old products into new products, and the recycling of old products into various materials. Because they involve the recycling and sale of used, recycled, or refurbished goods, second-hand markets are an important part of circular economies. Additionally, second-hand markets have been a part of economies for centuries, addressing a variety of consumer demands and typically offering goods at a lower price than newly manufactured goods. These markets cover a variety of items, from clothing and household goods to cars, and have gone through numerous periods of popularity and disdain (Williams & Paddock 2003; Weinstein 2014).

At the turn of the millennium, there was a shift toward mass consumption and convenience, which was accompanied by reducing prices for new items across most industries (Matsuyama 2002; Remy, Speelman & Swartz 2016). This increasing demand for cheap new items, as well as population increases and increased rate of technological and design innovations, meant that constant new production and manufacturing came at the cost of environmental sustainability (Remy, Speelman & Swartz 2016). In addition, previously, the purchase of second-hand products was primarily associated with monetary constraints of lower socio-economic households (Williams and Paddock 2003). With new items progressively becoming cheaper and addressing demands previously met by second-hand markets, the result was a reduced demand in second-hand markets. Therefore, mass production led to a culture of throw away consumerism, which led to lots of excess items (e.g., clothing) that could have been sold on second-hand markets and reused, but instead were simply being thrown away as garbage (Norum 2015).

However, the increased awareness of the environmental impact of mass consumerism has resulted in ecofriendly and sustainable practices, and increasing demand for second-hand products by consumers (Diglel & Yazdanifard 2014). Consequently, recycling and reusing old products has gained popularity and second-hand products are no longer considered a result of financial limitations (Williams & Paddock 2003). Second-hand markets are now being used in new technologically integrated manners. Some notable examples are closet sales organized by social media influencers, online thrift shops, and sales through social media communities. The overall meaning and social signal of thrift-shopping is changing, and subsequently, reducing the stigma associated with it (Brace-Govan & Binay 2010; Williams & Paddock 2003).

Even though there has been an increase in demand for second-hand products in recent years, there is still room for improvement in stimulating demand. For instance, with shifting consumer values comes the opportunity to stimulate demand for second-hand goods and engagement in the CE (Calvo-Porrall & Lévy-Mangin 2020). In order to stimulate demand, second-hand stores and markets could reconsider their current marketing efforts inspired by strategies that have been proven effective in traditional linear consumer markets. Yet to date there has been little research on the effectiveness of classical marketing strategies, like reward and loyalty programs or rebate initiatives, in CE (Avagyan et al. 2016; Chamberlin & Boks 2018; Zhao & Jagpal 2006). Our research aims to contribute to closing this gap in the literature.

As a first step towards generalizing our findings, we focus on a common (i.e., clothing) and uncommon (i.e., electronics) second-hand market in this paper. The second-hand clothing market is one of the most prevalent second-hand markets. Of the three stages in clothing's lifecycle – acquisition, usage, and disposal – the disposal stage is the most heterogenous in the population, and hence the most difficult to address (Xie et al. 2021). Research done in the United States shows that, the most common forms of clothing disposal are: donating to charity or second-hand stores, throwing away in the trash, giving away to friends or family, using as rags, and selling items at garage sales (Norum 2015). Research has also shown that, among these methods of cloth waste disposal, the reuse and recycling method is the most sustainable method (Xie 2021). Thus, even though Norum (2015) found nearly half of respondents had donated clothes to second-hand stores previously, they also reported that a third of the respondents still dispose of their clothes in the trash. In effect, this study explores a strategy to influence consumers at the disposal stage to donate rather than dump their old clothing, thereby increasing the potential supply of merchandise in second-hand clothing stores.

The same factors of purchase and disposal apply to other markets as well, one such being the electronics market. With the increasing advancement of technology has come an increasing demand for and reliance on new items and functionality, such that new models and devices are expected by consumers at a frequent rate. Even when older devices are still functioning, they are often forgone for the latest model (Cox et al. 2013). This is further exacerbated by fact that companies even deliberately develop devices that have a shorter lifespan (Bhutta et al. 2011), or have software updates that slow down their functionality (Autorita Garante Della Concorrenza E Del Mercato 2018), so that new items are purchased more frequently. This deliberate plan of companies produces a significant amount of electronic waste (e-waste). A significant amount of this e-waste is sent to developing nations, like Nigeria (Nnorom & Osibanjo 2008), which has the benefit of helping close technological gaps between nations. However, a large portion is still disposed of in landfills, which is becoming a significant issue in developed nations (Babu et al. 2007; Bhutta et al. 2011). Yet much of this e-waste is reusable or recyclable. It is therefore important for developed nations to stimulate their circular economies by facilitating reusing, repairing, and recycling more of their e-waste to make the most of the positive environmental potential of old electronic goods.

Given the opportunities and needs for improvement of these two and other kinds of second-hand markets, we explore how they could benefit from deploying a classic marketing strategy, which aims at building customer loyalty, which refers to customers repeatedly purchasing from a particular company (Sasser et al. 1997). Strategies stimulating customer loyalty tend to generate

positive long term financial results for the company (Duffy 2003). For a business, the motivation to introduce a loyalty program is building a strong, long-term relationship with its customers, making the repurchase from the company (Wright & Sparks 1999). Building this relationship should lead to an increase in customer retention and stimulate consumers to make more frequent purchases. The motivation to participate for the consumer is primarily the discount or free product they will acquire when making the effort to become a loyalty program member and frequent the store (Duffy 2003; Rao & Kotian 2018). A consumer's purchase intention may be positively influenced by the reward associated with the loyalty program (Kopalle & Lehmann 2006; Sharma & Bhardwaj 2015).

As stated by Sharp & Sharp (1997), a loyalty program can reinforce the emotional connection to a company. We know from prior research that an emotional connection leads to more prosocial behavior towards the company, such as forgiving mistakes (van Kleef & Lelieveld 2022). Therefore, it may be assumed that a loyalty program will positively affect donating to the store, which is another pro-social behavior. On the other hand, there is significant evidence showing that incentivizing donation behavior with rewards negatively impacts donation intentions (Ariely et al. 2009; Bénabou & Tirole 2006; Mellström & Johannesson 2008). Previous studies, initially on blood donation, have illustrated this, with significant evidence displaying that external rewards reduce donations (Mellström & Johannesson 2008). Many further studies have analyzed different aspects of prosocial behavior and external rewards, demonstrating that different contextual factors, e.g., public vs. private or the type of reward, can impact the direction and size of the rewards effect on donation (Bénabou & Tirole 2006; Gneezy & Rustichini 2000; James 2005; Lacetera & Macis 2010a, 2010b). There has been little research on the impact of these external rewards in a second-hand retail context though, and less so specifically on loyalty programs. As such there is an opportunity to analyze if a loyalty program in a consumer context can assist in increasing donations to second-hand stores, or if the potential for reward reduces an individual's intention to donate.

To explore this issue, we conducted two high-powered online studies¹ on Western European populations. We measured the intentions of repurchasing and donating to second-hand stores given various loyalty program designs. In particular, we considered two different treatments and a control group. The first treatment consisted of eliciting purchasing and donation intentions of respondents with a classical reward system, whereby customers are rewarded for their purchasing behavior in a second-hand market. The second treatment consisted of eliciting purchasing and donation intentions of respondents with an integrated loyalty program that rewards both purchasing and donating behavior in a second-hand market. The control group elicited the purchase intention of respondents in a second-hand market with no loyalty program. The structure of the paper is as follows. Section 2 describes the study design and the methods, while the two studies with their results are presented in Section 3 and Section 4. Section 5 talks about the general discussions and conclusion, with potential policy implications. The limitations of the paper and the directions for future research are presented in Section 6 and Section 7 talks about practical implications of the study.

2. Overall study design and procedure

The two studies used a common treatment design, with slight changes in the wording to adapt them to the two different markets (i.e., second-hand clothing in study 1 and second-hand electronics in study 2). The design included two different treatments, which were scenarios proposing different loyalty programs (scenario 1 and scenario 2) in addition to a control scenario (scenario 0), which had no loyalty program. Participants were randomly assigned to one of the three scenarios. In the classic loyalty program (scenario 1), the customer earns 1 point with each purchase and after they have accumulated 5 points, they are entitled to a 50% discount on their next purchase. In the integrated loyalty program (scenario 2), the customer receives 1 point for each purchase as well as

¹ One study involving a commonly donated item in second-hand markets (clothes) and the other study involving items that are not commonly donated in second-hand markets (electronics)

1 point for each item of donated material. The customer then receives a 50% discount of the next purchase once he/she can accumulate 5 points. The scenarios describing the loyalty programs were adapted to each of the marketplaces (see Appendix C for full descriptions). After one of the scenarios was presented, the respondents had to indicate their intention to accept the loyalty program (“I’m willing to join the loyalty program for this store”), their intention to purchase in the second-hand shop (“I’m willing to buy clothing/electronic items in this store in the future”), and their willingness to donate to the second-hand shop (“I’m willing to donate clothing/electronics to this store in the future”). Each of these dependent variables was measured with one item on a 5-point Likert scale. In the control condition of both studies, participants only had to indicate their intention to repurchase or donate to a second-hand store.

After the scenario treatments, the survey examined the general shopping behavior of respondents. They were asked to answer questions (on a 5-point Likert scale) about the characteristics of items that are important to them, how much time they spend shopping, as well as brand and shop loyalty. The latter aspects were examined as those with a predilection for frequenting the same set of stores may be more likely to have interest in a loyalty program and show a higher intention to repurchase. Therefore, there was a control variable based on the proportion of market specific second-hand items the respondent had, as well as on whether the respondent had historically donated items in that market, since participants who historically engage with second-hand markets might also show a higher intention to repurchase and donate clothing or electronics. Finally, respondents were asked to supply the basic demographic information of age, gender, student status, and occupation. We tested the main and interaction effect with all these variables as robustness checks. The final screen explained the purpose of the study and thanked participants for their time.

3. Study 1

3.1. Method

A survey was used to collect a total of 875 responses on two separate occasions in 2020. A total of 575 responses were collected in the first phase and 300 in the second phase. The first phase of the survey used a convenience sampling approach to sample individuals in a western European country (Belgium), which resulted in an overrepresentation of a particular generation (Generation Z). In order to rectify this problem, a total of 300 responses was collected in a same country via Prolific, with specific age demographic to balance out the skewed population of the first sample. The used instrument in both phases used the same 1x3 between-subject design in which each participant was administered one of three different treatments in a randomized sequence. The questions were the same, except for the fact that we added the question about donation experience with the second-hand market only in phase 2. So, for this study, donation experience is only an explorative variable.

Out of the 875 responses collected, a total of 103 responses were dropped due to incomplete responses, leaving 772 valid responses. The distribution of the age of the respondents shows that about a quarter of the respondents are 22-23 years old (Appendix **Error! Reference source not found.**). Female respondents were also slightly overrepresented, adding up to about 57% of the respondents. About 41% of the respondents indicated that they are students and 59% also indicated that they are engaged in some form of employment. In addition, about 9.8% of the respondents indicated that they are working students. Also, 41% of the respondents indicated that none of their clothes are from a second-hand store, with an additional 37% indicating that the percentage of their clothes that are from a second-hand store is at most 10%. In effect, only about 22% of our respondents get at least 11% of their clothes from the second-hand market.

3.2. Results

3.2.1 Main Results

The descriptive statistics of the dependent variables, intention to repurchase, intention to donate, and intention to enroll in a loyalty program, under each scenario is represented by Table 1. The results show that the introduction of the classic loyalty system (scenario 1) increased the mean intention to repurchase from 3.27 in the control condition (scenario 0) to 3.82. This difference was tested by a Mann-Whitney² test, which revealed the difference in purchase intention in the classical loyalty program to be significantly higher than the purchase intention in the control condition ($|z| = 4.80$; $p < .001$).

Table 1: Descriptive statistics of dependent variables for each scenario – study 1

Dependent Variable	Statistic	Control Condition ($n = 251$)	Classic Loyalty Program ($n = 253$)	Integrated Loyalty Program ($n = 268$)
Intention to repurchase	Mean	3.27	3.82	3.66
	Std. Dev.	1.3	1.17	1.21
Intention to enroll in a loyalty program	Mean	n/a	3.47	3.85
	Std. Dev.	n/a	1.13	1.06
Intention to donate	Mean	4.25	3.68	3.45
	Std. Dev.	0.92	1.01	1.12

In the second scenario, an integrated loyalty program, which stimulates both donations and purchases of clothes in the second-hand store was introduced. This loyalty program also significantly increased average purchase intention from 3.27 in the control scenario to 3.66 ($|z| = 3.45$; $p < .001$). Further analysis also revealed that intention to repurchase was higher for the classic loyalty program than for the integrated loyalty program (see Appendix A Figure A – 3). In contrast, the intention to enroll in the loyalty programs showed the opposite pattern as it was lower in the classic loyalty program than in the integrated loyalty program.

(3.47 vs. 3.85, $|z| = 4.13$; $p < .001$).

We also analysed the effect of the different loyalty program on respondents' intention to donate. Results indicated that compared to the control condition (scenario 0), the introduction of a loyalty program leads to a reduced mean intention to donate (see Appendix A Figure A – 4). More specifically, the introduction of the classic loyalty program, reduced the mean intention to donate from 4.25 in the control condition to 3.68. This reduction in intention to donate is further exacerbated under the integrated loyalty program, which reduced intention to donate to 3.45. A Mann-Whitney test showed that both differences were statistically significant ($|z| = 7.21$ and $|z| = 8.81$ respectively; $p < .001$), which implies that the two loyalty programs had a significant negative effect on stimulating respondent's intention to donate. In addition, the difference in the intention to donate between the two loyalty programs, 0.23, was also statistically significant ($|z| = 2.27$; $p = .023$), with the integrated loyalty program relating to even weaker donation intentions. These results imply that the addition of rewarding donation in scenario 2, lead to a significant reduction in the intention to donate to a second-hand store.

3.2.2 Exploratory Results

The changes in purchase intention and donation intention were also investigated after controlling for demographic characteristics like age, gender, being a student, employment, and donation history

² Nonparametric tests were used for all the analysis because the data were not normally distributed.

(part of the sample, see above). The results show that female respondents and students had a significantly higher intention to repurchase and donate than male respondents and, respectively, non-students. The results also show that individuals with a higher proportion of second-hand clothes have a higher intention to repurchase from and donate to a second-hand clothing store. Controlling for the demographic factors (both main and interaction effects) did not affect any of the statistical patterns that we shared in Table 1 (For more details see Appendix B; Tables B – 1 to B – 3).

A multivariate regression analysis was also conducted on the interaction between loyalty programs and demographic factors (see Appendix B; Tables B – 4). The results show that students and female respondents who have loyalty programs have significantly higher intention to repurchase from a second-hand clothing store compared with non-students and male respondents who do not have loyalty programs. In addition, even though being employed did not have any significant effect on purchase intention, employed respondents with a loyalty program have a significantly higher intention to repurchase from a second store compared to the unemployed without a loyalty program.

Table 2: Intention to donate between scenarios by donation history - second survey from study 1, sample n = 300

Intention to donate	Control Condition	Classic Loyalty Program	Integrated Loyalty Program		Difference
Donation History	4.30 (89)	3.72 (89)		$ z = 4.32; p < .001$	-0.58
	4.30 (89)		3.52 (93)	$ z = 5.28; p < .001$	-0.78
No Donation History		3.72 (89)	3.52 (93)	$ z = 1.21; p = .225$	-0.20
	2.57 (7)	3.27 (15)		$ z = 1.12; p = .263$	0.70
No Donation History	2.57 (7)		3.42 (7)	$ z = 1.21; p = .225$	0.85
		3.27 (15)	3.42 (7)	$ z = 0.299; p = .765$	0.15

Number of observations in parenthesis

Individuals who have donated clothes in the past also have a higher intention to donate compared to individuals who do not have any donation history. To further explore the effect of respondents' donation history on their donation intention, we tested for the differences in intention to donate by scenario for each group of people (see Table 2). The results show a significant reduction in intention to donate clothes to a second-hand store by respondents who have previous donation experience in both loyalty program treatments. On the other hand, the respondents with no donation history did not show that pattern but the number of observations was too small to say anything meaningful about it.

As indicated above the variable respondent donation history was interacted with the loyalty programs and added to a regression model. The results show a significant negative interaction with both the classic and integrated loyal programs ($p < .001$). We could see from Figure 1 that the overall trend between loyalty programs was maintained for respondents with clothing donation history (i.e., the introduction of loyalty programs discourages donation). However, the respondents without donation history had a higher donation intention under both loyalty programs compared to the control group with no loyalty program. In light of the limited number of people without donation history, we cannot draw any conclusions from this pattern. However, we will pursue this further in study 2, where we focus on a less popular second-hand market (with fewer people with donation history).

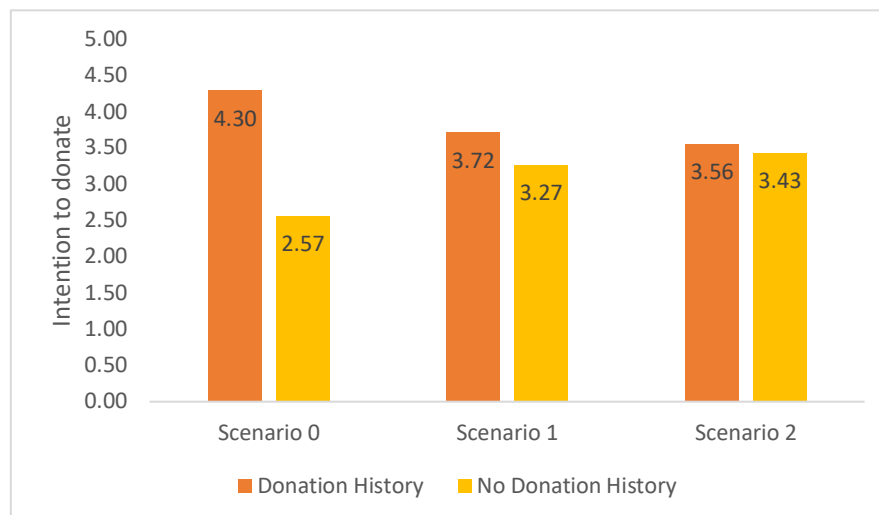


Figure 1: Mean Intention to donate second-hand clothing by donation history – second survey from study, sample $n = 300$

4. Study 2

4.1. Method

In this second study, we replicate the methods of study 1, while tailoring the scenario wording to an electronics second-hand market. The electronic second-hand market was chosen because electronic waste (e-waste) is a significant concern for circular economies. Yet, a pilot study ($n = 100$) we conducted³ as well as findings from (Williams & Paddock 2003) indicate that electronics are one of the least donated items. Thus, by focusing on electronics, we also aimed to yield a deeper understanding of an underutilized second-hand market. In addition, this presented us with the opportunity to investigate whether the findings from the most common second-hand market (clothing) can be replicated in a less popular market. Furthermore, an important motivation for this second study was to check the robustness of the patterns found in the first study, especially the interesting suggestion of an interaction of donation history with intention to donate found in the reduced form of the study 1 sample. For this second study, we selected individuals with a reliable history from the Prolific platform. This way we hoped to overcome some downsides of the sample of study 1, possibly due to the fact that it was a convenience sample, such as a relatively low completion rate and a somewhat unbalanced age distribution. A survey was used to collect a total of 1023 responses from Western European countries through this platform. As hoped, all the collected responses were complete this time and could be included in the analysis. Furthermore, the age distribution was more balanced than in the previous study. In addition, there were slight differences in the demographics of the two studies. For instance, 11% of the participants in this study were students (compared to 41% in study 1). Furthermore, the majority of the respondents (81%) in this study were engaged in some form of employment (compared to only 59% in the first study). About 66% of the respondents were women and about half of the respondents revealed that they had donated electronics in the past. The respondents were assigned to the three loyalty programs in a between-subject manner as in study 1.

4.2. Results

4.2.1 Main Results

The descriptive statistics of the dependent variables, namely intention to repurchase a second-hand electronic, intention to enroll in a loyalty program, and intention to donate second-hand electronic for each scenario is presented in Table 3. The results show that, the introduction of the classic

³ See supplementary materials for a summary of the pilot study.

loyalty system increased the mean intention to repurchase from 3.44 in the control condition to 3.89. This difference was tested by a Mann-Whitney⁴ test, which revealed that the purchase intention in the classic loyalty program was significantly higher than the purchase intention in the control condition without a loyalty program ($|z| = 5.22$; $p < .001$).

Table 3: Descriptive statistics of dependent variables for each scenario - study 2

Dependent Variable	Statistic	Control	Classic Loyalty	Integrated
		Condition ($n = 341$)	Program ($n = 343$)	Loyalty Program ($n = 339$)
Intention to repurchase	Mean	3.44	3.99	4.22
	Std. Dev.	1.27	0.84	0.78
Intention to enroll in a loyalty program	Mean	n/a	3.91	4.21
	Std. Dev.	n/a	1.06	0.92
Intention to donate	Mean	4.26	3.65	4.33
	Std. Dev.	0.93	0.99	0.82

The results also showed that, unlike in the case of the second-hand clothing study, the introduction of the integrated loyalty program resulted in an even higher intention to repurchase compared with the classic loyalty system. In particular, the mean intention to repurchase increases from 3.44 in the control condition to 4.22 in the integrated loyalty program, which is a difference of 0.78. This difference was shown to be significant by using a Mann-Whitney test ($|z| = 8.23$; $p < .001$). In addition, comparing the two loyalty programs revealed a significant difference in average repurchase intentions, with the integrated loyalty program having 0.23 high intention to repurchase on average than the classical loyalty system ($|z| = 3.87$; $p < .001$). Overall, these results show that the introduction of loyalty programs significantly increases repurchases in a second-hand electronic store (see Appendix A Figure A – 5).

As in the second-hand clothing study, we investigated whether the introduction of an integrated loyalty program would have a positive effect on the intention to enroll in a loyalty program, compared to the classic loyalty program. It was evident that, just like in the second-hand clothing case, respondents being faced with an integrated loyalty program would have an intention to create a loyalty program that, on average, is 0.30 higher compared to the situation where respondents are being faced with the classic loyalty program ($|z| = 3.87$; $p < .001$).

Turning toward the final dependent variable, we also investigated whether the two loyalty programs would help increase respondents' intention to donate. The results showed that, the classic loyalty program leads to a reduced mean intention to donate from 4.26 in the control condition to 3.65, which represents a reduction of 0.61 units. A Mann-Whitney test displayed that this difference was statistically significant ($|z| = 8.90$; $p < .001$), thereby showing that the classic loyalty program is not effective in stimulating respondent's intention to donate second-hand electronic products, replicating the finding from the first study. However, contrary to the results from the first study, the introduction of the integrated loyalty program resulted in respondents' increased intention to donate electronic products, compared to the control condition. It is important to note that the increase intention to donate from 4.26 in the control condition to 4.33 (see Appendix A Figure A – 6) in the integrated loyalty program was not significant ($|z| = 0.45$; $p = .654$). In comparing the intention to donate between the classic loyalty program and the integrated loyalty program, we observed a

⁴ Nonparametric tests were used for all the analysis because the data were not normally distributed.

significant difference ($|z| = 9.65; p < .001$), with the integrated loyalty program having the higher intention to donate on the average. Again, this is contrary to the results from the first study. Therefore, this result illustrated that even though rewarding donation did not significantly increase intention to donate, it does not necessarily reduce intention to donate as we found in the second-hand clothing study.

4.2.2 Exploratory Results

The changes in purchase intention and donation intention of second-hand electronics were also investigated after controlling for the demographic characteristics like age, gender, being a student, employment, and donation history by using a non-parametric⁵ regression model. Both the classic loyalty program and the integrated loyalty program significantly stimulated purchase intention in a second-hand electronic shop, even after controlling for the demographics of the respondents. This was not the case for respondent's intention to donate, as both loyalty programs were not significantly stimulating donation intentions in the second-hand electronics shop. While the results show that on average respondents bought roughly 19% of their electronic goods from a second-hand store, this variable had no significant relation to intention to donate ($p = .746$) but did influence intention to repurchase ($p < .001$). In particular, individuals with a higher proportion of second-hand electronics have a higher intention to repurchase from a second-hand electronic shop. Female respondents and the elderly were also found to have significantly higher intention to donate than male respondents and younger respondents, respectively. In addition, respondents with electronic donation history were found to have a significantly higher intention to donate compared to respondents who have no history of donating electronics (see Appendix B; Tables B – 5).

To further explore the intention to donate under the integrated loyalty program, we considered the moderating variable of donation history. We tested the difference for respondents with electronics donation history (51.4%) and those without donation history (49.6%) under the classic loyalty system compared to the control condition first. There was a significant reduction in donation intention for respondents with electronic donation history of 0.65 ($|z| = 7.53; p < .001$) and a reduction of 0.35 ($|z| = 3.38; p < .01$) for respondents with no donation history when the classic loyalty program is introduced. In effect, there was a difference in reduction of 0.30 comparing respondents with donation history to those without donation history. The nonparametric regression results showed that this difference was not statistically significant ($p = .374$).

Table 4: Intention to donate between scenarios by donation history – study 2.

Intention to donate	Control Condition	Classic Loyalty Program	Integrated Loyalty Program		Difference
Donation History	4.58 (201)	3.93 (143)		$ z = 7.53; p < .001$	-0.65
	4.58 (201)		4.46 (171)	$ z = 1.53; p = .126$	-0.12
		3.93 (143)	4.46 (171)	$ z = 5.87; p < .001$	0.53
No Donation History	3.81 (140)	3.46 (200)		$ z = 3.38; p = 0.001$	-0.35
	3.81 (140)		4.2 (168)	$ z = 3.13; p = 0.002$	0.39
		3.46 (200)	4.2 (168)	$ z = 7.27; p < .001$	0.74

Number of observations in parenthesis

⁵ This is because the dependent variables were not normally distributed and thus failed the assumption of a standard parametric regression model.

In addition, we tested the difference in intention to donate for respondents with and without electronic donation history in the integrated loyalty program condition. For respondents with donation history, the results show a non-significant reduction in intention to donate (0.12) when comparing the control condition to the integrated loyalty program condition ($|z| = 1.53$; $p = .126$). However, there was actually a significant increase in intention to donate (0.39) by the respondents without donation history ($|z| = -3.13$; $p < .01$) (see Table 4).



Figure 2: Mean Intention to donate second-hand electronics by donation history – study 2

It was thus revealed that, though not significant, rewarding donation reduces the intention to donate of individuals who have a history of donating electronics. Similar results were found in the clothing study where introducing the integrating loyalty program, which rewards donation resulted in a reduction in intention to donate by respondents with donation history. In addition, just like the clothing study, incentivizing donation results in a significant increase in the donation intention of respondents without electronic donation history. Hence, while rewarding donation may drive down the donation intention of people with donation history, it can stimulate individuals without donation history to donate more (see Figure 2).

5. General Discussion

The results of the studies illustrate the effectiveness of loyalty programs in stimulating purchases in various second-hand stores, whilst identifying a complex dichotomy between donation intention and rewards. As seen in both studies, the intention to get enrolled in a loyalty program was significantly higher for the integrated loyalty program, which rewards both purchases and donations, as compared to the classic loyalty program, rewarding only purchases. As expected, adding an additional avenue for earning rewards increases the intention to enroll in a loyalty program. However, this higher enrollment intention was not reflected in increased donation intentions, as one would expect.

The intention to repurchase at a store was also higher under both loyalty programs. The comparison between the two shows a mixed pattern. In Study 1, the integrated loyalty program leads to less repurchase intention than the classic loyalty program while in Study 2, the integrated loyalty program outperforms the classic loyalty program in terms of repurchase intention. Apart from noise, the difference could be due to the product category, but this in itself can still be due to many different aspects. The difference may emerge because of differential familiarity of the second-hand market in question as we envisaged at the outset. However, it may also be due to the nature of

the product category. People may be more sceptical about refurbished electronics and an integrated loyalty program may signal quality, which is more needed in that sector. People may also perceive recycling electronics to require more effort from the company and appreciate this effort. Also, the wording of the programs differed, which may be driving the difference (see Appendix C). Future research may want to figure out to what extent this difference is robust, and what is the underlying mechanism.

The effectiveness of loyalty programs at stimulating donations is considerably more opaque though. We have evidenced that a classic loyalty program led to a reduction in the intention to donate in both second-hand clothing and electronics markets. One potential explanation for the significant reduction in intention to donate under the classic loyalty program, may be attributed to a reflection of introducing a monetary mechanism (discount reward) to a prosocial context, thus, reducing one's reputational motivation to engage in the prosocial behavior (Ariely et al. 2009; Bénabou & Tirole 2006; Heyman & Ariely 2004). As the potential reward for engaging in such an activity adds noise to the reputational signal of a prosocial behavior, it can reduce one's intention to engage in such an activity, i.e., donation. As such, from the results of the two studies, we can conclude that whilst a classic loyalty program may stimulate sales at a second-hand store, it would likely lead to a reduction in supply of donated materials from those consumers.

Even though the integrated loyalty program has similar results as the classic loyalty program in the second-hand clothing market in reducing donation intention, we did not find evidence that it reduces respondents' intention to donate in the electronics market. In study 2, in the electronic second-hand market, we see a statistically similar intention to donate as in the control scenario, and a significantly higher donation intention than the classic loyalty program. One potential explanation emerges when the donation history of the respondents was taken into account. In Study 1, we observed the significant reduction in clothing donation among the respondents with donation history when the integrated loyalty program is introduced. Similarly, among respondents with electronic donation history, the intention to donate electronics was lower when the integrated loyalty program was introduced.

On the other hand, the respondents without both clothing and electronics donation history had a higher intention to donate when the integrated loyalty program is introduced, as compared to the classic loyalty program. In study 1, there were too few participants to test this pattern, but the inspection of the means suggests an increase. In study 2, this increase was robust. The emerging pattern thus suggests that the integrated loyalty program increases the willingness to donate among people without a donation history (irrespective of the product category), whereas it reduces the willingness among people with such a history. This interaction may be driving the different pattern of main effects, as the donation history varies across product categories, with an average higher donation history in the clothing category than in the electronics category.

The overall reduction in the intention to donate in the context of loyalty programs is consistent with the well-established crowding out effect. As evidenced by many researchers (Bénabou & Tirole 2006; Heyman & Ariely 2004), introducing a monetary mechanism into a social context often leads to a reduced likelihood of engaging in a prosocial activity. If we assume that donating used stuff is a pro-social act and that a loyalty program offers a monetary incentive, we can see that loyalty programs may undermine the intention to donate. Less obvious is that this mechanism may also present a potential reason for the significant difference in intention to donate between classic and integrated loyalty programs. It may be an indication that extrinsic reward for a prosocial behavior crowds out some intrinsic motivation (Ariely et al. 2009; Gneezy et al. 2011; Gneezy & Rustichini 2000), as the addition of specifically rewarding donation is a new extrinsic reward being introduced to an activity (donation) that is generally driven by intrinsic motivation. In this instance donation history is a representation of intrinsic motivation, as those who have not engaged in the prosocial behavior of donating these items previously are assumed to not be intrinsically motivated to do so. Therefore, the loyalty program rewarding them for donating may then act as a positive motivator, as opposed to crowding out motivation as is postulated for those with intrinsic

motivation. These findings illustrate the potential crowding out of intrinsic motivation to donate due to monetary reward – in our case represented by a percentage discount of future purchases – as those who have donated previously (assumed to hold a higher intrinsic motivation to donate), reduce their intention to donate under a loyalty program, and those who have not donated appear to be motivated by the extrinsic reward. This has important implications for the potential adoption of this type of loyalty mechanism by second-hand stores, as it may result in regular donors reducing their donations yet some new donors increasing their donations. Future research should try to find out to what extent such programs would be capable of retaining those without a donation history (who would start to get one after having donated).

Regarding the difference in the intention to donate trend between study 1 and 2: one possible reason for study 1 not displaying the same donation intention trend as study 2, without the aforementioned donation history moderation, is because electronics items are not commonly donated, even those that do donate them may not have the same intrinsic motivations as those who donate clothing. As donating electronics may be associated with being prosocial to a lesser extent than donating clothing.

Overall, the findings indicate that stimulating supply to second-hand stores requires particular care to be taken in the design of the incentive mechanism in order to motivate those who are less intrinsically motivated, whilst not crowding out the donation intentions of those who are intrinsically motivated. In conclusion, we evidence the effectiveness of loyalty programs in common and uncommon second-hand markets. In particular, an integrated loyalty program that rewards both purchases and donations has a significantly beneficial impact on sales, whilst stimulating donations for those who haven't donated before, thereby stimulating positive behavior for a CE.

6. Limitations & Future Research

Whilst the findings are robust across different second-hand markets, the sample populations of our studies may impact the generalizability of our results. Firstly, study 1 has a high proportion of students and individuals aged 22 to 23. Secondly, the samples are from western European nations and may not reflect the same behavioral intentions as those from other countries. Another potential limitation is the self-reported nature of our measurements. These self-reports may be impacted by memory bias, for instance in regard to donation history. Furthermore, intentions do not always align with actual behavior, there is often a disconnect (Sheeran 2002; Sheeran & Abraham 2003). As such our findings could benefit from field studies replicating these loyalty program effects in actual second-hand stores.

Finally, the differences between the studies, namely generalizing the loyalty scenario wording, may have had an impact on the intentions formed. It is possible that the specifics of the loyalty scenario wording in study 1 may be responsible for the lower intention to donate for the integrated loyalty program. An experiment holding other variables consistent and altering only the wording of the loyalty program may shed further light into this possible effect, as would a field study with two similar stores adopting the same loyalty program but with different specific details.

7. Practical implications and open questions

The first implication is that loyalty programs seem to be a good instrument to stimulate demand for second-hand products. From the store point of view, this seems to be an easily actionable strategy. From a societal point of view, loyalty programs can be considered as helping the circular transition as customer demand is an important engine in driving supply. As to the question if integrated donation programs should be adopted, the implications from our findings are less unequivocal, and further research is required. We need to find out if and if so, how, integrated loyalty programs can be designed in such a way that they do not scare away the intrinsically motivated donors of used

stuff, while motivating those without such a history. It may be worthwhile to allow customers to self-select into a loyalty program and give them different names. Perhaps separated loyalty systems may also work out, where donating is not rewarded by monetary incentive but by special entitlements (for instance, the first right to check new batches of incoming material) or by labels or badges (like gold donator).

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