



UNIVERSITATEA "CONSTANTIN BRÂNCUȘI"
DIN TÂRGU JIU

"CONSTANTIN BRÂNCUȘI" UNIVERSITY
OF TÂRGU JIU

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SUSTAINABLE EDUCATION

A DISCUSSION ON ANTECEDENTS OF THE ADOPTION OF NEW MANAGEMENT TECHNIQUES BY HIGHER EDUCATION INSTITUTIONS¹

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Abstract

*There is extensive literature on the adoption of new management techniques in organizations. However, these studies have largely focused on industrial organizations. It is unknown whether or not the antecedents of the decision to implement new management techniques in industrial organizations are valid for educational organizations. Therefore, **the main aim of***

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this study was to discuss the triggers of the adoption of management techniques in the context of educational organizations. Furthermore, some propositions will be presented by the authors after discussions.

Keywords: Adoption of new management techniques, innovation, higher education institutions.

Clasificare JEL: I23, I29, O30.

1. Introduction

It would not be wrong to claim that one of the most popular subfields in management and organization studies is the adoption of new management techniques by organizations. In this field, there are many studies that focus on actors such as business schools and their scholars (Braam *et al.*, 2007; Clark, 2004a, 2004b; Üsdiken & Çetin, 1999), media organizations and publishers (Ax & Bjornenak, 2005; Clark, 2004b; Frenkel, 2005), management consulting firms (Braam *et al.*, 2007; Capone *et al.*, 1980; Clark, 2004a; Crucini & Kipping, 2001; Özen, 2009), management gurus (Braam *et al.*, 2007; Clark, 2004a, 2004b; Özen, 1999), professional managers and MNCs (Capon *et al.*, 1980; Özen, 2002; Özen & Berkman, 2007; Wasti, 1998) who can affect the decision to adopt “New Management Techniques (NMT)” in organizations through persuasion and facilitation of the diffusion of management techniques among organizations. Except for professional managers and MNCs, other actors are located on the supply side of the diffusion process of management techniques among organizations (Abrahamson, 1991; Ax & Bjornenak, 2005). In addition, many studies have examined the triggers (e.g. Braam *et al.*, Capon *et al.*, 1980; Damanpour & Schneider, 2006) and consequences (e.g. Capon *et al.*, 1980) of the adoption of NMTs by organizations.

On the other hand, these studies have been based on industrial organizations to a large extent (e.g. Ax & Bjornenak; Capon *et al.*, 1980). In addition, studies that are related to the service sector have generally focussed on health organizations (e.g. Batra & Pall, 2015; Castle & Banaszak-Holl, 1997; Kimberly, 1978; Kimberly & Evanisco, 1981; Knudsen *et al.*, 2005; Rye & Kimberly, 2007; Walston *et al.*, 2001). However, there are relatively few studies about educational organizations (e.g. Birnbaum, 2000; Eryılmaz *et al.*, 2016a, 2016b) and these studies seem to have largely focussed on the consequences of the adoption of NMTs by higher education institutions. Therefore, there can be considered to be a theoretical gap in the literature. As a consequence, *the aim of this study* was to discuss the antecedents of adoption of NMTs in the context of higher education institutions. Some propositions will be presented with the support of various literature in respect of adoption of innovations, management fad/fashions, diffusion of innovations etc.

2. Antecedents of the Adoption of NMTs in Higher Education Institutions

This study aimed to discuss the antecedents of the adoption of NMTs by higher education institutions. At this point, a clarification of “new” seems to be appropriate. There are some different opinions in the literature as to when a management technique becomes “new” or “innovative”. For example, Mansfield (1963) accepts “new” or “innovative” as the first use of a product, service, knowledge etc. After the first use by an organization, every subsequent use is only an imitation in

terms of this view. On the other hand, Becker and Whisler (1967) defined “new” or “innovative” as the first use of something among similar organizations. Finally, according to the largest approach, only the perceptions of a related organization are enough to accept something as new (Dewar & Dutton, 1986; Rogers, 1995; Van de Ven, 1986). This study will be based on this latest approach to the concept of “new”.

Another important concept is this study is “adoption”. According to one view, the process of adoption has three sub processes of “initiation” (e.g. recognizing some needs, searching for alternative innovations), “adoption decision” (e.g. evaluating innovations from financial, technical and strategic perspectives, deciding to accept an innovation) and “implementation” (e.g. preparing the organization to use the innovation, trial use and then, continued use of the innovation)” (Damanpour & Schneider, 2006; Pierce & Delbecq, 1977). According to Damanpour and Schneider (2006), all related variables affect all the phases of the adoption process in the same direction. However, if it is still necessary to emphasize the main focus of the discussion, it can be said that this study largely focuses on the first two stages of the process. Thus, in this study, the adoption of NMTs refers to “initiation” and “adoption decision” to a large extent. At this point, three groups of factors, comprising the macro, organizational and individual level factors that may affect the adoption of NMTs will be examined below.

2.1. Macro level factors

Environment is a quite extensive concept. It may include geographical, societal and political conditions or global uniformity (Wejnert, 2002). From an organizational point of view, everything that is outside of the borders of an organization and affects a subpart of that organization is a part of environment of related organization (Daft, 1998). One of the macro level factors that forces organizations to adopt NMTs is pressures that are produced by the technical (task) environments of organizations. The technical environment is that which emphasizes the importance of competition, market and resources for organizational processes and performance (Oliver, 1997). Many elements that can be collected under technical environments can be a cause of adoption of NMTs in organizations. For example, Capon *et al.* (1980) found that some of the main reasons behind the adoption of strategic planning in organizations were intensive competition, radical changes and scarce resources in the markets. In a similar vein, technical environments exert pressures on higher education institutions to be efficient and effective (Birnbaum, 2000). Environment of higher education institutions all around the world are often conceptualized as turbulent and dynamic (Brookes & Becket, 2007). Both national and supranational forces are triggering changes within and across higher education institutions which give priority to quality management (Brookes & Becket, 2007). Also they are forced into more market-like situations characterized by increased competition for students, excellent staff and financial resources etc. (Ivy, 2001; Greiger, 2004). For example, Kraatz and Zajac (1996) indicated that colleges of liberal art changed their curricula in response to these pressures. Local and global technical environmental conditions are strong predictors of this change. The role of information technology in education is also emphasized in today's educational environment (Hamidi *et al.*, 2011; Mamun *et al.*, 2015). It is discussed that technology based education is widespread at the higher education institutions of developed countries. Smart schools providing e-training and online learning are accepted among new education forms in the new period. It is also professed that higher education has a vital role in gaining competitive advantage at national level and so performance

matters. Amaral and Magalhães (2002) assert that higher education institutions make important contributions to national wealth and the performance of the nation in global economy. According to Hazelkorn (2011), the argument is very basic; nations endeavor to gain sustainable competitive advantage on the basis of innovation which is “fundamentally stored in human brains” (Castells, 1996: 5) which requires massive investments in educational capital. For example, Borahan and Ziarati (2002) state the strong relationship between a country’s competitiveness and the quality of the higher education provided within that country. The Global Competitiveness Report 2016–2017 by World Economic Forum, also support this claim. In this report, higher education is considered as one of determinants of a country’s competitiveness and quality of the higher education regarded as an efficiency enhancer of the country (The Global Competitiveness Report, 2016-2017). All these developments force nations and their educational institutions to adopt innovations. Therefore;

Proposition 1: Higher education institutions will have a greater tendency to adopt NMTs when they perceive more competitive pressure from their technical environments.

On the other hand, institutional environments assess organizations with requirements and rules. Organizations must conform to these rules and requirements to gain legitimacy (Suchman, 1995) in the eyes of the dominant actors of institutional environments (Oliver, 1997). According to DiMaggio and Powell (1983), there are three different institutional pressures on organizations of coercive, normative and mimetic. Coercive pressures are used on organizations by other stronger organizations or the society in which the organization operates. Normative pressures largely stem from professionalism. Formal education and professional networks are two important mechanisms of normative isomorphism. Finally, mimetic pressures are related to “symbolic” uncertainty. When organizations perceive high symbolic uncertainty, they take some organizations as a model to gain legitimacy. Scott and Meyer (1994), view higher education institutions as “controlled and sustained primarily by institutional factors”. According to them, higher education institutions gain legitimacy by conforming the widely shared cultural norms and beliefs and by meeting the requirements of regulatory structures (Scott & Meyer, 1994). In recent years, higher education institutions have faced with increasing external pressures aimed at institutional change. It is increasingly becoming an organizational global field where specific norms and ideals are created in order to gain legitimacy beyond national borders (Hazelkorn, 2011). In this respect, concepts such as ‘adaptiveness’, ‘environmental awareness’ and ‘responsiveness’ became important in the presence of internal stakeholders like students, academics, administrative personnel and external stakeholders like parents, employers, the state etc. At this point Amaral and Magalhães (2002) underline two issues about the expectations from higher education institutions; (1) to be useful (like being responsive to the real needs of the stakeholders and creating useful knowledge) and (2) to be legitimate (like having legitimate interests in the educational, social, cultural etc. issues). From a broader perspective, legitimacy of higher education institutions is determined by links with other actors and institutions (Gornitzka *et al.*, 2007, Olsen 2009). “New practices in higher education institutions not only emerge and are spread inside the institution as a result of reform enhanced structural changes and formalized management requirements, but also through the development within the university’s academic community of collective regulatory

rules, norms and beliefs” (Fumasoli, *et al.*, 2014: 9). A number of scholars have argued the role of regulatory framework with new demands for accountability from higher education institutions (Christensen 2011; Enders *et al.*, 2013). In addition to this, national reforms aimed to modernize the universities and reach to a “world-class” or “excellent” level (Maassen & Stensakerin, 2015; Fumasoli, *et al.*, 2014) also creates a motivational setting to adopt new techniques. Accordingly, Maassen and Stensakerin, (2015) assert that knowledge intensive organizations in future will face even stronger demands for adopting new management models and ideas. There are some examples of institutional pressures for adoption on educational organizations. For example, Brookes and Becket (2007) attract the attentions to the introduction of quality management techniques in higher education that is an externally stimulated process related to political, economic and socio-cultural forces and enhanced expectations for accountability and efficiency in the sector. In a similar vein, according to findings of some studies in the Turkish context (Eryılmaz 2004, 2011), one of the variables that explain the diffusion of “Total Quality Management” and “Multiple Intelligence Theory (MIT)” among the Turkish primary schools is the pressure that exerted by a dominant actor, the Ministry of Education. These arguments suggest that,

Proposition 2: Higher education institutions will have a greater tendency to adopt NMTs when they perceive more coercive, normative and mimetic pressures from their institutional environments.

Another vital factor in the adoption of NMTs is national culture. There are some studies in the literature about the effects of national culture on the individuals’ psychological and behavioral outcomes at different levels (Lim & Park, 2013) and adoption behavior of organizations (e.g. Lee *et al.*, 2013). According to Sturdy, (2004), the methods through which new ideas are presented and learned are thought as culture-specific and local culture can play a role as a bridge or a barrier to adoption. Hence it is discussed that decision on the adoption of innovation may differ among cultures since different dimensions of national culture are linked with various innovative activities and contents (Hoffman & Heagerty, 1993). For example, one such study revealed that national culture has significant effects on the adoption of “Enterprise Resource Planning (ERP)” (van Everdingen & Waarts, 2003). In a similar manner, Sundqvist *et al.* (2005) indicated that the conformity level of an innovation to a national culture predicts the speed of adoption of innovation in the related country. There is also some evidence that national culture affects the adoption of innovations by higher education institutions in the related country. For example, it was found that the dimensions of national level culture such as “individualism”, “uncertainty avoidance” and “power distance” have some critical effects on the adoption of integrated curricula in medical schools (Jippes & Majoor, 2011). Thus,

Proposition 3: Higher education institutions will have a greater tendency to adopt NMTs when they perceive NMTs as consistent with their national culture.

2.2. Organizational level factors

The first predictor of the adoption of NMTs at the organizational level is organizational age. Scholars have argued that as organizations move through various stages of development and

life curve, they face differing problems which concluding in the requirement for several skills of management, managerial priorities and structural configurations (Kazanjian, 1988; Kimberly & Miles, 1980; Mitchell & Summer, 1985). Early studies assert that young organizations are more likely to confront barriers to innovations because of low expertise, scarcity of financial resources (e.g. Schoonhoven *et al.*, 1990; Tripas, 1997). In this vein, Kimberly and Evanisko (1981) indicated that when organizations become older, the possibility of adoption of technological innovations increases. In parallel with the previous findings, Eryılmaz *et al.* (2016a) showed that the biggest difficulty for Turkish higher education institutions during the adoption of quality management is organizational youth. Therefore,

Proposition 4: Higher education institutions will have a greater tendency to adopt NMTs when they become older.

The other factor at the organizational level is organizational size. In related literature it is discussed that, larger organizations tend to be associated with greater differentiation (Blau & Shoenherr, 1975), high degrees of the formalization (Pugh *et.al.*, 1968; Kimberly and Evanisko, 1981) and the complexity (Kimberly & Evanisko, 1981; Haveman, 1994), the more decentralized managerial decision-making authority (Hage *et al.*, 1960), the greater task specialization (Blau, 1970). It is also mentioned that larger organizations confront with a broad range of difficulties like dealing with a greater number of competitors than smaller ones (Kimberley & Evanisko, 1981) and to cope with these difficulties, they are more likely to tend to adopt NMTs (Mol & Birkinshaw, 2009). Therefore, these characteristics may influence the situations in which organizations adopt NMTs to solve some problems. For example, Capon *et al.* (1980) argued that larger organizations are more willing to adopt NMTs. Early works such as Hannah and McDowell (1984), Noteboom, (1993), Saloner and Shepard (1995) indicated that size of an organization shows a significant and positive impact upon the adoption decision of management techniques. According to these studies; size of organizations has positive impacts on organizations' capability to adopt innovations, partly since large organizations have manifold facilities that contribute to the adoption and wider competencies to benefit from the innovative activity like more financial resources, expertise knowledge on management practices and also human capital (Mol & Birkinshaw, 2009). These studies show that while small organizations lag behind in the adoption of new techniques, larger organizations are often have accumulated knowledge that allow them to make use of opportunities of innovations better than smaller ones. For example Hannah and McDowell (1984) found that larger banks have a stronger prone to adopt new technologies. In a similar vein, Damanpour and Schneider (2006) indicated that organizational size is a predictor of the adoption of innovations in public organizations. Batra and Pall (2015) also revealed that the decision to adopt hospital information systems was predicted by the number of employees in the related organization. Finally, the findings of a qualitative study showed that the second most important obstacle to the adoption of quality management in Turkish higher education institutions was the competence of the administrative and academic staff (Eryılmaz *et al.*, 2016a). This reasoning suggests that,

Proposition 5: Higher education institutions will have a greater tendency to adopt NMTs when they become larger.

Another possible factor that can affect the decision to adopt NMTs by organizations is the degree of internationalization. As the geographic scopes of organizations expand, they confront with numerous and larger competitors. As a result, they are forced to observe, follow and mimic NMTs in order to stay in the competition (Mol & Birkinshaw, 2009). So, participation in international arenas acts a source of insight for management innovations since it exposes firms to a much broader set of NMTs in different contexts (Kogut & Parkinson, 1993). For example, Capon *et al.* (1980) claimed that international organizations are more predisposed to adopt NMTs than national ones. Internationalization has also taken a primacy for higher education institutions as well. Now, they experience competition for students and academicians which are regarded as important dynamics of the globalization in higher education. Higher education institutions' skills about catching of talent and producing of tacit knowledge transformed into a vital sign of a nation's capacity to embrace with global science and economy (Hazelkorn, 2011). For example, the Bologna initiative aims to smooth international mobility and augment competition for the lucrative international student market by focusing on restructuring of educational systems (Cemmel & Bekhradnia, 2008). Similarly, Eryilmaz *et al.* (2016a) found that a benefit of having a quality certification for Turkish higher education institutions was to be able to establish some collaboration with other universities abroad. Therefore, it is fair to say that there seems to be a two-way relationship between becoming international and the adoption of NMTs. These arguments suggest that,

Proposition 6: The adoption rates of NMTs by higher education institutions will be affected by their levels of internationalization.

Proposition 7: Internationalization levels of higher education institutions will be affected by the adoption of NMTs by the higher education institutions.

Organizational structure is another possible organizational level factor that can have an impact on the decision to adopt NMTs by organizations. “Organizational structure refers to the decision of labor as well as the patterns of coordination, communication, work flow, and formal power that direct organizational activities” (McShane & Von Glinow, 2003: 506). One of the most important predictors of innovation is the complexity dimension of the organizational structure (Baldrige & Burnham, 1975; Damanpour & Schneider, 2006). Complexity is related to the number of activities or subsystems within an organization (Daft, 1998). It is often expected that there is a positive association between the complexity level of an organization and the adoption of innovation since when organizations become more complex, they will have easier access to different innovation. It is assumed that the most complex organizations should have require much to comply with different battlefronts and thus, these organizations are often the quickest during adoption of innovations (Baldrige & Burnham, 1975; Damanpour & Schneider, 2006; Hodge & Anthony, 1991; Pierce & Delbecq, 1977). For instance, Baldrige and Burnham (1975) asserted that a functionally differentiated organizations permit specialized expertise in subunits and because of different problems that demand solution. Additionally, an organization that is differentiated in a functional manner has larger numbers of functional units. It means enhanced problems of coordination and control. As a result, this condition may increase the need for administrative innovations to augment coordination. Thus, coalitions of specialists in differentiated subunits of

complex organizations enhance the depth of knowledge base which in augments the development and adoption of new ideas (Aiken & Hage, 1971). For example, number of studies conducted in health sector show that adoption of innovation is predicted by organizational complexity in a strong and significant way (e.g. Alexander *et al.*, 1996; Ginn & Young; 1992; Glandon & Counter, 1995; Sanders, 2007). In similar vein, when a university has a business school, it will have a greater awareness of NMTs possibly than a university without a business school. Therefore,

Proposition 8: Higher education institutions will have a greater tendency to adopt NMTs when they become more complex.

Centralization is another important dimension of organizational structure. Centralization is related to the behavior in organizations which specifies whether decisions are made by top management or not. If the decisions are made by employees at different levels of the hierarchy in an organization, this is a highly decentralized organization (Cunliffe, 2008). There have been discussions on the direction of the relationship between the level of centralization and innovation. It is emphasized that as innovation adoption process is professed bargaining sometimes, in the case of centralization is decreased; reaching a consensus will be more difficult. It has been argued in various studies (e.g. Normann, 1971) that centralization enables adoption of radical innovation since more condensed power is required to overcome effects of these types of changes. On the other hand, there are studies (e.g. Hage & Aiken, 1967; Moch & Morse, 1977) which have argued that there is a negative relationship between the two variables. For instance, Kimberly and Evanisko (1981) found a negative correlation between centralization and the adoption of innovation. They assert that the more decentralized hospitals had greater prone to adopt technical innovations. Similarly, Hage and Aiken (1970) found a positive relationship between the rate of successfully adopted innovations and decentralization. Therefore, it can be expected that when top management of universities let other administrators make decisions, the rate of adoption of NMTs will be increased. As a result, a positive relationship between these variables can be assumed. Thus,

Proposition 9: Higher education institutions will have a greater tendency to adopt NMTs when they become less centralized.

Another possible factor that can affect adoption of NMTs by organizations is external communication. Information plays an important role in the process of the adoption of innovation by organizations (Rogers & Shoemaker, 1971). There are some results of a number of studies of the adoption behavior of individuals which indicate that persons who are well integrated into social and/or professional networks tend to be more likely to respond to changes in their environments (i.e., adopt innovations) than their less well-integrated counterparts (Burt, 1973; Coleman *et al.*, 1966; Kimberly, 1978). The evidence of various studies shows that external networks have a strong influence on the adoption of innovations. According to Damanpour & Schneider (2006), external communication also informs managers for choosing recommend opinions, and prepares members of organizations to approve the innovation and help for assimilation of it into organizational practices and routines. Also, a meta-analysis conducted by Damanpour (1991) showed a significant positive relationship between two variables such as external networks and adoption of administrative innovations. Other studies have investigated the impact of external networks on

adoption of innovations in health sector. For example, Wheeler *et al.* (1999) indicated that the adoption of innovation is predicted by membership of multihospital system in a significant and positive way. Finally, Trinh and Begun (1999) showed that being a member of a network system is a positive precursor of strategy adoption. These argument suggest that,

Proposition 10: Higher education institutions will have a greater tendency to adopt NMT when they have greater level of external communication.

2.3. Individual level factors

There are some evidences about that organizational leaders have a great impact on organizational innovations (Becker, 1970; Hage & Dewar 1973). Top administrators often function as a bridge between the organization and their environments. Thus, they are often exposed to new ideas (Daft, 1978). There are some individual (managerial or administrator) level factors such as age, gender, tenure, education level, etc. that may predict the behavior of adoption in organizations. For example, many higher education institution administrators in a previous study pronounced that quality management efforts in their units started with the vision of the leaders of their universities (rectors). Of the participants in the study, 32% stated that the first reason for obtaining quality certification was the request of senior leaders (Eryilmaz *et al.*, 2016a). Then, some individual characteristics of managers/administrators should affect the adoption of NMTs in the higher education institutions. According to the literature, the adoption of new things often includes a great amount of risk. May be, since younger people can bring better cognitive resources into decision-making processes (Bantel & Jackson, 1989), younger people are more inclined to take these risks (Damanpour & Schneider, 2006). It is argued that older managers/administrators whose cognitive frames prone to reflect more traditional approaches are tightly connected to existing organizational routines and status quo which make them less willing to adopt new practices and major organizational changes (Huber *et al.*, 1993; Young *et al.*, 2009). Thus, younger managers tend to be more flexible from a cognitive standpoint in adapting to new ideas and practices which make them more familiar with current managerial trends and new ideas (Heyden, *et al.*, 2015). This reasoning suggests that,

Proposition 11: Higher education institutions will have a greater tendency to adopt NMTs when their top management teams include a higher proportion of young managers/administrators.

Furthermore, there are some studies in the literature that investigate the relationship between gender and innovativeness. For instance, early studies found that female managers tend to evaluate themselves lower than men do on being innovative and entrepreneurial (DiTomaso & Farris, 1992; Fox & Schuhmann, 1999). The basic premise of this argument was that male managers' propensity to take risks is higher when it is compared to their female counterparts. It is asserted that male managers are more open to innovations because they are more eager to leave the current situation and would more easily make a decision to adopt NMTs and endow resources to them (Young *et al.*, 2009; Heyden *et al.*, 2015). The limited literature on the relationship between gender and the adoption of innovations presents mixed results. For example, an empirical study found that the gender of individuals had no impact on the adoption of agricultural

innovations in Ghana (Doss & Morris, 2001). On the other hand, Buabeng-Andoh (2012) claimed, with the support of previous literature, that male teachers were more willing to adopt information and communication technologies than their female counterparts. As a result, the evidence of a relationship between gender and the adoption of new things seems stronger than the evidence of the counter literature. Thus,

Proposition 12: The Higher education institutions will have a greater tendency to adopt NMTs when their top management teams include a higher proportion of male managers/administrators.

In addition, there seem to be some relationships between the educational level of individuals in the top management of organizations and the adoption of NMTs. In related literature it is argued that well informed managers are more likely to use complex and miscellaneous approaches for decision making and problem solving. Also they tend to have wider interpretations and more efficient information-processing capabilities, a more sophisticated ability to cope with complexity. It is also asserted that education creates aptness to new ideas and innovations which play an important role in coping with environmental complexity, discovering the requirement for innovation and preparing a desirable environment for its implementation (Damanpour & Schneider 2006; Heyden, *et.al.*, 2015). Also it is discussed that well informed managers may be more successful in detecting innovations from the series of ideas to which managers are exposed (Young, *et al.*, 2009). For example, it was reported in a previous study that administrative and technical innovations were predicted significantly by educational level of administrators in the context of health organizations (Kimberly & Evanisko, 1981). Consistent with those findings, Castle and Banaszak-Holl (1997) showed that organizations that have well informed top management teams were more willing to adopt innovations. This reasoning suggests that,

Proposition 13: Higher education institutions will have a greater tendency to adopt NMTs when individuals in their top management teams have a higher average education level.

Finally, as the last individual factor discussed in this study, job tenure have conflicting theoretical stands about its impact on a top manager's attitude towards change and innovation. The first view is that enhanced tenure directs top managers to become stable and resistant to changes in order to fulfill obligations to existing organizational constituencies and thus, job tenure is negatively associated with adoption of innovations (Boeker, 1997; Wisdom *et al.*, 2014). On the other hand, it is argued that top managers with long tenure are better able to handle the cultural and socio-political drawbacks that are associated with the adoption of an innovation (e.g. Meyer & Goes, 1988; Kimberly and Evanisko, 1981). As consistent with the second stream, Kimberly and Evanisko (1981) found in their empirical studies that the variable of adoption of technologic innovations is predicted by tenure of hospital administrators. In a similar vein, Castle and Banaszak-Holl (1997) found that organizations that have longer tenured top management teams are more prone to adopt innovations. Therefore,

Proposition 14: Higher education institutions will have a greater tendency to adopt NMTs when individuals in their top management teams have a longer average tenure.

3. Conclusion

In this study, the relationships were examined between the three factor groups of macro (environmental), organizational and individual level, and the adoption of NMTs in the context of higher education institutions. A possible *originality* of this study is that there is only a limited number of studies in the literature presenting these discussions in the context of higher education institutions. Some propositions have also been made. In *future studies*, these propositions could be transformed into hypotheses and they could be tested statistically in the contexts of developed and developing countries.

4. References

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THE EDUCATION POLICY AND THE CURRICULUM REFORM IN ROMANIA

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Abstract:

Post-modern society calls for the educational process modelling imperiously in the direction of objectivizing the results in learning skills. In this regard, education in Romania went through a series of system and process transformation that we find objective in the strategies and measures of the most diverse. We note a lack of consistency in the implementation of educational reform plans that are justified on a complex case (macrosocial and microsocial causes). The analyses carried out at the level of educational policies since the 1990s and so far reveals a lot of changes in legislation which have not led to any specific increase in the quality of education. The present paper is a research on the measures of reform in Romanian education and offers a number of explanations regarding their implications at the level of the educational process.

Keyword: *education, curriculum, educational policy, reform, abilities.*

Introduction

The discussion on the necessity of reforming the educational system in the Romanian landscape were registered immediately after the events of 1989 when, together with changing the political discourse is advancing on the need for change. Specifically, the policies were imperiously designing a new model of actionable systemic and operational paradigm in education. Educational policies have targeted a sets of measures, programs, specialized institutions designed to act in the direction of specific changes in the characteristics of education system and level of educational process, with the aim of increasing the quality of the education. Comments related to education based on the training and skill development occurs in the 60s, especially in the American airspace. Subsequently, the signals related to the change of paradigm in education are identified in Asia and Europe. In Romania the speech is being carried out at a distance close to 40 years, with the reform in the field of European education policy, on a proposal from the European Commission. In this context, we identified numerous projections, some stoning and inconsistent that **not** allowed to obtain some quality indicators in education.

Educational policies in Romania-needs and perspectives

The projections on the reform of education in Romania have considered reforming the system-wide administrative reform – reform - and process-level education – the curricular reform. The stages of reform in the education policy (Tacea, Crișan, 2007) are delineated into four periods: reparative phase (1990-1993), preparatory curriculum-wide stage (1993-1997), own reform of the curriculum stage (1997-2000) and the major changes at the system level and the education process started in 2001 and continues today. At the curriculum level appeared the need for new philosophies of the place and role of the formal education system, its place and role in the level of the receivers of education. The educational policies representatives have drawn attention to the need for refocusing the over-simplified process of education, namely the transition from learning through learning objectives based on competence. The new paradigm of curriculum made its presence felt in the context of the need for harmonization of existing trends to education finalities in the European space (MEC, 2003). We appreciate the fact that, *“the compulsory education purposes are similar for most education systems and vocational training in Europe. They are obtained through compliance with the following principles: the concurrent real equality of opportunity; ensuring basic education for all; the concomitant promotion of stability and social change; preparing children for adult and active life, for leisure, family and society; preparing and motivating children to continue learning for a changing world”*.

Also, the policy on the accession of Romania to the European Union imposed an explicit framework for reform by changing the law on education in Romania. The National Education Law was supposed to meet new prospects of education (education for sustainable development, lifelong education, education for all, education through competence). Reparative phase level of the curriculum had in charge ridding off the elements of symbol and Communist ideology present in abundance in the school textbooks. The curriculum has been focused on a knowledge-based model by rebalancing the balance between knowledge, skills and attitudes. The learning objectives and levels were revised. With regard to the organization of the curriculum, it has waived the social disciplines with strong ideological Communist imprint (Marxist Philosophy, Political Economy) and replaced with new ones (Civic Education, Sociology, Psychology, s.a.). At the level of the curriculum, the number of hours have been reduced, through a reorganization of the time allocated to learning on the week unit. Reforming at the curriculum level requested the setting up of the approach to education at the level of process and system. In the reparative stage, the changes at the curriculum level there were stages, each stage being designed with indicators for qualitative and quantitative measuring. In this regard, the quality of curricula has been analyzed, the quality of the educational process, the measurements were done on indicators of performance in education. Differing diagnoses made at this stage have been proven that there were few curricular experts and the political consensus lacked as regards the directions and the priorities of the reform. In designing the curriculum model was envisaged the consultation with other models of education (the Netherlands, Finland, Canada, France, United Kingdom, United States of America, Australia, New Zealand). The World Bank was the one who expressed support in reforming the Romanian educational system (1991-1993). The reform started in the period 1994-1995, before the new law on education should enter into force (September 1995, subsequently amended in 1997). The first draft of the reform in education began in October 1994, a project that is co-financed by the Government and by the World Bank (Vlăsceanu, 2001). The education reform White Paper (1994),

as well as in the project documents of reformation of pre-university education (Education Reform Project-RO-3742), concluded and ratified through an understanding between the Romanian Government and the World Bank are to be found the main options related to curricular reform of pre-university education (Education Reform Project-RO-3742), concluded and ratified through an understanding between the Romanian Government and the World Bank.” The second great reform program began in 1995 and has received funding from the European Union through the PHARE programs. It has targeted restructuring professional/vocational education (OECD, 2000, p. 11). At the curriculum level, was aimed at designing the instruments for the curriculum. The preparatory stage - amending the curriculum has envisaged the preparation of human resources (training teachers, training trainers), the reorganization of the institutional capacity, the level of preparation for the reform instruments, training tools on specific curricular reform process (curriculum guides, instructions for designing curriculum, conducting sessions with the advisory role between specialists who would support reorganization and curricular design). They elaborated specific legislative documents such as: The Law of Education (1995), The Status of Teachers (1997). During this period, there were numerous concerns to identify and procure the financial resources necessary to education changes. Most have been obtained from the World Bank and the European Union, the resources that were exploited to make prerogatives on the reform in education: process-level and system-level. The process of change was extremely disjointed. Changing politics and the lack of political sustainability of the educational reform projects influenced the negative perspective of revivals in education (each minister felt the need for change, amid inconsistencies reported in the framework of the objectives of the system, but rather from populism). The lack of sustainability of education in the context of social and political transformations in post-modern society of the Romanian educational ideal altered the perspective of the vision concerning the place and role of education in systemic levels (families that no longer valued formal education, detached students in relation to their own school performance, schools with an increased rate of school failures, etc). According to data provided by the National Institute of Statistics (2016), in Romania, the Romanian education system, can be found a number of 3.7 million people, of which a significant percentage of the population belongs to pre-academic schoolchildren (85.5%) and the rest is represented by persons who are registered at academic level. These indicators reveal that in Romania, we identified a relatively low percentage of people of higher education, which puts Romania on a high place in Europe. Sociological surveys have identified a number of causes including: high school drop-out rate, the lack of clear prospects of inset, low professional wealth status, social inequality, family customs, culture, precarious family, etc.

The education policy and the curriculum reform

The curriculum reform itself begins after 1995 (table no.1). Thus, we can discuss about the reorganization of the educational plans and programs, alternative school textbooks (1999) as a sign of normalization at the level of comprehensive curriculum and subsequently commented and criticized (and today) from the perspective of teaching, and poor quality in the structuring of methodology, it was reorganized the methodology of examinations of the baccalaureate and capacity. In 1998 it was approved and implemented the National Curriculum for compulsory education. Directions of reform (Vlăsceanu, 2001, p. 9) within the curriculum in Romania considered the following aspects: *development, evaluation and implementation of new national*

curriculum; improvement of the teaching staff in anticipation of the introduction of the new curriculum and new school textbooks; improvement of the quality and objectivity of examination and evaluation in pre-university education; dissemination of educational programs and plans and creating textbooks; elaboration of occupational standards by targeting and implementing the validity content of technological training disciplines, the ways of testing and evaluation, the training programs in the enterprise; improving the mechanisms for financing and management of education.

The curriculum reform in Romania has acted towards the elaboration of a new national curriculum development and the provision of alternative manuals, the changing process by redirecting education and innovation in the teaching strategies, in accordance with the Mission of the Ministry of Education and Research: *“The systemic reform, effective and coherent, which generates the added value of the educational process in personal and professional development of each student, the future citizen, in the sustainable development of communities, representing the Ministry of Education and Research mission”.*

Table No. 1. Events relating to the reform of education in Romania

Year	Reinvigoration/educational events
1990-1994	Changes to plans and school programs; Reduction of compulsory education from 10 to 8 classes/levels;
1995	The Law of Education, Reorganization of educational plans; Draft reform of pre-university education RO3724
1997	The status of teachers
1998	Approval and implementation of the National Curriculum for Compulsory Education National curriculum - framework reference
1999	Alternative textbooks
2001	Approval of new plans for compulsory education and high school; Reconsideration of the evaluation system of school textbooks;
2002	Dissemination of key powers
2003	Approval of new educational plans and programmes for school class I and class X of the compulsory education; reference element, “competence”; The extension of compulsory education to 10 years.
2004-2005	Development of new educational plans and school programs for other classes of primary education, secondary education, respectively; reference element “competence”
2005-2006	Reviewing and developing into a new form of school programmes on skills for higher secondary education (classes XI-XII); reference element “competence”
2006	Competence is the organizer of the curriculum Competence will be at the basis for the selection of the learning organization and content, the training methods and the assessment procedures. Competence - the common denominator of all school documents and all training courses, from pre-school education to the high school.

2007	Generalization of learning based on competencies for the secondary education
2008	Replacing the reference framework targets/general/competence specific competences
2009	New amendments of educational plans (syllabuses for secondary school (classes V to VIII);
2011	The Law on Education no. 1/2011 Reinforcing the role of the regulatory competences through provisions (article. 4.)
2011-2013	The amendment and approval of new framework plans for upper secondary education
2013	The amendment and approval of new framework plans for primary education
2016	The amendment and approval of framework plans to lower level

In conclusion, it may be noted that, at the level of educational policy there was not a coherent vision of the Ministry of Education regarding the educational ideal. This fact is demonstrated in particular by the many changes at the level of curriculum, in the dynamic plan they are described after a broken line.

The educational ideal of the Romanian school consists in the development of free, full and harmonious human individuality, in training the autonomous personality and in taking a system of values that are necessary for the fulfilment and the personal development, for the development of entrepreneurship, for the citizen participation in society, to social inclusion and employability on the labour market - the law on Education No. 1/2011, article 2 (3).

Changes of educational paradigm

The political change has generated extensive inconsistency with regard to the organization of the educational system and the educational process. In this framework, the intervened approach reported to be made in the context of the constraints put on the market by the European Commission or the power usage (some ministers and politicians from boards of education have felt the need once with the political change, also changes in education to be made (paradigm shifts). Although we discuss about a generalization as regards the reconstruction of the school programmes on levels of competences, we note in the actual practice multiple approaches in terms of teaching design and in terms of competences. We successfully find within the design of the teaching expressions like: “derived competences, “educational objective competences”, with “specific competences” and “operational targets”. Beyond this framework, at the system level we chiefly identify a pedagogical model based mainly on the formation and development of the cognitive competences at the expense of those attitudinal and instrumental applied, which generate suspicion with regard to education, education for a sustainable development. Criticisms are mostly related with the quality of the educational process in the precariousness context at the level of material resources (learning materials) but also at the level of quality and professionalism of the teaching staff (sub-qualification as well as the lack of availability of teaching in the educational process and

educational divides into accord with the new paradigms of competence: constructivist, functionalist, interactionist perspective; also, there were oversized and overfilled the teachers' classes and the teaching school programs.

In a research conducted by the Institute of Education Science (Apostu et al., 2015) it is found that a teacher shall be an average of a number of 19 students/at the primary level, at the secondary level: 10 students/teacher in rural areas and 12 students/teacher in urban areas; at the upper secondary level, 16 students/teacher in urban areas and 15 students/teachers in rural areas. This may constitute an impediment in achieving an instructive-educational process quality based on the formation and development of the competences required by the knowledge society. Education through absorbing competences comes as the issue of functional illiteracy.

Although analyses made in the direction of measuring the cognitive skills and instrumental-applied ones in the social life, to the beneficiaries of education services in the various educational systems in the world, reveal the presence of *functional illiteracy* (UNESCO, 1978) that the researchers classified it as a *socio-educational problem* of postmodern society (Anghel, G. A. 2014, Esi, C, Clipa, O. (coord). The reports made by the Organization for the Economic Cooperation and Development (OECD) in 2013, on the state of global education in respect of the performance of pupils in maths tests, have positioned Romania on 45 place of 65, between the states of the world [1]. According to the results obtained from these tests, 40.8% of Romanian students have achieved poor results and the only 3.2% very good results. In the case of an assessment of competencies, the score obtained positioned Romania on 50 of 65, and in science to place 49 of 65. The results of Romanian students, not encouraging, have led to the initiation of discussions with respect to predictions regarding the effects of existing precariousness at the system level and the educational process on the development of social development. The plea relating to the consequences of functional illiteracy shall take into account, on the one hand the implications of personal development, and on the other hand the impact on long-term social development. A functionally illiterate person is a person who has no knowledge to instigate activities to ensure the effective operation of the group or the community for the purpose of personal and social development. About this scourge was still spoken early on, after the second World War II when, at the planetary level was accentuated this plea related to basic literacy. Since the 1950s-1960s was brought into question not only the problem of illiteracy as a present problem at social level, but also to functional illiteracy, whose increased prevalence exerts a negative impact on social development.

Conclusions

The curriculum reform in Romania intended to be projected from a desire to answer the needs of society while respecting the principles: consistency with actual developments and trends in social, national and European standards in the field of education, with the decentralization of the curricula - that is, shifting the emphasis from general education to individualized education with equal opportunities, ensuring quality education. The results of education, at the level of specific quantified indicators, in Romania, draw attention to the fact that the Romanian educational success must lead by 2020 in the performance of the following indicators: decreasing the dropout

school at 11.3% and the absorption rate and at the level of tertiary education to rise to 26.7%. It is considered that these indicators can be grasped only in conditions of increasing financial investments system-wide and reconsidering the role of education in the social development.

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MEANINGFUL ASSESSMENT OF LINGUISTIC COMPETENCES WHEN TEACHING ENGLISH TO YOUNG CHILDREN

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Abstract:

In many cases teachers have been reluctant to administer regular tests when teaching English to young children. Some general reasons might be that many teachers consider testing too time-consuming, taking away valuable class time. They identify testing with mathematics and statistics or think testing goes against humanistic approaches to teaching. Or they simply have received little guidance in constructing tests during their training period. We must also admit that testing puts the teacher face-to-face with his/her effectiveness as a teacher and, in this sense, testing can be as frightening and frustrating to the teacher as it is for the children. If we refer to the condition of teachers in our country we may add that many teachers feel that the time and effort they put into writing and correcting tests is not acknowledged with additional pay or personal praise.

Keywords: *assessment, principles, problems, purpose, testing.*

Reasons for testing. Testing tells teachers what children can or cannot do, in other words they show teachers how successful their teaching has been. It provides wash back for them to adjust and change course content and teaching styles where necessary; it will also help evaluate the effectiveness of the programme, course books, materials and methods. By identifying children’s strengths and weaknesses, testing can help identify areas for remedial work. Testing also tells children how well they are progressing, fact that may stimulate them to take learning more seriously.

A great value of classroom tests is their effect upon attitudes. A teacher can indicate where his/her priorities lie by the tests he/she gives. If classes have nothing but written and formal grammar tests, they will perceive this as a lack of interest on the teacher’s part in their listening, reading and speaking abilities.

Another important aspect is the diagnostic element – the feedback obtained is of value to both the teacher and the children.

Tests can even be used to enhance learning. By giving advanced notice of the ground to be covered in a test, the teacher can virtually ensure that the learning is done beforehand.

Purpose of testing. The overall purpose of testing is to provide information about ability and about the learning and teaching process. Roughly, this overall purpose can be divided into two:

- *proficiency testing*: its purpose is to find an answer to the question ‘What is the child’s level of ability?’;
- *achievement testing*: its purpose is to find an answer to the question ‘Has the child learnt what he/she is supposed to have learnt according to the teacher’s teaching?’.

Testing principles. The theoretical requisites that tests must achieve are *validity*, *reliability* and *practicality*.

A test is valid to the extent that it actually tests what it is supposed to test. So, a valid test of learner ability to read and understand English must test exactly and only that ability.

Many things can prevent measurement from being valid. As far as the classroom teacher is concerned, the first requirement for validity is that the teacher should have a clear idea of exactly what it is about the children’s English he/she is trying to assess. The best way of getting a clear idea is to state in operational terms what it is to be measured, that is ‘the children’s ability to...’.

A test is reliable to the extent that it produces the same result under the same circumstances. So, if two people of the same ability did the test, or if the same person did it twice, they should score the same.

Finally, a test is practical if it does not involve much time or money in its construction, implementation and scoring.

Problems with testing. Good testing is, as far as possible, non-threatening to teachers and children. External examinations and sometimes internal school examinations are often felt by the teachers themselves to be a threat to their reputation. If their children do not do as well as those of another school or another class, they fear that they will be blamed. One way of combating this is to associate teachers more in the examining process.

Testing that is felt by the children as threatening often leads to lowered achievement. This can happen in two ways. Firstly, the actual test results may not give an accurate reflection of what the child could have done, because of the child’s excessive anxiety. Secondly, a few experiences of this kind quickly reduce the children’s motivation for further learning.

It is part of a teacher’s job to look for ways of reducing the anxiety associated with testing. In a good class with a fairly narrow ability range, to be near or at the bottom is not necessarily to be inadequate. In such circumstances there is no point in publishing information about rank order and little point in even keeping such information. The teacher’s role is to give the children specific feedback on the strong and weak points of their work. For the more frequent progress testing the standard demanded should be such as most of the children who have made reasonable efforts can satisfy. Formal testing should not be too frequent and teachers should not spend too long revising in preparation for it and should include at least a few easy items that everyone can do at the beginning of the test, in order to build up confidence.

There are strict limits to the amount of time that the teacher can profitably spend on test techniques. A little time is beneficial. A lot of time may even be counter-productive, if it causes tension or boredom, or wastes valuable teaching-time. It must be admitted, though, that some children certainly prepare for and perform in exams rather better when there is some tension (not too much!) than when there is none.

Using tests in teaching English. Keeping all these facts in mind we are going to refer further on to the most used tests and the advantages of using them in teaching English.

It is possible to test children’s ability in English by setting a task and seeing whether or not they can carry it out. This is called *criterion-referenced testing*. It gives the teacher yes/no

information about children's specific abilities in English. It does not give the teacher detailed linguistic information, nor does it allow he/she to rank children in a class. The point here is to find out whether a child can perform a particular task or not. For example, can the child write a letter asking for information about something, or give personal details about himself/herself with only occasional errors of language?

Norm-referenced testing allows teachers to rank children and it focuses on the language itself by recognition (where teachers provide language options and ask children to choose the correct one) and by production (where children have to make up their own language responses). Norm-referenced tests can also show how a child's performance compares with the performances of the other children in the same group: is the child in the top part, in the middle part or in the bottom part of the group? How many children in the group are better or worse than that child?

As we have already said, recognition items require choice from the children. If there are several options to choose from, this is called *multiple choice testing*. It is useful for testing vocabulary. The teacher can give the children some sentences and list options (**A, B, C, D**) under each sentence. Multiple choice testing also offers a good way of testing children's reading comprehension. It is often used for testing discrete points of grammar. The marking is quick, easy and, in itself, objective.

Another way of testing vocabulary in context is through *matching items*. Matching can also be done by finding the words that rhyme with a given word.

Cloze tests call upon the children to produce the missing word. They are given a text from which target words have been removed and replaced by blanks; the teacher reads the full passage or plays a tape with the full passage and the children fill in the blanks with the words they have heard. These tests are easy to produce, acceptably valid, reasonable reliable and quick to mark.

In addition to cloze in its pure form, various modifications of cloze can be used: the teacher can close the gaps so that the children are not shown where there is an omission. In this case it would be a good idea to give the children some instructions, indicating the number of the missing words or making clear that no line will have more than one word missing. Rather than simply omitting every 10th word or so, the teacher can omit particular types of word (verbs, articles, pronouns, etc., depending on the level of the class). The cloze test could be combined with a multiple choice: at each gap, instead of a blank, the teacher provides three or four choices, only one of which will suitably fill the gap.

Multi-mode tests are tests which contain a task (or a number of tasks) requiring the use of more than one language skill for its satisfactory completion: first the children listen to a recording, then discuss what the recording is about and finally write a short report. They are very useful when testing group work activity.

The purpose of *pronunciation tests* is not only to evaluate knowledge and award grades, but also, and probably more importantly, to motivate children to be sensitive to this aspect of English. Pronunciation tends to be neglected by many learners as long as they know they will not be tested on it. Obviously, pronunciation is tested globally in different types of conversational exchange, interview, reading aloud, etc., that go on in the classroom. What seems to be insufficient is the testing of accuracy – that is, testing to assess the learner's management of specific features. For example, one method of testing word stress derives from the very nature of English stress. In native English speech, stress is so strong that it is generally accompanied by a movement of some part of the body (head, eye, hand, etc.). To exploit this characteristic, especially at beginner levels,

the teacher may ask the children to identify the stress of a word by a bodily movement, like tapping, shaking one's fist, moving one's head, etc.

Dictation is not simply a test of spelling; although it may include an assessment of spelling, it tests a wide range of skills, providing a useful means of measuring general language performance. This testing method is based on the assumption that, most often, if the learner has a deviant pronunciation of a word, he/she will not understand it when it is read with a different pronunciation.

When giving a dictation, the teacher should begin by reading through the whole dictation passage at almost normal speed. Then, he/she should dictate meaningful units of words (phrases and short clauses) reading them aloud as clearly as possible. Finally, after finishing the actual dictation of the various phrases and clauses, the teacher reads the whole passage once more at slightly slower than normal speed. The children will then be given an opportunity to check the spellings of words and their overall understanding of the text. Some teachers try to make the dictation easier for their children by reading out the text very slowly word by word. This way of giving dictation can be very harmful as it encourages children to concentrate on single words. Clearly, the teacher should give children enough time to write down what he/she is dictating. To do this, the teacher should simply pause at the end of a meaningful unit (or sense group) to allow the children time to write down what he/she has just read out. It is also important to choose a suitable text for dictation with this in mind and to prepare beforehand by dividing the text into intelligible segments.

The focused dictation is different from a traditional one (which evaluates both listening and writing). In the case of a focused dictation, instead of writing everything, the children write only specified words. For example, they could be asked to write all the nouns, all the verbs heard in the present continuous form, and so on. The passage is spoken at a natural speed twice, and the children write the words as they listen and between the readings.

A number of listening tests contain short statements in the form of instructions or directions. *Listen and draw* is a pure listening test, involving no reading, speaking or writing. Yet the teacher knows at once if the children have understood what they heard. It is enough to check their drawings, as to earn a mark they have to follow the teacher's exact instructions.

Other listening tests contain short conversations on which questions (or pictures) are based.

Testing speaking skills can be made by different procedures: re-telling stories, using pictures for description or comparison or sequences of pictures, pictures with speech bubbles, maps, oral interviews, etc. In a traditional *role play test* the teacher designs a series of situations and play one role while a child plays the second. The teacher has to provide children 'talk cards' which are put face down on the desk. The child takes one at random, looks through it and prepares while the teacher is role playing with the previous child. As each child is called for interview, the next one comes forward for a card, and so on. Each role play takes only a minute or so. Grades are awarded (fail, pass, pass with merit) as the test is conducted.

Testing reading comprehension is, perhaps, the easiest skill of all to evaluate and the teacher has plenty of interesting formats to choose between. Here are some of them: *true/false items* offer a very reliable way of testing a child's reading comprehension. *Completion items* are useful in testing a child's ability to understand a reading text as well as recalling information. They can range from one-word completion answers to the completion of sentences: reading texts with blanks or texts followed by summaries with blanks. *Split sentences* are simple to produce and the

chances against guessing correctly are very low indeed if the teacher has twenty or more items. There is no point in making the children write out the sentences; it is wasteful of the teacher's time as well as theirs. They simply write the appropriate letter of the completion against the number of the stimulus. Reading comprehension can also be assessed by asking learners to identify the order of *scrambled sentences*, taken from one paragraph.

Testing writing skills can be made through *error-recognition items*, *re-arrangement* and *changing words*.

When testing children through error-recognition items, the teacher can use the errors his/her children make in their homework or compositions. In re-arrangement tests, the children are required to unscramble sentences: they must write out each sentence, putting the words and phrases in their correct order. This kind of tests are useful for testing an awareness of the order of adjectives, the position of adverbs, inversion and several other areas of grammar.

By requiring children to re-arrange sentences, the teacher encourages them to pay careful attention to such grammatical markers as connectives and pronouns.

Changing words tests require children to put verbs into their correct tense.

Conclusion. In order to develop confidence in the children, teacher-to-child feedback should always be *supportive* and *positive*. In closed activities, the children can assess their own achievements by matching their results with the predicted outcome, while the teacher keeps an overview of their competence and progress. The language focus of the lesson can be tested orally or in writing, depending on the age and ability of the children. Testing, however, is only encouraging to those who do best. For some children poor test scores can signal the beginning of the end of their motivation.

The teacher needs therefore to balance testing with assessment based on classroom observations. Levels of confidence and fluency can best be measured by listening in to the children's interchanges. Levels of motivation, attitudes to problem-solving and overall development can also be noted. Through regular, informal tests, teachers obtain feedback for themselves and the children on the efficiency of the teaching and learning process.

Teachers should try to evaluate all the skills, in isolation and by means of mixed skill tests. Where they face pressures of time, it helps if listening and reading tests are in the multiple choice format, with a preprinted answer paper.

Written and oral tests have to be marked by impression if creativity is not to be stifled. There can be a pass-fail criterion or the teacher can design a simple marking grid to reduce subjectivity. Oral tests can be conducted more communicatively as well as more quickly if they are done in small groups.

Teaching and testing are two inseparable aspects of the teacher's task. In spite of the current reluctance to profit from the latter, testing has an essential role in the development of the children's communicative competence. The brief nature of the study does not allow for an exhaustive description of progress testing. Our intention is to encourage teachers to read more on the subject and to try some of the suggestions given above.

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THE ROLE OF THE DIDACTICS OF HISTORY IN POST COMMUNIST ROMANIAN SOCIETY

Andrei Novac

Abstract:

After 1948, when communism was established, the entire values system entered in an acute process of destruction. In this way all Romanian branches of society underwent a pressure, which finally led to their destruction. But Romania, had the capability to survive , having many traumas, which after 1989 have been seriously affected the society. These problems were treated with inattention and this situation led to the fight of society for winning or to decreasing the effects of almost fifty years of communism. Lying was the first that has to be eliminated and the object of didactics of history, was the revelation of truth, which has been hidden, but also modified. In education, lying has dominated, the persons who built the civil society have been died in communist prisons and bearings. Unfortunately, subsequent development of society and learning system didn't achieve, yet, to surmount the fifty years of communism, although , from its fall, had passed almost thirty years.

Key words: communism, history, lying, didactics, destruction, survival.

Introduction

Didactics represents a part of general theory of education, which is occupied with learning process. The term *didactics* results from greek language, from *didaskein* word, which means to teach the others. This word was introduced in pedagogical terminology in the same time with pedagogy word. But its devotion was made by Comenius in „*Didactica magna*”, work that was published in the middle of 17th century. [1]

„*Didactica magna*” appeared in 1632 in czech language, and than in 1657, in latin language. Comenius considered that: „*to teach means to know something and to make the other to learn to know, and this quickly, enjoyable and serious, especially, by means of examples, rules and general and special applications*”.[2]

There is a didactical century and this is 17th century, and Comenius was named : „*Bacon of education*”, „*Galilei of education*”, „*Hooke of education*”. [3]

In this evolution, there is a moment in which a delimitation of didactics from pedagogy took place, this was realized by german pedagogue J. F. Herbart (1776-1841), who was named the father of didactics.

The german pedagogue tried to identify a procedural algorithm , which could facilitate the teaching and learning process. In Romania, this herbartian current appeared at the end of 19th century and at the begining of next century became *an official pedagogical doctrine*. [4]

However, there is a series of reproaches, which were conferred to herbartian current.[5]

The beginning of 21st century produced many changes in didactics' area and these changes were absolutely normal for a society which recommends itself through change.

Although the number of hours of history in school decreased, history remains a very important discipline in children's personality development. History doesn't offer a large vision about society, about its evolution and human's evolution, but encourages peoples to discover it, to understand it depending on various contexts.

Results

In teaching-learning process of history it has to count the historical true; historical trues has to be correctly related, teacher doesn't have to interpret after his own opinion and after his feelings.[6] Even though, taking in account these realities, there are moments in humanity's history that are explained in different way.

The teacher has a categorical role in carrying out of all objectives, he has to find the possibilities to realize it. The achievement of these objectives could be done only if the teacher succeeds to combine didactical strategies with learning methods. Taking in account that the number of history classes decreased, in achieving to realize performance, teacher needs inspiration and grace. Everything is doubled by the absence of interest, which manifests in entire society on the basis of inversion of values system, after Romania had to cross fifty years of communism; during this period the history was segmented and censorship had an essential role in Romanian's life.

Interpretation

The new system installed in 1948 tried to convince, by means of propaganda, that even the Romania's historical territories aggregated to URSS, were always belonged to this artificial colossus, the Romanian state ahead of its kings willing of acquisitions, and with the Romanian soldiers' bloodletting have been tried to occupy territories that didn't belong them. Mass arrests dated from that period, were having like purpose the extermination of all persons who were the nation's enemies.

There is not enough to blame only verbal, there is important to double the words and the actions, and especially, the guilty have to pay. In reality this began to happen later and slowly, at almost twenty six years later from the fall of communism.

Destroying all the system values, which are the basis of a nation, was a priority for the new installed regime, in this way the atrocity from communist prison reflected on all the exponents of these system values.

Communist system wished to legislate mimicking the cultural act, wished to control everything until the least detail, this denoting that even in the heart of people who spread the terror, the fear was born.

First of all, communism meant, a system thought to destroy everything that represented freedom. In these condition censorship was the instrument which had to kill the freedom idea, lying became more and more strong, the compromise being the law. Romania doesn't appear to want the escape from the lying that installed step by step.

The freedom of expression was subjugated and offered to terror, the free people could anytime overturn the system that was imposed by falsifying elections and by crime.

As regards the communist prisons, they were places which generated and spread the lie and the crime : "who isn't with us, is against us".

Between humanist disciplines, the history occupies an important role, contributing to human personality's development, the knowledge of the past, and also contributes decisively to the achievement of a general culture, which is more than necessary for a human being who lives in an European contemporary society. [7]

Another important stage in the development of didactical system in Romania, was the introduction of alternative books, fact that led to a very good opportunity for the teacher, who had the chance to choose the better didactical instrument and in this way the didactical process could be realized in the best way. [8]

In the same time with the achievement of educational concept has been used the concept of *school curriculum*, being promoted in pedagogical English literature and appearing for the first time in the documents of English universities at the end of 16th century. [9]

From etymological point of view, this went from the meaning run, competition, all these having as significance the learner's evolution through learning system until his completely training.[10]

General didactics studies teaching process, independent from its features, analyzing its components, its actions, and establishing principles and needs and from their perspective follows to display this activity for realizing the target.[11]

Communication is the essential factor regarding education, and , in particular, regarding the methods whereby the teacher achieves to realize his activities, and especially to realize his objectives. Communication between persons becomes differentiated depending on interlocutors' intellectual level. Certainly, the communication between persons is different comparatively with other living, human being having at disposal an entire ensemble compound from signs, symbols and rules, unconventional determined and which were transmitted from generation to generation. [12]

Communist regime has stood on terror and on destruction of the authentic values. In 1951, after Romanian Academy rejected Constantin Brancusi's works of art and atelier, under the signature of many cultural Romanian personalities, who had been cited that he wasn't an authentic artist, it has been demonstrated the climate of terror that existed in Romania. Everything has culminated with the unsuccessful attempt to pull down The Infinity Column from Targu-Jiu. The two events have generated the Romanian artist's indignation, who took French citizenship and donated his atelier and works of art, after his death, to the French state.

Communism had been thought as a system capable to destroy every piece of liberty. Even if we talk about periods in which the censorship was minimal, this not means that the pressure could defend some intellectuals' attitude, who had co-operated with the system.

Conclusions

Unfortunately, was easy to buy knowledge that were already abandoned by their owners, and there were persons wanting that, who have accepted for passing advantages to be a part of a system, which had wanted, but didn't succeed to destroy Romanian language. The deep Romania remained alive, it created other and other consciences. This fact demonstrated that human being has to kneel down only in front of God and not in front of an oppressive system. That Romania has the power to contradict all the persons who tried to suggest that there wasn't another way.

The misery in which Romania was forced to live in the communist regime, it demonstrates the abominations of that system and the number of victims are bigger than we know. Aside from the one who died in prisons, there are the people who were stopped to publish and to expose their works in public space.

Variety represented and represents an exceptional form of freedom. History is for any nation one of the most important discipline that could make a division between state, people and nation, as Victor Neumann does it, in 2006, in his book “*Country, people and nation*”.

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COMMUNICATION NEEDS FOR BUSINESS ENGLISH STUDENTS IN OUTCOME BASED EDUCATION

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Abstract:

The concept of Outcome Based Education(OBE) is based on developing the skills needed in students' future life and these learning outcomes are relevant in ESP. Reading office documents, communicating through e-mails, writing minutes of the meetings, writing daily/periodic reports, writing business letters, writing resumes and job applications, making oral presentations, attending meetings/training abroad, facing interviews, talking about daily life situations, telephonic conversations with bosses/clients, making public speeches, listening to English speaking boss or clients, making field trips abroad, training abroad, negotiating with team members, teleconferencing, working in a team, talking about everyday tasks and duties and internet surfing are some of the most common communicative situations in which business professionals may use English.

1. Introduction: The Concept of Outcome Based Education

While General English classes center on the four language skills(listening, reading, speaking and writing), English for Specific Purposes (ESP) classes focus only on those skills that are necessary for the learner's future profession[1].

According to the learner-centered educational model known in specialized literature as Outcomes-Based Education (OBE) the learning outcomes of students are relevant in ESP and what should be done after graduation, the so called “departure skills”, is highly important[2]

This concept is not a new one, it has been obvious in United Kingdom and the United States since 1980 and the model of transformational OBE focuses on developing skills needed in students'future life roles that of being a communicator, team player and leader in their workplace[3].

For example, Tenedero and Vizconde (2015) consider that the specific language requirements for university graduates in accounting ,important for their students future workplace are convince(interview skills), compose(writing e-mails and minutes of meetings),comprehend(reading information about clients),concentrate(listening during meeting and oral instructions) and click(technology, especially e-mail and telephone skills).

The shift from the teacher-centered approach to the student-centered approach has resulted in focusing on what the students will be able to do at the end of their educational programme and helps them to become intentional learners because as Spady puts it:”An outcome is nothing but

the culmination of the learning. Outcomes are not content, they're performances and they occur at the end. From an OBE perspective it's not a matter of what students had, or what courses they have taken. It's a matter of what they can do when they exit the system"[4].

2. Communication Needs for Business English Students in Outcome-Based Education

Since the publication of Hutchinson and Waters' *English for Specific Purposes: A Learner-Centred Approach*, 1989, the researchers have begun to be increasingly interested in English for Specific Purposes which focused on the learners' needs and skills for their future profession.

When the ESP practitioner designs a Business English course which is primarily based on the Outcomes Based Education model ,he/she should begin by analyzing the English Communication skills that his students will need in their future workplace in order to communicate effectively at work.

In order to identify their English language needs , Business English students and any other ESP students in fact , teachers and researchers must conduct a needs analysis which implies both the present learning needs of the students and their future working place needs.

Dudley-Evans and St. John(1998) considered that needs analysis can be defined as “Professional information about the learners:The tasks and activities learners are/will be using English for target situation analysis and objective needs” [5]

Needs analysis allows the ESP practitioner to strengthen his students'English language skills according to their communication needs. The importance of needs analysis has been constantly emphasized by such scholars and authors as Mumby(1978),Hutchinson and Waters(1987), Berwick(1989), Brindley(1989), Robinson(1991), Johns(1991), West(1994), Allison et al(1994), Dudley-Evans and St. John(1998), Hamp-Lyons(2001), Finney(2002) and many others.

Reading office documents, communicating through e-mails, writing minutes of the meetings, writing daily/periodic reports, writing business letters, writing resumes and job applications, making oral presentations, attending meetings/training abroad, facing interviews, talking about daily life situations, telephonic conversations with bosses/clients, making public speeches, listening to English speaking boss or clients, making field trips abroad, training abroad, negotiating with team members, teleconferencing, working in a team, talking about everyday tasks and duties and internet surfing are some of the most common communicative situations in which business professionals may use English.

As we can easily see, all the four skills:reading, writing, listening and speaking skills are required so that our students should be able to communicate effectively and functionally in both formal and/or informal situations.

The materials used for business communication classes can range from textbooks, research articles, videos, websites and such authentic materials(used in the workplace) as minutes of meetings, e-mails, business reports etc. and the ESP practitioners can choose from such a variety of sources as seems suitable for a group of students.

An ESP practitioner teaching Business English has to include among his teaching methods and aids group work and pair work, roleplay, written materials, videos and the courses should provide the vocabulary required in order to increase the students'confidence when communicating effectively in workplace situations.

G. Verkatamen considers that the teacher's role in transacting these types of courses in outcome-based learning becomes critical and she says that they should try to integrate the following strategies :

1. The teacher should provide his students opportunities of learning independently and from one another, focusing on the skills that they need.

2. The teacher should use techniques in which lectures are replaced by active learning experiences.

3. the students should be assigned open-ended problems involving critical or creative thinking and not only problems that can be solved by merely following the text examples.

4. the teacher should involve his students in simulations and role-plays using cooperative learning.

5. The approach should be conducted in such a way that, as G. Verkatamen says, "it can lead to increased motivation to learn, greater retention of knowledge, deeper understanding and more positive attitudes towards the subjects being taught.

6. As this learning model places the learner in the center of the learning process, students should have their influence upon the activities, material and pace of learning[6].

3. Conclusion

The present –day concerns that the education system cannot adequately prepare students for life and work in the 21st century have determined worldwide researchers to explore new ways of designing education and one of these researches have led to outcome-based education or learning.

This model proposes a student-centered approach and it focuses on what the students will be able to do after graduation.

The teacher's role in these types of courses in outcome-based learning becomes critical and he/she should carefully analyse the English Communication skills that his students will need in their future workplace in order to communicate effectively at work.

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FOREIGN LANGUAGES AND THE ERA OF GLOBALIZATION

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Abstract:

*This paper intends to present **two concepts: the study of a foreign language and the globalization** and the relation between them. In today's society, experts are often saying that people should learn a foreign language in order to cope with an interconnected world. Learning a language means the acquisition of new language skills and a detailed understanding of the world. Language is an important part of culture and as a person learns a foreign language his cultural horizon expands. Language is a major branch of globalization and in close connection with aspects such as the new demographic and social changes generated by the present waves of migrants, the changes in economy, the much debated political decisions taken recently by the European states and generated by same migrants. “Globalization demands more foreign languages, not less. In addition to providing you with knowledge, skills and attitudes that are necessary in the workplace, the study of languages, literatures, and cultures, like the study of history, philosophy, or mathematics, helps you develop the analytic skills needed to be an effective participant in local and national discussions. Studying languages in the context of history, politics, and popular culture can help you follow international events with insight, opening up perspectives to make you an informed and responsible citizen of your country and of the world. Knowing another language enriches your personal life, expands the range of professional opportunities open to you, and increases your power to act as a citizen of the world.”*

Key words: foreign language, globalization, culture.

1. Introduction

1.1. What is globalization?

“The term “globalization” has acquired considerable emotive force. Some view it as a process that is beneficial—a key to future world economic development—and also inevitable and irreversible. Others regard it with hostility, even fear, believing that it increases inequality within and between nations, threatens employment and living standards and thwarts social progress. Globalization offers extensive opportunities for truly worldwide development but it is not progressing evenly. Some countries are becoming integrated into the global economy more quickly than others are. Countries that have been able to integrate are seeing faster growth and reduced poverty. The term sometimes also refers to the movement of people (labor) and knowledge (technology) across international borders. At its most basic, there is nothing mysterious about globalization. The term has come into common usage since the 1980s, reflecting technological advances that have made it easier and quicker to complete international transactions—both trade

and financial flows. It refers to an extension beyond national borders of the same market forces that have operated for centuries at all levels of human economic activity—village markets, urban industries, or financial centers.”

The process of globalization, although intensely debated today, is a very old one. We are used to discuss globalization in modern terms and from our modern problems perspective. However this process must be analyzed from a historical point of view. If we study different historical sources we will observe that this process began on the African continent. Our distant ancestor left it and spread all over the world. And if we mentioned this subject we must also mention that migration is not a modern notion but it has also historical roots.

Although back then the physical and the human made barriers were not as visible as today, the first migrants were the ones that broke them. As time passed and the societies appeared and developed so did the process of globalization facilitated by the exchange of goods, ideas, the development of new technologies and the exchange between cultures.

But, as any other new process, the process of globalization had its advantages and disadvantages. It might be born with the best intentions and for the peoples’ benefit and welfare but, in time, its other face appeared. We, the modern society, were delighted when the physical borders disappeared and new opportunities appeared. But there are more and more voices that emphasize the negative aspects of globalization like: the spread of fast-foods, the rise and fast development of capitalism, the mercantilism and the corruption that affected organizations that until then were considered untouchable.

As mentioned above the main intend of the process of globalization was the free flow of ideas, technologies and culture. And this process could not be made without a common language that facilitate this exchange.

1.2 The study of a single, common foreign language.

In our modern and continuous changing world, many countries, give up to their borders and to their individual language in favor of a single, common one, due to a continuous flow of persons and technologies. Today we can no longer talk about the individualism and nationalism of a country and learn several foreign languages. If we study the top of the languages spoken on our planet, we observe a significant narrowing of their number.

This globalization is reflected not only in language but also in the structure of our society. For example:

The economic field

From the economic field, the business area is the one where these changes can be seen more clearly. It is clear that businesses have always been competitive one not only at local level but also at a global scale. The persons who activate in this field are dealing every day with a culturally diverse environment so they must have good communicative skills. There are several branches of economy where speaking one or several foreign languages is mandatory: **the service industries** (hotel, tourism, food); **the entertainment industries** (films, radio, and sound production); **multinational companies** with overseas accounts; and other areas such as **medicine, law, business, journalism**, etc.

The security field

The series of misfortunate events that shaped our modern society starting with September 11, the bomb attacks from France etc. have highlighted the need of a language connection. Until recently different governments of the world considered the technical means a main and reliable source of national security. However, the events, above mentioned, changed their data and now, people with a good level of foreign language are used for gathering information. The experts in national security understood that, although the technical means are almost infallible, the expertise in foreign language is a crucial step in the understanding of another country's language and thus coordinating different intelligence operations.

Cultural understanding

A more obvious reason to study a foreign language is the power that language has to mediate understanding between people of different cultural backgrounds. Another reason for studying a foreign language is the opportunity to become more open and willing to learn and appreciate other cultures. And, the only path to do that is learning a common language.

Diversity

It is a clear fact for everybody that a future job will combine many cultures and languages and the boards of different companies will have to deal with it. We can see in different European countries and even in America that the work force is already a combination of nationalities such as Chinese, Indians, Asians, Spanish etc. All these different nationalities are well integrated in their adoptive countries and their language is a combination between their native language and the one of the adoptive country.

Enhanced career opportunities

In a world without borders, physical or of language, workers will be called upon to cooperate with colleagues in other countries, crossing time zones, languages, and cultures.

2. English vs. other languages

The relation between language and society is an old and closely connected one. The modernization of societies also implied changes at the language level. The more complex the societies became so did languages. Let us take the case of Latin. It is a known fact that in the 17th century, the upper classes in central Europe used it to demonstrate its status.

The 19th century, instead brought a change and German replaced Latin in peoples' preferences mainly due to the fact that it was a language spoken by the Habsburg monarchs who reigned over almost entire Europe. The balance of power again shifted and a hundred years later, the dominant language in Europe was Russian. After Russian, French became the favorite language especially used in diplomacy, upper classes and external relations. Today English is the dominant language used in fields such as education, business, economy, law, medicine, external relations etc. Much of the English language success was ensured by globalization more exactly by the disappearance of physical borders. It must also be said that English is spoken not only in the European Union but also on the American and Asian continents.

Today we can say without hesitation that if you travel all over the globe with business or on holiday you will be understood by everybody if you speak English. So English has become a single, common foreign language.

However, there is **an important question** that must be asked: **what will happen to the other main languages?**

If we study the map of the world we will see that some countries still preserve their own language. In fact we can build a top of the languages most studied across the globe. As mentioned above English is on the first place. Russian occupies a second place due to its spread in the Baltic countries. The next place is occupied by German spoken in central Europe and even preferred during the communist era when it was taught at least as widely as English. Unfortunately, the German language had a rough start because after the war nobody wanted to learn it or the German culture due to the negative influence of Hitler. French occupies the fourth place. Its cultural diplomacy renown all over the world and although it is a known fact the French is the language of diplomacy and official acts it never gained English popularity. In fact, our country is among the few ones that still appreciate and study it. It is also true, that an important part of the English attraction is due to the foreign investors. Many European companies consider English as their common, working language.

Although English is used as a common language in all European institutions, the EU recognizes the official languages of all member states and translates all main public documents into all those languages. However, civil servants and committees within the EU's institutions use three main working languages: English, French and German.

Conclusions

No matter how often the preferences in languages change, English will always be a dominant, common, global language. Its success is due to several factors: **Internet** – all the sites and the information are in English; **Education** – many students, children or adults still consider English as “cool” especially because all the programs that appear on TV, music and films, are in this language. There is another reason for which English is appreciated: children and adults are learning it faster if they watch and listen television programs and radio.

French is still on trend being preferred by the older generations who studied it in school and by the new ones who study it as the second language. It preserved its status as of a beautiful and elegant language still being the mark of diplomacy and high class.

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CELTA CERTIFICATION OF TEACHERS IN ROMANIA – WHAT ANY TEACHER SHOULD KNOW

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Abstract:

The CELTA certification is one of the most intensive, most prestigious, most widely recognized English Language Teacher Training courses there is in the whole world, and there are numerous reasons why people want the qualification. It is a course in which candidates learn an unbelievable amount in a relatively short time and receive an incredibly rewarding qualification at the end of it, which will surely open up 'secret' doors. Being authorized by Cambridge University the CELTA course provides the teachers of English with the practical experience and knowledge needed to develop their own skills as teachers. The present study aims to be a tool for those teachers in Romania who want to know more about this qualification, including definition, course aims, topics and components, as well as assessment.

Keywords: *assessment, certification, course, teaching, topics.*

Introduction

The term CELTA stands for *Certificate in English Language Teaching to Adults* and is one of the most important, highly respected qualifications of this kind. CELTA gives candidates the skills they need to teach English and pursue rewarding careers in teaching English all over the world, with unlimited opportunities for travel, learning about different languages and cultures. It is run by Cambridge University, one of the most prestigious universities in the world, and is considered to be the gold standard of TESOL¹ programmes, as employers around the world keep looking to recruit teachers who have the CELTA.

Cambridge University also ensures the course tutors and the curriculum. CELTA teacher trainers are the best in the field of TESOL. They have years of teaching experience and have trained extensively to become a CELTA teacher trainer. Cambridge University prides itself on the quality of their approved trainers. On the CELTA course, no trainer is responsible for more than 6 trainees at any time. Therefore trainees always receive the individual attention and detailed feedback they need to learn and progress quickly as a teacher. Each CELTA course is externally moderated by an assessor from Cambridge University. The assessor visits the centre during the second half of the course and looks at trainees' portfolios and assignments and observes their teaching practice. Trainees are invited to meet the assessor if they want to discuss any matters.

A CELTA course can be taken either full-time or part-time. It is designed for candidates with little or no previous English language teaching (ELT) experience. It is also taken by

candidates with some teaching experience who have received little practical teacher training or who wish to gain internationally recognised qualification. Candidates should have English language skills equivalent to at least C1 of the Common European Framework of Reference for Languages (CEFR) or an IELTS score of 7.5.

CELTA gives equal emphasis to theory and practice. The strong practical element demonstrates to employers that successful candidates have the skills to succeed in the classroom. Courses can be taken full-time or part-time and either face-to-face or online. A full-time, face-to-face course typically lasts between four and five weeks. CELTA is a continuous assessment course (i.e. participants are assessed throughout the course) leading to a certificate qualification.

Candidates who successfully complete the course can start working in a variety of English language teaching contexts around the world. CELTA is regulated at Level 5 of the Qualifications and Credit Framework for England, Wales and Northern Ireland and is suitable for teachers at Foundation and Developing level on the Cambridge English Teaching Framework.

The CELTA course

CELTA courses are designed by individual, approved centres, based on specifications produced by Cambridge English Language Assessment.² All courses have a minimum of 120 contact hours.

The CELTA course is designed to help candidates develop effective and principled teaching practice for both adults and older teenagers. During the course, candidates will receive input from their tutors about some key topic areas related to the teaching of English, and hands-on teaching practice and observation of experienced teachers, applying their learning in the classroom with English language learners.

The CELTA course is based around real classroom teaching experience working with genuine English language learners. Candidates not only learn about ESOL³ teaching methods, but they practise what they learn in a real-life classroom with guidance and feedback from their teacher trainers.

The CELTA course will provide trainees with the ability to take on teaching challenges with confidence; it will train trainees with the skills and knowledge of TESOL fundamentals and will give them the hands-on experience of working with real language learners so they leave the course with teaching experience not just TESOL theory; it will help trainees find the best employment opportunities with competitive pay and benefits.

When candidates finish the CELTA course, they will not just have a prestigious certificate to show for it (though they most definitely will have a prestigious certificate). They will have the confidence and the experience to handle any classroom situation and they will have the tools to continue developing their skills. Whether they go on to teach business professionals, undergraduates, adults or children, they will earn the respect of their students through their abilities as a teacher.

Moreover, the most rewarding part of the CELTA course is knowing that all the hard work a trainee puts into the most respected and rigorous TESOL course in the world will result in smiling students who are motivated and inspired to work hard in his/her lessons, in positive feedback from the school director and having the confidence to walk into any classroom in any country and teach a great lesson.

Armed with your CELTA certificate and a passion for adventure, candidates have a lifetime of adventure ahead of them.

Course aims

The CELTA course enables candidates to: acquire essential subject knowledge and familiarity with the principles of effective teaching; acquire a range of practical skills for teaching English to adult learners; and demonstrate their ability to apply their learning in a real teaching context.

CELTA course topics

As part of the CELTA course trainees will cover five main topics:

1. Learners and teachers, and the teaching and learning context: cultural, linguistic and educational backgrounds; motivations for learning English as an adult; learning and teaching styles; context for learning and teaching English; varieties of English; multilingualism and the role of first languages.
2. Language analysis and awareness: basic concepts and terminology used in ELT for describing form and meaning in language and language use; grammar – grammatical frameworks: rules and conventions relating to words, sentences, paragraphs and texts; lexis: word formation, meaning and use in context; phonology: the formation and description of English phonemes; features of connected speech; the practical significance of similarities and differences between languages; reference materials for language awareness; key strategies and approaches for developing learners’ language knowledge.
3. Language skills: reading, listening, speaking and writing: reading; basic concepts and terminology used for describing reading skills; purposes of reading; decoding meaning; potential barriers to reading; listening; basic concepts and terminology used for describing listening skills; purposes of listening; features of listening texts; potential barriers to listening; speaking; basic concepts and terminology used for describing speaking skills; features of spoken English; language functions; paralinguistic features; phonemic systems; writing; basic concepts and terminology used for describing writing skills; sub-skills and features of written texts; stages of teaching writing; beginner literacy; English spelling and punctuation; key strategies and approaches for developing learners’ receptive and productive skills.
4. Planning and resources for different contexts: principles of planning for effective teaching of adult learners of English; lesson planning for effective teaching of adult learners of English; evaluation of lesson planning; the selection, adaptation and evaluation of materials and resources in planning (including computer and other technology based resources); knowledge of commercially produced resources and non-published materials and classroom resources for teaching English to adults.
5. Developing teaching skills and professionalism: the effective organisation of the classroom; classroom presence and control; teacher and learner language; the use of teaching materials and resources; practical skills for teaching at a range of levels; the monitoring and evaluation of adult learners; evaluation of the teaching/learning process; professional development: responsibilities; professional development: support systems.

Course programmes

Certificate course programmes are designed by individual centres using the syllabus and course objectives. Courses will have a minimum of 120 contact hours including: input, supervised lesson planning; teaching practice (six assessed hours); feedback on teaching; peer observation; observation of experienced teachers (minimum six hours); and consultation time. Candidates will need to dedicate a minimum of 80 hours for the required reading, research, pre- and post-session tasks, assignments and lesson preparation.

Course components

The main component of the CELTA course is controlled, in-classroom teaching practice working with real language learners. When they start their CELTA course, trainees will be in the classroom from Day 1, working with real students from a range of non-English-speaking countries. By the time the course ends, they will have spent about 40 hours in the classroom teaching, observing their colleagues teach and evaluating students' English skills.

Each lesson taught by a trainee will follow a cycle: he/she works one-on-one with his/her teacher trainer to design the lesson and select activities to do with the class; while teaching, the trainer is present throughout the lesson to support him/her and to write a report on the lesson; after the lesson the trainee, his/her trainer and the small group of fellow trainees (maximum group size of six) discuss that day's lessons and evaluate them – what worked, what did not and what steps can be taken to improve; then the trainee gets a detailed written report on the lesson to take away and read through. Any trainee is now ready to prepare his/her next lesson with his/her CELTA trainer, building on his/her previous lesson and incorporating everything new that he/she has learnt.

The benefits from the real classroom teaching component are numerous. Once a trainee has graduated from the CELTA course, wherever he/she might be, when standing before a new class of students he/she will not feel lost. He/she will have the confidence to meet his/her new students and their expectations and he/she will be able to teach quality lessons and enjoy doing it. The trainee will have earned his/her CELTA and he/she will already have English teaching experience. Having a CELTA certificate in hand is the mark of a teacher who is prepared and knows what they are doing.

A modern language lesson is an interactive process that requires experimentation, a willingness to make mistakes, immersion into real-life situations, a genuine need to use language and a great deal of student talking (instead of time spent listening to the teacher). A TESOL classroom is one where teachers will not find clearly delineated rows of silent students writing in notebooks and looking at their teacher, the only speaker in the room. Instead, the TESOL classroom has students with moveable desks facing each other, or groups of students moving around the classroom with a paper and pen in hand talking to other students while consulting the board for a word they might need, or grabbing the teacher to ask a question.

A good TESOL classroom will be alive with students' voices as they verbally play with the language they are learning. The teacher in these scenarios is very much a resource and a facilitator. They control when one activity ends and another begins and they insert language and meaning when students are struggling to find the language they need to express themselves. This is what active learning looks like.

A CELTA teacher will not be lectured at or expected to memorize tomes of information. The tutors will teach them about how to effectively teach grammar, for example, by demonstrating

techniques on them and asking them to work in groups or pairs to analyze and discuss the tools used and how these could apply to their own TESOL classroom.

Although the idea of teaching grammar often evokes fear in the hearts of first-time teachers, the trainers will demonstrate how a grammar lesson may start with something as simple as a game. There will be no grammar trees and no lectures using sentence diagrams. The key is engagement and practical application.

Trainees will also attend a TESOL session on how to create their own authentic materials for the classroom (which is also an assignment they will complete on the course). Their tutor is not going to lecture them on the different types of authentic lessons available, expecting them to take notes and understand the theory without the practice. They are going to engage them in learning from an authentic materials lesson they have created. And as trainees are doing the exercises as students, they will also be exposed to the methods used and asked to analyze in groups and pairs the different types of techniques they found effective for learning.

CELTA trainers are not lecturers. They are expert educators and have had years of experience with language learners and in training teachers. They know how to engage trainees in the process of becoming experts in their own right.

All CELTA sessions are practical in nature, with some foundation in theory, and demonstrate techniques that trainees can use immediately in the language lessons they teach. The following areas are among those that will be covered: how to teach grammar and vocabulary effectively; how to motivate students; how to help students get the most out of a reading text; how to order the stages of a lesson; how to influence the dynamics of a classroom for the best results; how to use teaching books and materials effectively; How to bring authentic materials (articles, songs, stories, etc.) into the classroom.

The CELTA course also provides sessions on a range of topics to help trainees find the best teaching jobs at the best schools. These sessions might include, for instance: where to find the best TESOL jobs; how to write an effective resume and cover letter; what kind of questions to expect in an interview; what to expect from a TESOL contract (including housing, travelling and medical care).

CELTA assessment

The assessment on the CELTA course is continuous (throughout the course) and integrated (all components count towards the final grade). The CELTA qualification does not require a final examination. Assessment is based on evaluation of the candidate according to Cambridge criteria in the following two areas: real classroom experience and written assignments.

For each lesson that trainees teach they will have to create a Lesson Plan, which includes a breakdown of the lesson, showing how they will manage their materials and handouts to achieve the aim or focus of the lesson. Trainees will also have to prepare analysis sheets on grammar, language, and vocabulary, which help them prepare and guide them throughout the lesson. These analysis sheets will also help trainees anticipate students' questions and problems. Working with the lesson plans and language analysis sheets will give trainees thorough training and a good understanding of preparing for future classes.

During the course, all trainees will maintain a portfolio of their work, which will contain their lesson materials, including handouts, lesson plans and the individual written feedback their tutor gives them.

Four written assignments are to be completed during the CELTA course. They are about 1,000 words each and are spread out over the length of the course. They are very practical in nature and focus on a variety of aspects, including a trainee's strengths and weaknesses, the students they teach, and their ability to teach language systems (grammar and vocabulary) and language skills (reading, writing, listening and speaking).

Moreover, individual tutorials are held with trainees to monitor and discuss progress. Trainees will be informed regularly of their progress through feedback on their teaching practice and written assignments.

Assessment requirements

To meet the assessment requirements, candidates are required to attend a course and to: practice-teach classes of the relevant age group and size for a total of six hours; observe experienced teachers teaching classes of language learners for a total of six hours, three of which may be on video; maintain and submit a portfolio of all coursework including all written assignments and materials related to teaching practice.

There are two components of assessment. During component one - planning and teaching - candidates are required to practice-teach for a total of six assessed hours, working with adult learners at a minimum of two levels in classes of the required size. By the end of the six hours of assessed teaching practice, candidates should have demonstrated successful achievement of all the teaching practice assessment criteria.

Component two - classroom-related written assignments - consists of four written assignments: adult learners and learning contexts; the language system of English; language skills; classroom teaching and the identification of action points.

The assignments are internally assessed and externally moderated. Two assignments may be conflated into one larger assignment provided that all the assessment criteria are met.

The CELTA Certificate will be awarded to candidates who meet the course requirements and whose performance meets, or exceeds, the criteria in both assessment components.

Candidates are ineligible for the award in cases where dishonesty or plagiarism is brought to the attention of Cambridge English.

CELTA online

In response to an increasing need for more flexible course delivery, Cambridge University have created the CELTA online as a way for candidates to get the benefits of both online learning and face to face practice. As long as the syllabus and the outcomes are the same as the purely face to face CELTA course, the certificate the trainees receive is the same standard certificate from University of Cambridge CELTA as the other course types.

The CELTA online is a combination of online content, delivered by an approved online CELTA tutor, and the same lesson preparation and teaching practice component as the regular face-to-face.

There are 13 weeks of online instruction in total. Lead by specialist online CELTA tutors, this online instruction is highly interactive and includes videos to watch as well as tasks to complete – both on trainees' own and in pairs and groups. In addition, there are 7 live (synchronous) recorded sessions (so that trainees can go back to them as required) where the group 'meets' online to provide additional support for the online content. The assessment on the online portion of the course is continuous and measured in participation in forums, completion of the

weekly tasks and completion of assignments. Trainees should expect to work 8-10 hours a week during “online” weeks.

The face-to-face component starts on a Sunday and finishes on a Saturday (there are two 6-day weeks, with 2 days off in the middle). In this time trainees will complete written assignments and live teaching practice with real students. This is a highly intensive two week session, and trainees will be observed and assessed teaching almost every day. It is important that trainees are able to be both mentally and logistically well prepared for the face-to-face component. The lessons delivered and the assignments completed during the face to face component form the bulk of the formal assessment on the course.

While it is difficult to match the effectiveness of a 100% face-to-face CELTA course, the CELTA Online tends to suit people that need more flexibility and time to work on the course materials. In addition the CELTA online including the 2 week face-to-face option appeals to those who have reduced vacation time, or who are looking to save money on room and board while they are doing the CELTA. Because the certificate from Cambridge is exactly the same, trainees are not at a disadvantage in the recruitment pool once they are qualified.

Conclusion

Teaching has a lot to do with confidence. The longer you teach, the more confidence you gain, and the better teacher you become (in theory). A CELTA will give you the confidence to become a TEFL teacher. After learning different methodologies to teach and being grilled by examiners and other students on the course then your confidence will grow.

The CELTA training course aims at improving the method used by teachers in the classroom, using a practical approach that caters to the real needs of both teachers and their students. Throughout the course, trainees receive guidance and feedback from accredited Cambridge CELTA tutors on a multitude of challenging yet useful tasks. They also are involved in discussion sessions on both their perceptions as well as personal approach to teaching, learning to be more effective in providing their students with quality courses.

Trainee evaluation is continuous throughout each course and is based on three criteria: their performance at demonstration classes, written assignments and their degree of involvement during the training.

Notes

¹ TESOL stands for *Teaching English to Speakers of Other Languages*. It encompasses what used to be called TEFL (*Teaching English as a Foreign Language*) and TESL (*Teaching English as a Second Language*) and has been running for four decades.

² Cambridge English Language Assessment is part of the University of Cambridge and has been providing English language assessments and qualifications for over 100 years. The first Cambridge English examination, the Certificate of Proficiency in English was launched in 1913.

³ ESOL stands for *English for Speakers of Other Languages*, that is English taught to people whose first language is not English, but who live in an English-speaking country and need English to communicate in daily life. This term is used especially in the United Kingdom, Ireland and New Zealand.

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POLITICS, ADMINISTRATION AND SOCIAL DEVELOPMENT

BACK TO THE FUTURE BY REVIVING AUTHENTIC CULTURAL AND CREATIVE INDUSTRIES IN BALKANS

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Abstract:

The article starts from a real situation: the Balkans, a less developed region of Europe, has at its disposal a rich creative and cultural sector in many domains: liberal arts, music, dance, folk architecture, religious and secular medieval art, handicrafts products, design, literature, cultural tourism, a priceless ethno-folk heritage, varied cultural traditions etc.) less put forward. Thus, the Balkans's extremely rich and varied cultural heritage, artistic and craft creation, unique worldwide, show the necessity and viability of capitalizing them in creative industries.

The article proposes to contribute to the generation and development in the creative industries market / the creative-innovative SMEs from the Balkans, focused on the creative and cultural traditions in this region, especially on what UNESCO called „living treasures” (individuals or groups who embodied intangible national cultural values as living human treasures).

So our article aim to contribute to the development of the competitiveness of the European cultural-creative industries from Balkan area, (starting from a adequate strategy for development of “Balkan living human treasures”), by stimulating and helping the adoption and deployment of innovative ICT solutions, specially conceived and adapted to the necessities of cultural-traditional SMEs and “living treasure entrepreneurs”.

Key words: cultural-creative industries, cultural heritage, living treasures, innovative ICT solutions

Introduction

We define culture from an epigenetic perspective, as a set of abilities and practices that allow members of one generation to learn and change and to pass the results of that learning on to the next generation. We will insist on oral culture, as complement of official culture. We will focus on raising awareness and preserving memories in the EU and the lessons of past; the development of tools to explore and enhance the quality of research, comparative studies; the preservation methods culture of opposition and the measures / proposals / guidance on the role of the EU in this respect (including application areas: schools, etc.).

Creative industries include everything that is produced by artistic creativity and has a scientific and industrial potential that create value, generate public revenue through taxes paid, create jobs and profits and it helps national and regional development. [1]

The role of creative industries:

- creates jobs, careers,
- creates cultural identity and social environment,
- creates added value, generating profitability through more taxes,
- Creates brands,
- major role in developing centers of creativity at local and regional level, enhancing the attractiveness of regions and enable the creation and development of small and medium enterprises, (a sector based on competence and inventiveness) and jobs anchored in the pattern of economic local and regional,
- improve the image of regions and promoting cultural and artistic sector and the preservation, promotion and enhancement of European cultural heritage,
- have the potential to generate sustainable economic growth, promoting social inclusion, cultural diversity and human development,
- help promote cultural identity and diversity on local and regional scale;
- developing intercultural understanding and establishes positive relationships between people in close and professional backgrounds and different school,
- Creative industries respond to the European ideal of "unity in diversity", becoming a vehicle of cultural identity.

Balkans region have a big potential non agricultural extremely valuable (cultural, tourism, local crafts, traditions and other creative industries with unique value) which can be used superior in long term by promoting active policies, to create a real support, sustainable and sustainability of the population, but it is a major contrast between the potential of valuable resources (almost unused economic, especially the creative industries) and the poverty of the rural population and mountainous areas.

Also, in this region are still living treasures of exceptional value, traditional craftsmen of great talent, a population inclined towards vocational crafts (wood, stone, pottery, weaving, etc.) and an entrepreneurial spirit archaic (especially in the area of non-co-communist period). In contrast with these issues, some of traditional craftsmen are in the final part of life, young people are not attracted to these occupations because prospects are uncertain, and new technologies and high productivity manufacturing industry demobilized on small local producers.

The article aim to contribute to generating (transforming) a market - creating an industry: the creative industries market and the creative-innovative SMEs from the Balkans region, focused on the creative and cultural traditions of this region.

So the main theoretical objective of this research article is to conceive a qualitative model for generating a creative, innovative and authentic market in Romania by using the co-evolutionary, new-institutional, performance economics within the complexity paradigm and an action-research methodology.

The action of market building is a necessarily complex and pragmatic endeavor that mobilizes various heterogeneous resources, recruits professionals with varied and often conflicting worldviews, and it is in a constant process of (re)negotiation and compromise in the collective effort to sort out the various cognitive, technical, political and cultural problems that emerge when designing a specific market.

Even though the participation of economics and economists in market building might be important and effective, the fact that economists do attempt to enact the realities their theories

describe is relevant for shaping and molding reality and for overcoming the obstacles that get on the way and prevent economic theories from becoming true. In this respect it should be clear that the ultimate goal is not to make „economic engineering” more ‘scientific’ and capable of constructing the world of economic theory and so to preach that economics constructs reality to its image, but that the new approach should illuminate on how economics actually participates in shaping that reality.

In this context, the main objectives of the article are:

- conceive and realize an innovative collaborative platform, (using advanced user interface ICT technology), as the core complex instrument to support the development of the specific market of cultural-traditional SMEs and “living treasure entrepreneurs” in Balkan area

- conceive and realize a soft tool (using augmented reality, 3D, mobile, etc. ICT technologies) to capture, to codify and to communicate the tacit knowledge of the “living treasure entrepreneurs”

- conceive and realize a “crowd funding platform”, (using advanced user interface ICT technology), to help connect cultural-traditional SMEs and “living treasure entrepreneurs” with appropriate sources of funding (venture capital, crowdfunding, business angels, etc.)

- adapted and develop “mobile and/or internet components/apps” (using augmented reality, 3D, mobile, internet of things, etc., ICT technologies) for promoting the creative products and services of the cultural-traditional SMEs and “living treasure entrepreneurs”

- develop, realize and/or adapt “educational software” (using augmented reality, 3D, mobile, internet of things, etc., ICT technologies), specially conceived to be used by the cultural-traditional SMEs and “living treasure entrepreneurs”.

Living treasure entrepreneurs

The research targets promotes a creative cultural industry entrepreneur as a key factor for rapidly removing barriers and to create synergies for accelerating development of a cultural creative industry and an entrepreneurial spirit obtained by harmonizing vision, shaping the future, design, strategy, involvement of local actors, innovative entrepreneurs, etc.

The challenge of this research from a pragmatic perspective is how to transform Balkan region’s extremely rich and varied cultural heritage, unique worldwide, into viable and flourishing regional creative industries.

The act of creating an industry and building a market is a complex and pragmatic endeavour that mobilizes various heterogeneous resources, recruits professionals, and involves a constant and continuous process of negotiation and compromise in the collective effort to sort out the various cognitive, technical, political and cultural problems that emerge.

In times of economic turbulence, innovation remains the most important differentiator separating economic winners from all the others.

This research proposes to contribute to the conception, generation and development of the creative industries market in creative-innovative SMEs and micro enterprises in the Balkan region.

Our research aims to involve local stakeholders and especially entrepreneurs in traditional creative-cultural industries to obtain beneficial synergy/interaction to accelerate organic growth (development), through vision, shaping the future, design and strategy and by using the opportunities that appear at the interface between new technology (Internet, Web 2.0., Cloud computing, etc.) and the authentic cultural and still living traditions in the Balkan region.

Also, this research is based on mobilizing (economic, social, cultural, institutional) entrepreneurs as the key factor in quickly eliminating development gaps.

The action research will be used in the Balkan region, where there is a rich traditional culture (including « living human treasures »), that first of all must be well understood, in order to be preserved (cultural diversity), and finally to be promoted by respecting its authenticity.

The research methodology includes action research [2] and case research[3].

Innovative entrepreneurs will become a *suis generis* "action researcher" that generate new markets for sustainable nature, setting in motion the "organic and ecological network development".

From this perspective it's not a single political entrepreneurship, but a policy to create a friendly environment in the context of economic and / or entrepreneurial society in order to build sustainable new civilization of knowledge.

The problem of innovative entrepreneurship is completed by addressing entrepreneurship through the lean start-up method, which created the entrepreneurial training model by using the start-up methodology. In this context, presenting this innovative methods is absolutely necessary. Thus, in recent years on the issue of generating new businesses, new enterprises have made important steps towards a genuine entrepreneurial revolution. The ancient formula for launching a business (either technology start-up or small business, or initiative within a large company) - write a plan; it presents investors make a team; Enter a product; as you can start to sell - is one of "try and see what happens." [4]

This move basically reverses the conventional wisdom about entrepreneurship - new approach proposes principles such as "fail fast" and "continuous learning".

Instead, execute business plans, giving operationally functional prototypes as the old approach, the new approach tested hypotheses entrepreneurs, obtaining feedbacks early and frequent presenting "minimum viable product" for prospective clients.

This approach, with this new process recognizes that the search for a suitable business model is the main task we need to do a start-up, being different to do according a model, something that makes the stable firms.

Basically we can say that if existing firms running (into action) business model, then the start-ups search a business model. In this context the definition of "lean" a start up is a temporary organization designed to search for a repeatable and scalable business model.

The project for training and development of entrepreneurship in rural area use a lean startup approach, tailored to local cultural characteristics of the area.

The project promotes the entrepreneurship training in rural area after innovative methods and efficient while ensuring sustainability and viability areas rural by preparing and training the first generation of trainers / trainers in the field of innovative entrepreneurship and the first generation of local entrepreneurs (using the methodology lean start-up).

The project starts from the reality of a major contrast between the potential of valuable resources (almost unused economic, especially the creative industries) in the Balkan region (a region less developed in Europe) and the poverty of the rural population areas.

In the Balkan region is a potential non agricultural extremely valuable (cultural, tourism, local crafts, traditions and other creative industries with unique value) which can be used long-term higher by promoting active policies to create support real support, sustainable and sustainability of the population.

Also in the Balkan region are still living treasures of exceptional value, traditional craftsmen of great talent, a population inclined towards vocational crafts (wood, stone, pottery, weaving, etc.) and an entrepreneurial spirit archaic (especially in the area of non-communist period). In contrast with these issues, some traditional craftsmen are in the final part of life, young people are not attracted to these occupations because prospects are uncertain, and new technologies and high productivity manufacturing industry demobilized on small local producers.

Other relevant aspects which are necessary to implement a project to create the conditions for harnessing the potential of creative cultural industries in the Balkans are:

- the number of unemployed (especially from vulnerable groups, especially young people);
- the existence of a potential demand (new trend) for traditional products of the urban population;
- pressure on social assistance funds (especially from vulnerable groups, including young people of working age);
- the possibility of generating a market for creative cultural industries by stimulating the supply of similar products to meet the demand potential of such products and services and stakeholder engagement in the Balkans.

Conclusions

Through its main aim – research for catalyzing and promoting a creative cultural industry and creative innovative small companies, focused on the cultural-creative traditions in the Balkan region - this research directly targets the reduction of economic and social disparities in the European Economic Area and to strengthen international relations by enhancing research cooperation between the communities in Balkans and other countries long-term cooperation.

This research can generate the projects in other domains, economic, social, institutional, etc., based on long-term scientific cooperation.

On the practical level this research distinguishes itself through: beneficial synergy for accelerating development of a cultural creative industry and an entrepreneurial spirit obtained by harmonizing vision, shaping the future, design, strategy, involvement of local actors, innovative entrepreneurs, etc.

The model to catalyze and promote a creative cultural industry (including “enhanced reality” and “enhanced services” concepts) may be easily adapted and applied for other regions, as well as be used to generate other projects in other domains, economic, social, institutional, etc.

This research promotes the European desideratum public commitment of science (researchers), which can increase scientific contributions to solve the problems of the social environment.[5]

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A LITERATURE REVIEW ON ORGANIZATIONAL FORGETTING

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Abstract:

The aim of this study was to clarify the concept of organizational forgetting by reviewing the related literature. First, the study will focus on the concept of forgetting in general. Then, the related concepts will be clarified and the concept of organizational forgetting will be explained. Future directions that researchers in this field may focus on will be stated and finally, the conclusions of the study will be made. This and similar studies are of importance since the concept of organizational forgetting has been eclipsed by the more popular concept of organizational learning.

Keyword: *Organizational forgetting, organizational learning, avoiding bad habits, failure to capture, memory decay, unlearning.*

Clasificare JEL: *M11, M12, M15*

1. Introduction

One of the most popular concepts in management and organization studies is organizational learning. Many scientific journals (e.g. “*The Learning Organization*”, “*E-Journal of Organizational Learning and Leadership*”) or special editions of journals (e.g. “*Organization Science*, 1991, 1/2”, “*International Journal of Technology Management*, 1996, 11(7/8)”) are published on this subject. In a similar vein, many conferences (e.g. “*Organizational Learning, Knowledge and Capabilities*”) are held on this topic every year all around the world. This importance largely stems from the positive results that organizational learning may create for organizations, such as a competitive advantage, efficiency, effectiveness etc. However, a complementary concept of organizational learning is organizational forgetting, although researchers seem to treat organizational forgetting like a step-child (Akgün *et al.*, 2007; Becker *et al.*, 2006; Besanko *et al.*, 2010; Fenandez & Sune, 2009a; Fernandez *et al.*, 2012).

The main aim of this study was to clarify the concept of organizational forgetting. Although there are some very valuable studies in literature, there also still seem to be many points of ambiguity. Furthermore, to the best of our knowledge there has been no literature review in the field. With the help of this literature review, the researcher endeavors to make the concept clear and to draw attention to the importance of organizational forgetting.

2. The Concept of Forgetting and Interests of Various Disciplines

The concept of forgetting is defined in various ways. For example, according to a definition of the Turkish Language Association (Türk Dil Kurumu-TDK), forgetting means “to not remember”. According to another definition, forgetting is related to “coming to a situation in which one person cannot do a related thing” (TDK, 2016). As can be seen, the first definition adopts a cognitive stance to a large extent, while the second seems to have a more behavioral one. If seeking a common point for these two different definitions, it can be observed clearly that both seem to approach the concept from a negative aspect.

Many disciplines are interested in the concept of forgetting, such as philosophy and economics as well as management and organization studies. For example, Plato, Nietzsche, Ricoeur and other many philosophers were curious about how humans learn and forget (Martin de Holan, 2011a). At the same time, some attributed a negative meaning to forgetting. For example, forgetting is a human predicament according to Plato (Ramadanovic, 2001), although others associated forgetting with a positive situation. For example, for Nietzsche, active forgetting or selective remembering is a desirable situation for humans since not all past experiences and knowledge are beneficial for them. This positive approach can be observed in *Ecce Homo* in particular (Nietzsche, 2014).

There are many studies in the literature of economics that focus on the concept of forgetting, such as Benkard (2000), Besanko et al (2010) and David and Brachet (2011). For example, David and Brachet (2011) investigated the antecedents of organizational forgetting in the context of trauma-related ambulance runs in Mississippi between 1991 and 2005. They found that skill decay and turnover were important antecedents of organizational forgetting, with turnover at twice the magnitude of skill decay.

3. The Concepts Related to Organizational Forgetting

At this point, clarification of some related concepts such as organization, organizational knowledge, organizational memory and organizational learning would be useful for better understanding of organizational forgetting.

An ‘organisation’ can be defined in many different ways. For example, according to Daft (1998: 11), “organizations are social entities that are goal-directed, are designed as deliberately structured and co-ordinated activity systems, and are linked to the external environment”. In a similar vein, according to another definition, “organizations are entities in which individuals coordinate their actions to achieve specific goals” (Cuncliffe, 2008: 4). However, according to a more “knowledge-based perspective”, *organizations* are knowledge repositories that retain knowledge in their assets, routines, rules and standard operating procedures (Martin de Holan & Phillips, 2004a).

In addition, *organizational knowledge* is a result of the organizational learning process. Organizational knowledge does not refer to knowledge in the mind of a member of the organization. It should be independent of individual members of an organization (Martin de Holan & Phillips, 2004a). Although there are many repositories, a previous study has professed that the structure of organizations is one of the key repositories of organizational knowledge (Rao & Argote, 2006). Finally, organizational knowledge can be classified in different ways. One of the most common classifications of organizational knowledge is explicit/tacit. In addition, Evans and

Easterby-Smith (2006) categorized organizational knowledge under three groups, as “systemic”, “strategic” and “socio-political”.

Another concept that plays a central role in theories of organizational learning and forgetting is organizational memory (Casey & Olivera, 2011). To understand organizational forgetting, a clear understanding is necessary of where organizational knowledge is retained (Rao & Argote, 2006). *Organizational memory* is a set of tools and mechanisms that collect, store and recall knowledge and experiences of organizations (Casey & Olivera, 2011; Martin de Holan & Phillips, 2004a). Organizational memories not only record the past of organizations but also shape the future of organizations (Lewitt & March, 1988). While Walsh and Ungson (1991) in one of the primary studies in the field of organizational memory, conceptualized organizational memory as a static element to a large extent, later studies stated that organizational memory has a dynamic nature based on the interactions of organizational members.

Finally, *organizational learning* can be described as “the ways in which firms build, supplement and organize knowledge and routines around their activities and within their cultures, and adapt and develop organizational efficiency by improving the use of the broad skills of their workforces” (Dodgson, 1993: 377). Although some different streams of learning are sometimes mentioned such as “affective learning” or “neurophysiological basis of learning” (Seymen & Bolat, 2002), there are two main traditions in organizational learning literature. The first is the behavioral view, that learning is viewed as a systematic change in standard operating procedures, assets, rules and routines. The second is the cognitive view, which conceptualizes learning as a change in cognitions, frames of reference, cognitive maps and shared mental models of the members of organizations (Akgün *et al.*, 2007). The cognitive view focuses on changes in cultures and sense making tools of organizations, while it tends to ignore the social and cultural elements of the organizational learning process (Akgün *et al.*, 2003). Although there are some differences in these two views of organizational learning, both emphasize the knowledge base of organizations (Martin de Holan & Phillips, 2004a).

4. The Concept of Organizational Forgetting

Knowledge management and organizational knowledge literature largely tend to focus on organizational learning. Therefore, it is fair to say that the phenomenon of organizational forgetting has not been completely understood (Martin de Holan *et al.*, 2004). However, this does not mean that organizational forgetting has been completely ignored. Some studies (eg, Carlson & Rowe, 1976; Nystrom & Starbuck, 1984) may be accepted as starting points for this literature (Martin de Holan, 2011b). This first generation of organizational forgetting studies largely focused on the fields of operation management and organization theory. On the other hand, a part of this literature largely conceptualizes organizational forgetting as an undesirable situation. For example, Smunt and Morton (1985) claim that organizational forgetting has negative effects on product quality and the production capacity of an organization. Another part of literature views organizational forgetting as a secondary subject. However, a stream that began particularly with the studies of Martin de Holan *et al* discusses the view that forgetting may also have positive results for organizations. In this school of thought, organizations may need to forget to be able to learn new things and change (Akgün *et al.*, 2007) and survive (Nystrom & Starbuck, 1984).

Martin de Holan and Phillips (2004a: 1606) define *organizational forgetting* as “the loss, voluntary or otherwise, of organizational knowledge”. Many studies have shown that appropriate

learning can provide a competitive advantage to organizations. Since forgetting is needed to learn new things, forgetting is just as important as learning in organizations. Therefore, competitiveness is associated with learning (and forgetting) the right things at the right time (Akgün *et al.*, 2007; Lei *et al.*, 1999; Martin de Holan & Phillips, 2004b).

The harm caused by some organizational forgetting has been extensively discussed in literature. For example, Argote (2013) discusses that organizational forgetting may cause an obstacle to reaching the expected levels of productivity in production settings. Organizational forgetting may also have benefits for organizations. The current cost of the management of knowledge for organizations is increasing rapidly. Therefore, separating the wanted from unwanted knowledge will decrease these costs for organizations. In a similar vein, one of the most important factors for successful mergers and acquisitions is congruent values and behaviors of the different sides. At this point, the participating organizations can increase the performance of mergers and acquisitions by forgetting conflicted elements. In addition, some innovations may be illegitimate or they may not show the performance that is expected from them (Casey & Olivera, 2011). Therefore, discarding this knowledge may be beneficial for organizations (Martin de Holan & Phillips, 2004b).

Forgetting in organizational contexts has different forms. For example, Martin de Holan *et al.* conducted field research in Cuba on the personnel of seven international hotels between 1995 and 1999. As a result of that research, they created a typology about organizational forgetting, according to which the forms of organizational forgetting can be specified in terms of two dimensions, as “sources of knowledge” and “mode of forgetting” (Martin de Holan *et al.*, 2004). These different forms of organizational forgetting are presented in Figure 1. These are certainly not the only forms. For example, Fernandez and Sune (2009a) showed that organizational forgetting can be organized in terms of two dimensions of intentional/unintentional and codified/non-codified. Similarly, in Azmi (2008)’s typology of unlearning, there are two axes of positive/negative and planned/unplanned. In the current study, classification will be based on the forms described by Martin de Holan *et al.* (2004).

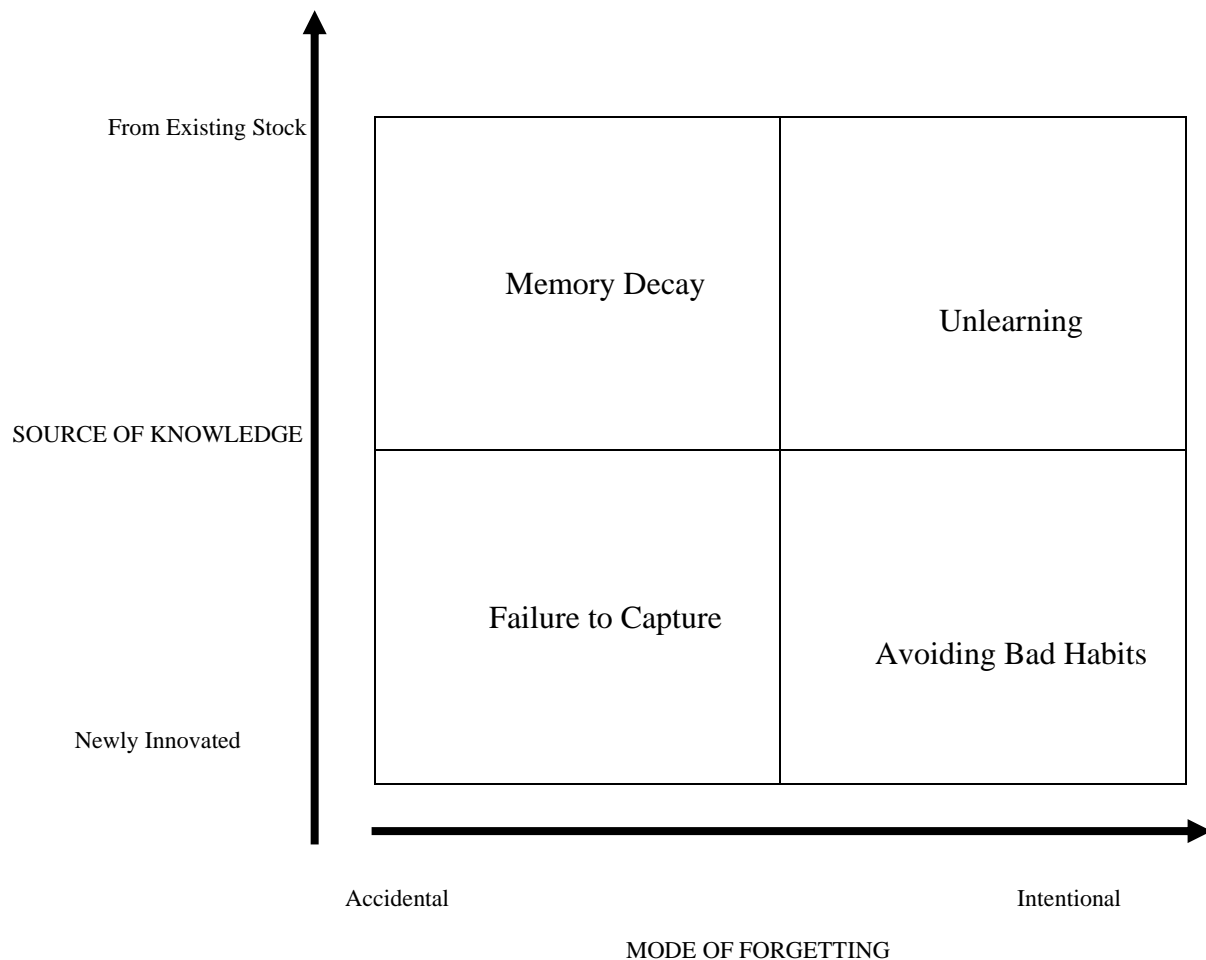


Figure 1: Forms of Organizational Forgetting

Source: Martin de Holan *et al.* (2004: 47).

“*Memory Decay*” in Figure 1 represents an accidental forgetting of embedded knowledge in organizations. There may be various reasons behind this phenomenon. Organizations may forget their rules, values, methods etc. when key personnel leave the organization or if they do not use these rules, values and methods regularly. For example, an organization may forget a critical production technique that it has used for years if key personnel responsible for production leave the organization. As a second example, a pastry shop may learn to prepare a new cake. However, it may not take an order for this cake for a long time and thus the personnel may forget how this cake was made. To prevent this situation, organizations may charge a person with identification and protection of critical knowledge stock (Martin de Holan *et al.*, 2004).

Another form of accidental organizational forgetting is “*Failure to Capture*”. This refers to failed association of new knowledge to organizational memory. This type of forgetting may

stem from adjourning teams or high turnover rates in a related organization. Organizations may follow two interconnected strategies to solve this problem. The first one, *knowledge articulation*, means transformation of new knowledge into a more explicit one. *Knowledge institutionalization* is the transmission of knowledge to the other units of an organization to make it embedded. These first two forms of organizational forgetting are unintentional (Martin de Holan *et al.*, 2004). There may be some factors that make forgetting difficult. These factors may be some precautions that are taken by organizations. In addition, these may be related to the nature of the knowledge. For example, according to Madsen and Desai (2010), knowledge that is learned after some failures is forgotten more slowly.

Unlearning is often used as a synonym for organizational forgetting. “*Unlearning*” means “discarding of old routines to make way for new ones” (Tsang, 2008: 7). In unlearning, organizations remove their embedded knowledge intentionally. During unlearning, embedded knowledge is disorganized by breaking routines, changing structures etc. Therefore, organizational forgetting is a more extensive concept than unlearning since organizational forgetting includes both loss of knowledge voluntarily or involuntarily. On the other hand, unlearning is associated with intentional efforts of forgetting (Easterby-Smith & Lyles, 2011; Martin de Holan *et al.*, 2004). As an example of unlearning, Zahra *et al.* (2011) discussed the entrance behaviors of multinational companies of emerging economies such as Brazil, China, Egypt and India. It was stated that these companies should unlearn some behaviors that they use in domestic markets to be successful internationally. Finally, unlearning is not an easy process as some factors such as communication bottlenecks, fragmented structures, and self-interest may hinder organizational unlearning (Nicolini & Menzar, 1995).

In addition, organizations not only learn good things but also bad things. “*Avoiding Bad Habits*” refers to the intentional forgetting of relatively new knowledge of the organization. Successful organizations are those which forget unwanted knowledge before this knowledge becomes embedded (Martin de Holan *et al.*, 2004). For example, the top management of an organization may understand that a new managerial innovation may be harmful for the organization and discard it rapidly. In keeping with this idea, Mariano and Casey (2015) discussed that some new innovations that are inconsistent with old systems can be detrimental for organizations.

According to Martin de Holan and Phillips (2004b), the last two forms of organizational forgetting are more related to the concept of strategy since they include an emphasis on the will of the organization. As a natural result of this situation, these forms strongly need the agency of top management (Martin de Holan, 2011b). In addition, organizations may use some tactics such as organizational development, job rotation, removing top managers from the organization and adopting management fads and fashions to develop their capabilities of forgetting. For example, there is a built-in obsolescence in most managerial fads and fashions (Easterby-Smith & Lyles, 2011; Nystrom & Starbuck, 1984). In harmony with this idea, Abrahamson (1996) emphasizes the relatively transitory nature of management fashions. Therefore, these managerial fads and fashions can create a capability for organizations to forget (Easterby-Smith & Lyles, 2011). On the other hand, organizations should use these tactics carefully since they may create some counter-productive results. For example, making some changes in the top management of an organization may affect the morale of the organization (Nicolini & Mezner, 1995). At this point, how can a decision be made as to whether forgetting is intentional or unintentional. Fernandez and Sune

(2009a) recommend two criteria to decide about the type of forgetting. These are the existence of an agency and a clear decision-making process about forgetting.

5. Future Directions

Organizational forgetting is a quite important concept. As emphasized before, organizations that particularly operate in more dynamic environments have to learn forgetting to be able to survive. Despite this situation, organizational forgetting has not attracted much attention from researchers. This partially stems from difficulties in the conceptualization and implementation of forgetting (Akgün *et al.*, 2007). Therefore, providing clarity about the nature of organizational forgetting (Tsang & Zahra, 2008) and making organizational forgetting measurable is of great importance.

The second and possibly the most general recommendation is related to empirical studies in the field. Although the field is not so new, when the literature of organizational forgetting is examined, it can be clearly observed that there are only a few empirical studies in the literature (Fernandez *et al.*, 2012; Tsang, 2008; Tsang & Zahra, 2008). Therefore, researchers should be encouraged to conduct empirical studies. In addition, longitudinal research on the subject will be very interesting (Akgün *et al.*, 2007).

In addition, these few empirical studies have focused on various sectors such as aircraft production (e.g. Benkard, 2000), auditing (Causholli, 2016), construction industry (Cegarra-Navarro *et al.*, 2012), global orbital launch vehicle, health (David & Brachet, 2011), higher education (Eryilmaz, 2015; Fernandez & Sune, 2009a, 2009b) and tourism (Martin de Holan and Phillips, 2004a, 2004b). Extending the research to other sectors should provide both interesting and beneficial data. Research in sectors where results are critical and costly will be more appropriate to clarify the costs and benefits of organizational forgetting.

A fourth recommendation is about strategic alliances. Strategic alliances have become a strong trend in the global economy (Elmuti & Kathawala, 2001), one possible reason for which is the opportunity for learning from partners in strategic alliances (Ghosh, 2004; Inkpen & Tsang, 2007). It is fair to say that literature on learning among organizations in strategic alliances is only just emerging. However, the literature of organizational forgetting seems to be very silent about forgetting in strategic alliances or among a group of organizations. For example, Greve (1995) found that contagion may be a cause of strategy abandonment. The next generation of studies in the field may focus on questions such as how can a group of organizations (a strategic alliance) forget and what tools and methods are used for this.

One of the relatively new research points in the field of organizational learning is power and politics (Easterby-Smith *et al.*, 2000). However, this missing point has been filled by some studies (e.g. Blackler & McDonald, 2000; Coopey & Burgoyne, 2000; Lawrence *et al.*, 2005). Although power is one of the mechanisms to provide organizational forgetting (Martin de Holan, 2011b), power and politics have not so far attracted great attention from researchers in the field. Therefore, researchers who are considering focusing on this field in the near future may investigate the relationships between organizational forgetting and power/politics.

Another mechanism for organizational forgetting is discourse (Martin de Holan, 2011b) and/or rhetoric, which is “the ability of ‘seeing’ the available means of persuasion” according to Aristotle (1991: 13). To persuade others, the three different types of persuasion strategy of Logos, Pathos and Ethos can be used. In Logos, the orator obtains benefit from science and numbers to persuade others. In Pathos, a qualified orator recognizes the emotions of the receiver during the

communication process and shapes the conversation in terms of these feelings. Finally, Ethos is related to the traditions and generally accepted values of a society and the orator takes support from these to persuade the receiver (Green, 2004; Green *et al.*, 2008). These rhetorical strategies are often used together in practice. It can be said that there is rhetoric in the essence of life and therefore it is also important in the context of organizational forgetting. Questions which may be investigated include ‘Which rhetorical strategies are used by agents?’ and ‘Under which conditions do rhetoric strategies change?’.

6. Conclusion

In conclusion, organizational forgetting is a very important concept and a complementary concept to organizational learning in knowledge management. Learning, forgetting and relearning are steps of a process that is continuous and ongoing (Azmi, 2008). In spite of this truth, the organizational forgetting side of this process has not attracted much attention from researchers and the concept has remained ambiguous to a large extent. Therefore, the aim of this study was to clarify the subject as much as possible by reviewing the related literature and to draw the attention of academicians and practitioners to the importance of organizational forgetting. As in every study, this paper has some limitations. Despite the attempts of the researcher to access all articles on the subject, there were many important papers in literature that were not accessible to the researcher.

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POWER AND TERRORISM

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Abstract:

Essentially, terrorism is the most harmful effect of power. In the sense that it legitimates the most brutal force and its most unscrupulous use. In a situation where the only rule is the one dictated by the terrorist, who can be an individual, a group or a state. Presently, terrorism tends to be generalized, permeating gradually all the spheres of existence.

Keyword: *power, terrorism, security, international relations.*

Terrorism is one of the most complex and also more complicated phenomena of the contemporary world. He is closely linked to the phenomena of power namely their darkest areas of extremes and excesses of power. Therefore, terrorism is extremely difficult to define. If we mean by terrorism all political actions resorting to extreme violence when the term is no longer much help. Therefore, many analysts thought necessary to distinguish between acts of some or others, they are classified as terrorist. Insisted, for example, to distinguish between terrorism and guerrilla urban and other analysts have denounced the state terrorism consisting of extreme means to which recourse certain regimes for subjecting whole populations or expel them by means of terror worse than those of the actors "under- etat" [1].

When it comes to terrorism, we almost always antagonistic poles interpretation: if a pole is qualified as a terrorist act, on the other it can be considered as a heroic gesture. In this interpretation, cultural factors or those related to the type of civilization, values shared by a society have a very big role. But they are not always decisive, but rather a certain relation of forces which ultimately decides the character of an act or another.

We can talk above all about the effect of terrorism on a group, community or society. From this point of view, terrorism means in effect elementary panic generated by an attack of extreme violence against which, at least for now, there is no possibility of defense. Secondly, we talk about terrorism as a political act and thus it from the perspective of those who resort to such acts can be considered as a reaction of despair: a group, a community or an organization feels threatened its very existence and only means of self-defense which it also considers an act of terror possible aggressor or oppressor. Here is how it is possible that a terrorist act can be considered legitimate. And, therefore, many analysts following if a way questionable, which splits and wars just and unjust, propose separating acts, however violent they may be considered by those who commit them as the only possible response of survival or defense, acts of terrorism itself [2].

It has been read, after the attacks of 11 March 2004 in Madrid that day "human life had no price too". It is an analysis of amnesia. A look procession of horrors caused by power struggles throughout history, is to lose sight of the root causes that lead to massacres. Terrorism is not really history than the history of power [3], conquest, consolidating and defending power. But ideology has dominated historically and politically buried the true meaning of terror to destroy the term and divert it from its deep significance. And this for several reasons.

The correlation between terror and power is obviously capable of calling into question the foundations centralism and imperialism are the foundations of the state, whatever its form. Therefore, amnesia is often voluntary, because this correlation is opposite the dominant discourse which is to be redirect power to protect itself from terror. This amnesia is required to be of bourgeois democracy as a bulwark thanks terrorism is magical wand ballot.

On 11 March 2004 Madrid was not subjected to an attack but rather a bombardment. We can easily recognize all the ingredients strategic doctrine of modern terror Massacre, shock, psychological, media war, propaganda and against propaganda. And the more we find, equally, the political consequences arising from Clausewitz's famous phrase, that war is the continuation of politics by other means. For Spain, the withdrawal of its troops from Iraq.

It said the attack on 11 September 2001 in New York that will change the world, that nothing will be like before this attack. Such statement was undoubtedly marked by emotional but largely is worthy of notice since at least the attitude and the important lines, the whole policy of the United States took a different turn, so that American leaders are determined than ever to intervene, including by force, everywhere in the world where terrorist threat or mass destruction is present, even if they encounter serious resistance from some traditional allies. It can even speak of a war against terrorism, which is already proving extremely difficult and probably lasting, because terrorism is generated by complex causes, some even taking the nature of modern societies [4].

In any case, there was very poignant threat of terrorism so highly practiced by transnational networks have a capacity of mass destruction placed at a limitless hostility towards the West. United States is the state most exposed because it remained the only superpower, advocate a strategy primordiality and must always consolidate its website's leadership. [5] At the same time, expanded areas "gray" at the planet where dozens of conflicts smack concern. We live in a world conducive to the development of asymmetrical conflict where groups operating in the network, in a globalized space, using non-conventional means (terrorism, bacteriological weapons) to hit the states and the civilian population [6].

In September 2001, the United States obtained broad support from the international community, but quasi-stalemate to keep this support, they entered the decision to compel by force of arms, Iraq to disarm, suggesting that solidarity obtained should be primed change a multilateral approach in international relations.

It seems hard to believe that the existence of a superpower in the world identified with the US, could be considered at least a favoring condition of resurgent international terrorism. "From the arms industry, from science to technology, from higher education to popular culture, America enjoys an unrivaled ascendancy over the entire globe," said former US Secretary of State Henry Kissinger [7].

On behalf of the mission who assumed not only by the supervisor of international peace and security, and promoter of modeling reality in accordance with the values of democracy and

liberalism, the United States pursue their policy help or interference, with impunity or opposition, maintaining that they agreed alliances and eliminating those that do not serve enough American politics.

Gradually, under American influence, the UN's role was diminished or marginalized, the North Atlantic Alliance by adopting a new strategic concept, whose essence lies in the assumption by NATO of the right to intervene militarily in conflicts that happen outside the Alliance without approval United Nations, sometimes in conflict with the provisions and spirit of the Charter.

On this new strategic concept, a document of American foreign policy is expressed as follows: "the UN where possible, without UN when necessary and not possible" [8]. Thus, with UN approval was attacked Afghanistan in 2002 without UN approval was attacked Iraq in 2003.

With the war in Iraq, the US has defied not only international law, pursuant to building a world of peace and not of war, but also the alliance so natural and almost natural with the European Union, ignoring the position of France and Germany, which opposed war. They were tendentiously characterized by Pentagon chief Donald Rumsfeld as "old Europe" [9], which is not keeping pace with new Europe, Eastern Europe, born of the fall of communism.

US looked, momentarily, by virtue of its status as a superpower dictates of the law, be it international, it is that Europe will be the main partner, but not submitted. Such an attitude may explain the temptation of some European countries or to be integrated into the European Union "to continue uniting in an anti-American or anti atlantic perspective" [10].

Another criticism aimed at characterizing the US as the world superpower, a source fueling tensions between nations and peoples is that it ignores or refuses to accept the agreement vital to the entire international community, which most states have become part. Thus, USA they refused to accept the agreement which stipulates the prohibition of nuclear tests, the agreement on disarmament measures in the field of chemical weapons or ratify that were prohibited personnel mines, while denouncing the Kyoto protocol on measures to reduce emissions causing global warming. Moreover, have not ratified the Statute of the International Criminal Court - considered the most important international legal instrument created after the adoption of the UN Charter - which enshrines an international justice for perpetrators of the worst international crimes affecting peace and security, arguing that American soldiers in operations their should not be judged by international justice, but only one American justice.

President George W. Bush pointed sharply in the positions that the establishment of this Court would constitute an attack on US sovereignty, threatening to withdraw US troops from peacekeeping operations in Bosnia, where they will be under the jurisdiction of the new Court [11].

It can be appreciated that in the consciousness of the majority of the international community, dislike of "leader-ship" goes far beyond sympathy [12]. This may be growing antipathy support of collective negative energy that can be made so easy by extremist forces in the service of international terrorism.

It is interesting to emphasize that American antipathy is fueled by the US presence and its faithful ally, Israel, considered a threat in terms of civilization and their national interests, not only of the Muslim Arab world, but even EU citizens. Thus, a survey of the European Commission, conducted in October-November 2002 on a sample of 165 000 citizens of the 15 Member States at the time shows that half of EU citizens consider that in terms of promoting peace, combating poverty and protecting the environment, the US more harm than good by actions [13].

US must still take into account that one without quotas trust and sympathy of the world countries will not meet the challenges of the contemporary world, especially international terrorism declared total war.

"The political elite American should be convinced to be in solidarity with the international processes because, despite their power, the United States could not prevent the commission of the terrorist attacks of September 11" said in an interview with Russian Minister of Foreign Affairs Igor Ivanov [14].

America must understand that promoting American values, higher in fact, is not from positions of power, arrogance, privileged by their imposition, but through a natural process, accepting their voluntary by the international community. September 11, 2001 not only proved that the world needs America, but in equal measure, America needs the world for peace, security and even prosperity.

"The days have passed national security for America forever. From now on national insecurity and the new reality is the only way we can play is to work with the others and mobilizing them" - said the expert in US foreign policy Zbigniew Brzezinski [15].

Today, most of the actors, whether we are talking about the state or non-state, not define their security and defense strategies based on the perception of another state power that threatens the balance of global power or their own survival and security. The actors interacting with other actors cooperate ally depending on the threats they perceive [16]. Thus, most often, these threats are not solely the result of increased power of another state, but are related and non-state actors; In this sense, the proliferation of weapons of mass destruction, international terrorism, organized crime, and failed states that can contribute to both aggravated mentioned are considered threats to national security, regional and international.

The phenomenon of international terrorism, although it can not associate a powerhouse in terms of Hans J. Morgenthau [17] determined the orientation not only state actors but also political-military alliance's North Atlantic to combat it. Moreover, it threatens the greater because, in the worst case scenario (a terrorist attack with weapons of mass destruction, chemical, biological or radiological) could affect the security not only of the nation but a region or even the entire world.

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ASPECTS CONCERNING THE INSTITUTION OF ADMINISTRATIVE COURTS - FUNDAMENTAL COMPONENT OF THE RULE OF LAW

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Abstract:

Administrative contentious represents a legal phenomenon that aims to protect the rights of citizens against possible abuses of the organs of public administration and of public servants that work within those bodies. In a state based on law order on judicial control over public administration represents the most important form of control, being the legal instrument through which governments can defend the abuses of the administration, and also can be viewed as the main guarantee of and the achievement of a right to good administration.

Keyword: *administrative law, the fundamental rights and freedoms, judicial control, damaging a right.*

By the Constitution, Romania is proclaimed rule of law, democratic and social, which is organized on the principle of separation and balance of powers: legislative, Executive and judicial powers within the framework of constitutional democracy. For the operation of the three powers, it appears that the need for the existence of steady relations between them, which involve a permanent collaboration and mutual checks conducted under conditions strictly determined. This control should not be spring tension or pressure, but should have a significance barometer indicating the manner in which they are called upon to apply the Act at the decision, and the degree to which the decision corresponds to the purpose for which it was issued. [1]

Professor Paul Negulescu "indicate that this separation of powers is credited as being the most practice and guarantee the most reliable for maintaining freedoms being recognised the necessity of the existence of constant ratios between these powers and the kind of mutual control between them. It is absolutely necessary that the laws should correspond to actual needs and should be consistent with the entire system of legislation". [2]

Administrative contentious represents a democratic form of reparation of violations committed by law enforcement and administrative authorities, limiting the arbitrary power of the latter, by ensuring individual rights of citizens, or may be regarded as the legal form of defence agents-natural or legal persons-Government against abuse. Contentious term [3] represents, on the one hand, an activity for the settlement of a conflict of interest (as defined in the functional-material), of a legal conflict, and, on the other hand, the organ entrusted by law with the settlement of such conflicts (in terms of formal-organic). [4]

The State Council, created in 1864 was the first administrative organ, powers to settle the conflict between the Administration and individuals. After Cuza's abdication, the law of 9 July 1866 held that administrative affairs were to be resolved by the rules of ordinary production. That provision, although it has been amended several times, remained in force until 1923. [5] Yet these tribunals had a limited jurisdiction with regard to acts of authority, they may appreciate the legality of those acts about indirect and to award damages, but not to annul the Act.

As amplification and administrative activities such as diversification and awareness of those manage their rights and obligations correlative of the administrative authorities to repair them [6], have appeared increasingly frequent requests for the purposes of the establishment of a broad and complete system of administrative courts, to ensure a more effective protection of citizens. [7]

Public authorities apply the rules of law in many cases, individual situations where it may affect the rights of citizens, while the injured in his right or a legitimate interest must be able to address some specialised bodies provided by law and under the law, in order to repair the damage suffered and to restore the legal order violated. The need for the establishment of administrative bodies is justified and that, often, the issuing body or the hierarchically superior does not remove inland administrative appeal or hierarchical administrative rules issued in violation of the law, whereby the rights of the citizens are their physical injury or in legitimate interests. On the other hand, if it is true that hierarchical administrative appeal and are more advantageous for those physical injury in their rights or legitimate interests in the State, by means of an administrative act, for boosting legal, sometimes these remedies are inadequate for effective protection of the rights and interests of citizens. Therefore, the rule of law with the necessity to take measures, aimed at establishing a judicial control of the legality of the work of the executive. [8]

But not always disputes between the Administration and citizens were given the responsibility to the courts. From a formal point of view, over time, we distinguish three main administrative systems:

- system administrator-judge characterized the resolution of conflicts with the administration by the administrative authorities with judicial powers (this system existed in France until the revolution of 1789, in which bodies within the Administration were entrusted with the settlement of these disputes);

- French system of a separate administrative judiciary, characterized by conflict resolution with the administration of the courts specialising in this type of conflict;

- the Anglo-Saxon system of common courts of law and competent in matters of administrative courts. [9]

The Charter of fundamental rights of the European Union (CDFUE) enshrines in article 47, after the model of the European Convention of human rights and fundamental freedoms, the right to effective action and to access to an impartial tribunal. [10]

Thus, according to the first paragraph of the article, "everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a court, in accordance with the conditions laid down in this article." He is, obviously, of article 13 of the European Convention of 1950, which provide that "any person whose rights and freedoms recognized in the present Convention have been violated, has the right to address effectively a national court, even where the breach would be due to people who have acted in the exercise of their official duties".

The second paragraph of art. 47 CDFUE States that: "everyone has the right to a fair trial, public and within a reasonable time before an independent and impartial court established by law in advance. Everyone has the opportunity to be advised, defended and represented ". [11]

Under art. 52 para. 1 of the Romanian Constitution republished in 2003 entitled "the right of the injured person by a public authority" "in any of the times in a vested interest, a public authority through an administrative ruling or by his/her legal term to an application, is entitled to obtain acknowledgement of those rights or legitimate interest in the annulment of the Act and reparation of damage."

According to this constitutional text, the right of the person injured by a public authority is a fundamental right, and art. 52 of the Constitution is the constitutional basis of the liability of public authorities for injuries produced in violation of or disregard of citizens ' rights, freedoms and legitimate interests.

According to art. 52 public authorities liability occurs when:

- A. issue an administrative act by which a person's liberty;
- B. not dealt with in a legal request by a person;
- C. through miscarriages of Justice perpetrated in processes occur.

In the second case you can capture two practical issues. The first may be due for processing the request, outside the legal time limits, so overrun with them. If the action is already received to be resolved by taking into account the justifications of the authority. However, if the action was not set in motion the receipt and resolution to be rated according to whether it has produced personal injury or not. The second aspect concerns the public authority with silence when he received an application. A constitutional regulation presents the advantage that it does not enable the public authorities to ignore a request by a citizen. [12]

In article 126 paragraph 2 of the Constitution, republished, the administrative jurisdiction is expressly provided for. According to the constitutional text, the judicial control of administrative acts of the public authorities, administrative courts, is warranted, with the exception of those concerning relations with the Parliament and the headquarters of a military nature. The administrative courts are competent to hear claims of persons injured through ordinances or, where appropriate, through the provision of decrees declared unconstitutional.

The traditional classification of the main administrative forms, considering in particular the findings of the judge makes them after legal nature of the conflict.

Thus, from the point of view of the Court will act by the Administrative Court, which materialized in the judgment shall be handled through the dispute, administrative contentious are classified in: cancellation and contentious legal Department of full jurisdiction.

Legal Department for cancellation is that the Court has jurisdiction to annul or amend an administrative act adopted or issued by the authority with non-compliance with the law or to compel the administrative civil service to resolve a claim relating to a right recognized by law. In such a case, the Court is not competent to resolve the problem and repair the damage. This problem is resolved in the context of a separate dispute, the courts of common law.

Full of contentious jurisdiction is characterized by the right of the courts to annul the administrative act contested to compel the administrative authority to issue an administrative act or another enrolled, as well as to oblige to compensation.

A second classification takes into account the nature of the issue on which it is based, i.e. action taken subjectively, contentious goal respectively.

Subjective contentious exist when the request addressed to the applicant by the competent court action considering the violation of its legitimate interest in the subjective times. By its decision, the judge is not limited to the cancellation of illegal ruling, but may order other measures such as recognition of subjective rights, refunds, damages and possibly reforming the act.

Contentious goal is where the action is requested to note that the State of legality is injured by an act of the Administration, as it stands, the judge, by the discovery that makes it into his act, resolves the question of violation of the right lens, regardless of the legal position of the plaintiff, pronouncing the annulment of the Act where it finds the disparity with the legality of that Act. [13]

The law governing the institution is the law on administrative courts no. 554/2004 amended and supplemented. [14]

Organic law on the matter, under article. 2 para. (1) lit. f) provides a definition of this institution of the administrative courts, according to which the text through administrative means of settlement activity by the competent administrative courts according to the organic law, disputes in which at least one of the parties is a public authority, and the conflict was born on either issue or, where appropriate, the conclusion of an administrative act or by his/her legal or unjustified refusal to resolve a claim relating to a right or a legitimate interest.

The object of the administrative dispute may be administrative or regulatory framework with unilateral and bilateral or plurilateral administrative acts. In this respect, the courts can be appealed in respect of administrative, as well as with regard to administrative, such as administrative contracts, unjustified refusal or passivity of the Administration, as shown in the art. 2 para. (2) of the law on administrative courts. [15]

Also the subject of the action you may be unduly and making a certain administrative operations required for the exercise or protection of rights or legitimate interests as provided for in art. 8 para. (1) of the same law. With regard to the quality of the parties in the administrative litigation requires a distinction between the plaintiff (active procedural quality) and the defendant (procedural passive quality).

Thus, the quality of the plaintiff can have a natural or legal person injured through an illegal administrative act of a public authority, as provided for in art. 1 para. (1) of the law on administrative courts.

If they give a causal relationship between the Act of administrative individual character, addresses another subject of law, and damage to the rights or legitimate interests of a third party, then the person concerned may apply to the Court as a complainant, as article 1 para. (2). of the same law. [16] Article 1 para. (3) to (8) of the Act confers on the procedural framework and quality the following categories of subjects of law, special topics considered instituting proceedings: the Ombudsman, the Public Ministry, the issuing authority of the administrative act, the National Agency of Civil Servants, the prefect and any other matter of public law.

The quality of the defendant public authorities exercising powers or structures of State authority, according to the law. [17]

Legislative reform in recent years in Romania, through the introduction of a new Code of civil procedure has been defaced in the field of administrative courts. The framework law on the matter, including material provisions are found and rules of procedure, but the Act does not cover all aspects of procedure, which, in the current context, it maintained the rule of law to supplement gaps with special provisions of the code of civil procedure, i.e. is preserved the thesis completion of proceedings on administrative courts with common law and procedural law. [18]

Administrative contentious, in its current form, is a fundamental institution of public law, which carries out the judicial control over the activity of public administration authorities, aiming to restore the rule of law when it finds violations of the rights and legitimate interests.

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THE EVOLUTION OF HUMAN RESOURCES MANAGEMENT ANALYSED FROM THE PERSPECTIVES OF THIRD EUROPEAN SURVEY ON WORKING CONDITIONS FROM 2000 AND SIXTH EUROPEAN WORKING CONDITIONS SURVEY FROM 2015

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Abstract

In the last ten years, in both the UK and USA, the vocabulary for managing the employment relationship has undergone a change. ‘Personnel management’ has increasingly given way to ‘human resource management’ (HRM) or, better still to ‘strategic human resource management’. Nor is this shift exclusively confined to those followers of fashion, the commercial management consultants. It may be charted first in the writings of US academics and managers (for example, Tichy et al., 1982; Fombrun et al., 1984; Beer et al., 1985; Walton and Lawrence, 1985; Foulkes, 1986). Quickly, however, the term was taken up by both UK managers (for example, Armstrong, 1987; Fowler, 1987) and UK academics (for example, Hendry and Pettigrew, 1986; Guest, 1987; Miller, 1987; Storey, 1987; Torrington and Hall, 1987). By the end of the 1980s and the beginning of the 1990s the floodgates were open. The more broadly defined field of International Human Resources Management is about understanding, researching, applying and revising all human resource activities in their internal and external contexts as they impact the process of managing human resources in enterprises throughout the global environment to enhance the experience of multiple stakeholders, including investors, customers, employees, partners, suppliers, environment and society. [1]

Keywords: *Management, Human Resources, Global economy, organizations, working conditions.*

As the global economy expands, as more products and services compete on a global basis and as more and more firms operate outside their countries of origin, the impact on various business functions becomes more pronounced. [2] Practitioners in all business functions must develop the knowledge, skills, and experience in the international arena which will enable them and their firms to succeed in this new environment. This new reality is just as true (if not more so, as this book will demonstrate) for the HRM function as it is for other business disciplines, such as finance or marketing, which often get more attention. [7] The purpose of this article is to describe the knowledge, skills, and experiences necessary for the successful management of the IHR function, a function that is increasingly performed by all employees in companies, including HR professionals (in the HR department), managers and non-managers. [1]

In the case of Human Resources Management, internationalization can take many forms. For practical purposes, HR managers in most types of firms can or will confront at least some

aspects of internationalization. This is to say, the globalization and technology factors that have led to there being “no place to hide” for business, in general, have also led to there being no place to hide for the HR professional. Human resource professionals can find themselves involved in – and therefore must understand – IHRM issues in any of the following possible situations (which include HRM positions in all types of firms, not just international HR positions within the types of firms usually focused on, working at the headquarters of an multinational enterprises or in the parent-country operations). In all cases, the international aspects of the situation increase the exposure and liabilities for HR managers and place on them ever-increasing demands for new, internationally focused competencies. This text is dedicated to helping develop the understanding and competencies necessary for HR managers to succeed (personally and professionally as business contributors) in the international arena. [1]

The discussion that follows is based on a comparison between the working conditions in European countries, based on the Third European Survey on Working Conditions undertaken by the European Foundation for the Improvement of Living and Working Conditions made in March 2000 [4] and Sixth European Working Conditions Survey made in 2015. [5] The Third European Survey on Working Conditions was carried out in each of the 15 member states of the European Union (EU) in March 2000. The survey questionnaire was directed to approximately 1500 active persons in each country with the exception of Luxembourg with only 500 respondents. The total survey population is 21703 persons, of which 17910 are salaried employees. The survey methodology is based on a multistage random sampling method called ‘randomwalk’ involving face-to-face interviews undertaken at the respondent’s principal residence. The analysis of work organization developed here is based on the responses of the 8081 salaried employees working in establishments with at least 10 persons in all sectors except agriculture and fishing; public administration and social security; education, health and social work; and private domestic employees. In order to describe the principal forms of work organisation across the 15 nations of the EU, a factor analysis and hierarchical clustering method have been used on the basis of the following 15 organisational binary variables: [3] • a variable measuring the use of team work; • a variable measuring job rotation; • two variables measuring autonomy in work: autonomy in the methods used; and autonomy in the pace or rate at which work is carried out; • four variables measuring the factors or constraints, which determine the pace or rate of work: ‘automatic’ constraints linked to the rate at which equipment is operated or a product is displaced in the production flow; norm-based constraints linked to the setting of quantitative production norms; ‘hierarchical’ constraints linked to the direct control, which is exercised by one’s immediate superiors; and ‘horizontal’ constraints linked to way one person’s work rate is dependent on the work of one’s colleagues; • a variable measuring task repetitiveness; • a variable measuring perceived task monotony; • two variables measuring the way quality is controlled: use of precise quality norms; and individual responsibility for quality control; • a variable measuring the tasks complexity; and • two variables measuring learning dynamics in work: learning new things in one’s work; and problem-solving activity. [3]

Main dimensions of work organisation presents factors of the multiple correspondence analysis (MCA). The first factor, accounting for 18% of the inertia or chi-squared statistic, distinguishes between Taylorist and ‘post-Taylorist’ organisational forms. Thus, on one side we find the variables measuring autonomy, learning, problem-solving and task complexity and to a lesser degree quality management, while on the other side we find the variables measuring

monotony and the various factors constraining work pace, notably those linked to the automatic speed of equipment or flow of products, and to the use of quantitative production norms. On another side we have, accounting for 15% of the chi-squared statistic, is structured by two groups of variables characteristic of the lean production model: first, the use of teams and job rotation, which are associated with the importance of horizontal constraints on work pace; and second, those variables measuring the use of quality management techniques, which are associated with what we have called ‘automatic’ and ‘norm-based’ constraints. The third factor, which accounts for 8% of the chi-squared statistic, is also structured by these two groups of variables.[4] However, it brings into relief the distinction between, on the one hand, those organisational settings characterised by team work, job rotation and horizontal interdependence in work, and, on the other hand, those organisational settings where the use of quality norms, automatic and quantitative norm-based constraints on work pace are important. On the third side of the analysis it is underscored that the simple dichotomy between taylorist and lean organisational methods is not sufficient for capturing the organizational variety that exists across European nations. [3]

The sixth European Working Conditions Survey (EWCS) underlined the complex reality with which Europe’s policymakers are confronted as they seek to build a fair and competitive Europe. The findings drew attention to the range and scope of actions that policy actors could develop to address today’s challenges. Through their studies it was discovered a series of positive developments in several areas: [6]

- Reported exposure to posture-related risks, while still significant at 43%, has declined through years

- Nine out of ten workers report being either well informed or very well informed about the health and safety risks related to the performance of their job.

- A high proportion of workers (58%) report that their manager supports them all or most of the time, and a very high proportion (71%) receive support from colleagues all or most of the time.

- The proportion of employees whose immediate boss (supervisor) is a woman has increased from 24% in 2000 to 33% in 2015.

- The majority of the workforce (58%) report being satisfied with the working time in their main paid job.

- One-third of employees (31%) work in a ‘high involvement organisation’, characterised by a high level of task discretion and a high level of organisational participation.

- Almost two-thirds of workers agree that the organisation they work for motivates them to give their best job performance: 39% ‘tend to agree’ and 24% ‘strongly agree’.

Issues relating to specific groups of workers[6]

- Gender differences remain important, both in work and in life outside work.

- Men more frequently work longer hours (48 hours or more – self-employed workers in particular) and women more frequently work shorter hours (fewer than 20 hours).

- Men report more paid working hours, but the total number of working hours (paid work in main and second jobs, commuting time and daily unpaid work) is higher for women than for men.

- Workers in smaller companies are less frequently informed about the health and safety risks related to the performance of their job.

- Young workers are more exposed to work intensity, shift work, adverse social behaviour and job insecurity than other workers.

- Workers over the age of 50 report lower prospects for career advancement and inadequate training provision.

Issues of concern[5]:

- Between 2010 and 2015, there has been a rise in the level of exposure to handling chemicals (from 15% to 17%) and infectious materials (11% to 13%).

- Many blue-collar workers remain exposed to high levels of work intensity, while reporting low levels of autonomy, job security and employment security.

- Almost one in six workers (16%) reports having been subject to adverse social behaviour – such as acts of violence, harassment and unwanted sexual attention – with potentially serious negative consequences for the workers concerned and for their continued participation in work.

- The proportion of workers who always experience the feeling of work well done has fallen sharply, to 40%. • Gender segregation is still prevalent, with two-thirds of employees (67%) having a male supervisor and 85% of male employees having a male supervisor.

- In 2015, 16% of employees ‘agree’ or ‘strongly agree’ that they might lose their job in the next six months – the same proportion as in 2010.

- Some workers experience poor job quality in a few or several domains, suggesting that actions are needed to support workers across their working life.

Conclusions

The adoption of new organizational forms adapted to specific national HRM is now clearly on the European political agenda.[9] Although there is increasing recognition at both the European and national levels of the importance of new forms of work organization for competitive performance, debate and policy initiatives are seriously hampered by the idea of a uniform direction of organisational change. This has impoverished the policy debate by precluding a serious discussion of the normative consequences of the alternative models that are available for achieving the combined goals of organisational learning and problem-solving. Furthermore, the debate up to now has failed to address in a serious manner the relation between organisational change and wider labour market and institutional setting.[2]

In this paper I have taken an initial step towards providing this mapping and relating it to widely recognised differences in the way labour markets are regulated across European nations. “Paid work contributes to quality of life both positively and negatively. Paid work provides income as well as identity and social interactions, but it may also be a source of negative experiences and risks. ...This underscores the importance of collecting more systematic information on the quality of paid work ...”

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MATRIMONIAL AGE

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Abstract: *The Civil Code establishes the rule that marriage may be concluded if the future spouses have reached 18 years of age (art. 272 par. 1 Civil Code). Notwithstanding the provisions of art. 272 par. 1 of the Civil Code, para. 2 of the same article provides that, for reasonable grounds, a minor who has reached the age of 16 can marry by virtue of a medical opinion, with the consent of his/her parents or, where appropriate, of the guardian, and with the authorization of the guardianship court in whose constituency the minor is domiciled.*

Keywords: *Civil Code, marriage, matrimonial age*

The Minimum Age for Marriage

As a rule, the matrimonial ability is gained with the age of majority, 18 years of age, by both men and women (art. 272 par. 1 Civil Code) [1].

The reasons that dictate the establishment of nubile age requirement are multiple. Firstly, biologically and from the standpoint of eugenics, future spouses must be physically fit to marry, meaning that they must have reached at least the age of puberty; but since puberty is a matter of fact, the law sets a minimum age, superior to that of real puberty. Secondly, from a psychical and moral standpoint, the future spouses must have attained the maturity necessary to understand the importance of the legal act of marriage and they must assume the duties involved in their decision with complete awareness. Finally, from a legal standpoint, marriage is a legal act, and as such, it implies the existence of discernment, in support of conscious and free consent [2].

The law does not provide a maximum age until which marriage may be concluded, so it's possible to conclude a marriage in extremis, before death, which typically legalizes a previous cohabitation. For such a marriage to be valid, all legal requirements must be fulfilled, including the expression of conscious consent by both spouses [3].

The law does not impose a maximum age difference between spouses, hence the conclusion of that marriage can take place regardless of the age difference that exists between them [4]. Some authors consider that huge age difference may be an indication, if corroborated with other evidence, that a fictitious marriage might be desired, aiming for purposes other than starting a family. [5]

Marriage of the Minor

By exception from the provisions of art. 272 par. 1 of the Civil Code, which states that marriage may be concluded if the spouses have reached the age of 18 years old, par. 2 of the same article provides that, for good reasons, a minor who has reached the age of 16 can marry by virtue of a medical opinion, with the consent of his/her parents or, where appropriate, of the guardian, and with the authorization of the guardianship court in whose constituency the minor is domiciled.

As such, marriage can be concluded at 16 years of age if the following conditions are met cumulatively:

- there are reasonable grounds;
- there is a medical opinion attesting that the person is biologically fit to marry;
- there is consent of the parents or, where applicable, of the guardian or the person or authority entitled to exercise parental rights;
- there is the authorization of the guardianship court in whose constituency the minor is domiciled.

a) *Existence of reasonable grounds.* The law does not define these reasonable grounds. Case law has stated that the following can constitute reasonable grounds: pregnancy, childbirth, previous state of concubinage etc. The existence and validity of the reasons which determine the minor to marry are analysed by the guardianship court in whose jurisdiction the minor is domiciled, who will decide by court order if to authorize the conclusion of the marriage or not [6].

b) *Existence of a medical opinion.* This must attest that the health of the person, the degree of physiological, psychological and intellectual maturity allow him/her to undertake the duties specific to a marriage, as well as all its consequences. Also, the medical approval should certify the existence of reasonable grounds, when applicable (such as the state of pregnancy of the future wife) [7].

The medical approval must precede the consent of the parents or, as the case may be, of the guardian, of the person or of the authority empowered to exercise parental rights.

The medical opinion is relevant most of all for the authority entitled to authorize the conclusion of marriage and for the authority called upon to perform the marriage [8].

c) *Existence of the consent of the parents or, as the case may be, of the guardian, person or authority entitled to exercise parental rights.* Given the limited exercise capacity, the minor is under the protection of those who must provide specific care, namely, as reflected in art. 106 par. 1 Civil Code, the minor is under the protection of parents, guardian(s), of the person with whom the child is in foster care or, in the case of special protection measures, of that authority which has taken over guardianship. As no exception is provided from the rule of accepting undearge marriage, the requirement is met including in the case of the minor who has acquired anticipated exercise capacity in terms of art. 40 Civil Code [9].

Whatever the quality of the author of the declaration of acceptance may be, his unilateral act is special, considering the minor's marriage with a particular person [10].

The right of parents to approve the minor's marriage is part of the ensemble of parental rights and duties which, together, form *parental authority*, and is – without a doubt – a right regarding the person of the child [11].

Exercising this right, concretely expressed consent of the parents is a unilateral manifestation of will, a *unilateral legal act*, having the significance of a permissive legal act, of an authorization (auctoritas, augere) [12].

When both parents are alive, when they are not under interdiction and can manifest their true will, and there is no physical or social hindrance, there is no doubt that for the valid conclusion of the minor's marriage both parents must give their consent [13].

By the notion of *parents* employed by the legislator, it must be understood the natural wedded parents, the parents out of wedlock where parentage has been established for both via one of the methods provided by law, as well as adoptive parents. [14]

The joint exercise of parental authority by both parents occurs in case of undivorced parents, but also in case of divorced parents, when the provisions of art. 397 Civil Code apply, according to which the parental authority rests jointly to divorced parents, unless the court decides otherwise, as well as in the case of unwedded parents living together and who exercise parental authority jointly under art. 505 par. 1 Civil Code [15].

According to art. 272 thesis II of the Civil Code, if one of the parents refuses to approve the marriage, the guardianship court decides on this divergence, considering the best interests of the child [16]. In this way the guardianship court guards the best interests of the child, being called upon to determine whether the abusive refusal falls within the parameters of the superior interests [17].

In accordance with art. 272 par. 3 Civil Code, if one parent is deceased or is unable to manifest his/her will, the consent of the other parent is sufficient.

The provisions of art. 507 Civil Code, which governs the exercise of parental authority by a single parent, shows that if one parent is deceased, declared dead by court order, is under interdiction, is deprived of the exercise of parental rights, or if, for any reason, is unable to express his/her will, the other parent exercises parental authority alone.

The correlation between texts is not fully achieved, but the rationale of the regulation is unmistakable, in the sense that in all cases where exercising parental authority is performed by one parent, that parent's consent is sufficient [18].

As such, the solution set out in art. 272 par. 3 Civil Code applies not only when one parent is deceased, but also when he/she is declared dead by court order or under interdiction or deprived of parental rights or is unable to express his/her will [19].

As the text of the law does not make the distinction, in the literature [20] it is stated that "failure to manifest the will" may be of any kind, for example, physical (insanity or mental illness, coma, etc.) or social (long absence, disappearance, execution of a custodial sentence, etc.).

As such, it may be considered that the phrase "unable to express the will" for the purposes of art. 272 par. 3 Civil Code covers all other cases in which, according to art. 507 Civil Code, parental authority is exercised by one of the parents [21].

According to art. 272 par. 4 Civil Code, under art. 398, the consent of the parent who exercises parental authority is sufficient.

Exercising parental authority by a single parent can be ordered by the divorce court for good reasons, considering the best interests of the child (art. 398 par. 1 Civil Code). The other parent retains the right to watch over the way in which the child is cared for and educated, as well as the right to consent to the child's adoption (art. 398 par. 2 Civil Code).

As the solution in the matter of exercising parental authority provided for divorce is also applicable in case of marital nullity, under art. 305 par. 2 Civil Code [22], as well as to the child born out of wedlock, when parents do not live together, according to art. 505 par. 2 Civil Code

[23], it ensues that in these hypotheses, for the same reasons, the solution is that consent of the parent who exercises parental authority is sufficient [24].

The Civil Code provides in art. 110, that guardianship of the minor shall be established when both parents are, as applicable, deceased, unknown, deprived of the exercise of parental rights or the criminal punishment of prohibition of parental rights was enforced, they were placed under judicial interdiction, are missing or declared dead and if, upon termination of adoption, the court decides that it is in interest of the minor to institute guardianship.

If guardianship was instituted, the guardian is the one who must approve the marriage of the minor.

Although in the context of underage marriage the legislator refers to guardianship exercised by a single person, we infer that in the case of guardians husband and wife, who are jointly responsible of exercising the attributions of the guardianship and are subject to the provisions in matter of parental authority (art. 135 par. 1 Civil Code), the permission of each of them is necessary, and the eventual disagreement is settled by the court of guardianship, like in the case of the dispute between the parents, according to the child's best interests (art. 272 par. 2 final thesis Civil Code) [25].

If there is no parent or guardian who can approve the marriage, the "consent" of the person or of the authority entitled to exercise parental rights is required. The hypothesis is considering the minor protected by placement or through another special protection measure provided by law (art. 106 par. 1 Civil Code) [26].

d) *the existence of the approval of the guardianship court.* The guardianship court is meant to ensure the verification of seriousness and thoroughness of the reasons invoked by the minor, as well as ensure other special conditions - the medical opinion, the existence of the guardian's approval [27].

If both future spouses are minors, the guardianship court will consider each case separately [28].

The request for authorization of marriage is settled by the guardianship court (court of law) in whose jurisdiction is the domicile of the minor wishing to marry. The request is made by a minor under 16 years of age, assisted by his/her legal representative, and shall be heard in the council chamber. Hearing the minor is compulsory in compliance with art. 264 Civil Code. The procedure is a non-contentious one and ends with a judgment subject to appeal [29].

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[15]. Ibidem. Art. 505 alin. (1) Civil Code: „In the case of a child born out of wedlock, whose parentage has been established simultaneously or, as the case may be, in succession regarding both parents, parental authority is exercised jointly and equally by the parents if they live together.”

[16]. The Civil Code states in art. 263 *the principle of the child's superior interest*.

[17]. A. Gherghe, *op. cit.*, p. 643.

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[23]. Art. 505 alin. (2) Civil Code: „If the child's parents live together outside marriage, the way in which parental authority is exercised is determined by the guardianship court, the provisions on divorce being applicable by similarity”.

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DECOMPOSITION OF A TANGENT BUNDLE OF A NORMAL ANTI-INVARIANT SUBMANIFOLDS OF A PARAQUATERNIONIC KÄHLER MANIFOLDS

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Abstract:

We introduce normal anti-invariant submanifolds of a paraquaternionic Kähler manifolds and obtain some basic results on their differential geometry. Also we show that the tangent bundle of a normal anti-invariant submanifolds of a paraquaternionic Kähler manifolds admits the decomposition in complementary orthogonal distribution.

Key words: anti-invariant submanifold, Kähler manifolds, tangent bundle.

1. Introduction

The paraquaternionic Kähler manifolds have been introduced and studied by Garcia-Rio, Matsushita and Vazquez-Lorenzo. We think of a paraquaternionic Kähler manifold as a semi-Riemannian manifold endowed with two local almost product structures and a local almost complex structure satisfying some compatibility conditions.

In the present paper we define the normal anti-invariant submanifolds of a paraquaternionic Kähler manifold and obtain some basic results on their differential geometry. Also, we show that the tangent bundle of a normal anti-invariant submanifold N of a paraquaternionic Kähler manifold (M, \mathbb{V}, g) admits the decomposition (8) where \mathcal{D} and \mathcal{D}^\perp are complementary orthogonal distributions on N .

Throughout the paper all manifolds are smooth and paracompact. If M is a smooth manifold then we denote by $F(M)$ the algebra of smooth functions on M and by $\Gamma(TM)$ the $F(M)$ -module of smooth sections of the tangent bundle TM of M . Similar notations will be used for any other manifold or vector bundle. If not stated otherwise, we use indices: $a, b, c, \dots \in \{1, 2, 3\}$ and $i, j, k, \dots \in \{1, 2, \dots, n\}$.

Let M be a manifold endowed with a *paraquaternionic structure* \mathbb{V} , that is, \mathbb{V} is a rank-3 subbundle of $End(TM)$ which has a local basis $\{J_1, J_2, J_3\}$ on a coordinate neighbourhood $\mathcal{U} \subset M$ satisfying (see Garcia-Rio-Matsushita-Vazquez-Lorenzo [4])

- (a) $J_a^2 = \lambda_a I, a \in \{1, 2, 3\}$,
 - (b) $J_1 J_2 = -J_2 J_1 = J_3,$
 - (c) $\lambda_1 = \lambda_2 = -\lambda_3 = 1.$
- (1)

A semi-Riemannian metric g on M is said to be *adapted* to the paraquaternionic structure \mathbb{V} if

it satisfies

$$g(X, Y) + \lambda_a g(J_a X, J_a Y) = 0 \quad \forall a \in \{1, 2, 3\}, \quad (2)$$

for any $X, Y \in \Gamma(TM)$, and any local basis $\{J_1, J_2, J_3\}$ of \mathbb{V} . From relation (1) and relation (2) it follows that

$$g(J_a X, Y) + g(X, J_a Y) = 0 \quad \forall a \in \{1, 2, 3\}. \quad (3)$$

Now, suppose $\{\tilde{J}_1, \tilde{J}_2, \tilde{J}_3\}$ is a local basis of \mathbb{V} on $\tilde{\mathcal{U}} \subset M$ and $\mathcal{U} \cap \tilde{\mathcal{U}} \neq \emptyset$. Then we have

$$\tilde{J}_a = \sum_{b=1}^3 A_{ab} J_b, \quad (4)$$

where the 3×3 matrix $[A_{ab}]$ is an element of the pseudo-orthogonal group $SO(2, 1)$. From (1) and (2) it follows that M is of dimension $4m$ and g is of neutral signature $(2m, 2m)$.

Next, we denote by $\tilde{\nabla}$ the Levi - Civita connection on (M, g) . Then the triple (M, \mathbb{V}, g) is called a *paraquaternionic Kähler manifold* if \mathbb{V} is a parallel bundle with respect to $\tilde{\nabla}$. This means that for any local basis $\{J_1, J_2, J_3\}$ of \mathbb{V} on $\mathcal{U} \subset M$ there exist the 1-forms p, q, r on \mathcal{U} such that (cf. Garcia-Rio-Matsushita-Vazquez-Lorenzo [4])

$$\begin{aligned} (a) \quad & (\tilde{\nabla}_X J_1)Y = q(X)J_2 Y - r(X)J_3 Y, \\ (b) \quad & (\tilde{\nabla}_X J_2)Y = -q(X)J_1 Y + p(X)J_3 Y, \\ (c) \quad & (\tilde{\nabla}_X J_3)Y = -r(X)J_1 Y + p(X)J_2 Y, \end{aligned} \quad (5)$$

2. Decomposition the tangent bundle of normal anti-invariant submanifolds

Now, we consider a non-degenerate submanifold N of (M, \mathbb{V}, g) of codimension n . Then we say that N is a *normal anti-invariant submanifold* of (M, \mathbb{V}, g) if the normal bundle TN^\perp of N is anti-invariant with respect to any local basis $\{J_1, J_2, J_3\}$ of \mathbb{V} on \mathcal{U} , that is, we have

$$J_a(T_x N^\perp) \subset T_x N, \quad \forall a \in \{1, 2, 3\}, \quad x \in \mathcal{U}^* = \mathcal{U} \cap N. \quad (6)$$

A large class of normal anti-invariant submanifolds is given in the next proposition.

Proposition 1. Any non-degenerate real hypersurface N of (M, g) is a normal anti-invariant submanifold of (M, \mathbb{V}, g) .

Proof. From (3) we deduce that $g(J_a U, U) = 0$, for any $U \in \Gamma(TN^\perp)$ and $a \in \{1, 2, 3\}$. Hence $J_a U \in \Gamma(TN)$, which proves (6). ■

Next, we examine the structures that are induced on the tangent bundle of a normal anti-invariant submanifold N of (M, \mathbb{V}, g) . First, we put $\mathcal{D}_{ax} = J_a(T_x N^\perp)$ and note that $\mathcal{D}_{1x}, \mathcal{D}_{2x}$ and \mathcal{D}_{3x} are mutually orthogonal non-degenerate n -dimensional vector subspaces of $T_x N$, for any $x \in N$. Indeed, by using (3), (1b) and (6) we obtain

$$g(J_1 X, J_2 Y) = -g(X, J_1 J_2 Y) = -g(X, J_3 Y) = 0, \quad \forall X, Y \in \Gamma(TN^\perp),$$

which shows that \mathcal{D}_{1x} and \mathcal{D}_{2x} are orthogonal. By a similar reason we conclude that \mathcal{D}_{ax} and \mathcal{D}_{bx} are orthogonal for any $a \neq b$. Then we can state the following.

Proposition 2. Let N be a normal anti-invariant submanifold of (M, \mathbb{V}, g) of codimension n . Then we have the assertions:

(i) The subspaces \mathcal{D}_{ax} of $T_x N$ satisfy the following

$$J_a(\mathcal{D}_{ax}) = T_x N^\perp \text{ and } J_a(\mathcal{D}_{bx}) = \mathcal{D}_{cx},$$

for any $x \in \mathcal{U}^*$, $a \in \{1, 2, 3\}$ and any permutation (a, b, c) of $(1, 2, 3)$.

(ii) The mapping

$$\mathcal{D}^\perp: x \in N \rightarrow \mathcal{D}_x^\perp = \mathcal{D}_{1x} \oplus \mathcal{D}_{2x} \oplus \mathcal{D}_{3x},$$

defines a non-degenerate distribution of rank $3n$ on N .

(iii) The complementary orthogonal distribution \mathcal{D} to \mathcal{D}^\perp in TN is invariant with respect to the paraquaternionic structure, that is, we have

$$J_a(\mathcal{D}_x) = \mathcal{D}_x \quad \forall x \in \mathcal{U}^*, a \in \{1,2,3\}.$$

Proof. First, by using (1) we obtain the assertion (i). Next, by (4) and taking into account that J_a , $a \in \{1,2,3\}$, are automorphisms of $\Gamma(TN)$ and \mathcal{D}_{ax} , $a \in \{1,2,3\}$ are mutually orthogonal subspaces we get the assertion (ii). Now, we note that the tangent bundle of M along N has the following orthogonal decompositions:

$$TM = TN \oplus TN^\perp = \mathcal{D} \oplus \mathcal{D}^\perp \oplus TN^\perp. \quad (7)$$

Then we take $Y \in \Gamma(\mathcal{D}^\perp)$ and by the assertion (i) we deduce that

$$J_a Y \in \Gamma(\mathcal{D}^\perp \oplus TN^\perp), \quad \forall a \in \{1,2,3\}.$$

On the other hand, if $Y \in \Gamma(TN^\perp)$, by (6) and the assertion (ii) we infer that

$$J_a Y \in \Gamma(\mathcal{D}^\perp), \quad \forall a \in \{1,2,3\}.$$

Thus by using (3) and the second equality in (7) we obtain

$$g(J_a X, Y) = -g(X, J_a Y) = 0, \quad \forall a \in \{1,2,3\},$$

for any $X \in \Gamma(\mathcal{D})$ and $Y \in \Gamma(\mathcal{D}^\perp \oplus TN^\perp)$. Hence $J_a X \in \Gamma(\mathcal{D})$ for any $a \in \{1,2,3\}$ and $X \in \Gamma(\mathcal{D})$, that is, \mathcal{D} is invariant with respect to the paraquaternionic structure \mathbb{V} . This completes the proof of the proposition. ■

By assertion (iii) of the above proposition we are entitled to call \mathcal{D} the *paraquaternionic distribution* on N . Also, we note that the paraquaternionic distribution is non-trivial, that is $\mathcal{D} \neq \{0\}$, if and only if $\dim N > 3n$.

Let N be a normal anti-invariant submanifold of codimension n of a $4m$ -dimensional paraquaternionic Kähler manifold (M, \mathbb{V}, g) . Then according to the definitions of \mathcal{D} and \mathcal{D}^\perp we have the orthogonal decomposition

$$TN = \mathcal{D} \oplus \mathcal{D}^\perp \quad (8)$$

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THEORETICAL ASPECTS CONCERNING PROCEDURAL ACTIVE LEGITIMATION AT NATIONAL AGENCY OF PUBLIC SERVANTS

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Abstract:

National agency of civil servants has become, according to art. 3 paragraph 2 of law no. 554/2004, active legitimation process, she could then appeal to the administrative contentious, central and local public authorities, whereby legislation is in breach of the public function, under the law on administrative courts and the law on the status of civil servants, republished. In our system of administrative law, administrative guardianship authority is prefect and national agency of civil servants, and the right to control of the agents of the public authorities which apply to legislation in the field of civil service and public servant is qualified as administrative guardianship.

Key words: public servant, administrative guardianship, the public function, administrative contentious, active legitimation quality, the administrative act.

Public authorities apply the rules of law in many cases, the individual, in which case it may adversely affect the rights of citizens. In a State based on law order, administrative courts are the main form of ensuring that private rights, breaches of the law by public administration authorities, limiting the arbitrary power. [1]

One of the fundamental principles, the right to a fair trial within optimal and predictable is successful for the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union, by law No. 304/2004 on the organisation of the judiciary, established itself to be in line with art. 17, but also with other provisions of the law on administrative jurisdiction which reveals the urgency and, in particular, of settling disputes which have been entrusted with the units of the administrative and tax courts within. [2]

Inspired by the regulation of the European Convention on Human Rights [3], entitled the right to a fair trial, the principle governed by the new code of civil procedure reflect the importance conferred by the legislature's internal rules arising from the Convention and the case-law of the European Court of Human Rights. [4]

The reports of administrative law, related authorities and the authorities or private individuals, subject to the special procedure in cases of conflict, the dispute will be settled after special procedure-law nr. 554/2004, to be completed with the regulated by the new Code of civil procedure. [5] Moreover, law No. 554/2004 send the code of civil procedure, in addition, where

the law does not hold, so that the new code of civil procedure and all its provisions are compatible with the specifics of the relationship between the authority and the injured persons, apply to these ratios become conflicting. [6]

Under national law, under art. 1 para. (1) of law No. 554/2004 on administrative courts, as amended and supplemented, "any person who considers himself aggrieved in his own right or in a vested interest by a public authority through an administrative ruling or by his/her legal reply to an application, may apply to the competent administrative court, for the cancellation of the recognition of those rights or legitimate interest and reparation for the damage that has been caused. Legitimate interest can be both private and public. "

Law No. 554/2004 recognizes expressly in art. 1 para. (3) to (9) that they can have an active procedural quality: the Ombudsman, the Public Ministry, public authority issuing a unilateral administrative act unlawful, the Act can no longer be revoked since it entered the civil circuit and produced legal effects, The Prefect, The National Agency of Civil Servants and any subject of public law, the injured party in his rights or legitimate interests in through ordinances or provisions of the Ordinances of the Government unconstitutional.

The administrative tutelage, institution of public law, not found in the Constitution's explicit consecration in 1991, following its revision in 2003, as well as any other regulations with the incidence in the administrative courts adopted pending the entry into force of law No. 554/2004 on administrative courts.

In our system of administrative law, administrative guardianship authority is prefect and The National Agency of Civil Servants, and the right to control of the prefect and local public administration authorities and the right to control the National Agency of Civil Servants on the acts of the public authorities which apply to legislation in the field of civil service and public officer shall be qualified "administrative guardianship." [7]

National Agency of Public Servants (A.N.F.P.) was established by law No. 188/1999 on the status of civil servants, in order to ensure the management of public functions and civil servants. A.N.F.P. 's main powers are found in law No. 188/1999 on the status of civil servants as amended and supplemented, and the activity is governed by the Decision adopted by the Government no. 1000/2006 republished, with subsequent amendments and additions. [8]

Considering the fact that administrative guardianship constitutes an exception to the principle of local autonomy is exercised only by the authorities provided by law, only in cases stipulated by law, the Law on administrative courts, taking into account the provisions of art. 22 para. (3) to (5) [9] of law No. 188/1999 on the Status of civil servants, republished, and that this control is similar to administrative guardianship exercised by the prefect, administrative guardianship institution devotes exercised by The National Agency of Civil Servants, as a way of contentious goal established by this law. [10]

As regards the actions brought by The National Agency of Civil Servants, should be considered, cumulative, requirements of the "*common law*" of the administrative courts and the conditions of the "*special right*" given by the law on the status of civil servants, republished.

Under art. 1 para. (8) of the Law on administrative courts "Prefect, The National Agency of Civil Servants and any subject of public law may introduce administrative actions under this law and special laws and art. 3 para. (2) "National Agency of Public Servants may appeal to the Court of administrative acts of local and central public administration authorities through which

violate the legislation on public function, under the present law and the Law on the status of civil servants, republished".

Under art. 3 para. (3) of the Law on administrative courts "to settle the case, the Act under attack is suspended by operation of law".

These legal provisions reiterates in a different formulation in article. 22 paragraph (3) of the Statute of civil servants, according to which The National Agency of Civil Servants has active procedural legitimation and refer the matter to the administrative court which has jurisdiction in respect of acts by which the public authorities or institutions violate the law relating to civil servants and public function, documents found as a result of their control activities, but also with regard to the refusal of the authorities and public institutions to apply the legal provisions in the field of civil service and civil servants. [11] In the literature this situation was deemed similar to the procedural capacity of the active recognition of the prefect, and may be regarded as an administrative control. [12]

In paragraph 5 of art. (22) of the Statute provides for the possibility of referral to the prefect by the Chairman of The National Agency of Civil Servants in relation to unlawful acts issued by local authorities or public institutions. The role of this complaints is that the prefect to be able to promote an action in administrative court against unlawful acts issued in the matter of the civil service of the autonomous local authorities. [13]

The term "*acts of central and local public authorities*" shall mean both administrative illegal infringing legislation on public function and unjustified refusal or administrative silence. [14] The doctrine was that the national agency of civil servants shall investigate all complaints concerning violations of the law by legislative or administrative acts in the field of civil service, whereas it cannot be limited to observations made during the inspection activities carried out on a voluntary basis.

The doctrine was that The National Agency of Civil Servants shall investigate all complaints concerning violations of the law by legislative or administrative acts in the field of civil service, whereas it cannot be limited to observations made during the inspection activities carried out on a voluntary basis.

The doctrine in terms of reference emphasized the fact that, in relation to the text of the draft of the law on administrative courts, the current rule, adopted in article 3 para. (2) expanding the scope of persons entrusted with signing and enter in the name of administrative Agency actions. Thus, the President of the Agency may empower a Vice President with the power to sign on behalf of the agency administrative actions. [15]

According to the provisions of art. 7 para. (5) of Law No. 554/2004, as amended, or in the case of actions brought by the national agency of civil servants is not required prior complaint. In this context, it was pointed out that the solution is suffers, since no provision of Law no.188/1999 does not specify expressly such a referral to the preliminary procedure, that it has no possibility of mediation and to try to end the dispute in the administrative phase, less expensive than the judicial process. [16]

Even though the necessity of prior proceedings was supported in the scientific literature [17], other authors have remained at the prior procedure that would represent a formalism without regard to its merit, at least in the statement of administrative action of dismissal from Office, which being administrative penalties, are not, in fact, withdrawn. [18]

In formulating the action, The National Agency of Civil Servants must comply with the deadlines laid down in article 11 para. (1) of the law on administrative courts in the case of administrative individual character, and in the case of normative administrative acts must be respected article 11 para. (4) of the same law.

Thus, the Act is suspended as attacked, and deadlines for appeals are different, depending on the type of Act challenged:

A. in the case of individual acts, the term is 6 months (art. 11 para. 1) at the time of the effective Act removed illegally, but not more than one year [19]; because The National Agency of Civil Servants is a public authority directly concerned by regulations issued by the local authorities in the field of the civil service, they should be communicated to the Agency by the Secretary of the administrative territorial unit within the legal obligation arising from the provisions of law No. 215/2001.

B. administrative normative can be attacked at any time, under art. 11 para. (4) of law No. 554/2004. This is the case, for example, the Government adopted in breach of the legal provisions in the field of civil service or ministerial orders that have as their object the legal position of civil servants in a given field of activity, which are illegal. [20]

If the action carried out by The National Agency of Civil Servants, the legality of an administrative act attacked will be analysed by the competent court in an objective, not subjective, in the sense that, while it has taken its subjective in caring for the rights of individuals ' subjective, giving them legal means to defend their rights in the face of abuses of the Administration, need to observe objective evokes the contentious in public administration, impersonal rules of law. [21]

The Act of attacking this institution is suspended by operation of law under art. 3 paragraph (3) of law No. 554/2004, thus maintained the suspension of rule of law of administrative provisions attacked by that authority, what is provided and in article 22 paragraph (4) of Law 188/1999, republished. The suspension will last until the final and irrevocable settlement of the dispute, which arises from the provisions of art. 3 paragraph (3) of law No. 554/2004. [22]

Court jurisdiction is determined in accordance with article 10 of law No. 554/2004 and belong to either the Court of first instance, whether the Court of appeal, namely the administrative sections, depending on the rank of the authority of the Act.

With regard to territorial jurisdiction, even if the legal provision makes reference to the plaintiff's domicile, the concept of "domicile" can be interpreted in a broad sense to encompass and address of the legal person, public authority with special active legitimating process, as is The National Agency of Civil Servants. [23] Thus, the Agency can choose between the Court of the defendants and the authority of its premises.

As regards the civil service is taken at European Union level, according to art. 270 TFUE, "Court of Justice of the European Union shall have jurisdiction to rule on any dispute between the Union and its servants within the limits and under the conditions laid down in the staff regulations of officials and conditions of employment of other servants of the Union". Have the status of officials and persons appointed in a permanent function of one of the Union's institutions or bodies. They are subject to the special arrangements set up by the EU regulations. Such action should be directed against the institution, body, Office or agency which operates service the staff member concerned, and more specifically, the act issued by the authority vested with the power of appointment.

In the absence of such an act, the agent must ask for it by applying to the authority. Cannot be attacked than a legislative character individually and against one of a general nature may be raised exception of illegality with the help of an action directed against a decision of individual scope. [24]

In conclusion, *The National Agency of Civil Servants* is the administrative authority of the trustee for all public authorities, local and Central, but only in a strictly determined field, that of public relations, having regard, in this respect, an important role in resolving disputes in this area of activity, administrative courts, taking into account its legal standing, according to legal regulations.

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- [8] http://www.anfp.gov.ro/continut/Prezentare_ANFP
- [9] Art. 22: para. (3): *The National Agency of Civil Servants has gained legitimacy and refer the matter to the administrative court which has jurisdiction in respect of acts by which the authorities or public institutions violate the law relating to civil servants and public function, established as a result of their control; the refusal of the authorities and public institutions to apply the legal provisions in the field of civil service and civil servants.*
 - (4) *the Act attacked is suspended by operation of law.*
 - (5) *the President of the National Agency of civil servants may seize and prefect in connection with unlawful acts issued by local authorities or public institutions.*
- [10] Oliviu Puie, op.cit., p. 310
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[14] Thus, for example, the Agency will be able to challenge administrative acts appointing issued in violation of the law, but the Government's refusal to meet its obligations arising out of civil service legislation, how to organize a competition for a vacant or to provide annual evaluation of civil servants. Dacian Cosmin Dragoș, *The law on administrative courts. Comments and explanations*, All Beck Publishing House, Bucharest, 2005, p. 143

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[17] Rodica Narcisa Petrescu, Olivia Petrescu, *Timeliness of appeal in administrative law. Some considerations about a recent French law regulation*, Administrative Sciences Magazine, Romania 2(31)/2012: "procedure prior to be made in the case of the National Agency of Civil Servants, proposing, *de lege ferenda*, filling in this sense of the art. 22 of law. 188/1999 on the status of civil servants, republished. Specifically, we consider the cases in which the national agency of civil servants of Administrative Court requesting annulment of illegal acts issued by the public authorities or institutions that violate legislation concerning the public function and civil servants, the finding of its own activity. The rationale for this view point out the existence of many similarities between the administrative control exercised by the trustee and the prefect made by the National Agency of Civil Servants, which explains the support obligation of prior proceedings in this case. On the other hand, conflicts would solve much easier path graceful appeal, public authorities and institutions being motivated to re-enter the legality and prove that their work in the field of public service and the public functionary is based on the law and order enforcement of the legal provisions. Last but not least, acceptance and materialization of legislative developments of this proposal would have the effect of supporting the administrative courts." p. 86-87; see Dacian Cosmin Dragoș, *The law on administrative courts. Comments and explanations*, All Beck Publishing House, Bucharest, 2005, p. 144; Cătălin Silviu Săraru, *The law on administrative courts. Critical examination of the Decisions of the Constitutional Court 2004-2014*, C.H. Beck Publishing House, Bucharest, 2015, p. 147

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[19] Art. 11 para. (2) of Law No. 554/2004: "For serious reasons, in the case of individual administrative act, the application may be made and the time limit laid down in paragraph 1, but not later than one year from the date of service of a document, the date of the decision, the date of application or the date of the conclusion of the conciliation report, as appropriate".

[20] Dacian Cosmin Dragoș, *op.cit.*, p. 144-145

[21] Dacian Cosmin Dragoș, *op.cit.*, p. 145

[22] Art. 3 para. (3) of Law No. 554/2004: "Until the settlement of the case, the attacked pursuant to para. (1) and (2) is suspended by operation of law".

[23] Dacian Cosmin Dragoș, *op.cit.*, p. 145-146

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THE IMPACT OF ORGANIZATIONAL INNOVATION ON HUMAN RESOURCES MANAGEMENT

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Abstract:

In recent years, in the debate both of economic arena and the trade unions institutions, we witnessed an increased awareness about the role of organisational change within the firms in as crucial factor for firm competitiveness in national and international markets. Various authors pointed out that those changes are connected to the transition from a complex, rigid and hierarchic enterprise to a flatter organisation, where interactions between firm divisions and top management become stronger. Such a new typology of organisation, also named learning organisation, is more reactive to external changes and able to anticipate and influence changes in the market where it operates. It adopts policies directed to the enrichment and development of competencies owned by its personnel. The increased awareness of the importance of organisational changes has contributed to emphasise the role of human resource management (HRM hereafter) and of labour as a factor of production in general.

Keywords: *Organizational innovation; Organizational change; Human resource management, Organizations, employees.*

There is an ongoing international debate over the way globalisation and intensified international competition are leading to a restructuring of management practices in Europe in order to achieve greater flexibility and cooperation at the workplace. A key focus in this debate has been on the diffusion of the ‘lean’ or ‘high-performance’ model, which is often presented as a new ‘one best way’ destined to replace fordism which emerged as the dominant organizational paradigm in the decades after the World War II .[1]

In recent years, in the debate both of economic arena and the trade unions institutions, we witnessed an increased awareness about the role of organisational change within the firms in as crucial factor for firm competitiveness in national and international markets.[9] Various authors pointed out that those changes are connected to the transition from a complex, rigid and hierarchic enterprise to a flatter organisation, where interactions between firm divisions and top management become stronger. Such a new typology of organisation, also named learning organisation, is more reactive to external changes and able to anticipate and influence changes in the market where it operates. It adopts policies directed to the enrichment and development of competencies owned by its personnel.[10] The increased awareness of the importance of organisational changes has contributed to emphasise the role of human resource management (HRM hereafter) and of labour

as a factor of production in general. At the firm level, management of internal labour markets, selection procedures for personnel, hiring and lay-off policies, career advancement policies, role of training and development of workers' competencies, incentives and workers' evaluation, all these items are outlined by theoretical and empirical economic research, together with management discipline. The adoption of these practices is also considered relevant for the fulfilment of better economic performances. Some authors even tend to identify a functional relationship between HRM practices and firm economic performances. The whole set of changes in the organisational models led to rethink on firm typologies and the role of personnel in the organisation. The multifaceted literature concerning HRM constitutes a yardstick in this research agenda. The policies of worker involvement in decisional processes of the firm represent a crucial tool to accomplish the sharing of the firm's objectives by the workers. Such policies imply a more direct relationship between management and workers, a greater autonomy of employees in their work activity and in production problem solving, a greater flexibility in the roles played and in the accomplishment of tasks. The importance of bottom-up - rather than top-down - channels of information diffusion is stressed as well. [3] Furthermore, the increased operative autonomy is accompanied by evaluation systems, incentives, and monetary and non-monetary rewards (bonuses and economic incentives, pay for performance, career advancement, training) directed to favour superior performances, and also to constitute a monitoring and control tool for the management on workers' results. Worker involvement is put in place mainly in the field of decisional processes for operative tasks. Workers' initiatives are excluded in organisational and strategic management. Furthermore, a direct relationship between management and workers, which usually is unidirectional, is often preferred to decentralisation of decisions and to the interaction with worker representatives. The last two fields of intervention are enclosed instead in an approach which emphasises the role of industrial relations within the enterprise, hence an open dialogue between social actors: employees, their representatives, management, and shareholders.[3] More specifically, employee representatives have a double role: on the one hand they defend and guarantee the rights of the weaker side in the bargaining - i.e. the workers - on the other hand they need to contribute to a non-antagonistic organisational climate, which is considered to favour organisational innovations and higher firm performances. The exclusive involvement of workers in objectives and procedures designed by the management is substituted by a participatory model where workers with the involvement of trade unions share organisational and even strategic objectives. Industrial relations enjoy a quality gain, whereby shared objectives and co-determined procedures ask for a culture of participation. Conflict is left behind and substituted by the development of new competencies for all the actors involved, though each of them retains different roles within the organisation. The two models defend different, though not contrasting visions of the role of personnel within the organisation and of the confrontation between the actors. The first is management oriented as it emphasises the direct relationship between the firm top management and employees. Worker involvement is realised essentially at the operative level. The second is more open toward discussion and bargaining with unions, hence it is industrial relations oriented. Employee participation needs to be addressed to a range of objectives shared by management, workers and unions and be accomplished on the basis of co-determined procedures. Discussion between social actors is extended to organisational and strategic problems of the firm.[3]

The main questions underlying our research can be summarised as follows.

Firstly, what is the degree of organisational innovation at the firm level and the spread of HRM practices? Is the adoption of new organisational models worked out exclusively through managerial initiatives or does it involve employees and the representatives as well? What are the relations between the intensity of organisational innovation and the quality of industrial relations?

Secondly, if we take into consideration individual and collective incentive systems, distinguishing between unilateral managerial initiative and bargaining, what are the prevailing ones? Is there a polarisation of the two models, the first aiming at realising organisation and production efficiency, the second following a pure bargaining approach? Are the two models mutually exclusive, or complementary?

Finally, what are the effects of the organisational models on firm performances? In other words, which are the relations between quality of industrial relations, organisational innovation and economic performances of the enterprises?[3]

In this context, innovation is widely regarded as a critical source of competitive advantage in an increasingly changing environment. An unrestricted search of academic publications using the keyword innovation produces tens of thousands of articles, yet reviews and meta-analyses are rare and narrowly focused, either around the level of analysis (individual, group, firm, industry, consumer group, region, and nation) or the type of innovation (product, process, and business model). While this narrow focus helps deepen our understanding of specific facets of innovation, the resulting fragmentation of the field prevents us from seeing the relations between these facets and ultimately impedes consolidation of the field. In the business world, innovation has similarly received widespread attention. However, while there have been an increasing number of practitioner-based measures, rankings, and indexes, they often remain disconnected from the academic research available.[2]

In this article we are relating to a comprehensive definition of innovation, which corresponds to the broad scope of our research objective. Innovation is: production or adoption, assimilation, and exploitation of a value-added novelty in economic and social spheres; renewal and enlargement of products, services, and markets; development of new methods of production; and establishment of new management systems. It is both a process and an outcome. Innovation diffusion, which is the subject of many papers, has been excluded from our consideration as it refers to a process taking place after innovation, as we defined it, has already occurred. This definition captures several important aspects of innovation: it includes both internally conceived and externally adopted innovation (‘production or adoption’); it highlights innovation as more than a creative process, by including application (‘exploitation’); it emphasizes intended benefits (‘value-added’) at one or more levels of analysis; it leaves open the possibility that innovation may refer to relative, as opposed to the absolute, novelty of an innovation (an innovation may be common practice in other organizations but it would still be considered as such if it is new to the unit under research); and it draws attention to the two roles of innovation (a process and an outcome). Being aware of a wide range of meanings of our keyword, we have intentionally cast the net wide in order to fully understand all definitional nuances, associated constructs, and related models.[2] Thus, the initial step of the project was a review and categorization of the findings. We then synthesized the revealed categories into a comprehensive multi-dimensional framework of organizational innovation, consisting of the three sequential components: innovation leadership, innovation as a process, and innovation as an outcome. The role of leadership at all levels of an organization, although sometimes tacit, is paramount for spearheading innovation as a process and

maintaining its momentum until innovation as an outcome ensues. Adoption of this sequential view helps bring to light the often missed causal interconnectedness between these three components of innovation.[2]

Therefore, Resource-based view (RBV) and Ability, Motivation and Opportunity (AMO) theory appear to be the most popular theories applied in the studies that link HRM and. RBV argues that human resource is one of the organization's resources, a subset of which enable them to achieve a competitive advantage, and a subset of those that lead to superior longterm performance . The AMO theory illustrates that when employees are motivated, they are likely to perform better, leading to higher firm performance . HRM practices play an influential role in motivating employees to exhibit favorable attitudes and behaviors, which are required to support and implement the competitive strategy of an organization . According to Wang (2005), innovative firms treat HRM practices as the organization's strategy to encourage team responsibilities, enhance organizational culture, and build up customer relationships through participation and empowerment. In turn, it will help to create and market new products and services .[4] When firms develop and introduce new product, new process and/or new administrative practices, they require innovative and creative employees, who are flexible, risk taking, and tolerant of uncertainty and ambiguity [5]. These employees are highly recognized in manufacturing industries as they contribute to firm on the basis of market responsiveness, product and process innovation.[7] Therefore, it is important for a firm to implement supportive HRM practices that can motivate and stimulate employees to be innovative. On the basis of arguments put forth by previous scholars, we would expect HRM practices to be positively related to organizational innovation. For instance, performance appraisal increase employee commitment and satisfaction since employees are given chance to discuss about their work performance. [7]This, in turn, will lead them to perform greater in innovative activities. In a similar vein, career management assist employees to attain their career goals and objectives. If employees are likely to feel satisfied with their career management, which in turn, lead to motivate them to perform in innovative activities [6]. Training helps employee master knowledge, skill, and ability which would be contribute to innovation in terms of products, production processes, and management practices in daily operation . Hence, training develops the knowledge, skill, and ability of employees to perform effectively in their job that will lead to higher organizational innovation. Reward system provides financial reward, promotion and other recognition, in order to motivate employees to take risk, develop successful new products and generate newer ideas [7]. Reward system encourages employee to become motivated, thereby increase their participation in contributing innovation ideas, which leading to high organizational innovation. Recruitment involves employing and obtaining appropriate and competent candidates through external sourcing. Recruitment gives greater importance to be attached to fit between person and company culture. Hence, the high level of implementation of recruitment that attaches individual – organizational fit is likely to result in high organizational innovation. [7]

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RETROSPECTIVE CLINICAL STUDY ON THE INCIDENCE OF ACUTE LEUKEMIA IN HEMATOLOGICAL MALIGNANCIES AND THEIR IMPLICATIONS ON MOUTH TISSUES

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Abstract:

Hematologic disorders in general and hematological malignancies in particular constitute clinical entities with great impact on tissues of the oral cavity.

***Objectives:** To distinguish the main general and oral hemorrhagic events and their correlation with the results of the laboratory tests.*

***Material and method:** The study was conducted on a group of 289 patients with hematological malignancies hospitalized and treated in the Medical Clinic I, Department of Hematology, in the period August 2013 - July 2016.*

***Results:** The most frequent bleeding events are met in acute myeloid leukemia, both systemic and oral, the latter presenting the most various forms, from gingival hemorrhage, with a percentage of 32,19% (basically the most frequent events, both systemic and general), to oral purpura (4,79%), petechia on mouth mucosa (5,47%).*

***Discussions:** Dentistry and literature data show the role of the dentist in the detection, referral to a hematological consultation and indication of the use of special prophylaxis means. Thus, in patients with gingival bleeding, rigorous oral hygiene is recommended to prevent infections more frequent and severe in patients with leukemia.*

***Conclusions:** It is important for the dental practitioner to know these manifestations because they can modify the steps in the treatment of a patient.*

Key words: Acute leukemia, mouth, bleeding, lesions.

Introduction

Hematologic disorders in general and hematological malignancies in particular constitute clinical entities with great impact on tissues of the oral cavity, both by the changes caused by the disease itself and by those arising from specific treatments of these diseases, chemotherapy and radiation therapy[1].

The injuries occurred in the oral cavity and cervical facial areas may be reported by the dentist at a thorough clinical examination, and in a medical history properly managed, one may highlight the patient's possible clinical record[2]. Thus, even from this phase, one may shape the premises for an early diagnosis of hematological disease[3], an interdisciplinary collaboration

and a correct treatment in the early stages may be started, on the one hand, and the avoidance of bleeding or infection accidents through inadequate dental treatments, on the other hand.

In the context of this study, the most common local oral - dental injuries and the most serious hemorrhagic and infectious accidents were reported in patients with various forms of acute leukemia.

Objectives:

To distinguish the main general and oral hemorrhagiparous events and their correlation with the results of the laboratory tests.

Material and method

The study was conducted on a group of 289 patients with hematological malignancies hospitalized and treated in the Medical Clinic I, Department of Hematology, in the period August 2013 - July 2016. From this group, we selected the patients with acute myeloid leukemia and acute lymphoblastic leukemia, who, in terms of relative importance within our study, do not represent the largest group but have the highest frequency of hemorrhagiparous lesions, both local and general.

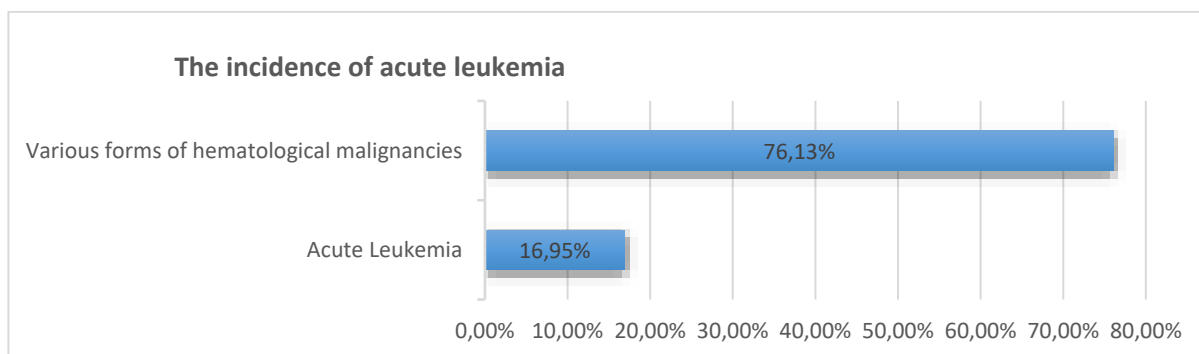
The patients were grouped according to sex, age and origin.

Several parameters were monitored in the clinical observation sheets:

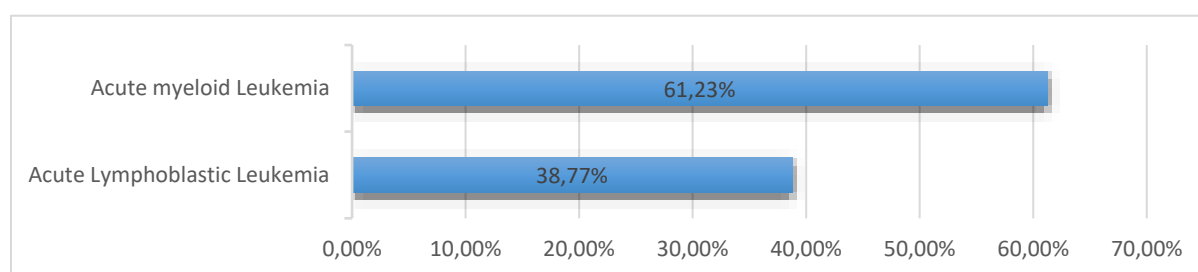
- personal information
- histological diagnosis
- clinical examination showing hemorrhagic lesions in the mouth, as well as the general ones
- paraclinical investigations specific to hemostasis disorders:
 - Rumpel Leed test
- laboratory examinations
 - Howell clotting time (N 70-140sec)
 - fibrinogenemia (N 200-400mg / dl)
 - no. of platelets (N 150000-300000 / mm³)
 - prothrombin time (N 11-15sec)
 - thrombin time (N 15-15sec)
 - reptilase time (N 15-15sec)
 - activated partial thromboplastin time (APTT N <40sec)
 - euglobulin clot lysis time (ECLT N men 180 sec, N women 150 sec)
 - immunological dosage (D-dimers N <215 mg / ml)
 - Tr platelet count/ μ l
 - CE+ C Disruption of coagulation through the involvement of the factors of extrinsic pathway and Involvement common pathway
 - Ci Disruption of clotting through the involvement of the factors of intrinsic pathway
 - Disfbg Dysfibrinogenemia
 - Fbg Fibrinogenemia below <150 mg%
 - Vasc reduced vascular resistance
 - CIDa acute disseminated intravascular clotting
 - CIDc compensated intravascular coagulation

Results

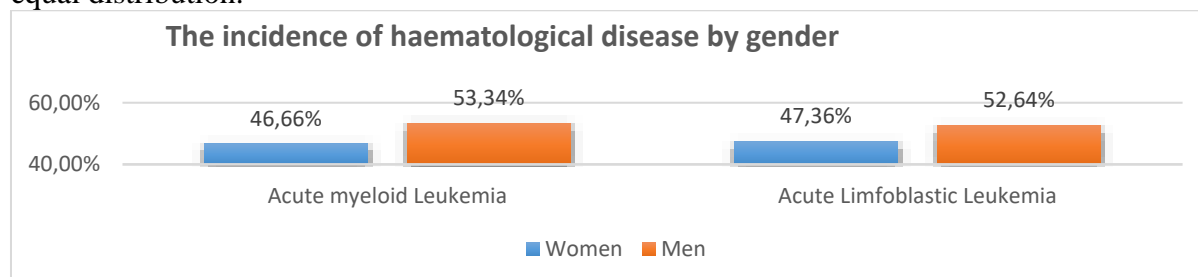
Out of the total of 289 patients with hematological malignancies, 49 cases presented various forms of acute leukemia, representing 16.95%.



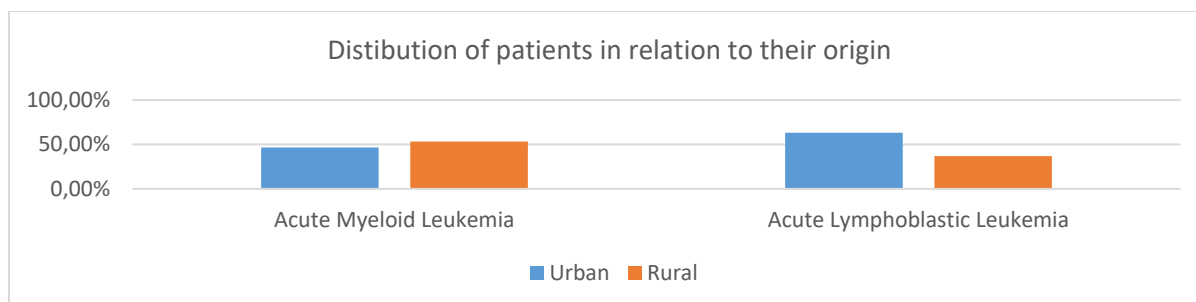
Out of the total of 49 patients with acute leukemia, there were 30 cases of acute myeloid leukemia, representing 61.23% and 19 cases of acute lymphoblastic leukemia, representing 38,77



The distribution by sex is presented as follows: of 30 cases of acute myeloid leukemia, 14 subjects (46.66%) were women and 16 men (53,34%), and of the 19 subjects with acute lymphoblastic leukemia, 9 were women (47,36%) and 10 were men (52,64%), finding an almost equal distribution.



Within the distribution of patients in relation to their origin, there were not great differences in the case of acute myeloid leukemia patients - 14 patients originated in the urban environment (46,66%) and 16 patients from rural areas (53,34%), but in the case of acute lymphoblastic leukemia, the larger share was represented by the patients from urban area, 12, (63,15%), compared to 7 patients from the rural area (36,85%).

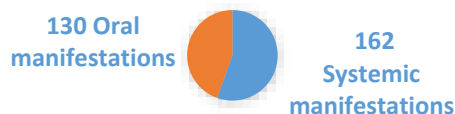


Major bleeding events noticed in patients with acute leukemia.

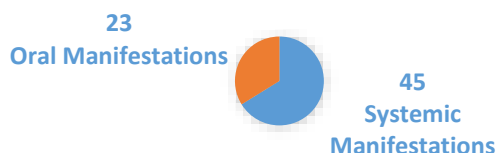
Crt. No.	Systemic Hemorrhagiparous Syndrome	Patients*			
		Acute Myeloid Leukemia		Acute Lymphoblastic Leukemia	
		Number	Percentage %	Number	Percentage %
Systemic Manifestations					
1	Cutaneous Purpura	20	6,84%	2	2,94%
2	Superficial hematoma bruising	56	19,17%	9	13,23%
3	Deep hematoma	8	2,73%	7	10,29%
4	Epistaxis	28	9,58%	9	13,23%
5	Hematuria	20	6,84%	11	16,17%
6	Hemoptysis	12	4,1%	5	7,35%
7	Digestive hemorrhage	10	3,42%	-	-
8	Brain hemorrhage	8	2,73%	2	2,94%
Oral manifestations					
9	Gingival hemorrhage	94	32,19%	14	20,58%
10	Purpura on mouth mucosa	14	4,79%	-	-
11	Oozing hemorrhage	4	1,36%	-	-
12	Oral Hematoma	2	0,68%	-	-
13	Petechia on mouth mucosa	16	5,47%	9	13,23%
Total		292		68	

* Please note that due to the prolonged evolution of the disease and repeated hospitalizations for treatment or intercurrent disorders of the same patient, polymorphic aspects of the hemorrhagiparous syndrome have been noticed, in simultaneous and / or successive relapses.

Bleeding events in acute Myeloid Leukemia



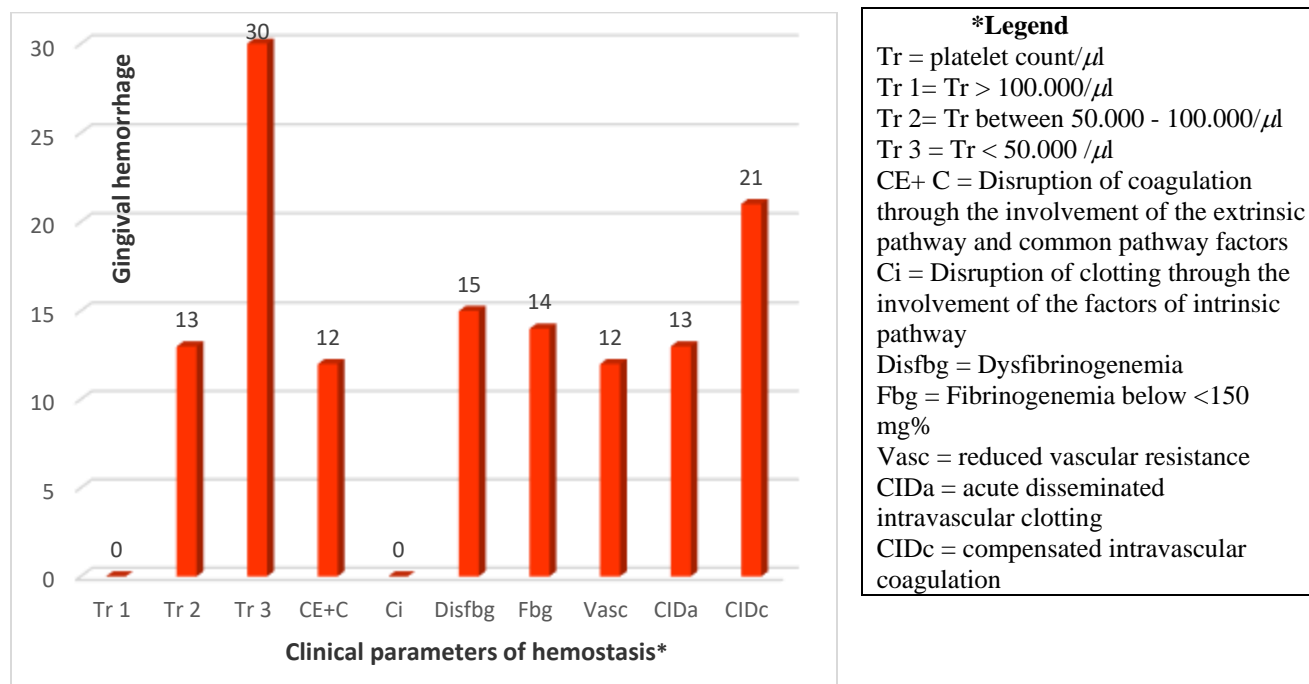
BLEEDING EVENTS IN ACUTE LYMPHOBLASTIC LEUKEMIA



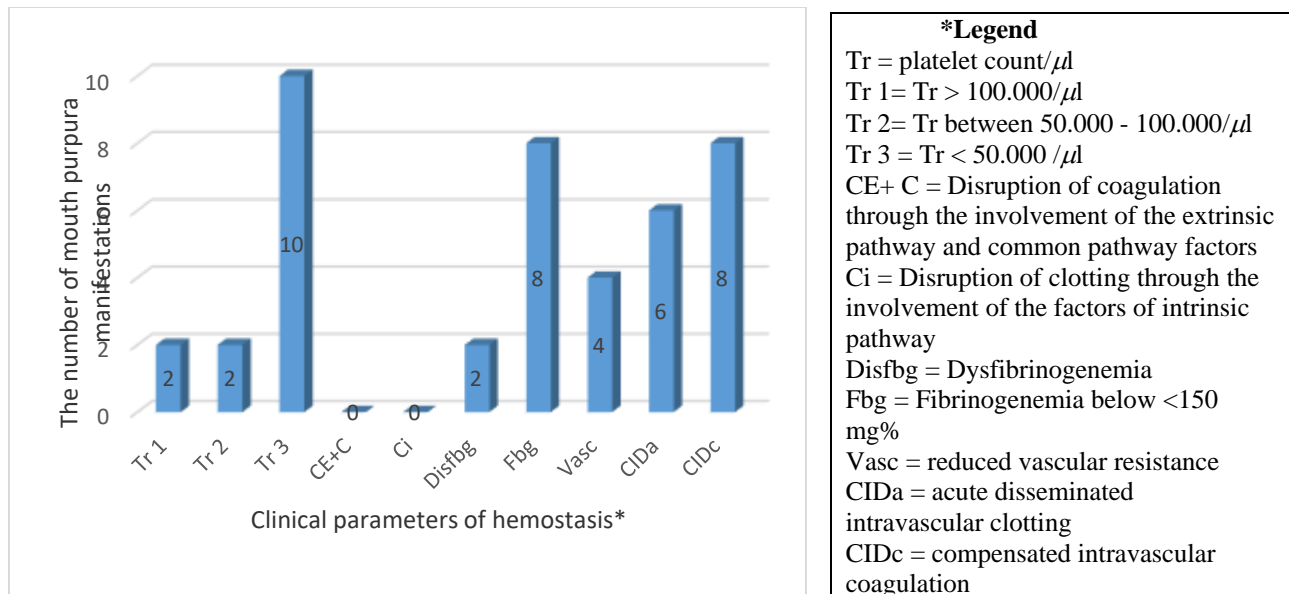
The analysis of the data presented above shows that the most frequent bleeding events are met in acute myeloid leukemia, both systemic and oral, the latter presenting the most various forms, from gingival hemorrhage, with a percentage of 32,19% (basically the most frequent events, both systemic and general), to oral purpura (4,79%), petechia on mouth mucosa (5,47%).

The correlation between the various oral hemorrhagiparous events and the changes in the clinical parameters of hemostasis in patients with acute leukemia.

In gingival hemorrhage, the correlation between these parameters and the clinical manifestation is represented in the chart below



In patients with purpura in the mouth, the major paraclinical changes are as follows:



Local hemorrhagiparous events like gingival bleeding and mouth purpura were correlated most frequently with the following paraclinical parameters:

- thrombocytopenia platelet count below 50,000
- fibrinogenemia
- dysfibrinogenemia
- disseminated intravascular clotting

Discussions

Knowing the hemorrhagiparous manifestations of the oral cavity present in acute myeloid or lymphoblastic leukemia is important having several aspects, of which, the management of these lesions applied by the dentist is particularly important.

Dentistry and literature data show the role of the dentist in the detection, referral to a hematological consultation and indication of the use of special prophylaxis means[5]. Thus, in patients with gingival bleeding, rigorous oral hygiene is recommended to prevent infections more frequent and severe in patients with leukemia. It is also recommended to use a soft toothbrush, mouthwashes with anti-fibrinolytic and antiseptic substances (chlorhexidine 0.12%)[5]. In more serious forms, in patients with ulcers caused by gum infections, it is recommended the coating with antibiotic solutions or even general administration of antibiotics[5].

Conclusions

Acute lymphoblastic and myeloid leukemia represent a low percentage of hematological malignancies but with a significant echo related to event at the level of oral - maxillary - facial area, which motivates the dentist to know these thoroughly, both for early diagnosis and to adapt the treatment of these patients[4].

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THE IMPACT OF DEMOCRACY IN DEVELOPING COUNTRIES

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Abstract:

The need to find a way to rule the world in the most peaceful and rightful manner concerned many people during the centuries, and even now there are some contradictions regarding the way that is the best for ruling a country, without the risk to alight chaos. Humans' nature is very prideful and so, they want to have their own word in the decision making. We can see that in history the main reason why the wars started was that the people didn't liked how others implemented the rules and so they wanted to set their own rules. The first steps for implementing the democracy were made by Antic Athens. Even in those times the rulers of Athens wanted that the people to take place in the decision making. Of course there were some restrictions and not everybody that lived in Athens could have the right to vote, but this was the initial stage of democracy.

Key words:. democracy, rule of law, decision making, people's power.

Introduction

Democracy is preferred over authoritarianism. Even if the democracy isn't something that can distribute the level of wealth among the people and the social status, it is still seen more acceptable than the other regimes. The people at least have more alternatives at choosing their future and can actually decide who will be their leader, and so, they become somehow their own decision makers.

The African countries are having strong bonds with the European countries due to the fact that they were counted and developed as a result of colonization. In the nineteenth century, the British and the French people started to colonize the African continent, and so, in these days we are able to import different products and even cheap labour force .

Even in the Ancient times the great European Empires started their mission to colonize the African continent. The Romans, Greeks and Phoenicians struggled to gain more power over the African lands. In the end, the Roman-Byzantine influenced lands fell in the Arabian hands in the seventh century.

The colonization brought a sense of independence in Africa as the professor Vincent Khapoya notes in his book “The African Experience: An introduction” and some Africans built their own churches and in the same time they realized that they weren't equally receiving gratitude for their intervention in supporting the Imperialist countries during the world wars.

The methods that the British colonies applied to get their independence were based on receiving a gradual transfer of power and so, that didn't brought problems for the Africans. On the other hand, the French colonies weren't so lucky, and so, their achievement of independence came with great struggles, that led to many armed conflicts conducted in the prospects of obtaining their independence.

According to the surveys[1] made in 2015 the only country fully democratic in the African continent is Mauritius. The other countries that are declared democratic are not fulfilling all the criteria for being, in the true meaning of the word, a democratic country. Some are even ruled by some authoritarian regime, such as Algeria, Angola, Egypt, Central African Republic and others. They try to embrace a democratic regime, but their understanding of democracy is different than the true meaning, and so, they make mistakes in the way of ruling a country. This implies in the same time a trespass of human rights, for example in Egypt, the free expression of opinion is prohibited, and the mass-media is only publishing about what the ruler wants the people to hear about.

Democracy in developing countries and its influence on economic growth

“The events in the world history demonstrated that democracy was an extremely complex phenomenon, whose analysis challenged most of thinkers and also common people who as early as ancient times imagined a model of political system arrangement where the community members should be equal politically speaking, should govern together and should have at their disposal their qualities, resources and necessary institutions to exercise selfgoverning.”[2]

In the developing countries the experience with encountering democracy was referred to as mixed due to the fact that in the 1950s when they tried to implement democracy, neither the state-society within these countries or the global context regarding them was conducive enough to consolidate the democratic regimes.

The biggest problem with implementing democracy was met by the really poor countries that had an influential traditional elite with roots in landed wealth, small urban middle classes, a considerable elite-mass gap and in some of them the political institutions were weak or in-existent.

Because of the problems that the developing countries encountered, some of them started to re-considerate their traditional policies; this was specific to the countries in the Middle East, and in others, such as China and Cuba, their decision was to take on revolutionary overthrow of the old regime. The Cold War also made the implementing of democracy in these countries, a goal difficult to achieve.

The experiments made for implementing democracy in the developing countries faced different challenges that were hard to overcome. For example, East Asia had indigenous traditions that were deeply authoritarian and the colonial impact in most cases just reinforced these tendencies and we can also say that another reason was that in the Cold War this area was a battlefield. In Africa the democratic experiments evolved in sectional conflicts over the state of power that led to military coups. Latin America was also unable to implement democracy as a method of government because of the business and land interests, the deep inequalities and also the politics implemented by the United States in the period of the Cold War in these regions.

With the economic growth of South Korea and Brazil, the authoritarian regimes seemed to receive a boost, but once the oil crisis began in 1974, the global economic contradiction started.

Afraid of the slow economic growth, the authoritarian regimes tried to find a way out of the unfavorable global circumstances by the so called method “borrow and grow”. It wasn't helpful for all the states, and in Latin America and Africa led to severe debt crisis.

The impact of democracy on the economic growth in the developing countries is highly inconclusive. The economic growth is influenced by factors such as infrastructure, quality of human capital, rates of investment, quality of organization and management, level of research and production of knowledge, but even so, it is not defined how the democracy is affecting the economic growth.

As the developed countries, the developing ones started the free market but in this case the economic liberalization didn't had a good effect because their political institutions weren't prepared enough, and so the society became worse off than before.

Democracy isn't associated with extremes of growth performance; and so on the issues regarding economic growth, the stable developing democracies are plausible to fall in the middle range. Regarding the equity front, democracies don't incline to undertake radical property redistribution but if democratic politics lead to democratization of power then the situation may change.

“The reasons for failure of democracy in the developing countries across the world can be summarized as lack of domestic political cohesion and an unfavorable global environment. India, a poor developing country, stands as an exception.” [3]

Democracy in Mauritius

Mauritius (French: *Maurice*), is officially known as the **Republic of Mauritius** (French: *République de Maurice*). This country is actually an island nation in the Indian Ocean about 2,000 kilometres off the southeast coast of the African continent. The country includes the island of Mauritius, Rodrigues (560 kilometres) east, and the outer islands (Agaléga, St. Brandon and two disputed territories i.e. Tromelin Island and Diego Garcia Island). The islands of Mauritius and Rodrigues (172 km southwest) form part of the Mascarene Islands, along with nearby Réunion, a French overseas department. The area of the country is 2,040 km square and the capital and largest city in the same time is Port Louis.

In the constitution of Mauritius is not mentioned any official language, and so, we can find people that speak Hindi, Mandarin and other languages, but the administration of this country have chosen English as their working language, due to the fact that in the past it was a British colony and French is taking the role of the prestige language of the country. This country, being in the same time an English-speaking and French-speaking language, is natural that it is both a member of the La Francophonie and The Commonwealth.

The population in Mauritius was estimated in 2014 to be about 1,261,208 of people that are multi-ethnic, multi-religious, multicultural and multilingual.

As we saw, the Republic of Mauritius includes disputed territories too, such as Chagos Archipelagos that is disputed between Mauritius and the United Kingdom, and also Tromelin Island that is under French custody.

The British government at the Lancaster Conference in 1965 had clear intentions in lessening themselves over the colony of Mauritius. Later in the same year, the Chagos Archipelago

was taken from Mauritius to form the British Indian Ocean Territory. After adopting a new constitution, Mauritius received their independence on 12th March 1968.

“Mauritius is a democratic republic with a parliamentary system and a non-executive president. The president is appointed for a five-year term by the National Assembly. ”[4]

Their judicial system is a mix between the English Common Law and the French Napoleonic Code. They aren't using the death penalty since 1989 when it was abolished.

Mauritius was proclaimed as republic in 1992, after twenty four years of independence by the Commonwealth of Nations. The prime-minister has still remained with the power.

In September 19th 2014, the “Electoral Alliance Agreement between the Mauritian Labour Party and Mauritian Militant Movement”, proposed the project of Second Republic. This project is inspired by a semi-presidential regime 'à la française', but it will give rise to selective interpretation. This system focuses on measures than can give more power to the President and in the same time to guarantee the balance of power.

One of the most important changes that the Alliance will bring is the universal suffrage for the election of the president, thing that will get the Mauritian political system closer with the French political system.

“The election of the Head of State would result in dissociation between the Executive power and the Legislative power. Under the French Constitution, the dissociation is obtained by the fact that, firstly, the two bodies are designated separately (both the Parliament and the President are elected by universal suffrage every five years) and secondly, no member of the Executive (including the Prime Minister) can be at the same time a Member of Parliament. ” [5]

In the current Mauritian system, that is the Westminster parliamentary, the two powers aren't dissociated and the President which is elected by the Assembly will in turn, nominate the Prime Minister which is seen as the most able to command the support of the majority of the members of the Assembly and the ministers are elected from the Members of the Parliament too, the only exception being the Attorney General.

The project of the Second Republic proposed by the MLP and MMM is raising confusions because even if the President still appoints the Prime Minister, it didn't specify if the Prime Minister and his ministers will still be in the Parliament.

Even if the Alliance between the MLP-MMM states that they follow a system 'à la française' they aren't 100% in co-relation with it due to the fact that the new President elected with universal suffrage can revoke the Prime Minister and dissolve the Parliament at his own will. It's true that in a French system the President has this power but he can't use it if is not for a plausible reason.

The project proposed by the Alliance doesn't seem to follow the claims for a better check and balance; in fact, it actually blurs the limits and distribution of roles of the institutions. It just take the elements that ensure a predominance of the President and in the same time doesn't specify the mechanisms and the safeguarding of the institutions for ensuring the balance of power between the two leaders of the Executive, and the Executive and the Legislative.

This project of the Second Republic might be beneficial for the Mauritian democracy if the Parliament is given more chances to play its role as an effective counter-power to the Executive and so the balance of power won't be any more in question.

“Mauritius is perhaps atypical of many other African countries since it alternates governments regularly through fair and free elections in a rather peaceful manner. All parties are

free to present candidates in elections as long as they register with the Electoral Commission's ESC. But smaller parties and independent candidates have to compete in a playing field that is highly uneven. There are no official restrictions; however, the difficulty of raising the necessary resources acts as an important barrier and parties therefore find it difficult to present candidates in all constituencies. These subtle 'restrictions' highlight how unfair the competition can be and draw attention to the urgent need to address the problem of political party funding. "[6]

The political parties are free to hold private and public meetings but regarding the public ones, they have to get the authorization of the police. They can also take to Court the commissioner that didn't authorized the public meeting.

Mauritius is well-known for their freedom of press, even if it is largely controlled by two big groups belonging to a particular ethnic group, but even so the print media was always more open. Some press newspapers are close to some political parties, others are linked to religious or sociology-cultural groups.

Mauritius was put in the first place in the ranking of the African economies by the World Bank and in the 20th place worldwide; it also was first in the Ibrahim Index which measures African countries based on human rights, rule of law, economic opportunity and human development.

For a better view, we have the example of "the ranking of Mauritius in the Index of Economic Freedom published by the Washington-based Heritage Foundation and The Wall Street Journal. In 2010, this index put Mauritius in 12th place (out of 179 countries); in 2012, it elevated the country to eighth place (with a score, out of 100 points, of 77, only two slots behind Canada's 79.9). It was the first time an African country had placed in the index's top 10 – and it did so by surpassing the United States (in 10th place with a score of 76.3). "[7]

Despite being a small country, Mauritius is doing really great; proof is being able to have 10 top rankings in governance and economic performance (it expanded by 4 percents in 2011).

Of course, that as every country, Mauritius has some problems too, but even more powerful countries such as France and Italy aren't ranking to good in the Economist's Democracy lists, France being in the 29th place and Italy in the 31st.

"Mauritius is deemed to be a 'full democracy', whereas 23 states, - more than half of the SSA countries - are considered 'authoritarian', while 12 are classified as 'hybrid regimes'.

On a global scale, Mauritius has made a gigantic leap of 19 places to occupy the 18th position worldwide among 167 countries from last year's 37th position." [8]

How democracy works in Zimbabwe

Officially known as Republic of Zimbabwe, is a landlocked sovereign state located in South Africa, having a population of 15.877.684[9] its form of government is a full presidential republic, where the President is the head of state and government as organized by the Constitution adopted in 2013. The Executive power is exercised by the government. Legislative power is vested in both the government and parliament, here we can see a similarity with the institutions of the European Union, where the Council of Ministers shares the power with the European's Union Parliament and Commission. The capital and in the same time the biggest city is Harare. Zimbabwe is a diverse country regarding ethnicity and has 16 official languages, three of them being the most used (English, Shona and Ndebele).

Since the 11th century until the present-day Zimbabwe has been the site of several organised states and kingdoms as well as a major route for migration and trade. The British South Africa Company of Cecil Rhodes first demarcated the present territory during the 1890s, and due to this fact, Zimbabwe became the self-governing British colony of Southern Rhodesia in 1923.

In 1965, the conservative white minority government unilaterally declared independence as Rhodesia. As consequence, the state endured international isolation and a 15-year guerrilla war with black nationalist forces, but thankfully, this culminated in a peace agreement that established universal enfranchisement and *de jure* sovereignty in April 1980. The country then rejoined the Commonwealth of Nations (later suspended in 2003), and became a member of the United Nations and the Southern African Development Community (SADC).

Zimbabwe was a colony for ninety years a British colony that was administrated by the British South African Company and the Responsible Government under the name of Southern Rhodesia, of course that both of the administrative systems were under the British monarchy.

Ian Douglas Smith was a man that took the initiative in making Zimbabwe an independent country. In 1965, after Ian Douglas Smith made a Unilateral Declaration of Independence from Britain, Zimbabwe gained its autonomy and was led by a segregationist white government.

“From June 1979, the Republic of Southern Rhodesia was replaced by Zimbabwe-Rhodesia after Abel Tendekayi Muzorewa won the first majority elections. Lacking international recognition, after about three months, the country was taken back into the hands of Britain, as per the Lancaster House Agreement which was meant facilitate transition. The country once again became a British colony known as Southern Rhodesia.”[10]

On 18th April 1980 Zimbabwe or Southern-Rhodesia as it was known, gained its independence from the British. This day also marked the end of racial segregation after a war of liberalization that ended with many lives taken.

Before the independence, Zimbabwe was practically split into two groups of interests: the white people and the Africans. Of course that even if the democracy was present in the country, it was in the favor of the white people, and the black ones didn't have seen a proper democracy.

For understanding better this statement, we can take as example how the elections were taking place. Even if the elections were held on specific times provided in the constitution, all the rulers of the country were white. If some African people qualified as being able to rule the country, not all of them bothered to take place in the elections.

From the political point of view, Rhodesia was characterized by two tendencies. The first one was the trend toward Illiberalism[11] that had as a result the Unilateral Declaration of Independence but limited in African majority rule, and the other one was the dominant one-party rule and this explains why in between 1933-1978 Rhodesia had only five prime-ministers.

Rhodesia wasn't only a history about two nations, in the same time it represented a history about two nations economically. It was like the second nature for the whites to deprive the Africans economically through legislation, but they also used the covert measures that weren't necessarily codified but were perceived as the operative rules of the game. And so, we are the witnesses of a dual economy supported by a dual system.

The people from Zimbabwe are strongly against the military rule. For them, the people working in the military field should just stick with protecting the country, not leading it. This is rather appreciable because, knowing the African history, the militarist regime is rather a

troublesome issue due to the fact that many countries from Africa tend to have a regime based on military ruling.

They are also against the “one man rule” and in their opinion if the power is split between the leading institutions, then the situations encountered are more easy to be handled.

In conclusion, the people from Zimbabwe are against non-democratic alternatives but they don't try to find a solution how to solve them. For them the most important thing is that even if their democratic system has flaws, they are happier with this one, rather than with the authoritarian alternatives to multiparty systems or reverting to the old colonial order.

Since achieving its independence, Zimbabwe is characterized by having only two presidents. The not changing presidency as in the developed countries is a specific trait for the developing ones, especially in Africa when the presidents are ruling for life if they don't do something outrageous to be deprived of their presidency. We can say that this trait is specific for Zimbabwe too.

Canaan Sodindo “Banana was selected to become Zimbabwe's first president after the main opposition leader Joshua Nkomo turned down the post because it carried no real power. Banana, who like Nkomo was from the country's Ndebele minority, was chosen so the new government would be seen to have an ethnic balance; his appointment offset that of Mugabe, who, as head of government, represented the Shona majority. Banana carried out the largely figurehead duties of president from 1980 until 1987, though at the end of his term he helped bring a halt to the ethnic violence that had wracked Matabeleland.”[12]

The second, and in the same time current president of Zimbabwe is Robert Gabriel Mugabe which came to power in December 1987. He was one of the people that had risen against the white minority rule, in 1980 was elected as prime minister and he also led the Zimbabwe African National Union -Patriotic Front since 1975.

Since 1998 Mugabe's policies have increasingly elicited domestic and international denunciation. They have been denounced as racist against Zimbabwe's white minority. Here we observe a quite different perspective of racism from the normal one, where usually the white race oppresses the other races. Mugabe has described his critics as “born again colonialists”, and both he and his supporters claim that Zimbabwe's problems are the legacy of imperialism, aggravated by Western economic meddling. According to *The Herald*, a Zimbabwean newspaper owned by the government, the United Kingdom is pursuing a policy of regime change.

Robert Mugabe was made guilty for the economic downfall. The African editor for ‘The Economist’, Robert Guest states that the president of Zimbabwe is to blame for the downfall. His arguments are that before Mugabe came to power, the economy was doing great, and a Zimbabwean dollar was worth more than an American one. Since 2003 the average incomes also dropped considerably and the president didn't do anything to stop this.

Zimbabwean's people view about their government is a negative one. “Though it is assessed slightly better in the area of social services (e.g., delivery of basic services, health and especially education), its performance in the economic sector is harshly judged. More than 75% are far from satisfied with the government record in job creation, controlling inflation and in management of the economy. The government is felt to be ineffective in handling people’s welfare. In fact, as Table 9 shows, 55% of Zimbabweans think the present government has actually been “less” effective or “much less” effective compared to the past white-controlled government. This has contributed to the lack of “pragmatic trust” in government i.e., “the belief that government

carries out its promises” (Kavanagh; 1989, 146). This perceived low capability of the government may well threaten its very existence.”[13]

In an interview about the Ibrahim Index of Democratization in Africa, asked about the way to rectify the situation in Zimbabwe, the director of the Zimbabwe Democracy Institute, Pedzisai Ruhanya, answered the following statement: “The ruling party has to change. They have to reform or they die. Without political reforms it is going to be very difficult to unlock economic reforms, to realize economic growth, to attract foreign direct investment, to attract international partners and to do business in Zimbabwe under an authoritarian regime. They want to have what I would call authoritarian capitalism in a world that is moving towards democratization. There are a lot of contradictions within the ruling party associated with President Robert Mugabe and associated with lack of political reform and lack of predictable future of the state. ”[14]

He also stated that the governance peer review of the African countries was looking just at the minimized procedural democratic index, when in fact they should have looked at the substantive democratization that is dealing with the question of livelihoods. From his point of view in developing countries you should seek deeper into their democracy, not to only rely on the civil side and how human rights are indivisible.

This statement is closer to the reality because, as we saw, even in the developed world there are problems with establishing democracy in the real meaning of the word, so for Africa, that was a colonized continent and all of a sudden other people came and set the rules without considering the need for explaining their reasons, they need to take responsibility and make sure that unpleasant situations will not occur anymore.

Zimbabwe is considered one of the most corrupt nations in the world, ranking 150th out of 176 countries on the latest Transparency International Corruption Perceptions Index which took place in 2015 and is the 17th most corrupt country in the world according to this index. The organization also estimated that Zimbabwean officials received nearly \$2 billion through corruption in 2012, rivaling the economically much larger South Africa and Nigeria.

In 2008 Mugabe's government almost collapsed and the military people infiltrated themselves within the political party, designed themselves on power positions and in the same time encouraging for a possible military coup. The only reason why they didn't succeed was because, as I stated before the Zimbabweans along with the ZANU-PF stalwarts and other lower ranked military people despise a militarist government and so their plan didn't succeed.

“The MDC[15] could once again win a nationwide election, though recent rumors suggest that it would endorse another unity government to preserve “stability” and mitigate the risk of potential conflict with the securocrats. ZANU-PF could again attempt to hijack the elections through fraud and violence, but would likely back off if faced with hostility from regional leaders. For their part, the security chiefs could kill and torture scores of opponents and attempt an armed coup, but this would jeopardize their personal, long-term economic interests, making support for another government of national unity an attractive alternative.

Sadly, the current political stalemate and lack of reforms could go on indefinitely. If the dream of a democratic Zimbabwe is ever to come true, the country's citizens, whether they sympathize with the MDC or ZANU-PF, will have to start pushing their representatives to actually represent them, to be accountable and socially responsive, and to build a legitimate political system founded on free and fair elections and the rule of law. ”[16]

Differences between Mauritius and Zimbabwe

As we saw, both countries are sharing the same type of governance. But as in many cases, differences are always present. Why such big gaps exist in their way of governance even if the countries share a history of colonization?

Mauritius is doing really well despite the fact that the country has issues regarding their sovereignty over certain territories. Maybe we can say that democracy works best in the island countries? As an example, in the developed countries, we have Great Britain that over the years managed to maintain a high position in the world.

The cause might be that Mauritius shares principles from two countries that have a rich heritage; we are talking about here of Great Britain and France. They took what was considered to be the best from the both countries and comprised it in one constitution.

Of course that as a developing country Mauritius has some problems in how to properly apply the democracy in some cases but this is happening all over the world, even in the countries that have democracy as their form of governance from a long time ago.

In Zimbabwe the situation is more complicated because the country was doing quite good in the past, when the democracy was first established but as we saw, during the years the principles were somehow lost and the country faced problems.

If democracy was followed as it should be, I think that Zimbabwe will be more powerful because as the Ibrahim Index said, their level of democracy is quite high and the only problem is that the rulers didn't find a way to use it as it should be used.

In Mauritius, democracy worked better maybe because they didn't have the problems that Zimbabwe had. I'm referring here to the fact that in Zimbabwe it was that gap between the white minority and the African people, and how the white people controlled everything and in the same time, the African people's rights weren't respected.

One of the reasons that in developing countries the democracy is lacking might be the fact that they took the example of countries like China and Russia that took over western capitalism and so, the “freedom of opinion, human rights, democratic elections, received a serious competition in the authoritarian state formula, which economically is a successful solution. And more and more countries from Africa and Asia, but also from other corners of the world are attracted by such model.”[17] But in the end, democracy is still continuing to develop so, we can hope that the abuses of the state will cease to exist in the future.

To sum up, democracy is working in the developing countries, as we saw. Of course there exists exceptions like Somalia, but I think that in time things will get better and there won't be as many bad things happening in the African countries as there are today. We can hope that the people won't die anymore because they don't have hospitals, doctors or medicine in some cases, and the hunger won't be a problem anymore.

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TOOLS USED IN URBAN DEVELOPMENT AND PLANNING

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Abstract:

The instruments used in urban development and planning follow the achievement of a strong public administration, local or national, always with viable solutions serving the community it represents, having at the same time, a legislation to support its efforts and to offer the possibility of harmonious urban development.

Key words: *urban management, urban marketing, information system, administration, legislation.*

The management has the character of an economic discipline, of synthesis, because it takes a number of economic categories and methods from many other disciplines in this field, such as economics, economic analysis, marketing, finance and a multidisciplinary character [1], determined by the induction of some categories and sociological methods, mathematical, psychological, statistical, legal, using them in a specific manner, reflecting the peculiarities of management relations [2].

In literature [3] it is considered that the management targets two main objectives:

1. To guide the urban community, supporting the environmental turbulence;
2. To reduce the waste originated from internal dysfunctionalities or qualitative operation errors.

Urban management starts from the responsible administration of the existing potential, of the created natural capital and the social one. The management can refer to the systems of urban transport, waste collection, urban land management, energy production and consumption, or eco-restructuring of industries. An integrated approach of urban management includes generating the problematic and constructing the territorial system model by using the logical tree with elements of system construction, obtaining a structural-functional tree relevant to the anatomy of the system and to determine the optimum model of the territorial system [4].

The management operates with concepts such as: strategy, plan, program, project that have become practical instruments used in the urban development processes [5].

The local development strategies are defined as being:

- The essential part of the planning process of any local community;
- Determining long term goals and objectives for the collectivities, the adoption of local politics and granting resources to achieve these objectives, taking into account the needs, the expectations and the desires of the citizens and the elements of the local political system [6].

A strategy is just the framework for a local action. It takes into account the area problems, its possibilities, means and resources; it defines a planned approach of the economic development and creating jobs [7].

The local development strategy is defined as being a complex step, as the result of the collaboration between the actors of the progress, which implies a comprehensive effort to formulate the objectives, to identify strategic ways to achieve these objectives according to the resources that can be engaged [8].

In literature [9] it is considered that a strategy has six main components, meaning: *problem analysis, survey information, an exam of the resources, defining objectives, an action plan, a control system and assessment.*

Planning a strategy implies an examination of the past, an evaluation of the present, and a planning of the future. To find solutions, the combination of actions and the global structure that impose in order to reach economic development and to increase the number of working places is a mainly creative process that appeals to discussions, an honest analysis, opened to numerous consultations [10].

The steps that recommend the elaboration of the development strategy are:

Forming a local initiative group, identification of the members of the Strategic Development Consortium, identification of the optimal legal form, identification of the actors interested in the development and the implementation of a local development strategy, the analysis of the context and filling the community profile and of the business attitudes survey, identifying the critical aspects form the economy, identifying the advantages and the dangers (SWOT Analysis), the elaboration of the action plans and choosing the optimal action plan, adapting the local development strategy [11].

According to Chapter IV from Law no. 350/2001, republished, concerning the improvement of the land and urban planning, there are: planning documentation (articles 40 – 43) and urbanism documentation (articles 44 - 49) [12].

According to article 39, paragraph (1) from Law no. 350/2001, through *planning documentation and urbanism documentation* there are understood the landscaping plans, the urbanism plans, and the general statute of Urbanism and local regulations of urbanism, endorsed and approved under this law.

The main role of the landscaping plans and the urbanism ones is that of the planning instruments, in order to translate into reality the territorial and urban strategies and the public policies in this area. These landscaping and urbanism documents gain, following the approval process, in accordance with the legal provisions, the power of some acts of authority. This status gives to the technical provisions of these documents the status of legal provisions [13].

Landscaping documentations include proposals of directing nature, setting the strategies and main directions of development of a territory at various levels of complexity. They are detailed by specific regulations within the administrative territories of towns and communes. The provisions of directing nature contained in the approved landscaping documentation are binding on all public authorities and those with regulatory functions for all natural and legal persons [article 32, paragraphs (2-4), Law no. 350/2001] [14].

According to article 40, from Law no. 350/2001, the landscaping documentation of the territory is the following:

- a). National Landscaping Plan (NLP);

- b). Zonal Landscaping Plan (ZLP);
- c). County Land Plan (CLP).

Town planning documentation refers to urban and rural areas use and establishes the use of lands and the construction conditions for these lands. They transpose at urban and rural levels the proposals contained in the National, Zonal and County Landscaping plans. Town planning documentation have specific regulatory functions and establish rules that apply directly on settlements and parts of them to the cadastral parcels constituting fundamental elements mandatory for issuing permits [article 44, paragraphs (1-5), Law no. 350/2001].

According to article 45 from Law no. 350/2001 the landscaping documentation is:

- a). The General Urban Plan (GUP) and local regulations associated with it;
- b). The Zonal Urban Plan (ZUP) and local regulations associated with it;
- c). The Detailed Urban Plan (DUP).

Applying the landscaping and approved urban planning documentation shall be provided by issuing the planning certificate (article 28).

According to Article 29, paragraph 1 from Law no. 350/2001, the planning certificate represents the binding information document through which the county or local government makes known the legal, economic and technical regime of the buildings and the necessary conditions for the realization of investments, real estate transactions or other real estate operations, according to the law.

The planning certificate is needed to complete and file the documentation for obtaining the building permit, but he does not take the place of a building permit. From a legal perspective, the planning certificate is the equivalent of a notice that, under certain conditions, has some binding effect. It has an important role, meaning it ensures its recipient that for a period, he will not be opposed changes that affect rules contained by the certificate [15].

Execution of construction works is permitted only on the basis of a building or demolishing permit issued under this law (n.s. Law no. 50/1991, republished, regarding the authorization of the construction works execution) at the request of the holder with a real right over a building - land and / or buildings - identified by the cadastral number, where the law does not provide otherwise [article 1, paragraph (1) Law no. 50/1991].

According to article 42, paragraph (1) [16] the authorization for construction/demolition is in accordance with the provisions of the article 2, paragraph (1) from the Law, the final act of authority of the competent public administration according to the law under which it can be executed construction works on the basis of which are provided legal measures concerning the siting, the design, the construction, the operation and the post-use of the building regarding the construction or dismantling of the constructions, including related facilities as well as improvements where appropriate.

The building permit is public and can be consulted at the headquarters and on the websites of the issuers, meaning municipalities and county councils. In addition, from 1998 there is the legal obligation for all construction sites to display – on a visible place, throughout the works - a panel of identification that must contain minimum data and information regarding the objective: name and address, the recipient of the investment, the general designer, the builder, the building permit number, the issuing body, the deadline for completion of the work specified in the authorization, the start date and the completion date of the construction [17].

Together with two other instruments used in urban development and urban planning there are the urban marketing and the systems for urban development, all together, influencing the development of a city, of a region, and of a community. It is important that all these tools to be used correctly, to be understood and applied cumulatively for the city, region or community to benefit from the results of a management, a marketing and an information system well-tuned, adjusted and adapted to the needs of at a certain time.

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HUMANITIES

THE STUDY OF NATURE IN THE ENLIGHTENMENT PHILOSOPHY

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Abstract:

Regarding the conception of nature, there is an evolution of the Enlightenment philosophy from the self-reflexive reasoning of the Middle Ages, centred on God's existence, through the acceptance and the overcoming of the mathematical model of nature conception, to the biologist model, laying the foundations of evolutionism.

Keywords: enlightenment philosophy, Jean Jacques Rousseau, nature, human nature, evolutionism.

In the religious medieval system, built on the scholastic thinking, each reality has a fix place. The distance or proximity of God determines the value of the work. Thus, the concepts of God, soul and world represent the axis of the being, according to which all existence is a hierarchy, creating a safe world in which the location of beings is determined by one or the other from the circles stated before. The aim of knowledge is the approach of the Supreme being.

The knowledge of nature is not removed from the concerns of the Middle Age man, but it is of a lesser importance, locked in the bottom of the circle of the being, the most remote of the knowledge of God. "The nature's empire will be put face to face with the grace empire" [1], the first having only the attributes of inferiority. Knowledge is "natural" because it comes from the human reason, but the knowledge of nature represents a limited horizon of reality understanding. The empire of the nature is given through sensory and judgement processes and the logical conclusion related to them, by the discursive use of intellect, and the other is accessible only through the power of revelation.

Although it seemed locked in its inferiority, knowing the nature finds exactly this flaw in the theological system: that it accept the field of nature knowledge with its own sphere, governed by the natural law, obviously also created by God, but accessible to human reason. The first attack belongs to the Renaissance philosophy which, by pantheism, identifies nature with God arguing that true nature is God's creation, not just a mere creature. It participates in the divine being, because the force of the divine action represents life in itself.

Giordano Bruno argued that we don't have to imagine God as that external force foreign to nature and uninterested in it; his dignity lies precisely in the capacity to intervene in nature and to identify with it and with its law. This way, the study of the nature recaptures the dignity lost in the time of the ancients: knowing nature means knowing God manifested in it by identification with it.

The next Renaissance discovery is that the nature as a whole consists of parts that have individuality. Thus nature can and should be known not as a whole but also fragmented into its component parts. The method of the knowledge of the parties, which can be defined clearly and distinctly, is a sensitive experiment. Senses regain their dignity especially because in the understanding of nature, they will be associated with the accurate measurement and the mathematical instrument. The new method has spawned a new cosmology to which the Church has fiercely resisted. But the big problem was another one: the Church felt more threatened by the new concept about the truth than by the new cosmology, it was harder to tolerate that the scientific truth is a truth which comes from God, that apart from the truth of revelation, there is also the truth of nature which is not based on God's word, which he “owned”, but on his work. This new truth was equaled to the one revealed, but it had the advantage of safety, univocity, formalisation and rationality, it was believable and put in jeopardy the credibility of the revelation.

The age of Enlightenment will bring up the issue of the relationship between nature and intellect, which in fact is a recognition of the remoteness of the two entities. First it posits the rationality of nature and the independence of spirit. The reason is able to know the nature, but it is an independent entity. "Human nature is opposed to the nature of the cosmos and then it retrieves in it. Who discovers one, will get a certainty regarding the other" [2]. The nature and the intellect are intrinsic, have their own essence, and it is not a hidden and mysterious one, but it is totally accessible to the intellect that can systematically understand and explain them. This is the fundamental coordinate of the enlightenment age, the philosophical century, how d'Alembert called it, or the natural-scientific century.

The first attack of the Enlightenment will be given to the theology and to the Church. Basing on the successful theories of physics it will be broken the link between theology and physics. Theology was taken the right to postulate "truths" in the field of Physics "the biblical Physics" being richly giped. The biblical description of the creation is considered metaphorical, the days of the creation being in fact, counted as eras or periods, destroying this way, by the scientific reinterpretation of the Bible, the whole theological cosmogony and postulating its lack of capacity to provide theoretical models. Not only theology is not entitled to provide a model of the existence, but also science.

Science, particularly physics, can't keep "the spirit" which produced the great metaphysical conceptions of the 17th century, it must confine itself to investigating phenomena and to show their empirical ties. The physicist must give up his desire to explain the mechanism of the universe, limiting to the complete description of particular existences, and links between them. Fontenelle noticed this sooner in his *Entretiens sur la pluralite des mondes*: "as far as I'm concerned, I admire him [n.i. universe] even more as I know it is also a clockwork: it is surprising that nature is so worthy of admiration because it is based on such simple things" [3]. The object of the science are simple things, real existences, the actual condition, and not that of the Cartesian physics, the first principle, "in itself", "first mover" of all existences.

The new epistemology changes the relation between the principles and the actual conditions proposing a new methodology of research: the principle represents what is inferred, while status quo represents what is native. The actual conditions are the subject of the empirical research, and the inductive research rests on the mathematical tool. "If you do not use the compass of mathematics and if the torch of experience does not illuminate our path, you cannot advance any

step" [4]. Giving up ontological foundation of the first principle brought numerous problems of existence conception. The phenomenal world can find explanation in itself, in its laws, but is this phenomena uniform and constant? D'Alembert proclaims this constancy, but will not substantiate in any place. Leibniz returns to the highest principle, which is the source of both the intelligible and the sensitive world to ensure the stability and harmony of the ideal and the real plan, to be able to submit the real to the rules of logic and mathematics, and to make it cognizable. The solution could not be accepted by the Enlightenment adepts which had already appropriated the induction and empirical research. That's why they preferred rather to postulate the axiom regarding the constancy of nature. Nature's constancy, itself an unprovable axiom, is not a scientific, but a pragmatic one: its value is derived from the necessity of thinking, but also from the necessity of action. In other words, without proclaiming the constancy of nature as a pragmatic necessity, the empirical research activity cannot go forward. The axiom of the nature's constancy becomes faith, and Hume will base it on habit, habitude [5]. The attempt to remove all metaphysical components of the foundation of the empirical philosophy goes so far as threatening and calling into question even its logical foundation.

If mathematical physics has inclined to a strict phenomenism which goes up to skeptical consequences, the natural-scientific popular philosophy will have a somehow opposite path. For her theoretical knowledge is still possible by identifying and removing obstacles that have stood in front of the progress of nature study. The language of the ancient metaphysics is made guilty of forwarding the cognitive effort. So far, the metaphysics, caught in the throes of its own language, could not escape the magic of words presenting a kind of self reflexive nature, it is a whole closed in itself which subsists and is explained by itself. It has not noticed that the spirit of truth, immanent, wants to transcend the world, but its only force consists in connecting sensitive data. If it would have returned to the materiality, giving up the search for the ideal chimaera, it would have perceived that the only clear and distinct data, the only clear and complete order belongs to the material world. "To exist means to fulfill the movements specific to a determined essence; means to remove the ones which can weaken or harm it." [6]

The Mechanism is not satisfied with the establishment of the limits of functioning and study of nature, but also, in the same manner it will decree physiologically, psychologically and morally. Furthermore, the psychology becomes the primary ally in support of mechanism being equally mechanical. We operate like a machine, "the human body is a clockwork, but a huge clockwork built so artistically and skilled" [7], that the man becomes the yardstick of materialism and mechanism. Nothing must escape materialism; It is not a natural scientific dogma of the era, but it is an imperative that dictates what must be known. Holbach's attempt to eliminate from the conception of nature, everything that pertains to the sensitivity, fantasy and feeling, proclaiming the equality of all existences, any valorisation being wrong, had to face the opposition of his contemporaries, who materialists, however did not accept *The system of nature*, a work written without style and in which he destroyed still strong idols. The man of the Enlightenment was not yet ready to consider himself socially freely, and also a puppet-machine at the reach of some blind forces that he should accept to describe without understanding what is behind them. The Mechanism falls into this trap because it proclaimed the possibility of a being to explain a world, being trapped in its nets and without the ability to be free, not even to think freely.

The modernity imposed the mathematical study of nature. Mathematics does not acquiesce in only developing its own conceptual world, but it aims to include in it the entire reality. Therefore the mathematics becomes metaphysics. As the century of Enlightenment aims to be against metaphysics, it will repudiate this knowledge once it will become aware of it. The ideal mathematical knowledge of nature is beginning to disappear, and is replaced by a new ideal: the dream of a purely descriptive science of the nature. The description of a phenomenal wealth takes the place of explaining the nature and defining the concepts. The man of science is no longer interested in ordering the whole reality according to mathematical principles, but he wants to render in a natural manner the pure exuberance of nature, even though this abundance could ultimately ordered and calculated in an integrator system. *The philosophy of Botany* of Linné fails precisely for this reason that instead of describing the budding nature, it tries to sketch general concepts through which to introduce natural existences afterwards. Abstract categorization is against nature who lectured on comparing nature with itself, not with abstract concepts. To better highlight this feature science turns from the Cartesian Physics model to the Biology one, as a method of description. We must let ourselves be exclusively guided by experience: because only this can give us that kind of certainty which can give us the truth of physical objects. Inductively, we must increase the number of experiments and intensify them, we must generalize, to relate the facts through the conclusions derived by analogy until, finally, we get to a level of knowledge from which we can see how the detail relates to the whole, how the particular effects depend on the general ones. Instead of comprising in predetermined frameworks nature, it is better to study objects in their causal evolution and creating a final complete image. In this way, in the bosom of Enlightenment appears for the first time in *The natural history* of Buffon, the direction to evolutionism, a strong cultural current deeply speculated in the next century. "As in the human history - says Buffon in the *Natural history* – there is a research of the historical documents, coins and medals, deciphering the ancient inscriptions to determine the transformations that have occurred and to ascertain the ages of the spiritual events, so does, in the history of nature, have to be researched the archive world, the earliest monuments have to be ripped from the womb of the Earth, the ruins reconstructed and all signs of physical transformations which can lead to different states of life of nature united into a single body of evidence. This is the only means by which, in the infinity of space, we can identify certain fixed points and obtain a few milestones on the eternal temporal axis. "

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RENÉ GIRARD: UNE ÉPISTÉMOLOGIE DE LA RÉVÉLATION

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Abstract:

Réne Girard was a representative of the anthropology of the sacred. He gave a personal theory of the mimetic violence and suggested an anthropologic reading of the Bible and the great novelist in the light of his extraordinary discoveries. Thus, one can speak about a logos of war, polemos, the logos of Heraclitus and a logos of peace, the logos of John, the logos of the Gospel.

Keywords: *the logos of Heraclitus, the logos of John, violence, sacred, limit, truth, triangular desire, mimetic desire.*

René Girard a été nommé par le philosophe Michel Serres "*ce Darwin des sciences humaines*". L'écrivain Jean- Marie Domenach l'a nommé, à son tour, "*Hegel des sciences humaines*". Tout comme Georges Bataille, il a été archiviste paléographe. Hasard ou non? Et tous les deux ont eu comme centre d'intérêt de leur recherché la violence. Toujours par hasard? Ou pas du tout?

Il a enseigné à Paris, puis il est parti pour les États Unis. Il a écrit les livres suivants: *Mensonge romantique et vérité romanesque* (1961); *Dostoievski: du double à l'unité* (1963); *La violence et le sacré* (1972); *Critique dans un souterrain* (1976); *Des choses cachées depuis la fondation du monde* (1976); *Le bouc émissaire* (1982); *La route antique des hommes pervers* (1985); *Shakespeare: les feux de l'envie* (1990); *Quand ces choses commenceront* (1994); *Je vois Satan tomber comme l'éclair* (1999); *Celui par qui le scandale arrive* (2001) ; *La voix méconnue du réel* (2002); *Le sacrifice* (2003); *Les origines de la culture* (2004); *Vérité ou foi faible, Dialogue sur christianisme et relativisme* (2006); *Dieu, une invention?* (2007); *De la violence à la divinité* (2007); *Achever Clausewitz* (2007); *Anorexie et désir mimétique* (2008); *Christianisme et modernité* (2009); *La conversion de l'art* (2010); *Géométries du désir* (2011); *Sanglantes origines* (2011).

Ses livres assez nombreux peuvent envoyer soit au roman, soit vers le théâtre de Shakespeare, soit vers une étude du Vieux ou du Nouveau Testament. Chez lui, le terme de **mimesis** a des sens beaucoup plus larges que ceux qui sont bien connus, ceux de type esthétique et philosophiques. Il a enseigné à l'Université de Stanford et a été élu membre de l'Académie Française. En Roumanie on a traduit cinq livres de ce penseur important: *Mensonge romantique et vérité romanesque*, pendant le communisme, et après le communisme *Des choses cachées depuis la fondation du monde*, *La violence et le sacré*, *Le bouc émissaire* et *Je vois Satan tomber*

comme l'éclair. Dans sa préface à la traduction roumaine du livre de Girard *Mensonge romantique et vérité romanesque*, Paul Cornea observait que Girard pratiquait une critique du significatif¹.

Ce que Girard nomme *désir triangulaire* et plus tard *désir mimétique*, dans une extension de la notion de *mimesis*, veut dire que le personnage imite le désir d'une autre personne.. S'il s'agit d'une rivalité entre les deux désirs, alors la situation de conflit peut apparaître. Et dans son livre *La violence et le sacré* l'auteur observait que la violence a des effets mimétiques. L'émotion esthétique suppose une purification qui est bien différente de ce *katharsis* d'Aristote, rattaché à ce que les Grecs nommait *katharma pharmakos*, l'objet ou l'être expulse, mais a en vue tout simplement l'absence de la passion.

Emmanuel Lévinas réalise dans ses livres une critique de l'ontologie considérée comme étant une *egologie*. C'est-à-dire primat du Moi, domination du Même (l'identique) sur l'Autre (le différent). Il "lit" ici les signes de la violence et sa démarche critique a en vue l'oeuvre de Martin Heidegger. René Girard, à son tour, lisait ces signes, au moment où il observait, dans son livre *Mensonge romantique et vérité romanesque*, que la dialectique hegelienne se fondait sur le courage physique, l'homme courageux devenant le maître et celui qui avait peur le serviteur.

Un chapitre du livre de René Girard *Des choses cachées depuis la fondation du monde* peut attirer particulièrement notre attention. Intitulé *Le Logos d'Héraclite et Le Logos de Jean*, il envoie tout d'abord aux textes de l'"obscur" Héraclite. "Obscur", mais – semble-t-il – aussi initié, selon l'opinion de Mircea Eliade. Initié dans les mystères d'Orphée. Dans un fragment révélateur, René Girard considérait qu'au moment où Heidegger veut définir le Logos grec, il devient intéressant. Intéressant non pas par le fait qu'il énonce l'idée que le Logos veut dire "assemblage". Intéressant pour le fait qu'il dit quelque chose beaucoup plus important et plus exactement que les entités réunies dans le Logos sont *opposées et le Logos les réunit non pas sans violence*².

Le fragment auquel se réfère le grand anthropologue de Stanford, mort l'année passée à l'âge de 91 ans, envoyant à l'interprétation de Martin Heidegger est **B8**: "*B8. Les opposées (τό αντίζούν) s'accordent (συμφέρον) et des discordantes (τα διάφερντα) il résulte l'harmonie la plus belles (ἀρμονία); tout naît en combat*"³. On peut y voir, je crois, à la manière de René Girard, assez d'éléments d'anthropologie fondamentale. *La discordance* ("les discordantes") peut être assimilée à la violence sacrificielle ou mimétique et l'harmonie à la notion de *catharsis*. Non pas de type esthétique eu en vue plus tard par Aristote, mais de type *postsacrificiel*. Donc on peut lire ici, sans aucun doute, *l'illusion mythique et le Logos violent*. D'ailleurs René Girard veut renforcer cette observation au moment où il observe dans le même livre³ qu'au moment où Martin Heidegger dit que le Logos maintient les opposées ensemble, mais non sans violence, il parle sans se rendre compte de la victime fondatrice (de la culture!) et du sacré qui a sa source en elle⁴. L'opinion de René Girard est que derrière la méditation sur **l'être** il s'agit du sacré⁵. Selon cet auteur si la philosophie était descendue au-delà des présocratiques, elle aurait rencontré le sacré grec et alors elle aurait été dans la situation de renoncer à elle-même. Un bon exemple, je crois, d'illustration de ce qu'on pourrait nommer, avec un syntagme spontané, les limites de la philosophie. Limite que les Grecs nommait, on le sait, *peras*.

Ce thème de la violence dont je m'occupe depuis quelques années apparaît dans le texte du philosophe antique aussi dans le fragment **B80** : "*Il faut savoir que le combat (ὁ Πόλεμος) est commun (universel), que la justice (ἡ δίκη) est combat (ἡ ἐπίς) et que tout naît par combat (ἡ ἐπίς) et nécessité*"⁶.

Heidegger, en dépit de son génie est-il aussi trompé par une sorte d'*illusion mythique*? Et cette illusion étant mythique, est aussi sacrificielle, expression d'une violence occultée? Et même en dépit du fait que la vérité (**Alethéia**) se définit comme *extraction de l'occulté*? Il semble que oui et Girard observe que Heidegger croyait qu'il accomplissait quelque chose qui va s'accomplir en effet, mais dans un esprit bien différent de celui de sa philosophie. Et le vrai accomplissement consiste seulement dans la révélation de la souveraineté sous tous les rapports du texte chrétien, le seul interprète – continue l'anthropologue de Stanford – de l'histoire qu'il gouverne en secret, même dans l'exclusion dont il fait l'objet⁷. Mais pour ébaucher une petite dissertation – une analogie deviant possible ici - d'une manière surprenante peut-être, celle entre le syntagme de Heidegger *essence conflictuelle* et le terme *scandale* (*skandalon*) ou *trouble mental* que Girard assume du texte évangélique. Où plusieurs fois les paroles de Jésus Christ produisent des effets de mimétisme violent. Voici un fragment qui est une illustration de tout cela tiré de l'Évangile de Jean: "*Et dans la foule une grande dissension a éclaté pour Lui. Et il y avait des gens qui voulaient s'emparer de Lui, mais personne ne l'a touché. Donc les serviteurs sont venus chez les prêtres et les pharisiens, et ceux-ci leur ont dit: Pourquoi ne l'avez vous amené? Les serviteurs ont répondu: Aucun homme n'a jamais parlé comme Celui-ci*"⁸. D'ailleurs Jésus attire parfois l'attention à ses disciples: "*Je vous ai dit tout cela pour que vous ne perdiez pas la raison*"⁹.

Il est possible que Heidegger soit trompé par certains aspects de l'Ancien Testament, observe Girard, car Hegel aussi les a signalés à son époque. Dans un fragment plus long, le professeur de Stanford considère que s'il y a en effet une différence essentielle entre le Logos grec et le Logos chrétien, celle-ci doit apparaître nécessairement dans le plan de la violence. L'erreur faite par Hegel c'était d'interpréter le Logos chrétien comme une sorte de serviteur terrorisé qui devait transmettre les ordres d'un maître dur. D'ailleurs dans l'Ancien Testament les transferts de la victime fondatrice sont décomposés et séparés d'avec la violence sacrée peu à peu. Donc, loin d'être dépendant du sacré violent – insiste Girard - l'Ancien Testament se sépare de celui-ci, même s'il reste un peu dans sa proximité dans les parties plus primitives, mais nous ne devons pas nous situer dans un invraisemblable excessif comme procède Hegel¹⁰.

Bien que le Logos de la paix, le Logos de Jean semble être évident dans le texte évangélique, le malentendu est dû au fait qu'on ne comprend pas le rôle de la violence dans le Logos culturel, la fondation violente des cultures humaines. Un motif peut-être pour le syntagme "*la paix qui dépasse le pouvoir de compréhension*". Mais - tout comme dans l'Évangile – seuls les enfants peuvent saisir la simplicité des essences, la différence entre la violence et la non-violence. Les fragments de l'Évangile de Jean deviennent, dans ce sens, édificateurs: "*Au commencement était le Verbe et le Verbe était chez Dieu et Dieu était le Verbe. Celui-ci était dès le commencement chez Dieu. Tout s'est fait par Lui et sans Lui rien ne s'est fait de tout ce qui s'est fait. En Lui était la vie et la vie était la lumière des gens. Et la lumière illumine en obscurité et l'obscurité ne l'a pas englobée. [...] Le Verbe était la vraie lumière qui illumine tout homme qui vient au monde. Il était dans le monde et le monde s'est fait par Lui, mais le monde ne l'a pas connu. Il est venu dans les Siennes, mais les Siennes ne l'ont pas admis*"¹¹.

On se situe maintenant entre occultation et révélation (ou inversement), entre expulsion et la fondation fautive due à la transcendance menteuse de la violence. Mais même au moment de l'expulsion est dévoilée la vérité sur la violence. Car, dit Girard, le Logos de Jean est le Logos étranger à la violence, donc un Logos toujours exclu, un Logos jamais présent et qui ne détermine jamais rien, directement, dans les cultures humaines, celles-ci étant fondées par le Logos

d'Héraclite, c'est-à-dire sur le Logos de l'expulsion, sur le Logos de la violence qui n'est fondatrice que dans la mesure où elle est inconnue. Le Logos de Jean est celui qui dévoile la vérité de la violence, en se laissant expulsé. Il s'agit aussi des Passions de Christ, dit Girard, mais aussi du fait que le Logos de la paix n'est pas connu et Il est expulsé, cela constituant une donnée fondamentale de l'humanité¹².

Mais *"la lumière illumine en obscurité et l'obscurité ne l'a pas englobée. Même si: "La guerre (όπολεμος) est le commencement de tous, le roi de tous, grâce à lui quelques-uns apparaissent comme dieux, d'autres comme hommes, les uns sont faits esclaves.les autres sont libres"*¹³.

La vérité est extrêmement rare sur cette terre¹⁴, dit Girard. Mais le mécanisme du bouc émissaire ne possède plus l'efficacité nécessaire pour engendrer des mythes après avoir été révélé par la Passion de Jésus Christ¹⁵. Et l'esprit scientifique, continue l'auteur, tout comme l'esprit entreprenant, représente un sous-produit de l'action exercée en profondeur par le texte de l'Évangile¹⁶.

Notes

1. René Girard, *Mensonge romantique et vérité romanesque*. En roumain par Alexandru Baciuc. Préface de Paul Cornea, Édition Univers, Bucarest, 1972, pp.5-6.
2. René Girard, *Des choses cachées depuis la fondation du monde. Recherches avec Jean-Michel Oughourlian et Guy Lefort*, 1978, Éditions Grasset & Fasquelle.
3. Héraclite, *Textes philosophiques* in *Anthologie philosophique. La philosophie antique*, vol. I, Édition revue et augmentée par Octavian Nistor. Sélection des textes et présentation par Nicolae Bagdasar, Virgil Bogdan et Octavian Nistor. Préface de G. Vlăduțescu, Bibliothèque pour tous, Édition Minerva, Bucarest, 1975, p. 22.
4. René Girard, *Des choses cachées depuis la fondation du monde*.
5. Ibidem.
6. Héraclite, *Textes philosophiques* in *Anthologie philosophique. La philosophie antique*, vol. I, p.22.
7. René Girard, *op. cit.*
8. *Le Nouveau Testament avec les Psaumes, Le Saint Évangile de Jean*, Édition de l'Institut Biblique et de Mission de l'Église Orthodoxe Roumaine, Bucarest, 2002 (6, 43-46), p. 232.
9. Ibidem (16,1), p. 256.
10. René Girard, *op. cit.*
11. *Le Nouveau Testament avec les Psaumes, Le Saint Évangile de Jean* (1, 1-5, 9-11), p. 210.
- 12.. René Girard, *op.cit.*
13. Héraclite, *Textes philosophiques* in *Anthologie philosophique. La philosophie antique*, vol. I, p. 22.
14. René Girard, *Je vois Satan tomber comme l'éclair*, Éditions Grasset&Fasquelle, 1999.
15. Idem, *Le bouc émissaire*, Grasset&Fasquelle, 1982.
16. Idem, *ibidem*.

FICTIONAL ROMANIAN PROSE - A PARTICULAR REPRESENTATION OF THE WORLD

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Abstract:

The fiction attracts the person to living in a space where everything is commonly and familiar in everyday, showing its feeling as „failure” in situations that can be identified in a diverse range of normal and pathologic emotions. The fictional or fantastic prose it would be seen as a particular representation of the world, leading to „depersonalization” for the persons who living a fantastic feeling. Literary criticism considers that the fantastic would derive from a mythical-magical thinking, with the modern human, being coming out as a surge of ancestral fears whenever human condition is endangered or unknown terror exercised over them.

Keyword: *fictional, fiction, magic, particular representation, mythological, creation.*

The Romanian tradition of fictional or fantastic literature even in contemporary prose, which is in a report of continuity, has major evolutionary directions as: „fantastic mythological”, the fantastic philosophy”, „fantastic enigmatical and absurd”, „fantastic realism” and will add several connections of science fiction prose. For us, the fantastic is in a permanently relation with the realism. From the reasons circulation and images, the creative interplay with the educated folks are arguments in favor of recording the attitudes of the general issues integration in fairytale the epic material evidence that beyond designing loan outstanding personality of the poet, which is a fabulous way of visionary asserting.

Eminescu is one of the greatest creators of prose fiction in literature, comparable to the great German romantics, Jean Paul Richter, Novalis, ETA Hoffmann, A. Chamisso, the great French romantic Th. Gautier and Gérard de Nerval and the great American romantic, Edgar Allan Poe. The fantastic of Eminescu is a philosophical fantastic, a fantastic of ideas. Eminescu's prose has a solid philosophical basis consisting of reflections on time and space doctrine and concepts arheu metempsychosis, avatar, archetype and history, which assures originality universal context. Eminescu wants to shine from inside the Romanian fairytale Prince Charming in tears, Faure's a mythical air through image insistence animistic harmony specifies golden age, raised in a holiness agreement fragile and poetic story telling captures the agreement lyrical ineffable. Fantastic advanced during our great classics.

Eugen Simion said, „I can not believe the great vocation of Eminescu was lost and golden key prose never has been find of nobody. Not only great vocation for Eminescu's fantastic is not lost, but his prose golden key learned a lot Romanian writers over time, including: M.Sadoveanu, Alan Rebreanu (Adam and Eve), IL Caragiale "[1]

The first (chronologically) and the most authentic form of fantastic literature is the fantastic poematiko-lyrical romance, regardless of the species was confirmed: lyrical autobiographical novel (Reiser, Titanial), fairy tale written by Brentano, Tieck or Eminescu, Novalis novel's symbolic, Centuries Legend of V. Hugo, Vigny's ancient poems and Memento Mori by Mihai Eminescu.

With the exception of Victor Hugo and Mihai Eminescu, the fictional or fantastic poematiko-lyrical affirmation belongs to the period of genesis and romance, justifying and reporting provided by the social situation of high contrast confidence issue and full affirmation of human individuality is contradicted initial stillness life in relation exceeded, then - in recent years - complete denial of this ideal by introducing another social organizations equally indifferent to his own dream.

The transmigration philosophy, and the concept of avatar, Eminescu's idea comes from primordial unity. Mystery of the world and life is the desire. Wishing to create the universe was born, first by creating feminine principle, which was founded male principle, these ideas appear in the Rigveda. In concept Upanishads, the individual soul (atman) merges with the universal (Brahman), 'One is in all, so as one is in everything'.

Identity from plurality, in the multiplicity of individual forms of life, is the greatest mystery of Eminescu, the greatest mystery of life. *Poor Dionis*, and philosophical fantasy novel, has a rather complicated structure. Bond is formed, but the dream - „the reason world as a dream".

The novel is built on deliberate the confusion between dream and reality. Considered a dream novel by insertion into everyday life dream, *Poor Dionis* can be compared with Hoffmann's short stories, particularly *Gold pitcher*. The same dream a reality contraposition of plate, petty and prosaic, a meet and Eminescu. And here is the break in the order of reality, in order daily, which after Roger Caillois, as a distinguishing mark of the fantastic. *Poor Dionis* answer to thesis „the reader's hesitation” which falls under the definition of fantasy, as confusion between dream and reality is maintained skillfully Eminescu.

The fiction of I.L.Caragiale is a strange and terrifying fantastic trunk grafted on native mythology. Caragiale's declared sympathy for the great American writer Edgar Allan Poe, one of his favorite authors, from whom he borrowed in fact the title of his masterpiece, *A Lost Letter*, and translated and that we can not provide such key perhaps more valuable for interpreting caragialesque fantastic.

Novel charm comes from the storyteller knows how to evoke the strange and terrifying atmosphere of the inn and here its mark obvious influence of Edgar Allan Poe. At the Inn's Mânjoală example we can send it to the famous novel, *Boogeyman*, the presence of demonic and satanic atmosphere gradually inoculate inn, the innkeeper made the pact with the devil.

The most representative novel of fantasy fiction is *The Inn of Mânjoală*, literary fiction masterpiece of Caragiale. Caragiale opens with this novel, masterfully constructed, the reason of inn in Romanian literature, anticipating the later stories of Sadoveanu, to hang passionate, agents of eros. Caragiale's novel is permeated by a Balkan sensualism, juicy, slightly masked by clear and abusive language in a similar manner to that of Creanga in *Old Nichifor Coțcariul* work. Caragiale exploit this novel the mythical-magical thinking, superstition and popular beliefs and acquaints us with a new category, of satanic, and the demonic. The erotic magic of Marghioala that has on about the young man who arrives at the inn, is placed in conspiracy with evil spirits. Mânjoala seems to have demonic powers.

Horse Devil(1909) is a short symbolic tale inspired by local folklore, the facts occur in the same atmosphere saturated with magic and popular superstitions. Violation of the prohibition to enter in a Romanian foreign concerns, witchcraft, leading to a dramatic metaphor of a young girl in an old beggar king, which may be issued under the burden of the curse.

Considering the existing of supernatural, Caragiale create hierarchy between evil and human beings devils are mostly cheated by a human being unable to endure human existence. Supreme Creator has no wisdom in Star of Eminescu, is not a good man, a little fearful, as in,, Ivan Turbincă". This explains the outcome of *Kir Ianulea* where Dardarot may prohibit the entry into Hell's Ianuloaiei and Negoia. Hierarchy exists within the human species. When the man wants to change the subject, going through troubles, until it reaches what it was, and Abu-Hasan the hero from the tale of the same name, who for a time take place of Caliph Harun-al-Rashid.

On theme of change the difficulty on existential condition that goes from here to impossible, it is imbued with melancholy as a metaphor and horse fucking fairytale universe unexpectedly cheerful and jolly Caragiale's history. The fantastic of Caragiale works here only as an element of motivation, it is not operated as vision, but appears as a slight oddity, explained rationally. Ambiguity of normal-abnormal, explain inexplicable supernatural is generated real-ironic understood the text. Using a supernatural ipotetico-symbolic Caragiale considering its views on art as a break with reality, which can not be changed.

The writer creates several scenes of virtuosity demonology in which appear several women oppressed by the devil. Eternal feminine mystery rooted as Christian doctrine, relations with the devil woman. Origin demonic feminine charm and crazy behavior is being watched by trying to explain the haunting existence and his love.

The short stories of Caragiale *Kir Ianulea*, *The inn of Mânjoală* takes place in an atmosphere of realistic fiction. Fantastic required by the very structure of the female characters, whose advantage over men evil escapes rational understanding, and is reported to cause superhuman evil. In the short stories of Caragiale, wandering characterize evil people, miraculous and ends with return to where they were marked destiny, after a journey of discovery, where error and return appear to be the result of magical practices. Caragiale, oscillation between the real and the fantastic comic gives a special flavor description. Fantastic function is purely aesthetic part of it „human normality" of a world in a particular historical time, beyond which transpires always

fascinating dimension of the eternal feminine, unpredictable behavior. „, Fantastic, even where it is introduced directly, it works only as motivating factor.”[2]

In Caragiale's work fantastic is treated absolutely as poesc style. *The inn of Mânjoală* was the most representative short story that is reflected in the collapse of the *House of Usher* mirage of Edgar Poe. The structural elements of the story are the same and fantastic plays a similar role.

Fantastic of Caragiale is driven by the emergence of women appearance and even mastered the female spirit. Manifesting itself as the emblem of femininity, fantastic embarrass him who loves, meeting a break in rational conduct of life and drawing him in a disquieting. Elements of fantasy does not have any other nationality. Goat and cat are representations which have existed in all times and in all places endowed with elements of folk magic or mirage night. We encounter in Arabic, Persian, Greek mythology, the sorcery first, then in medieval Germany and France. Novel interest but not falls to the Inn, or landscape, or the psychology of the characters, but only on its elements combining fantastic.

Caragiale imagines the fantastic as a lack of effective reaction to the events recounted of hero. The main character of the novel always accept extraordinary adventures through which current as inevitable, natural, and leave them worn like normal things, barely, at times, more of surprise than fighting with it îmbujorează by a cross. Such a character back to his own home may not have a specific or nationality..

In time of war is the story of a robber king and then volunteer, his brother innkeeper, in a way, another kind of thief. The latter, in comparison with the first, is like a beast. There are some kind of fantastic here. Story by evil acuity through some very beautiful and psychological notations great fair, yet fall into a human general that no ethnic link no longer where to spend the environment around them and the characters come fully in their social, cultural and spiritual.

The fiction prose is an important work for Romanian literature. Developing a number of themes that go from one story to another, Caragiale created a memorable typology and imaginary space that is only him. Is the Romanian space: a place full of signs, initiating, a place with streets that hide ancient mysteries and individuals wearing them without knowing, myths.

The literary criticism considers that the Romanian writer is not intended for fantastic. Caragiale showed that it is sufficient to show a great talent and prejudices critics retire then, ashamed of the way of evidence. His prose is dominated by mystery, takes place in a world marked by fantastic extrasensory and paranormal. In general, his short stories are grafted on existential issues. It is noted that the writings have a strong fantasy and fiction make up the majority of Caragiale.

Caragiale presents itself as an advocate of knowledge verified using data available to scholars of folklore and ethnographic documents. He believed that folk material and may serve a different knowledge than that which gives us the philosophy of culture. Specifically, he believed that issues directly related to man, with his knowledge of the structure and limits can be worked almost to their final absolution, from folklore and ethnographic data.

Caragiale demonstrates the uniqueness and superiority of our popular genius if it is compared with the Romanian archaic myths in literature. Referring to the origin of folklore,

Caragiale shows that agricultural rural societies have created the very beginning of history more games arising from the presence of ceremonial and fantasy. Legends, tales, riddles in various forms using mysterious and enigmatic element. Authenticity, depth and uniqueness of our popular creations can not be questioned.

In his speeches, Caragiale presented the great importance of religions stemming from folklore works, distinguishing non-value of value. A mechanical copy can not give rise only to insignificant things. Even it is a myth or a legend, there is anecdotal significance. To create a viable work is not to reproduce versification of popular poetry. Only a few were able to assimilate the essence of folk, conceived masterpieces, of which we can mention: Mihai Eminescu, Lucian Blaga, Tudor Arghezi and Emil Botta.

Caragiale's novel, *The Inn of Mânjoală* is a good example of these mutations. The reason that develops narrative is fantastic. Wanting to keep her room clean reckless lad for one night, the beautiful hostess, initiated in magical practices makes it way to return something exorcise in the hat and then using the tomcat that can be transformed into goatling. Novel does not develop as terror because the writer focuses on other sides of fables, obtaining an ambiguity style, a result of overlapping of meaning. Furthermore unusual tension on the double meaning of Caragiale is concerned with observations. Lady Inn has no icon in room and the tomcat reaction is unnatural by rationality: ☒

"Real female! I sat at the table making cross after my custom, when suddenly, a roar: stepped is seen with horseshoe old boots on a cat that's under the table ...The woman, taken in thought, sitting on the bed with my hat in their hands, an ever-spinning and twist...I said go on the road! And I crossed, when I heard right door thudding sound of a cat. My host knew no longer seeing her, entered rather 'the heat and grab the cat door, of course "[3]

What made our writer is a performance of lucidity style. The same word can have meaning and the real plan, and the assumed fantastic. It's an expression, not an ambiguity of feeling that the end does not leave any doubt about the lack of integration in fantastic from his irony.

Another way of referral lucidity act of creation, perhaps the most proeminent, highlighting the presence of irony, used by Caragiale, proof of posting creator of the work world. It is a general feature of degraded forms of modern fiction, present in style and purpose of creation. The most interesting is the ironic attitude required with justification, to express themselves, fantastic language.

Fantastic is always a constant direction of the human spirit and literature of all time. There are researchers who believe that science fiction is part of fantastic literature. Both types are based on fantasy, on increasing function and potentiation imaginative factor explaining their genetic relatedness which can lead to their eventual confusion. The fundamental difference between them is that fantasy literature assumes a mythical-magical mentality to exist, and science fiction is fed from a scientific mentality.

Magic in the prevalence of fantastic literature author is replaced by powers of science-fiction, science and technology. Place is taken by scholar magician, magic wand and substituting the machine or invention. Eminescu fantastic philosophical influence is manifested in a number

of Romanian prose writers such as Gala Galaction (Califar's Mill), Alan Rebreanu (Adam and Eve) and, especially Mircea Eliade, one of the greatest artists of the century prose fiction.

Liviu Rebreanu with novel *Adam and Eve* (1925). The primordial couple thesis reach eternal metempsychosis doctrine in transmigration of soul. Eternal couple designed to recover primordial unity is maintained only by the transmigration of the soul. Metempsychosis works only on this site erotic Rebreanu's vision. To achieve torque eternal souls of lovers, partners should be free from spatial and temporal determinations and overcome obstacles to social and moral conventions.

„ A man from millions of men wants only one woman from millions of women, one single and only one! Adam and Eve! Mutual search unconscious and irresistible is the sense of human life itself ! To facilitate searching this, do recover and undo all moral and social laws and conventions"[4]

Liviu Rebreanu is an artist of philosophical and fantastic novel, being closer to Th.Gautier and Camil Petrescu than Sadoveanu or Eminescu. Transmigration of souls like us is presented as a descent and ascent through the inner hell orgies, the darkness being the hero, modeled inside a romantic trip without their plastic inventiveness and without sunny landscapes reveals pictorial quality and great music, images visual and auditory unusual.

Mircea Eliade wants to differentiate itself from other authors of fantasy literature in the world of the German romanticism, by Edgar Allan Poe or Borges. At the origin of Mircea Eliade's fantastic, is the fantastic of Eminescu, philosophical, metaphysical, mythical doctrinally and not because myth is always exceeded the philosophy. What interests of Mircea Eliade is the philosophical meanings of myths. The trajectory of Eliade's prose fiction is from myth to philosophy. His conception fantastic mythical conception is determined by creating parallel universes newspaper, revealing us another dimension of time and space.

Miss Cristina (1936), the first fantastic prose of Mircea Eliade, is designed for a range of movement theme in literature, love between a „live man” and a „dead woman” a common theme in fiction prose, often populated by specters, ghosts, vampires, as messengers of the underworld. Writer exploit what could be called „strange coincidences” which is gradually adding the terrifying feeling. Isolated mansion in plain Baragan atmosphere, which invited young painter Edgar and archaeologist Nazarie who started emanating from careless air castles inhabited by ghosts and ghouls, the unusual events occur, common in western fantasy stories.

Mircea Eliade created by *Miss Cristina* an allegory of aspiration towards absolute impossibility of fulfilling his erotic and, of incompatibility between two different orders. The idea of transgression limits of human existence is that supplying novel idea of romantic origin. Not only direct references in the text, but also the entire issue, *Miss Cristina* is a response to *Star* of Eminescu.

In the novels *The Secret of Dr. Honigberger* and *Nights at Serampore*, fantastic of Eliade reveals the other side of India, unseen, hidden, one side of occult practices and initiatives. Appears to us here with a fantastic exotic twist. Eliade emphasizes, „the miraculous evidence” that aspires to reach initiative, meditation technique, the deepening of the inner life, thinking, from this

perspective, superior Buddhist yogi practices. Dr. Honigberger secret novel is built on the concept of mystery, fantasy literature specifically, the author making the statement „the mystery is so active in our lives” as such is present and hidden in everyday life.

Youth without old age (1978) is set up as a response to the famous Romanian folk tale, *Youth Without Old Age and Life without Death*, on eternal youth. Novel illustrates a scientific hypothesis, the possibility of regeneration body. From myth, Eliade reaching science fiction narrative, traveling is the author of the science fiction to fairytale. Hero, Dominic Matei, embodies humanity posthistory. Through the simple act of concentration, intense thought, man may recover post-historical, cultural memory based on much stronger than the historical man. Novel is fantastic from its deconcertrant end, narrator and hero giving freedom to return to the old condition. Rules fantastic story proved highly resistant while other voltages ambiguous communication of subjectivity, sometimes becoming carriers of symbolic meanings.

Mircea Eliade's masterpiece, *The Gypsy*, preserves all special agreements. The action begins in the real sphere, Gavrilescu character enters in a place called "The Gypsy" because this place is cool and heat outside is very strong. In this strange space occurs "rupture" that speaks R. Cailliois. Following the return to order, to real change. He puts out heat changes. However, real change is "almost unbearable", so is the space character pit house, where he fulfills his destiny with young love - Hildegarg. Ambiguity prevails, especially at the end and Eliade emphasizes the reluctance reader and character.

Gavrilescu it is drawn into a dark adventure in the end finds astounded that it casts over time in life, returning it strange world. Conducting discreet narrative is dotted with fantastic event details by which nature carries symbolic meanings. All hot one day, sitting on a bench Gavrilescu student lost because of indefinite nature, the beautiful Hildegard. Now I can not guess that gypsy and can not take a final decision only after it became useless. Presence in narrative takes fantastic feeling to designate the great qualities of this type of creative accommodation throughout the ages, the possibilities range of events offered by the rigors very broad genre.

Slowdown and cancellation of time are extremely fertile as processes of real fantasy, informed by acute perception, the event features normal. Aceste generally valid reason to claim that fantasy genre. Signs of individuality (subjectivity represented, fabrication, use time) are convincing enough to have set up an originality able to provide some independence diachronic development. Fantastic field is of great importance and supremacy squaring off with the realist, the suspicion mirroring life.

Dramatic or obscure stance greatness lack specific features of sublime object are fantastic and creates a specific feeling high acuity.

The fantastic represents the need of people to understand what is beyond our understanding and the reality. People's desire to find answers to inexplicable and overcome the limitations of space and time has created fantastic, which is also a bridge to the unknown, bizarre and terrifying world without rules of reason.

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THE HOLLOW CROWN, AN EXPERIMENTAL ADAPTATION OF THE SHAKESPEAREAN DRAMA

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Abstract:

This paper presents a series of experimental adaptations developed by Sam Mendes for BBC in 2012, The Hollow Crown, as it was called covers an essential part of the Shakespearean drama. Every episode has lasted for more than two hours, ratings have been great, taking into account that we are talking about historical Shakespearean plays that are not expected to be the most appreciated reality shows all over the world. A series that brought to the stage the best actors who offered representations and interpretations that proved their indisputable talent, also proved the indisputable value of the Shakespearean text.

Keywords: *adaptation, authenticity, impact.*

Stage and screen director, Orson Welles, stated: “Shakespeare would have made a great movie writer” (quoted by D. Brode, 2000:3). This assertion takes us back to the supposition that Shakespeare wrote for the audience, for the spectators, the viewers, not for the reader, which can be considered as a possible source of its success in the world of adaptation. It is impossible to ignore the experimental adaptations series developed by Sam Mendes for BBC in 2012. *The Hollow Crown*, as it was called covers an essential part of the Shakespearean drama, the *Henriad*, formed of the four famous plays: Richard II, Henry IV, Part 1, Henry IV, Part 2 and Henry V. Discussing the issue of the Shakespearean conversion to the screen, Russel Jackson tries to clarify some aspects in his study *The Cambridge Companion to Shakespeare on Film*: “In fact the number of films made from Shakespeare’s plays is relatively small although the ‘Shakespeare factor’ in cinema has been enhanced by the numerous ‘offshoots’ – films, like *Shakespeare in love* that draw on Shakespearean material without claiming to perform any one of the plays. In the first century of moving pictures, Shakespeare’s plays played an honorable but hardly dominant role in the development of the medium. Some forty sound films have been made of Shakespearean plays to date, but it has been estimated that during the ‘silent’ era – before synchronized dialogue complicated the business of adapting poetic drama for the screen – there were more than 400 films on Shakespearean subjects. These took their place in an international market unrestricted by considerations of language and (consequently) untroubled by the relatively archaic dialogue of the originals” (R. Jackson, 2000: 18). This analysis shows the real situation when it comes to movie adaptation. Jackson’s

example underlines the fact that most of the popular Shakespearean adaptations manipulate the original text, using only some parts of it in order to create new stories, more appropriate for spirit of time and for the expectations of the public. The detail that at the beginning of the cinematographic history there was a huge development of the film adaptation process, highlights that Shakespeare cannot be reproduced to screen than under the condition of a release of this connection between the original and the new.

Producers had the brilliant intuition that this was a perfect marketing opportunity, taking into account the distribution and the plays chosen, some of British public favorites. Actors are divided into those who were in the centre of the public focus for a long time and the beginners, who had the occasion to display their hidden talent on stage (Ben Whishaw, Tom Hiddleston, Joe Armstrong). The central idea was the evolution and decay, the immense pressure of the crown on the shoulders of the monarchs. The producers relied a great deal on the talent and the passion of the actors involved in the project as well as on the theatrical atmosphere created by the costumes and the music. Another important support for the confidence of those who believed in this project was the interest of the viewers in this film series. An important part of the public hadn't had the interest or the curiosity to discover the original plays of Shakespeare before watching the Hollow Crown. The curiosity to see the evolution of the favorite actors in these movies, triggered the impressive audience of BBC during the four weeks, in the evening of Saturday. It was a bet won not only from the point of view of audiences, but as well as in respect of the quality of the plays adaptations. Actors elected invested passion and energy, proved their talent and this was felt beyond the screen.

The first play chosen for this experimental adaptive process has been *Richard II. Naive and conceited, the young man Richard starts his way to the head of the social pyramid and later to the decay torturing Henry Bolingbroke (Rory Kinnear), his cousin, together with Thomas, count of Mowbray (James Purefoy). Next, follows the forfeiting of his uncle's lands, John of Gaunt (Patrick Stewart), Bolingbroke's father to be able to finance the war against Ireland, a war he will lose. These actions of the young king attract the discontent of many courtiers, among them, the Duke of York (David Suchet). He will house Bolingbroke once returned to England. The young Henry will begin to eliminate all the nobles from Richard's court. Finally the King is arrested and in prison he is murdered. Bolingbroke, now king Henry the IV-th has remorse for the committed crimes and looks for the divinity forgiveness.*

Ben Whishaw plays a messianic role of Richard. A young man became king being surrounded by a vicious environment. Perceived frivolous and impulsive, he becomes the prisoner of his decisions that will mark the course of history. Any action, his life style become weapons against him and those who were once band to destroy him. After his return from exile, his cousin, Henry Bolingbroke will manage to defeat him and to win the power.

For Bolingbroke the murder of a king will follow him for the rest of his life, the crown once worn by Richard being a heavy burden that you will have to carry until his son will prove to be a worthy successor to the throne.

For two hours and twenty minutes we are witnessing to the decay of king Richard and the ascension of another Henry the IVth. Ben Whishaw played a great role; fragile, with a look of martyr, risking it all and eventually losing everything. He becomes aware of the consequences of his acts much too late, when he is no longer able to do anything about it in order to change something. With all the weaknesses, with all his mistakes, Richard manages to take the audience

into the universe of the intensive action and Whishaw delivers an emotional speech excited, the speech of a defeated king:

“I have been studying how I may compare
This prison where I live unto the world:
And for because the world is populous
And here is not a creature but myself,
I cannot do it; yet I'll hammer it out.
My brain I'll prove the female to my soul,
My soul the father; and these two beget
A generation of still-breeding thoughts,
And these same thoughts people this little world,
In humours like the people of this world,
For no thought is contented. The better sort,
As thoughts of things divine, are intermix'd
With scruples and do set the word itself
Against the word:
As thus, 'Come, little ones,' and then again
'It is as hard to come as for a camel
To thread the postern of a small needle's eye.'
Thoughts tending to ambition, they do plot
Unlikely wonders; how these vain weak nails
May tear a passage through the flinty ribs
Of this hard world, my ragged prison walls,
And, for they cannot, die in their own pride.
That they are not the first of fortune's slaves,
Nor shall not be the last; like silly beggars
Who sitting in the stocks refuge their shame,
That many have and others must sit there;
And in this thought they find a kind of ease,
Bearing their own misfortunes on the back
Of such as have before endured the like.
Thus play I in one person many people,
And none contented: sometimes am I king;
Then treasons make me wish myself a beggar,
And so I am: then crushing penury
Persuades me I was better when a king;
Then am I king'd again: and by and by
Think that I am unking'd by Bolingbroke,
And straight am nothing: but whate'er I be,
Nor I nor any man that but man is
With nothing shall be pleased, till he be eased
With being nothing. Music do I hear?”

In the solitude of the prison, waiting for the final transformation, Richard reveals the innermost feelings and thoughts regarding this complex world, which prove to be the struggles of

any human being in the eternal fight against the hardship of life. His attitude is a modernist one, inclined towards the escape from the collective environment to the solitude of the self. This sorrow of this isolation is suggested through a wide palette of negative terms: “prison”, “vain”, “weak”, “slave”, “silly”, “beggar”, “misfortune”, “penury”. This way, Shakespeare draws the attention of the reader or of the spectator to the seclusion of the human being in front of the difficulties, which is exactly the condition of the modern character. Another aspect that emphasizes the same idea is the oscillation between the good and the evil, the highest and the lowest borders of social scale, represented in Richard’s interior monologue by “the King” and “the beggar”.

The second play brings to the focus of the BBC audience King Henry the IVth played by Jeremy Irons faces the revolts organized around Owen Glendower and rebel Henry Hotspur played by Joe Armstrong, the son of Duke of Northumberland, the two of them being dissatisfied because the king has not paid the atonement requested by Glendower for Mortimer, Northumberland's son-in-law. Henry has another problem regarding Hal played by Tom Hiddleston, his son, gasty and arrogant, influenced by Sir John Falstaff, an old man away from the good old times, who hides his bitterness behind the curtains of a dirty life. Hal joins his father in the battle of Shrewsbury where he manages to suppress the organized revolt of Hotspur, by killing him during a confrontation. The victory is short duration for now Henry and Hal must face the revolts organized by Glendower and Northumberland, supported this time by the cardinal of York.

Jeremy Irons has the main role of the old king Henry the IVth. He finds himself in the middle of revolts, weak under the pressure of his throne and the burden of the past; Henry sees in Hotspur, the rebel young man, the son he wanted. The promises made in the eve of Richard's abdication were never fulfilled. Those who are waiting for answers are blocked by the absolute silence of the monarch. Considering himself betrayed, Henry Percy 'Hotspur' joins the rebels. In addition to the court intrigue and the riots in the country, Henry has the deal with his son Hal, influenced by the promiscuous life of Falstaff. The young prince prefers the company of simple people rather than the courtiers but not for long. Becoming aware of the duties of a heir, Hal joined his father at the battle of Shrewsbury where he lead the army to victory.

There are many exciting moments in this first part, such as the shooting and the decors of Eastcheapside, the fellowship of ordinary people. Hiddleston and Russell Beal make a credible duo that sends humor beyond the border of the screen, especially in the scene in which the two imitate king Henry the IVth.

Jeremy Irons, Tom Hiddleston and Simon Russell Beal create very good roles in this first part. Irons and Hiddleston offer interpretations full of passion and emotion which pass beyond the screen, one of the most exciting moments being the confrontation between father and son.

This first part also offers a revelation, 42-year old actor Joe Armstrong, known from the BBC series Robin Hood, in the role of Henry Percy Hotspur. Armstrong has not so far played in plays of Shakespeare, in comparison to the other experimented players from the distribution. This does not represent an impediment, as Armstrong proves that he can face the complexity of his character.

The story goes on with part II of King Henry the IVth. Northumberland swears to revenge his son's death, Hotspur and gathers allies around him to organise a new battle against the King. Falstaff has to gather an army in the name of Henry, but the old soldier is not quite pleased at this, and as he prepares to leave his mistress, Doll Tearsheet, he starts to criticize and to insult on Hal

without knowing that he was hidden, listening to him. In the meantime Henry the IVth is dying. Hal believing his father is dead, takes the crown and sits on the throne. There is a touching dialogue between the father and the son, culminating when Henry puts the crown on his son's head. Henry the fifth is assigned new King of England and his first commandment is to banish Falstaff from the court, as a sign of maturity, a break between him and the frivolity of youth.

This episode brings out the deep change of Hal. The future monarch becomes aware that he has to fulfill his responsibilities and he assumes the difficulties that come with the title and the crown. Director Richard Eyre emphasized the actors' charisma and talent. Hal is shown as a playboy of those times. Jeremy Irons, a dying man, fragile, pathetically remorseful, fearful in the role of Henry, wins the compassion of the audience.

The manner in which the plays are adapted creates a product available to the public, in a classical presentation, but with popular actors, actors familiar with the text, actors that offer more than just a recitation. The dedication and the passion behind this project are two elements to be found in the game of actors, that attracted the interest of the public. Not only the emotional scenes between Hiddleston and Irons have been effective, but also the separation and the banishing of Falstaff have aroused sympathy.

The last example for this series is dedicated to King Henry the Vth. Falstaff died and Hal has become a responsible monarch. Being informed that he is entitled to the throne of France, Henry the Vth makes a series of offers to the Dolphin but receives a humiliating reply, a gift representing several tennis balls. Henry is preparing for war. He shows clemency to the inhabitants but authorizes the execution of the soldier Bardolph for the robberies committed. When the King of France refuses a new round of negotiations, Henry is getting ready for the battle which takes place at Agincourt. The battle is gained by the English and Henry marries the princess Catherine of Valois, becoming the lawful successor to France's throne. At the age of 35 years, Henry the Vth dies and his son, Henry the VIth will lose the French territory during his reign.

When you're thinking of the play Henry the Vth what comes to one's mind are the famous speeches told by the monarch. The fact that people who have never before had any interest in the work of Shakespeare discovered his plays, is the merit of the actors, filmmakers and producers, the merit of BBC and is the visible evidence that William Shakespeare will be read, will be rediscovered and will never be forgotten.

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ARTHUR RIMBAUD OU LA DICTATURE DE LA FANTASIE

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Abstract:

Dubbed as the wonder child of French poetry, Arthur Rimbaud continues the poetic work which Baudelaire has started. Void ideality which gathered way in Baudelaire becomes void transcendence and his fantasy, which wants to bend everything, leads him eventually to reality destruction. The moment he realizes he has reached a threshold impossible to overcome, he keeps silent.

Keywords: *destroyed reality, fantasy, obscurity, unreality, poetic imagination.*

Arthur Rimbaud, observait Hugo Friedrich, dans *La structure du lyrisme moderne*¹, ne veut ni observer, ni decrire. Et cela parce qu'il choisit une liberté de création illimitée. Qu'est-ce que cela suppose? Cela suppose la destruction de la réalité, nous répond le même auteur, selon l'avis de qui, chez Rimbaud, on peut rencontrer, une **réalité détruite**. Rimbaud, observait le critique allemand, a voulu, selon l'aveu imaginaire de son ami Verlaine, présent dans le poème en prose toujours de...Rimbaud, *s'évader de la réalité*.

Citons un fragment de ce poème en prose intitulé *Délire I. Vierge folle. L'époux infernal*: "*À côté de son cher corps endormi, que d'heures des nuits j'ai veillé, cherchant pourquoi il voulait s'évader de la réalité. Jamais l'homme n'eut pareil voeu*"².

Le critique allemand a de bonnes raisons pour continuer à l'égard de Rimbaud: "*Il n'est pas capable d'interpréter les motifs de son evasion. Pourtant, son oeuvre présente une correspondance tout à fait interpretable entre l'attitude envers la réalité et la passion pour <<l'inconnu>>. Plus que chez Baudelaire, cet inconnu, qui ne peut plus être complete par croyance, philosophie, mythe, est le pôle d'une tension, et ce pôle étant vide, la tension ne répercute sur la réalité*"³. Le même critique explicite avec une grande efficience et clarté le fait que "*la passion pour la transcendence devient une destruction sans but de la réalité*"⁴. Cela veut dire, continue le critique, que le réel est insuffisant, mais aussi que <<l'inconnu>> reste inaccessible.

Le poète est conscient, il connaît les risques de sa démarche. Il sait très bien que le danger n'est pas exclu au moment où il veut noter l'inexprimable et veut fixer les vertiges. Car on peut dire, dans son cas, qu'on assiste à un dépassement. Rimbaud y procède un peu comme Jean-Jacques Rousseau dans ses *Confessions*, sauf le côté trop personnel, ou comme Baudelaire dans *Mon coeur mis à nu*. Mais, même par rapport à Baudelaire, Rimbaud reste, dans ses *Illuminations* et dans *Une saison en enfer*, quoi qu'on dise, plus impersonnel et même plus *savant*. Il fait des expériences

dans ce cas. Il garde sa lucidité et il sait qu'après lui "*d'autres horribles travailleurs*" continueront cette mission.

Mais le prix est considérable. Il peut voir à présent ce que les autres "*ont cru voir*", mais il a traversé une fatigue impossible à exprimer. Il a appris quand même la patience. Et en fin de compte il peut écrire dans *Alchimie du verbe*: "*Je finis par trouver sacré le désordre de mon esprit*".⁵

François Pire observait à son tour le côté impersonnel de Rimbaud au moment où il écrivait: "*En s'abandonnant au rêve, à l'écriture automatique, au dynamisme des images, le surréaliste retrouve le **On me pense** d'Arthur Rimbaud qui donne aux produits de l'imagination un brevet d'impersonnalité*".⁶

Dans le recueil *Illuminations* on peut remarquer un changement d'aspect dans la littérature de Rimbaud: l'irréalité immédiate remplace à présent la réalité immédiate. Le cas de ce fragment tiré du texte poétique intitulé *Après le déluge*: "*Un lièvre s'arrêta dans les sainfoins et les clochettes mouvantes et dit sa prière à l'arc en ciel à travers la toile de l'araignée*".⁷ À présent l'image est l'élément le plus important de la littérature de Rimbaud, il touche un peu le surnaturalisme qu'il avait proposé par "*le dérèglement de tous les sens*". C'est ainsi que Rimbaud annonce le surréalisme qui accordera une place très importante à l'image. La dictature de la fantaisie et l'hallucination sont présentes partout et les images deviennent peu à peu une sorte de *chose en soi*. L'image est devenu *causa sui*, sa propre cause, on pourrait le dire. Comme dans ce fragment tiré aussi du poème en prose *Après le déluge*: "*Madame établit un piano dans les Alpes. La messe et les premières communions se célébrèrent aux cent mille autels de la cathédrale. Les caravanes partirent. Et le Splendide – Hôtel fut bâti dans les chaos de glaces et de nuit du pôle*".⁸ La fantaisie du poète semble être inépuisable dans ce cas et il écrit dans le poème *Enfance*: "*L'essaim des feuilles d'or entoure la maison du général. Ils sont dans le Midi. On suit la route rouge pour arriver à l'auberge vide. Le château est à vendre: les persiennes sont détachées. Le curé aura emporté la clef de l'église. Autour du parc, les loges des gardes sont inhabitées*".⁹ Ce que le poète fait ici c'est de confirmer une affirmation de Gaston Bachelard conformément à laquelle l'imagination poétique a le rôle de déformer les images non pas de les former: "*Elle (l'imagination) n'a pas la faculté de former des images que la perception rendrait automatiquement conformes à la réalité. Elle est plutôt la faculté de déformer les images fournies par la perception, elle est surtout la faculté de nous libérer des images premières, de changer les images*".¹⁰

À présent, Rimbaud ébauche une véritable poétique. Un poème appartenant au recueil *Une saison en enfer* nous offre la possibilité de le constater d'ailleurs: "*À moi. L'histoire d'une de mes folies*".

Depuis longtemps je me vantaais de posséder tous les paysages possibles, et trouvais dérisoires les célébrités de la peinture et de la poésie moderne"¹¹. Car le poète voudrait expliquer et s'expliquer au cas où tout cela est possible. C'est une sorte de poétique personnelle, très, très rimbalienne! On peut lire par conséquent ce commentaire toujours **bien rimbaldien** sur *Voyelles*: "*J'inventai la couleur des voyelles. A noir, E blanc, I rouge, O bleu, U vert. Je réglai la forme et le mouvement de chaque consonne, et, avec des rythmes instinctifs, je me flattai d'inventer un verbe poétique accessible, un jour ou l'autre, à tous les sens. Je réservais la traduction. Ce fut d'abord une étude. J'écrivais des silences, des nuits, je notais l'inexprimable. Je fixais des vertiges*"¹².

Hugo Friedrich insiste lui aussi sur *l'alchimie du verbe* chez Arthur Rimbaud: *"On a fait des essais de déduire à partir d'ici, tout comme à partir des autres expressions, qu'il était à l'approche des pratiques magiques, et qu'il aurait été stimulé par la littérature occulte. Et en effet c'est curieux le fait que, à partir de la seconde moitié du XIX-ème siècle une telle littérature a commencé à se répandre en France, pénétrant aussi dans les cercles littéraires d'élite, faisant partie d'elles les livres hermétiques (doctrines de magie grecques, considérées comme appartenant au légendaire Hermès Trismégiste), qui ont été traduits en 1863 par Ménard. Mais on n'a pas pu fournir une preuve édifiante que Rimbaud aurait connu de tels textes"*¹³. Le critique s'occupe à un moment donné d'un exemple tiré d'un poème en prose intitulé *Métropolitain*. Le texte est celui-ci: *"...et les atroces fleurs qu'on appellerait coeurs et soeurs, damas damnant de langueur"*. Il observe que dans une autre version au lieu de *langueur* apparaît *longueur*, mais il considère que l'aspect n'est pas important. La présence des noms *fleurs*, *coeurs*, *soeurs*, dit le critique, n'a aucun but, sauf le fait qu'ils contiennent la même voyelle. D'où la conclusion que Rimbaud ne peut pas être traduit¹⁴.

Mais il faut y observer aussi un autre détail. La dictature de la fantaisie est présente elle aussi et le poète souligne ce détail même dans le texte: *"Lève la tête; ce pont de bois, arqué; les derniers potagers de Samarie; ces masques enluminés sous la lanterne fouettée par la nuit froide; l'ondine niaise à la robe bruyante, au bas de la rivière; les crânes lumineux dans les plans de pois – et les autres fantasmagories. La campagne"*¹⁵.

Le poète garde le souvenir d'une plénitude passée qu'il voudrait retrouver: *"Jadis, si je me souviens bien, ma vie était un festin où s'ouvraient tous les coeurs, où tous les vins coulaient"*¹⁶. Il a traversé une fatigue épouvantable: *"Au matin j'avais le regard si perdu et la contenance si morte, que ceux que j'ai rencontrés ne m'ont peut-être pas vu"*¹⁶.

Les exercices qu'il s'impose peuvent être dangereux pour lui et il le sait bien. Il en est conscient: *"Ma santé fut menacée. La terreur venait. Je tombais dans des sommeils de plusieurs jours, et, levé, je continuais les rêves les plus tristes"*¹⁷.

La fin pour le poète est le silence, même l'oubli du mot, peut-être: *"Moi, je ne puis pas plus m'expliquer que le mendiant avec ses continuels Pater et Ave Maria. Je ne sais plus parler!"*¹⁸.

Rimbaud détruit pour réaliser quelque chose de nouveau. Mais, à un moment donné, **l'obstacle** s'impose. Et le nom de **l'obstacle** est, à mon avis, **la limite**. À ce moment, il choisit le silence. C'est une manière d'être honnête jusqu'au bout. Hugo Friedrich dit presque la même chose à la fin de son essai: *"Lorsqu'il est arrivé à la limite où sa poésie, après avoir déformé le monde et le propre moi du poète, commençait à se détruire elle-même, il a eu, à l'âge de dix-neuf ans seulement, assez de caractère pour choisir le silence. Ce silence est un acte même de son existence poétique. Ce qu'auparavant avait été en poésie liberté extrême, devenait libération de poésie. Quelques-uns qui l'ont suivi, en se laissant plutôt séduits que conduits par son exemple, auraient pu apprendre de lui qu'il aurait valu mieux pour eux s'ils avaient choisi le silence. Mais après lui sont venus des poètes dont l'oeuvre prouve que le terrain n'était pas préparé pour la personification dans le verbe de l'âme moderne"*¹⁹.

Notes

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INTERPERSONAL COMMUNICATION

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Abstract

Human communication is the essence of the interpersonal connections expressed by the ability to permanently decipher the meaning of the social contacts realized by means of social-general symbols and meanings, in order to establish some individual or group behavioural changes [1].

Keywords: *communication, information, social, human, interaction.*

In a very broad sense, communication refers to any process through which some information is sent from one element to another, these elements being of biologic nature (we are talking about the communications in the nervous system), technological (telecommunication processes) or social [2].

The general theory of communication studies the characteristics and the relations between general factors that facilitate the transfer of such a quantity of information from one object to another and, based on the use of operational methods; it recommends ways of establishing some optimal flow of information regimes in different types of systems [3].

Interpersonal communication is based on a set of specific human psychomotor processes, the language, where a special place comes to the conscious part, meaning the thinking [4].

In social life, communication takes place as a result of some certain needs and circumstances and between certain boundaries. The problem of the communication structure can be tackled either on terms of cases, or on terms of dimension and variable location. There would be less confusion if the material was organised according to the second criterion [5].

The etymology of the word is based on the Latin word *comunicare*, having the meaning of “putting together”. Any communication is composed from 6 necessary elements:

- Transmitter or speaker;
- Earpiece or speaker;
- Statement or message;
- Code;
- Interference;
- Feedback [6].

To communicate means “to put on the map, to let people know, to inform, to tell” or – about people, social communities etc. – “to interlink, interrelate with”, “to talk to”, as well as “to be related to... to lead to ...” (DEX, 179) [7].

The linguists have identified different taxonomies of language functions, compared with the performance criteria of speech [8].

In order to be communication, there are required several *sine qua non* prerequisites: an intention, an interlocutor, a situation (space-time), a context (linguistic), a code (a language), a message and a verbal clear and constructive interaction [9].

Communication implies interaction of some categories of factors that are not related only to the ability of expression, but brings together psychological, social and situational elements. The main factors are [10]:

Psychological factors:

Cognitive: knowledge, specific knowledge on a subject, interlocutor, situation, context, general abilities, intelligence, memory; level of intellectual development, training degree; level of mastery of the linguistic code, the cultural code; conscious and unconscious intentions;

Affective: general attitudes, specific attitudes to the subject, the interlocutor, the situation or the context; personal feelings towards the subject, the interlocutor, the situation, the context...

Behavioural: personality, character, general experience, verbal, oral, written and audio-video experience ...

Interpersonal factors:

Linguistic: code (language), registers, norms, contexts;

Social: social status, general role, current distance, cultural code, common baggage.

Objective Factors:

Situational: physical place; time; era; space; distance; number of interlocutors...

Context: communication subject, communication content (the information), the formal distance in code (registers), presentation form (style) [11].

Reception strategies (of the messages) cover the identification of the context, knowing the reality that they represent and the processes it impose according to some similar schemes. These two actions, in turn, trigger the expectations on the organization and the content of what will follow (*the framing*) [12].

In oral reception activities, listening or oral comprehension, the person who uses language as auditor receives and deals with a spoken message produced by one or more speakers. In each of these cases, the user can listen to understand: global data, certain information, detailed information or implicit of the speech [13].

When the communication is between two people, it implies a higher dose of subjectivity and affectivity. In this case, to achieve active listening:

You do not talk about yourself;

You do not change the subject;

You do not give advice, not diagnose, not encourage, not criticise, not harass;

You do not think before at what you are about to say;

You do not ignore or deny other's feelings etc.

In conflictual situations there are three distinct uses of the active listening abilities: information, confirmation and irritation [14].

Empathy (in communication) can be defined as “sympathetic intuition” (Henri Bergson), as *affective identification* (Th. Lipps, M. Scheler), as transposition. It is different from sympathy, this being a conscious emotional state, consisting in “feeling”, tending to, living the emotional life of another [15].

Empathy has an important role in opening or blocking communication. It is blocked by the manifestations of domination, the tendency to manipulate, to undermine or deny communication by one party.

Communication, to be developed, must comply with the following rules:

You respect your interlocutor as your equal and not try to dominate the dialogue;

You respect each other's right to opinion and will not try to manipulate him or to make him see things in your way;

You respect the decisions and not try to sabotage or underestimate your interlocutor;

You respect his values and experience.

Communication is that fundamental psychosocial interaction way without that people could not become people and cultivate their values. Human communication facilitates not only the transfer of something from one another, as would move an object from one place to another, but is deeper, determining and acquiring all or part of what it is addressed [16].

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The University "Constantin Brancusi" of Tirgu-Jiu will train students capable to examine critical phenomena, reach the problems solutions, to imagine alternatives to the proposed solutions, young people prepared to accept the visions of the world of other cultures and to assume a leader position in Romania during the following years.

The institution is called to leave the group of isolated universities that have chronic, mediocrity tendencies by adopting strategies that would bring it on the first place of scientific research from the space of Oltenia, in the line of national performant universities.

The University "Constantin Brancusi" from Tirgu-Jiu must be in the avangarde of the superior education reform, working for the clarification - at the level of the population in the zone - of the impact of the European integration for the creation of the European Space of the superior education and the European Space of research.

The institution is engaged in the qualitative improving of the learning and teaching processes, by a common reflection on the didactical and research activities, requiring the solidarity of teachers and students in looking up for creative solutions for the transition to an education centered on the student with clearly defined finalities and objectives.

Prof.univ.dr Adrian GORUN
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