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FOREWORD

The “*Scientific Bulletin*” represented for more than ten years the results of research in George Bacovia University. The need for identity and for specificity determined us to propose another name. This is “*Economy, Transdisciplinarity, Cognition*”. The change is multiple motivated.

Firstly, the old title was a bit rigid, inexpressive and impersonal. As a matter of fact every university has a more or less “scientific” bulletins, but with a very specific name. Even the word “scientific” is overused and empty of its initial meaning. I personally will not use it anymore.

Secondly, we like and are in favor of change. Every change has its own risks, but we take the advantage to improve at the same time our team, our ends and means in order to have an interesting journal, a useful and a worldly recognized one.

Another reason for changing the journal title is to circulate the concept of transdisciplinarity. As a member of CIRET (Centre International pour la Recherche et Etudes Transdisciplinaires, Paris, France) I have the moral duty to promote this new form of knowledge and my colleagues from George Bacovia University (GBU) are already interested in it. I think that by using the transdisciplinary approaches there is a real chance for humankind to correct some of the mistakes generated by its proud and its (non-humane) will of mastering the Planet of Earth. Also, as a founding member of ISINI (International Society for Intercommunication of New Ideas, Boston, USA) I have to promote new ideas, among which transdisciplinarity is a really new and fruitful one. Many professors from GBU are ISINI members and active promoters of ISINI and of the Ruginian ideas. It is the founding father of ISINI, prof. Anghel Rugina that should be mentioned here as a good example of transdisciplinary thinking. George Bacovia University has organized and hosted the 9th ISINI Conference on “Managing Global Changes and Challenges” (August 2007) and it is fully implied in organizing, together the Nihonbashi Gakkan University from Tokyo, Japan, the 10th jubiliary ISINI Conference to be held at Romanian Banking Institute under the patronage of the Romanian National Bank and its Governor, Acad. Mugur Isarescu (August 2009). Please follow www.uqb.ro to find out the Call for papers and participation. This event is really important both for the founding father of ISINI, acad. Anghel Rugina, who begun his job as an economist at the National Bank of Romania, immediately after graduating the faculty, and for the idea of Romanian contribution to the development of a world organization, created by the American law..

Finally, transdisciplinary thinking is not so compatible with the “sciences”/ disciplines and “scientific”/ disciplinary approach, even it is not against them. The artificial and often false dichotomy between exact “sciences” and (inexact?) social “sciences”, between “science” and philosophy, and between “science”, art, philosophy and religion are all of them futile. I do prefer to use the general term “knowledge” (gr. gnosis) instead of

“science”, and this new knowledge includes former “sciences”, art, religion, and philosophy in a quite interconnected way. Knowledge based research is conducting to a common corpus of knowledge, no matter of the former disciplines or inter-disciplines. That is why I do consider that without destroying disciplines (even by improving their methods) it is quite necessary to fill in the empty spaces among disciplines with interdisciplinary and transdisciplinary approaches. Transdisciplinary approach is a “realistic utopia” (Basarab Nicolescu) we desperately need in order to save the humankind from self-destruction, environment disaster or global wars.

A very important conclusion of the First ETC 2008 (**E**conomy, **T**ransdisciplinarity, **C**ognition) Conference organized by George Bacovia University and Sakarya University, Turkey (17th and 18th of June 2008) deserves to be mentioned here: there was little contradiction or “scientific” debate among contributors, based on theoretical suppositions, but a kind of consensus and common direction to general and human themes. No “scientific” laws and rules that accompanied the humankind in its way to self-destruction were discovered, or formulated, but simply logical, rational and emotional demonstrations about the necessity to have a fruitful dialogue, to improve our methods of describing the realities and new ways for escaping the apocalyptical prognosis... So, I suggest not using “scientific” methods but knowledge and cognitive approaches, not white ivory towers (“sciences”) but green large fields (cognition), not “scientific” researchers but simply researchers or detectives in search of truth and life solutions. Stupid formula as “<scientific> secretary of the Senate”, Institute for “scientific” research (are there non scientific researches?), a.s.o has to be eliminated and replaced with meaningful words... Not all researches are “scientific” in the sense they are credible and full of absolute truth... But they try to complete the human knowledge and to make it useful and reliable. At the same time, these should be the criteria for evaluating of the results of any research.

Passing to a new name for our journal determined us to consolidate the Editorial team with new and prestigious names. I think the readers deserve to know more about our Advisory Editors. First of all, I mention the name of Professor **Toader Gherasim** who is the very “guilty” person for stimulating research and publishing its results in world wide journals. We are proud to have in this Advisory Board the academician **Anghel N. Rugina**, the founding father of ISINI (Boston, November 1988). He was the Head of Economic Counselors in an important American state and has important contributions in Social Economics and in the methodological field. Another prestigious specialist in the field of Finances is Prof **Aman Agarwal**, the vicepresident of the Indian Institute of Finance from Delhi, India. It is worth to remember that two prestigious members of the Advisory Board, Academician **Mugur Isarescu**, the Governor of the National Bank of Romania and professor **Basarab Nicolescu**, president of CIRET, Paris and Honorary Member of the Romanian Academy, received the titles of Doctor Honoris Causa from the George Bacovia University in 2007 and, 2008, respectively. Also, acad. **Solomon Marcus**, a reputed mathematician, semiotician and philosopher accepted to be a member of our Advisory team. Another personality of economic teaching and research that accepted the membership of our Advisory Board is Professor **Dumitru Moldovanu** from the Academy of Economic Studies of Moldova, Chisinau, Republic of Moldova. I think this moment represents a good opportunity to enlarge the area of collaboration and to improve the dissemination of new ideas. I appreciate his idea to translate this journal also in Romanian just because not every student and teacher may read English fluently. It is a real pleasure to tell some words about **Charles Wankel** from St. John’s University in New York, USA. He is the author of many books on Management Education and we are collaborating to a new textbook on Management written as a collaborative work with authors from all over the world. Professor **Lorenzo Magnani**, from the University of Pavia, Italia and from Canton University, China, is a well known specialist in abductive and computational logics. Dr. **Gerrit Meijer** is a prestigious professor of international finance, nowadays retired,

former President of ISINI, but an active member of it, contributing to the organization of ISINI 10 Conference in Bucharest. **Savvas Savvides** is the Dean of the School of Business, European University Cyprus, Nicosia, vice president of SPACE, a pan European organization on education and research, whose member George Bacovia University is from 2004. **Francoise Antier** from France is member of CIRET and a very experienced person in human resources development and author of articles and books on leadership. Another reputed representing personality from France is Professor **Rene Passet** from Sorbonne a world wide activist for sustainable development. Last but not at all least; I am thanking to Professor **Danica Purg**, President of Central and East European Management Development Association (CEEMAN), President of IEDC Bled School of Management, Slovenia for accepting to honor us with her intelligent advices and stimulative model of manager.

The articles are published in alphabetical order in specific sections. I kindly ask all the authors and readers to send us as many as possible book reviews in order to disseminate information otherwise remained in a narrower area of resonance. Also, I invite the authors of (text)books to send them us in order to present them in the next issues.

We, the Editorial Board, are in favor of exchanging not only ideas and article with other Editorial Boards, but also journals as such. The list of journals exchanged with other universities will be published in the next issue. The printed journal may be obtained by subscription, as well.

Have a nice reading!

Professor Liviu Drugus Ph. D.
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PREFAȚĂ

“*Buletinul Științific*” a reprezentat, timp de peste un deceniu, producția științifică a Universității George Bacovia. Nevoia de identitate și de particularitate ne-a determinat să alegem un alt nume. Acesta este “*Economie Transdisciplinaritate Cunoaștere*”. Dar, schimbarea de titlu are și alte multiple motivații.

În primul rând vechiul titlu era un pic rigid, inexpresiv și impersonal. De fapt, fiecare universitate are cel puțin câte un buletin mai mult sau mai puțin “științific”, dar care poartă un nume specific. Cuvântul “științific” este deja folosit în exces și golit de înțeles. Personal nu îl voi mai folosi deloc.

În al doilea rând, suntem în favoarea schimbării. Fiecare schimbare comportă riscuri, dar vom profita de aceasta pentru a ne îmbunătăți echipa editorială, respectiv scopurile și mijloacele pentru realizarea unei reviste interesante, utile și recunoscută pe plan global.

Un alt motiv pentru schimbarea titlului revistei este acela de a pune în circulație și mai susținut conceptul de transdisciplinaritate. Ca membru al CIRET (Centre International pour les Recherches et Etudes Transdisciplinaires, Paris) am datoriat morală de a promova această nouă formă de cunoaștere, iar colegii de la Universitatea George Bacovia manifestă deja interes pentru aceasta. Consider că utilizarea abordărilor transdisciplinare ofera o șansă reală pentru umanitate, aceea de a corecta unele greșeli generate de orgolii și de voința (ne-umană) de a stăpâni planeta Pământ. De asemenea, în calitate de membru fondator al ISINI (International Society for Intercommunication of New Ideas, Boston, USA) promovez ideile noi printre care transdisciplinaritatea este una cu adevărat nouă și fructuoasă. Mulți profesori de la Bacovia sunt membri ISINI și promotori activi ai idealurilor acestei organizații precum și ai ideilor ruginiene. Profesorul și Academicianul Anghel N. Rugină (n. 24 mai 1913 com Vizirești, jud Vaslui), părintele fondator al ISINI reprezintă un bun exemplu de gândire transdisciplinară. Universitatea George Bacovia a organizat și găzduit cea de-a noua conferință ISINI cu tema «Managing Global Changes and Challenges / Managementul Schimbărilor și Provocărilor Globale» (august 2007) și este implicată în organizarea, împreună cu Universitatea Nihonbashi Gakkan din Tokyo, Japonia, a celei de-a zecea conferințe ISINI ce va avea loc la Institutul Bancar Român, sub patronajul Băncii Naționale a României și a Guvernatorului acesteia, Academician Mugur Isărescu (în august 2009). Vă invităm să urmăriți adresa www.ugb.ro pentru a citi invitația de a trimite lucrări și de a participa la Conferință. Acest eveniment este cu adevărat important pentru părintele fondator al ISINI, care și-a început activitatea sa de economist chiar la Banca Națională a României, în anul 1938, dar și pentru ideea de aport românesc la dezvoltarea unei organizații mondiale create după legea americană.

În fine, gândirea transdisciplinară nu este prea compatibilă cu “științele”/ disciplinele “științifice” și cu abordările “științifice”/ disciplinare, chiar dacă nu este

împotriva acestora. Dihotomia artificială și adesea falsă dintre “științele” exacte și “științele” sociale (inexacte?), dintre “știință” și filosofie și dintre “știință”, artă, filosofie și religie apare ca fiind inutilă. Prefer să folosesc termenul general de “cunoaștere” (gr. gnosis) în locul celui de “știință”, iar această cunoaștere include toate fostele “științe”, arta, religia și filosofia de o manieră cât se poate de interconectată. Cercetarea bazată pe cunoaștere duce la crearea unui corp comun al cunoașterii, indiferent de denumirile fostelor discipline sau interdiscipline. Iată de ce cred că – fără a distruge disciplinele, ba chiar prin îmbunătățirea metodelor acestora – este cât se poate de necesar să se umple spațiul dintre discipline cu abordări interdisciplinare și transdisciplinare. Abordarea transdisciplinară este o “utopie realistă” (Basarab Nicolescu) de care avem disperată nevoie pentru a salva umanitatea de la autodistrugere, de agresarea mediului înconjurător și de războaiele globale.

O concluzie foarte importantă a primei conferințe ETC 2008 (ETC este acronimul de la Economie, Transdisciplinaritate, Cunoaștere) organizată de Universitatea George Bacovia și Universitatea Sakarya din Turcia (17 și 18 iunie 2008) merită să fie menționată aici. Nu s-a constatat nicio contradicție sau vreo dezbatere “științifică” între participanți, bazate pe supoziții teoretice, ci un tip de consens și de direcție comună spre teme mai generale și mai umane. Nu au fost descoperite sau formulate legi și reguli “științifice” care să fi însoțit omenirea în drumul său spre autodistrugere, ci doar demonstrații logice, raționale și emoționale despre necesitatea de a avea un dialog fructuos, de a îmbunătăți metodele noastre de descriere a realităților și a noilor modalități de a scăpa de previziunile apocaliptice. Așadar, sugerez să nu mai folosim metode “științifice”, ci doar abordări cognitive bazate pe cunoaștere, să renunțăm la înaltele turnuri de fildeș (“științele”) și să le înlocuim cu largi câmpuri verzi (cogniția), să nu avem cercetători “științifici”, ci pur și simplu cercetători sau detectivi în căutarea adevărului și a soluțiilor de viață. Formulări stupide cum ar fi “secretar științific al senatului”, “Institut de cercetări științifice” (există oare și Institute de cercetări neștiințifice?) ar trebui eliminate și înlocuite cu cuvinte pline de sens..... Nu toate cercetările sunt “științifice” în sensul că ele nu sunt întotdeauna credibile și pline de adevăruri absolute... Diversele cercetări încearcă doar să completeze cunoașterea umană și să o facă mai utilă și mai de încredere. Totodată, utilitatea și credibilitatea ar trebui să fie criteriile principale de evaluare a rezultatelor oricăror cercetări.

Trecerea la o nouă denumire a revistei ne-a determinat să consolidăm echipa redacțională cu noi și prestigioase nume. Cred că cititorii merită să cunoscă mai multe despre consiliul editorial al revistei. În primul rând, amintesc numele profesorului **Toader Gherasim** care a făcut din stimularea cercetării și publicarea rezultatelor acesteia în reviste de anvergură mondială un obiectiv strategic major. Ne mândrim cu prezența în acest consiliu a academicianului **Anghel N Rugină**, părintele fondator al ISINI (Boston, noiembrie 1988). El a fost șeful consilierilor economici într-un important stat american și are recunoscute contribuții în domeniul economiei sociale și în domeniul metodologiei de cercetare în disciplinele sociale. Un alt specialist de prestigiu în domeniul finanțelor este profesorul **Aman Agarwal**, vicepreședintele Institutului Indian de Finanțe din Delhi, India. Este demn de a reaminti cititorilor faptul că doi prestigioși membri ai consiliului editorial, academicianul **Mugur Isărescu**, Guvernatorul Băncii Naționale a României și profesorul **Basarab Nicolescu**, președintele CIRET, Paris, Franța și membru de onoare al Academiei Române au primit titlurile de doctor Honoris Causa din partea Universității George Bacovia în 2007 și respectiv 2008. De asemenea, academicianul **Solomon Marcus**, un reputat matematician, semiotician și filosof al cunoașterii a acceptat să fie membru al echipei noastre editoriale. O altă personalitate a educației și cercetării economice care a acceptat calitatea de membru al consiliului editorial este profesorul **Dumitru Moldovanu** de la Academia de Studii Economice a Moldovei din Chișinău, Republica Moldova. Cred că această acceptare reprezintă o bună oportunitate de a lărgi arealul de colaborare (și) în Estul Europei și de a îmbunătăți diseminarea ideilor noi.

Apreciez ideea sa de a avea o variantă a acestei reviste și în limba română deoarece nu fiecare student sau profesor poate citi fluent în limba engleză. Este o reală plăcere să spun câteva cuvinte despre **Charles Wankel** de la St. John's University din New York, SUA. El este autorul mai multor cărți de managementul educației și de educație managerială, și chiar în acest moment colaborăm la scrierea unui manual de Management care va fi rezultatul unei lucrări on-line cu autori din întreaga lume. Profesorul **Lorenzo Magnani**, de la Universitatea din Padova, Italia și de la Universitatea din Canton, China, este un binecunoscut specialist în logică abductivă și computațională. Doctor **Gerrit Meijer** este un prestigios profesor de Finanțe internaționale, actualmente pensionar, fost președinte al ISINI, dar un membru activ al acestei organizații, contribuind la organizarea conferinței ISINI 10 de la București. **Savva Savvides** este decanul Școlii de Afaceri de la Universitatea Europeană din Cipru, Nicosia, vicepreședinte al SPACE, o organizație paneuropeană, pe teme de educație și cercetare, al cărei membru este și Universitatea George Bacovia, din anul 2004. **Francoise Antier** din Franța este membră a CIRET și o persoană foarte experimentată în dezvoltarea resurselor umane și autoare de articole și cărți pe tema leadership-ului. Un alt reputat reprezentant din Franța este **Rene Passet** de la Universitatea Sorbonne, un activist de nivel mondial pentru dezvoltare durabilă. În cele din urmă, dar nu în ultimul rând, îi mulțumesc profesoarei **Danica Purg**, președinta CEEMAN - Central and East European Management Development Association (Asociația pentru Dezvoltarea Managementului din Europa Centrală și de Est), președinta Școlii de Management din Bled, Slovenia pentru că a acceptat să ne ajute cu sfaturile sale inteligente și să ne ofere un model stimulat de autentic manager. Tuturor acestor personalități le mulțumim pentru timpul consumat pentru a dezvolta schimbul de idei, dar și pentru diseminarea existenței revistei, pentru încurajarea unor cercetători să-și valorifice munca de cercetare prin publicarea articolelor lor în revista ETC, pentru sugestiile și propunerile de teme de cercetare realmente utile oamenilor în diversele lor ipostaze.

Rog autorii și cititorii să ne trimită cât mai multe recenzii de carte pentru a disemina informații care, altfel, ar rămâne într-o zonă de rezonanță mai restrânsă. De asemenea, invităm autorii de manuale, tratate sau de articole publicate în volume să le trimită pe adresa redacției pentru a le recenza și pentru a face foarte necesară critică de întâmpinare.

Noi, redacția, favorizăm schimbul nu numai de idei și de articole cu alte redacții, ci și schimbul de reviste. Lista revistelor primite de la alte universități va fi publicată în numărul următor. Revista poate fi achiziționată și pe bază de abonament.

Lectură plăcută!

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Transdisciplinarity – History, Methodology, Hermeneutics

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Abstract: It is difficult for us to understand why "joint problem solving" must be the unique aim of transdisciplinarity. It is certainly one of the aims but not the only aim. The use of singular seems to us dangerous, as in religion, as allowing unnecessary wars and unproductive dogmatism. Is transdisciplinarity concerning only society, as a uniform whole, or, in the first place, the human being which is (or has to be) in the center of any civilized society? Are we allowed to identify *knowledge* with *production of knowledge*? Why the potential of transdisciplinarity has to be reduced to produce "better science"? Why transdisciplinarity has to be reduced to "hard science"? In other words, the Subject - Object interaction seems to us to be at the very core of transdisciplinarity and not the Object alone.

1. The war of definitions

a. How transdisciplinarity was born

The word itself first appeared in France, in 1970, in the talks of Jean Piaget, Erich Jantsch and André Lichnerowicz, at the international workshop "Interdisciplinarity – Teaching and Research Problems in Universities", organized by the [Organization for Economic Co-operation and Development \(OECD\)](#), in collaboration with the French Ministry of National Education and University of Nice¹.

In his contribution, Piaget gives the following description of transdisciplinarity: "Finally, we hope to see succeeding to the stage of interdisciplinary relations a superior stage, which should be "transdisciplinary", i.e. which will not be limited to recognize the interactions and or reciprocities between the specialized researches, but which will locate these links inside a total system without stable boundaries between the disciplines"². This description is vague, but has the merit of pointing to a new space of knowledge "without stable boundaries between the disciplines". However, the idea of a "total system" opens

¹ Apostel et al., 1972.

² Piaget, 1972, p. 144.

the trap of transforming transdisciplinarity in a super- or hyperdiscipline, a kind of “science of sciences”. In other words the description of Piaget leads to a closed system, in contradiction with his own requirement of the instability of boundaries between disciplines. The key-point here is the fact that Piaget retained only the meanings “across” and “between” of the Latin prefix *trans*, eliminating the meaning “beyond”. In such a way, transdisciplinarity is just a new, but “superior” stage, of interdisciplinarity. I think that Piaget was fully conscious of this alteration of transdisciplinarity, but the intellectual climate was not yet prepared for receiving the shock of contemplating the possibility of a space of knowledge *beyond* the disciplines. The proof is that, in his introduction to the Proceedings of the workshop, Pierre Duguet honestly recognizes that some experts wanted, in preliminary meetings, to see the word “transdisciplinarity” in the title of the workshop, but authorities of the OECD refused to do so, because they were afraid to confuse some representatives of the member countries³.

In his contributions, Erich Jantsch, an Austrian thinker living in California, falls in the trap of defining transdisciplinarity as a hyperdiscipline. He writes that transdisciplinarity is “the coordination of all disciplines and interdisciplines of the teaching system and the innovation on the basis of a general axiomatic approach”⁴. He clearly situates transdisciplinarity in the disciplinary framework. However, the historical merit of Jantsch was to underline the necessity of inventing an axiomatic approach for transdisciplinarity and also of introducing values in this field of knowledge.

Finally, the approach of André Lichnerowicz, a known French mathematician, is radically mathematical. He sees transdisciplinarity as a transversal play, in order to describe “the homogeneity of the theoretical activity in different sciences and techniques, independently of the field where this activity is effectuated”⁵. And, of course, this theoretical activity can be formulated, he thinks, only in mathematical language. Lichnerowicz writes: “The Being is put between parentheses and it is precisely this non-ontological character which confers to mathematics its power, its fidelity and its polyvalence.”⁶ The interest of Lichnerowicz for transdisciplinarity was accidental, but his remark about the non-ontological character of mathematics has to be remembered.

I described in some detail the three different positions of Piaget, Jantsch and Lichnerowicz concerning transdisciplinarity, because they can be found again, a quarter of a century later, in what I call “the war of definitions”. The word “war” does not belong to the transdisciplinary vocabulary. But I use it on purpose, because it appeared in the issue “Guerre et paix entre les sciences: disciplinarité et transdisciplinarité / War and Peace Between Sciences: Disciplinarity and Transdisciplinarity” of a French magazine. In this issue, one of the authors asked for the interdiction of the word “transdisciplinarity”.⁷ His desire was obviously not satisfied.

I would like to add, in this discussion about the incipient phase of transdisciplinarity, the name of Edgar Morin. A short time after the Nice meeting, Morin begins to use the word “transdisciplinarity” and he even leads a transdisciplinary laboratory in human sciences, in the framework of a prestigious French research institution. It is true that Morin did not give a definition of transdisciplinarity. For him, transdisciplinarity was in fact, at that period of time, *indisciplinarity* - a kind of messenger of the freedom of thinking, a go-between discipline.

³ Duguet, 1972, p. 13.

⁴ Jantsch, 1972 a, p. 108. The same ideas are expressed in Jantsch, 1972 b.

⁵ Lichnerowicz, 1972, pp. 130-131.

⁶ *Ibid.*, pp. 127.

⁷ Alain Caillé, in “Guerre”, 1996.

b. Beyond disciplines

I proposed the inclusion of the meaning “beyond disciplines” in 1985⁸ and I developed this idea over the years in my articles and books and also in different official international documents. Many other researchers over the world contributed to this development of transdisciplinarity. A key-date in this development is 1994, when the Charter of Transdisciplinarity⁹ was adopted by the participants at the First World Congress of Transdisciplinarity (Convento da Arrábida, Portugal).

This idea did not come from heaven or just from the pleasure of respecting the etymology of the word *trans*, but from my long practice of quantum physics. For an outsider, it might seem paradoxical that it is from the very core of exact sciences that we arrive at the idea of limits of disciplinary knowledge. But from inside, it provides evidence of the fact that, after a very long period, disciplinary knowledge has reached its own limitations with far reaching consequences not only for science, but also for culture and social life.

The crucial point here is the status of the Subject (see my *Manifesto of Transdisciplinarity*).

The meaning “beyond disciplines” leads us to an immense space of new knowledge. The main outcome was the formulation of the methodology of transdisciplinarity. It allows us also to clearly distinguish between multidisciplinary, interdisciplinarity and transdisciplinarity.

Multidisciplinarity concerns itself with studying a research topic in not just one discipline only, but in several at the same time. Any topic in question will ultimately be enriched by incorporating the perspectives of several disciplines. Multidisciplinarity brings a plus to the discipline in question, but this “plus” is always in the exclusive service of the home discipline. In other words, the multidisciplinary approach overflows disciplinary boundaries while its goal remains limited to the framework of disciplinary research.

Interdisciplinarity has a different goal than multidisciplinary. It concerns the transfer of methods from one discipline to another. Like multidisciplinary, interdisciplinarity overflows the disciplines, but its goal still remains within the framework of disciplinary research. Interdisciplinarity has even the capacity of generating new disciplines, like quantum cosmology and chaos theory.

Transdisciplinarity concerns that which is at once *between* the disciplines, *across* the different disciplines, and *beyond* all discipline. Its goal is the understanding of the present world, of which one of the imperatives is the unity of knowledge¹⁰.

As one can see, there is no opposition between disciplinarity (including multidisciplinary and interdisciplinarity) and transdisciplinarity, but a fertile complementarity. In fact, there is no transdisciplinarity without disciplinarity. In spite of this fact, the above considerations provoked, around 1990, a more a less violent war of definitions. This war is not yet finished.

There is a specific different approach of transdisciplinarity, characterized by the refusal of formulating any methodology and by its exclusive concentration on joint problem-solving of problems pertaining to the science-technology-society triad. This approach is represented by figures like Michael Gibbons¹¹ and Helga Nowotny¹². The point of view of this transdisciplinary current was largely expressed at the Zürich Congress, held in the year 2000¹³.

⁸ Nicolescu, 1985.

⁹ “Charter”.

¹⁰ Nicolescu, 1996.

¹¹ Gibbons, 1994.

¹² Nowotny, 1994 and “The Potential of Transdisciplinarity”.

¹³ Thompson Klein et al., 2001.

This version of transdisciplinarity does not exclude the meaning “beyond disciplines” but reduces it to the interaction of disciplines with social constraints. The social field necessarily introduces a dimension “beyond disciplines”, but the individual human being is conceived of as part of a social system only.

I think that the unconscious barrier to a true dialogue comes from the inability of certain transdisciplinary researchers to think the *discontinuity*.

It is my deep conviction that our formulation of transdisciplinarity is both unified (in the sense of unification of different transdisciplinary approaches) and diverse: unity in diversity and diversity through unity is inherent to transdisciplinarity. Much confusion arises by not recognizing that there are a *theoretical transdisciplinarity*, a *phenomenological transdisciplinarity* and an *experimental transdisciplinarity*.

The word *theory* implies a general definition of transdisciplinarity and a well-defined methodology (which has to be distinguished from "methods": a single methodology corresponds to a great number of different methods). The word *phenomenology* implies building models connecting the theoretical principles with the already observed experimental data, in order to predict further results. The word *experimental* implies performing experiments following a well-defined procedure allowing any researcher to get the same results when performing the same experiments.

I classify the work done by Michael Gibbons and Helga Nowotny as phenomenological transdisciplinarity, while my own work¹⁴, as well as the one of Jean Piaget and Edgar Morin¹⁵, as theoretical transdisciplinarity. In its turn, experimental transdisciplinarity concerns a big number of experimental data already collected not only in the framework of knowledge production but also in many fields like education, psychoanalysis, the treatment of pain in terminal diseases, drug addiction, art, literature, history of religions, etc. The reduction of transdisciplinarity to only one of its aspects is very dangerous because it will transform transdisciplinarity into a temporary fashion, which I predict will disappear soon as many other fashions in the field of culture and knowledge have indeed vanished. The huge potential of transdisciplinarity will never be accomplished if we do not accept the simultaneous and rigorous consideration of the three aspects of transdisciplinarity. This simultaneous consideration of theoretical, phenomenological and experimental transdisciplinarity will allow both a unified and non-dogmatic treatment of the transdisciplinary theory and practice, coexisting with a plurality of transdisciplinary models.

2. Methodology of transdisciplinarity

The most important achievement of transdisciplinarity in present times is, of course, the formulation of the methodology of transdisciplinarity, accepted and applied by an important number of researchers in many countries of the world¹⁶. Transdisciplinarity, in the absence of a methodology, would be just an empty discourse and therefore a short-term living fashion.

The axiomatic character of the methodology of transdisciplinarity is an important aspect. This means that he have to limit the number of axioms (or principles or pillars) to a *minimum* number. Any axiom which can be derived from the already postulated ones, have to be rejected.

i. **The ontological axiom:** *There are different levels of Reality of the Object and, correspondingly, different levels of Reality of the Subject.*

ii. **The logical axiom:** *The passage from one level of Reality to another is insured by the logic of the included middle.*

¹⁴ Nicolescu, 1985, 1986, 1991, 1996, 1998, 2000, 2002.

¹⁵ Morin, 1999.

¹⁶ Nicolescu (ed.), 2008.

iii. **The epistemological axiom:** *The structure of the totality of levels of Reality appears, in our knowledge of nature, of society and of ourselves, as a complex structure: every level is what it is because all the levels exist at the same time.*

The first two get their experimental evidence from quantum physics, but they go well beyond exact sciences. The last one has its source not only in quantum physics but also in a variety of other exact and human sciences. All three are in agreement with traditional thinking, present on the earth from the beginning of historical times.

The above three axioms give a precise and rigorous definition of transdisciplinarity.

Let us now describe the essentials of these three transdisciplinary axioms.

a. The ontological axiom: levels of Reality of the Object and levels of Reality of the Subject

The key concept of the transdisciplinarity is the concept of *levels of Reality*.

Here the meaning we give to the word "Reality" is pragmatic and ontological at the same time.

By "Reality" we intend first of all to designate that which *resists* our experiences, representations, descriptions, images, or even mathematical formulations.

Of course, one has to distinguish the words "Real" and "Reality". *Real* designates that which *is*, while *Reality* is connected to resistance in our human experience. The "Real" is, by definition, veiled for ever, while "Reality" is accessible to our knowledge.

By "level of Reality", we designate a set of systems which are invariant under certain laws: for example, quantum entities are subordinate to quantum laws, which depart radically from the laws of the macrophysical world. That is to say that two levels of Reality are different if, while passing from one to the other, there is a break in the applicable laws and a break in fundamental concepts (like, for example, causality). Therefore there is a *discontinuity* in the structure of levels of Reality.

The introduction of the levels of Reality induces a multidimensional and multi-referential structure of Reality. Both the notions of the 'real' and 'levels of Reality' relate to what is considered to be the 'natural' and the 'social' and is therefore applicable to the study of nature and society.

A new *Principle of Relativity*¹⁷ emerges from the coexistence between complex plurality and open unity in our approach: *no level of Reality constitutes a privileged place from which one is able to understand all the other levels of Reality*. A level of Reality is what it is because all the other levels exist at the same time. This Principle of Relativity is what originates a new perspective on all fields of knowledge: religion, economics, politics, art, education, social life, etc.

In other words, our approach is not hierarchical. *There is no fundamental level*. But its absence does not mean an anarchical dynamics, but a coherent one, of all levels of Reality, already discovered or which will be discovered in the future.

Every level is characterized by its *incompleteness*: the laws governing this level are just a part of the totality of laws governing all levels. And even the totality of laws does not exhaust the entire Reality: we have also to consider the Subject and its interaction with the Object. *Knowledge is forever open*.

The zone between two different levels and beyond all levels is a zone of *non-resistance* to our experiences, representations, descriptions, images, and mathematical formulations. Quite simply, the transparency of this zone is due to the limitations of our bodies and of our sense organs, limitations which apply regardless of what measuring tools – internal or external - are used to extend these sense organs. We therefore have to conclude that the topological distance between levels is finite. However this finite distance does not mean a finite knowledge. Take, as an image, a segment of a straight line – it

¹⁷ Nicolescu, 1996, pp. 54-55.

contains an infinite number of points. In a similar manner, a finite topological distance could contain an infinite number of levels of Reality.

The unity of levels of Reality of the Object and its complementary zone of non-resistance constitutes what we call *the transdisciplinary Object*.

Inspired by the phenomenology of Edmund Husserl¹⁸, we assert that the different levels of Reality of the Object are accessible to our knowledge thanks to the different levels of perception which are potentially present in our being. These levels of perception permit an increasingly general, unifying, encompassing vision of Reality, without ever entirely exhausting it. In a rigorous way, these levels of perception are, in fact, *levels of Reality of the Subject*.

As in the case of levels of Reality of the Object, the coherence of levels of Reality of the Subject presupposes a zone of non-resistance to perception.

The unity of levels of levels of Reality of the Subject and this complementary zone of non-resistance constitutes what we call the *transdisciplinary Subject*.

The two zones of non-resistance of transdisciplinary Object and Subject must be identical for the transdisciplinary Subject to communicate with the transdisciplinary Object. A flow of consciousness that coherently cuts across different levels of Reality of the Subject must correspond to the flow of information coherently cutting across different levels of Reality of the Object. The two flows are interrelated because they share the same zone of non-resistance.

Knowledge is neither exterior nor interior: it is simultaneously exterior and interior. The studies of the universe and of the human being sustain one another.

The zone of non-resistance plays the role of a *third* between the Subject and the Object, an Interaction term which allows the unification of the transdisciplinary Subject and the transdisciplinary Object while preserving their difference. In the following we will call this Interaction term the *Hidden Third*.

Our ternary partition { Subject, Object, Hidden Third } is, of course, different from the binary partition { Subject vs. Object } of classical metaphysics.

The transdisciplinary Object and its levels, the transdisciplinary Subject and its levels and the Hidden Third define the transdisciplinary Reality (see Fig. 1).

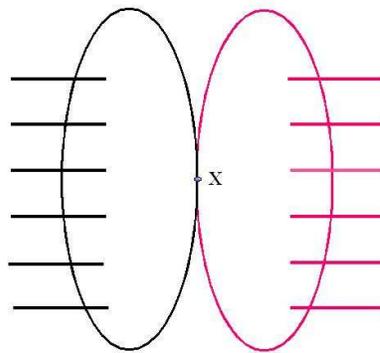


Fig. 1 : Transdisciplinary Reality

b. The logical axiom: the included middle

The incompleteness of the general laws governing a given level of Reality signifies that, at a given moment of time, one necessarily discovers contradictions in the theory describing the respective level: one has to assert A and non-A at the same time.

¹⁸ Husserl, 1966.

Our habits of mind are still governed by the classical logic, which does not tolerate contradictions. The classical logic is founded on three axioms:

1. *The axiom of identity:* A is A.
2. *The axiom of non-contradiction:* A is not non-A.
3. *The axiom of the excluded middle:* There exists no third term T ("T" from "third") which is at the same time A and non-A.

History will credit Stéphane Lupasco (1900-1988)¹⁹ with having shown that the logic of the included middle is a true logic, mathematically formalized, multivalent (with three values: A, non-A, and T) and non-contradictory²⁰. In fact, the logic of the included middle of Lupasco goes well beyond the formal logic. It is a true *philosophy of the included middle*.

Our understanding of the axiom of the included middle — there exists a third term T which is at the same time A and non-A — is completely clarified once the notion of "levels of Reality", not existing in the works of Lupasco, is introduced.

In order to obtain a clear image of the meaning of the included middle, let us represent the three terms of the new logic — A, non-A, and T — and the dynamics associated with them by a triangle in which one of the vertices is situated at one level of Reality and the two other vertices at another level of Reality (see Fig. 2). The included middle is in fact an *included third*. If one remains at a single level of Reality, all manifestation appears as a struggle between two contradictory elements. The third dynamic, that of the T-state, is exercised at another level of Reality, where that which appears to be disunited is in fact united, and that which appears contradictory is perceived as non-contradictory.

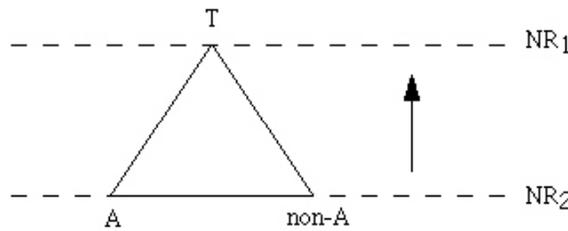


Fig. 2 : Symbolic representation of the action of the included middle logic.

It is the projection of the T-state onto the same single level of Reality which produces the appearance of mutually exclusive, antagonistic pairs (A and non-A). A single level of Reality can only create antagonistic oppositions. It is inherently self-destructive if it is completely separated from all the other levels of Reality. A third term which is situated at the same level of Reality as that of the opposites A and non-A, cannot accomplish their reconciliation. Of course, this conciliation is only temporary. We necessarily discover contradictions in the theory of the new level when this theory confronts new experimental facts. In other words, the action of the logic of the included middle on the different levels of Reality is able to explore the open structure of the unity of levels of Reality.

c. The epistemological axiom: the universal interdependence

There are several theories of complexity. Some of them, like the one practiced at the Santa Fe Institute, with the general guidance of Murray Gell-Mann, Nobel Prize of

¹⁹ Badescu and Nicolescu (ed.), 1999.

²⁰ Lupasco, 1951.

Physics, are mathematically formalized, while others, like the one of Edgar Morin, are not.

In the context of our discussion, what is important to be understood is that the existing theories of complexity do include neither the notion of levels of Reality nor the notion of zones of non-resistance²¹. However, some of them, like the one of Edgar Morin²², are compatible with these notions. It is therefore useful to distinguish between the *horizontal complexity*, which refers to a single level of reality and *vertical complexity*, which refers to several levels of Reality.

From a transdisciplinary point of view, complexity is a modern form of the very ancient principle of universal interdependence. The principle of universal interdependence entails the maximum possible simplicity that the human mind could imagine, the simplicity of the interaction of all levels of reality. This simplicity can not be captured by mathematical language, but only by symbolic language.

It is interesting to note that *the combined action of the ontological, logical and epistemological axioms engenders values.* The transdisciplinary values are neither objective nor subjective. They result from the Hidden Third, which signifies the interaction of the subjective objectivity of the transdisciplinary Object and the objective subjectivity of the transdisciplinary Subject.

3. Transdisciplinary Hermeneutics

We define *disciplinary boundary* as the *totality of the results – past, present and future – obtained by the laws, norms, rules and practices of a given discipline.* Of course, there is a direct relation between the extent to which a given discipline has been mathematically formulated and the extent to which this discipline has assumed a boundary. In other words, the *more* mathematically formalized a given discipline is, the *more* this respective discipline has a precise boundary.

Most of the disciplines are not mathematically formalized and therefore their boundaries are fluctuating in time. In spite of this fluctuation, there is a boundary defined as the *limit* of the totality of fluctuating boundaries of the respective discipline. For example, it must be clear for everybody that the economy will never give information on God, that religion will never give information on the fundamental laws of elementary particle physics, that agriculture will never give information about the neurophysiology, or that poetry will never give information on nanotechnologies.

There is a real discontinuity between disciplinary boundaries: there is *nothing*, strictly nothing between two disciplinary boundaries, if we insist to explore this space between disciplines by old laws, norms, rules and practices. Radically new laws, norms, rules and practices are necessary.

The above definition remains valid for multidisciplinary and interdisciplinary, which are just continuous extensions of disciplinarity: there are multidisciplinary and interdisciplinary boundaries as there are disciplinary boundaries.

However, *transdisciplinarity has no boundary.* Therefore, transdisciplinarity can never lead to a super-discipline, super-science, super-religion or super-ideology.

This crucial fact is the result of the structural incompleteness of the levels of Reality. In fact, it is precisely this incompleteness which leads to the existence of disciplinary boundaries. This might seem paradoxical but it is only a fake paradox. Disciplines are blind to incompleteness due to arbitrary elimination of the Hidden Third in these disciplines. Once this arbitrary assumption is eliminated, disciplines are inevitably linked one to another.

²¹ Nicolescu, 1996, 1998, 2000.

²² Morin, 1977, 1980, 1986, 1991, 2001, 2004.

How does one understand this link between disciplines in the presence of incompleteness and discontinuity of levels of Reality?

In another words, can we imagine a *fusion of disciplinary boundaries*?

Such a fusion is simply impossible in transdisciplinarity, because it would lead to a new boundary, whose even existence is incompatible with transdisciplinarity. Links and bridges between disciplines are still however possible: they are mediated by the Hidden Third, which can not be captured by any discipline and by any boundary. The most obvious sign of the presence of these links and bridges is the modern and post-modern migration of concepts from one field of knowledge to another.

In our view, the only way to avoid the dead end of violent debate around the migration of concepts from one field to another²³ is to adopt *transdisciplinary hermeneutics* as the natural outcome of the transdisciplinary approach.

Hermeneutics covers the art and the theory of understanding and interpretation of linguistic and non-linguistic expressions²⁴. In our times, the area of hermeneutics is that of human life and existence as such, i.e. precisely about what transdisciplinarity is mainly concerned with.

However, the transdisciplinary approach *per se* is not sufficient in order to give birth to a new type of hermeneutics. It has to be *contextualized*. The contextualization of transdisciplinarity is performed by placing the *basic ternary* of transdisciplinary Reality {levels of Reality of the Object, levels of Reality of the Subject, Hidden Third} in the midst of real problems of human life, with all their complexity. A large number of *secondary ternaries*, useful as tools for understanding and interpretation, are therefore generated:

- {Levels of organization – Levels of structuring – Levels of integration}
- {Levels of confusion – Levels of language – Levels of interpretation}
- {Physical levels – Biological levels – Psychical levels}
- {Levels of ignorance – Levels of intelligence – Levels of contemplation}
- {Levels of objectivity – Levels of subjectivity – Levels of complexity}
- {Levels of knowledge – Levels of understanding – Levels of being}
- {Levels of materiality – Levels of spirituality – Levels of non-duality}

The *simultaneous* consideration, in a given situation of human life, of the basic ternary and of one or several secondary ternaries constitutes the ground of *transdisciplinary hermeneutics*.

The term «transdisciplinary hermeneutics» was first used by one of us (J. v. B.)²⁵, who already begun to explore its relation to what Hans-Georg Gadamer calls *fusion of horizons*²⁶. Also, Kenneth A. Reynhout used the same expression in trying to formulate a gadamerian model of transversal reasoning²⁷. It is beyond the scope of the present study to enter into a detailed comparison between the transdisciplinary hermeneutics and the hermeneutics developed by Gadamer. In a forthcoming book, we will perform such a comparison and we will give the detailed definition, description and use of the above mentioned secondary ternaries.

Here it is important just to note that the « fusion of horizons » does not mean fusion of disciplinary boundaries. These horizons are essentially horizons of endless interrogations, not of answers. The interpreter has always his/her own prejudices, in a continuous dialogical interplay between past and present. This openness of the human being towards the world gives meaning to what can be called today an « objective reality »: it is because we are limited beings that we can grasp reality as it is. Our prejudices are fruitful: it is

²³ Nicolescu, 2007.

²⁴ Stanford Encyclopedia of Philosophy
<http://plato.stanford.edu/entries/hermeneutics/>

²⁵ van Breda, 2008.

²⁶ Gadamer, 1960.

²⁷ Reynhout, 2008.

precisely the fusion of prejudices which opens towards truth. Understanding presupposes *self-understanding*. The fusion of horizons concerns the confrontation *in time* between understanding and self-understanding. There is no real dichotomy between Subject and Object. Therefore the gadamerian approach is compatible with transdisciplinary hermeneutics. They both share the refusal of relativism, skepticism and foundational grounds of reality.

However, an important distinction has to be stressed: the gadamerian approach concerns humanities, while transdisciplinarity is concerned with the unification between humanities and natural sciences. The root of this difference is the absence of the notion of levels of Reality in the gadamerian approach. Incompleteness is present in Gadamer's philosophy but not discontinuity. Even the possibility of fusion of horizons is conditioned by the presence of the Hidden Third.

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The Science of Complexity and Sustainable Futures

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Keywords: *science, performance, complexity, development*

Abstract: The overall performance of a society, i.e. its material and spiritual output in terms of quality, quantity and global competitiveness, is the result of an intricate process of interdependent and complex interactions among the individuals of that respective society, on one hand, and between that society and other societies, on the other hand. In either case, the elementary components that make up these interacting complex systems are complex systems themselves, and also in a continuous transformative evolution through permanently renewed self-definition and accumulation of history. This is a spectacular self-organizing process, notoriously difficult to observe, examine and understand with the standard and most widely spread paradigm.

Background, elements and importance of the new Paradigm of Complexity

Such a "classical" paradigm is intrinsically related to, and limited by a linear approach that is still strongly tributary to reductionist thinking. For this reason, *sociology, politology*, as well as *all the economy-related sciences* are all in the same category and have the same major difficulties in defining Life, the Living/Alive Systems and their attributes or processes, being much closer related to Art than to Science according to the same "classic" definitions of these fields. Nowadays, **socio-economical restructuring**, the necessity to raise the **standard of living** and advancing/improving the human performance are, in general, topics extremely hotly debated and widely discussed. Nevertheless, in spite of this worldwide theoretical interest in advancing in these fields, little has been done practically. One of the main reasons for this inertia, despite the evident necessity for progress, is the lack of critical mass of people who, on one hand, are aware of the drastic conceptual limits of the "classic" paradigm and who, on the other hand, can understand, assimilate and operate coherently with the new knowledge resulting from the new Paradigm of Complexity, its set of rules and the corresponding consequences and results originating from its application.

Under the title of "**the new Paradigm of Complexity**", name that by itself generates confusion and misunderstandings, one can find grouped together a multitude of new models and theories which, unlike the "classic" sciences, are, in general, employing a

non-linear approach in the study of the surrounding reality. This approach is based on the following key principles and features that fundamentally define and/or characterize **complex systems**:

- A **complex system** cannot be analyzed as a whole by fragmenting it into parts. In other words, by definition, the complexity-related aspects of a system cannot be (fully or partially) observed by 'breaking' it into elements that are meaningful only within the framework of the analyzed system;
- A **complex system** has an unpredictable evolution, i.e. its analytic predictability can cover, at the most, a very short time interval in the nearest future, interval that is typically denominated as "the temporal horizon" for that respective phenomenon/system. In other words, a complex system can undergo any type of transformation, including extremely sudden and abrupt ones, even without any apparent external cause, and of any magnitude, i.e. at any scale of analysis. Therefore, as a direct consequence of this latter principle, when analyzed at different "zoom" scales, complex systems always exhibit different properties that obey seemingly different laws from the point of view of the "classical" approach and its definitions.
- A **complex system** is fundamentally different from a **complicated** system. One crucial difference is related exactly to the previously mentioned impossibility of formulating valid long-term and/or analytically-based predictions. In contrast with the popular belief, this impossibility is **NOT** due to the extremely large number of independent variables AND their interdependencies which are all affecting the system and its evolution (although this in itself would make the prediction much more difficult, too, for a system defined & studied "classically"). The cardinal point here is that the difference between **complex** & **complicated** systems and the resulting unpredictability of the former are intrinsically due to the sensitivity of **complex systems** to initial conditions, i.e. starting points that are dissimilar by only very small differences, will lead to extremely different evolutions and final end-points even for one and the same **complex system**. Furthermore, the **self-organization** effect of **complex systems** is also added to this sensitivity, making the entire picture even more intricate. **Self-organization**, by definition, is determined only by the elements of the **complex systems** and the interactions between among them, as a result of which organized structures, i.e. characterized and/or described by the so-called 'relationships of order', **spontaneously** appear by means of a *principally unpredictable* process;
- A complex **system** can be modeled and studied using an equivalent topological space, called '**the phase space**', in which specific notions can be defined, such as: **attractors and repulsors, attraction basins, trajectories, limit cycles, etc.** Within this context one can deal with, and develop a functional modeling, much more abstract and "untied" from any constraints typically imposed by the concrete 'anatomy' and 'physiology' of the real systems. Unlike the "classical" approach, in which one starts by approximating what is "seen", this functional modeling implies the identifying of an equivalent dynamic system whose behavior can be analyzed using specific methods with an extremely high degree of generality;
- A **complex system** has an evolution that does not result (and therefore cannot be deduced) from the simple analysis of, and/or the extrapolation from, the system's response to a given stimulus. In other words, the **dynamics** of a **complex system** and its **evolution** are two different problems, which require different and specific/dedicated solving approaches.

More disciplines have appeared and consolidated in the last 50 years, dedicated to the study and exploration of all the above listed principles and their practical consequences and applications, such as:

- **Fractal Geometry**: It studies shapes exhibiting either spatial or temporal irregularities, characterized by self-similarity and measurable with non-integer dimensions

d_f ($d_f \neq D$, where D = the classical Euclidian dimension, typically expressed only by integer values like 1, 2, 3...N, and d_f = the fractal dimension which can be expressed even in non-integer values, such as $7/12$, $\sqrt{2}$, $\ln 2$, $\pi - 2$, etc.). Fractal geometry enabled the specialists to highlight new properties as well as hitherto unknown definitory features and differences of the NATURAL objects that can clearly demarcate and/or identify them from the ARTIFACTS. Moreover, the fractal approach clearly outlined the importance of iterative and recursive processes as simple and efficient methods for generating complex structures using simple algorithms made up of few and/or simple generation and evolution rules. Such studies are not limited to dry academic discussions of esoteric flavor, but can and do have pragmatic applications in various domains, some of which are:

⊗ **Telecommunications:** Fractal antennae, neural networks architectures and/or algorithms;

⊗ **Biology & Medicine:** Quantitative tumor evaluation, studying morphogenesis processes, operative diagnosis and evaluation of health, advanced signal processing in EEG or EKG; advanced image processing in computerized tomography, understanding rythmology and evolutive cycles in chronic ailments (e.g. AIDS), etc.;

⊗ **Economical Sciences:** Stability diagnosis and prediction at macroeconomic scale, analysis and diagnosis of some economical processes, fractal market analysis, etc.;

⊗ **Sociology:** Investigation, modeling and evaluation of crisis phenomena, examination, prediction and influencing the re-orientation and adaptation of economic units towards the free market; etc.

- **The Chaos Theory:** It focuses on the dynamics of complex systems and introduces both a new investigational methodology and novel concepts, such as: **transition to chaos scenarios, chaotic resonance, strange attractors**, etc. The discovery of the two so-called "chaos constants" made by Feigenbaum is considered by many specialists as the greatest discovery of the Twentieth Century, equaled only by the discovery of Pi ($\pi = 3.1415926\dots$) and e (the number discovered by Euler, equal with $2.718281828\dots$, and which is the base of the natural logarithm invented by Napier). Applications:

⊗ **Telecommunications:** Noise-carrier based signal transmission, chaos-based encryption for data transmission, etc.

⊗ **Biology & Medicine:** Non-traumatic resuscitation for cardiac arrest, resuscitation from comatose states, diagnosis of the cardiovascular and the central nervous systems, etc.;

⊗ **Technology:** The stabilization of mechanical processes, the control of chaotic processes, etc.

- **Synergetics:** It examines the cooperative effects within/between systems made up of more quasi-identical subsystems and which may evolve far from thermodynamic equilibrium, manifesting global behaviors that cannot be identified, deduced or predicted from local analysis. *Cellular automata* are a very good illustrative example of a tool in this family, due to its extremely significant and relevant features:

⊗ They are algorithms that can act as a starting point in generating and modeling self-organization processes;

⊗ They contain **Artificial Intelligence** and can be used to further self-generate such **Artificial Intelligence** (the neural computer);

⊗ They allow to model and even to generate **Artificial Life**. Most of the applications in this respect outlined the difficulty in discriminating between Life/Alive and Non-living, defined methods and techniques of evaluating evolution and enabled to clearly define the concept of **complex systems** as already was described previously.

- **The Catastrophe Theory:** It investigates the critical states and their singularities by creating models for the analysis and understanding the phenomena that take place at the **threshold** demarcating the transition of a system from one state to another. The models offered by the catastrophe theory allow observing and highlighting the **analogies** between phenomena, systems or processes apparently without any clear relationship or

other obvious connection or commonality between them. Such studies can be, and are applied for a large number of various natural systems, from those studied by exact sciences like physics and chemistry, to those studied by psychology and sociology. In either case, the models of the catastrophe theory approach from a different angle the problem(s) of finding common features and/or universal laws, thus providing an entirely fresh and original point of view for the important topic of finding and using analogies in the know-how build-up and transfer. Furthermore, they also emphasize the great importance of the so-called **control parameters**, i.e. constants that, in an equation, multiply variables representing well-known physical quantities like speed or energy, in the actual stability control of real (natural or artificial) systems.

Other disciplines, in which intense academic studies were carried out and from which -at the same time- innovative practical applications resulted, are:

① **Cognitive Science** unites an assembly of concepts and techniques derived from numerous various fields, like psychology, artificial intelligence, semantics and semiotics, and even heraldry and hermeneutics. This assembly is fused in an original but coherent system that is useful for comprehending the mechanisms involved in perception, in reasoning and establishing the notions fundamental for thinking, as well as in the states of being associated to/corresponding with diverse neuronal processes.

② **Computational Science** plays a special role as it offers the indispensable framework and the theoretical and modeling infrastructure that are both necessary and capable to either closely and systematically investigate difficult and complex physical-mathematical problems (e.g. solving sets of nonlinear differential equations characterizing complex systems), or offer a tangible and substantial 'space' –*the space of numeric data and approximations*– within which one can approach an inventive and complete study of all the aspects involved in the behavior of a **complex system (genesis, dynamics and evolution)**. In this context the **theory of cellular automata** and neural **processing** are considerably important and used by an extremely widely spread number of specialists.

From all the domains and sub-domains detailed above together with their broad range and great significance of their applications one can easily realize the tremendous significance and original novelty of the **Paradigm of Complexity**. It thus becomes clear, we hope, that this novel paradigm, due to the beneficial applications and implications of all its domains above introduced, can become a most suitable and appropriate functional tool. As such, we strongly advocate that it can be fruitfully applied in extremely numerous and diverse aspects of the activity of the modern men in general, and especially of the responsible and sentient ones who operate as decisionary factors in either economical or political spheres, governmental or private. Therefore, the **Paradigm of Complexity** is addressed particularly for such individuals, organizations or institutions that are mindful to the ever increasing pace of change in the modern society, while at the same time aware of the new contradictions of the modern life. One such fundamental contradiction takes place between the already limited capabilities of the 'classical' approaches incapable of breaking off with their own limitations (resulted from their aged and unchanged viewpoint) and thus unable to provide solutions to many real-life problems, on one hand, and the continuously growing (in quantity as well as in the complexity) of the problems posed by the modern activities, on the other hand. Consequently, the **Paradigm of Complexity** and its components should address exactly this audience that also is constantly growing, as is proven by the increasing number of **intensive courses**, attended by larger numbers of participants from year to year, that we have been carrying out for more than 10 years. Such courses were intended either for a general popularization addressed to non-specialists and/or the general public unaware yet of the disciplines and applications of the fields in the new **Paradigm of Complexity**, or were dedicated for various specialists (e.g. physicists, sociologists, psychologists, biologists, etc.) in order to update their skills and professional know-how and to become capable to understand and better operate

practically with complex systems. We must highlight that such courses were undertaken for such large categories of audiences and at comparable or higher quality only in very few select places in the world, namely in several most prestigious Universities, like **Princeton, Harvard, and Cambridge.**

A mission for those who understand the unavoidable and inherent crisis induced by globalization: avoid or heal the ruptures induced by it through pro-active participation (or desire to do so) in setting up a new post-globalization society with a difference, namely the Knowledge-based Society.

The Future neither arrives, nor awaits: it must and ought to be built!
Alexandru Caragea

Few people clearly see and realize that an enormous gap has been created, and is relentlessly widening, between the quasi-exponentially increasingly wider spread and availability of infrastructural components (e.g. IT hardware and software) on one hand, and the degree of their understanding, assimilation and -therefore- their ultimately efficient and wise usage, on the other hand. This recent problem of our contemporary society is rapidly proliferating, not only in its purely 'technical' aspect related to the lack of access to such technologies by certain categories of people or nations (the so-called "digital division", and quite mediatized). It also encompasses other extremely important and influential aspects related to the interfaces and relationships between **individuals, society and economy**, relationships both within each category and between any of these large categories.

Consequently, for one to survive and develop even further into becoming a competitive force capable of success under such new harsh and constantly changing circumstances, we strongly believe that it is imperatively necessary to generalize and pro-actively apply the following measures, on a scale and at a magnitude as large as possible:

- **Generate a new interactive Mass Media Environment:** It would allow achieving two fundamental and vital goals. First, it should be capable to diffuse the "products of the third culture" on a large scale by reaching a wide audience. Secondly, its interactivity would enable its constant re-shaping into new forms, elements and formats, according to the feedback, interests and talents of the participants themselves. Technically, such a solution can be accomplished by shaping it according to the well-known Internet model, and also additionally completing and complementing the Internet-based part by integrating it together with Radio, TV and WAP;
- **A thorough restructuring of the Educational System** so that its 'classic' fundamentals would be not only changed and improved but also expanded by including new elements, such as *Continuous Teaching/Learning, Nonformal and Informal Teaching/Learning, On-line/Remote Teaching/Learning and Self-Learning.* **This would make the re-structured Educational System** to encompass, include and use the modern facilities that are presently available and at the same time prepare alumni who can easily grasp and adapt to the Shock of the Novelty and therefore function at their full human potential in (any) modern society. Moreover, besides these structural changes, the highest priority and attention will also be given to the seeding and development of the "soft" skills, such as:
 - **Improving communications at interhuman and human-to-Technology levels**, according to the new developments and the last novelties in the field of telecommunications and IT; and at last, but not in the least,
 - **Changing the mentality** at individual and society levels, both in governmental and private spheres, in order to establish an effective and lucrative Public-to-Private Initiative Partnership. The main target of this Partnership would be **the development of the Human Being as well as improving the standard of life. Engaging in the struggle to achieve and implement both these aims is vital as both these aims can actively**

contribute not only to the evolution of the Humankind in general, but -even more importantly- would specifically enable the survival of the National Entity in a world that is in an accelerated globalization. This would preserve national specific features, with direct consequences on creativity and inter-economical and/or inter-cultural creation of new outcomes, thus contributing directly towards the betterment of the quality of life and ensuring stable socio-economical growth.

A solution for survival: The Public-to-Private Initiative Partnership

It is imperatively obvious that the role of the State must change in this new context. To be European or inhabitant of the Earth as member of the Humankind should not mean only having this feeling but also remembering one's own actual cultural dimension, without aberrantly distorting the innate abilities, typical to each Nation, that have been refined and transmitted from generation to generation along the history. Therefore, for a society/Nation to actively participate in a New World united under a new economical order it should have the capability to produce competitively, according to internationally recognized high-quality standards. This, on its turn, implies that, in that society, the following notions have already been diffused, understood, adopted/assimilated and practically applied at all levels:

- Professional competence;
- **Adaptability** to new conditions and requirements;
- Tolerance, understanding and even receptivity of (hitherto unknown) elements of thinking/mentality of foreign origin;
- Capability of integrating and working in multi-national teams (which is inherently linked with the previous feature);
- Setting up an appropriate educational system (as highlighted in the previous section) to continuously create **new skills and abilities**.
- Generating new meanings for topics that, before the Globalization Era, were crucial in preserving the National Identity, both at physical level (border defense) and spiritual-cultural level, but which may become obsolete or totally reconfigured in the new circumstances. With the dissolution of borders and the unrestricted flow of goods, defining and applying such notions that set apart the National from the International should thus be charged with new significances. At the same time, undertaking actual actions, like protecting one's own citizens, become more difficult to define and much more subtle to interpret. A new contradiction also appears between the requirement of an increased permeability and openness towards the External elements (the Globalization pressure) and the more imperious necessity to guard and protect strategically important information, data and skills. Thus, defending vital socio-economical know-how becomes a complex problem as one has to connect and transmit necessary collaboration data and information to his partners, but nothing more. Defending all these new re-defined borders and skills that are much more difficult to define and evaluate cannot be done without a population who is **aware, conscientious, educated, and able** to understand both the **tangible** and the **abstract**. However, it should be obvious that such a population does not appear spontaneously but has to be actively prepared, educated, **cultivated** in order not only to understand the massive and crucial transformations that are required and which objectively have to be realized, but also to participate **creatively** and **innovatively** in this transformation process. Seen from this new perspective, the role and the responsibility of the State is not diminished, but on the contrary, it actually tremendously increases in order to support and encourage the modernization process of the educational system and its re-shaping in a **modern platform of continuous and interactive education**.

Referring again to the role that should be played by **companies and corporations and the business sphere in general**, we must outline clearly that their mission and participation in this new process for the development of the Human Being is not a charity

or sponsorship, but a coherent activity carried out for their own interests, namely cultivating the socio-economical and professional skills that would allow them to survive and be successful in the market! To be at the "top of the pyramid" means to constantly modernize oneself, to find out and assimilate the latest cutting-edge equipments and technologies, and to permanently re-shape the mentality and view-points of your staff. All these can be properly achieved only by employing adequately educated and skilled personnel, **which is increasingly difficult to find**. An innovative company is valued in direct relationship with the value of its employees, and from this viewpoint no top management team or small-business entrepreneur can afford to wait the arrival of the "most suitable specialist" but rather to identify the "suitable seed" which can be cultivated, nurtured and grown into fruition! Furthermore, the success in the market is ultimately conditioned by the company product's capacity to satisfy a need, capacity that itself is conditioned by the buyer's own cultural, social and economical understanding and needs (and, therefore, dependent on the buyer's educational and professional level, too).

Consequently, the "diffusion rate" of the knowledge/know-how within a Nation drastically and most significantly influences its own development and evolution. This may seem a rather trivial and evident assertion, but which can and does have dramatic consequences when it is ignored, particularly under the present circumstances brought by the globalization process. The result can be the transition from People to Population, with all the socio-economical consequences derived from such a conversion. This is an acute problem that confronts the contemporary Civil Society, the economical structures and all levels of entrepreneurial management, as well as the governmental divisionary factors and whose finding an efficient and reliable long-term solution to this problem is essential for the well-being of the next generations.

Such a change may not be easy to accomplish but we hope that its necessity is outstandingly clear. Moreover, there already are terms of comparison in other parts of the world: countries like South Korea, Taiwan and Singapore have clearly demonstrated that massive and substantial changes throughout the entire socio-economical structure are possible and in their cases such changes were indeed achieved in an astonishingly short period: their leap from Third-World to First-World status has been carried out in about 50 years, i.e. in almost one generation! This demonstrated that success in endeavors like that suggested in this report is critically based on some key aspects that were practiced and displayed by these Nations: clarity of vision, decisiveness and focus in action, extreme discipline and tremendous hard work for the entire population, easy control of all the key factors of influence in the areas under attention, heavy and constant governmental engagement and support at all levels, minimizing and simplifying bureaucracy and eliminating corruption, attracting foreign investments and actively promoting an entrepreneurial attitude for their own citizens, etc.

Nevertheless, their experience has its own shortcomings and typical features, such as:

- Very little (if any) regard towards environmental and ecological aspects;
- Little or no attention for the Human Rights as their progress was essentially imposed by an 'enlightened' but dictatorial or -at the best- mono-party authoritative strong-handed 'elite';
- Vital dependency on foreign markets (especially the Japanese and the American ones) and -at the same time- on a constant source of cheap and obedient labour force working in a totally unregulated environment;
- Their progress is most visible only in material and economical terms and they had some success into other modern areas like IT technology, its usage and spreading. However, it is most importantly to highlight that their metamorphosis had only little impact on "soft skills", and was without any relevance into the other cardinal areas that are essential

components of the proposed **New Paradigm** change: mentality shift, education reorganization, adapting new view-points and new approaches in scientific, economic and social spheres, etc., etc.

Seen from this perspective, the **Partnership Public-to-Private Initiative** can also be considered as a "flower bed" in which the seeds of the Knowledge-based Society should be cultivated and patiently, with effort, time, money and dedication they would finally germinate into a **survival solution** for the entire mankind, based on the **respect of the individuals to one another and of all towards the Nature**. In this complex process of metamorphosis induced by globalization, Romania can initiate a novel package of programs meant to lead towards the aforementioned solution and, thus, to the **discovery & implementation of Peace as a state of Being** resulted intrinsically from the profound reconciliation between **Spirit and Matter, and from the synergic integration of the two approaches inherent to the Man: Contemplation and Action**.

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The Information System in Spiritual Management

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Key words: *data, data processing, knowledge, information system, spiritual management*

Abstract: A *system* represents a set of dependent elements forming a single unitary entity. A particular type of system is the *economic* one which may define economic components and mechanisms such as a company, an industry, a field of the national economy and so on. Any system receives *input* from the outside world, which is processed and results in *out*. The accurate transformation of the *input* into *output* is made by a *feedback loop*. The quality of the output of any system is dependent on the functional characteristics and efficiency of the *decision system, operating system* and *information system*.

The *decision system* is composed by specialists that are using specific methods and techniques to plan, forecast, decide, organize, coordinate and control the operating system functioning in order to successfully achieve its goals, meaning the management. The entire activity carried on in a system depends on the quality of the management. The information system manages all the information existing at the level of the system in question by using specific methods and techniques. Therefore, the management is directly and fully dependent on the characteristics of the information system available and on the way in which information can be accessed, processed and used in specific activities.

In the last years the power of the information over the quality of the management was more and more visible. The future will be the scene of a new trend in managing information and the other inputs of any system. The spiritual management is the new way to behave in a society of scarce resources and ideas. The spiritual approach in management brings a new way to access, process and use information for the benefit of high quality outputs. Automatic processing of data is combined with a spiritual way of data processing, which includes items such as intuition, knowledge of the personal and subjective behaviors of the operators, identification of opportunities. Spiritual management is the new age of management, where information has a central role and the best solutions are identified after taking into consideration subjective and personal characteristics of the operators, events and effects.

The role of the information system

A *system* represents a set of dependent elements forming a single unitary entity. A particular type of system is the *economic* one which defines economic components and mechanisms such as a company, an industry, a field of the national economy and so on. Even the national and worldwide economies can be seen at a global mondoeconomic level as being complex economic systems.

An economic system receives an *input* of production factors. This input is processed and an *output* is provided in the shape of products and services provided to the market. The accurate transformation of the *input* into *output* is made by a *feedback loop* (figure 1).

The transformation process takes place into a dynamic way that makes the system to progress according with to a specific route. The state of the system describes the system degree of evolution.

A system can be defined by the following elements:

- inputs;
- outputs;
- transformation process;
- system structure and its state.



Figure 1 Economic System

A complex economic system is made by the following components (figure 2): *decision system*; *operating system*; *information system*.

The *decision system* is composed by specialists that are using specific methods and techniques to plan, forecast, decide, organize, coordinate and control the operating system functioning in order to successfully achieve its goals.

The *operating system* represents the technical and functional mechanisms together with the human, material and financial resources used to achieve the objectives determined by the decisions transmitted from the decision system level.

The *information system* resides in all the informational flows and circuits and all the methods, techniques used to process the data needed by the decision system. The information system is the middle layer between the decision and information systems and the communication between these layers is made in all possible directions. Thus, the information system is processing and transmitting data from the decision to the operating system. Also, it records, processes and transmits the information from the operating system to the decision one.

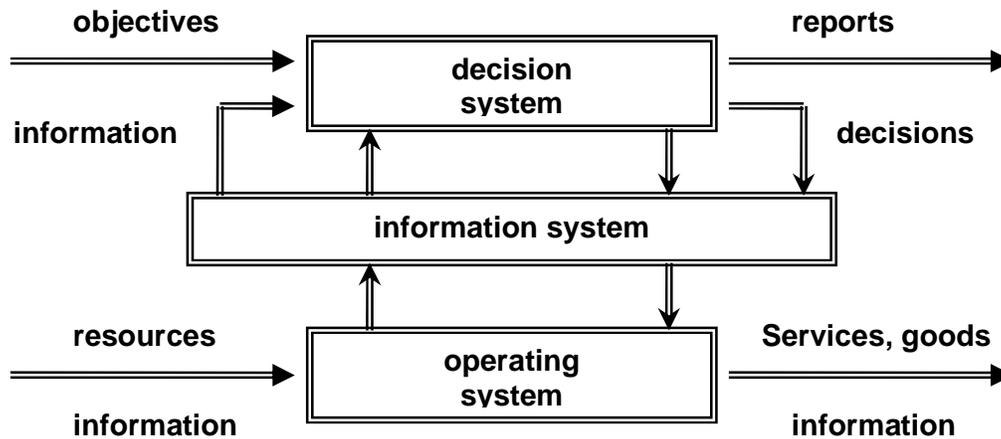


Figure 2 The components of an economic system

We can conclude that the information system manages all the information existing at economic system level by using specific methods and techniques.

The *information technology system* is a component of the information system that is in charge with collecting, processing, transmitting, storing and presenting the data by using computing systems. In other words, it is responsible for automatic processing of the data by using various methods and techniques.

The automatic data processing covers the collecting, transmitting, processing and storing operations:

- *collecting data* – takes place at the location where the primary data are generated. All the collected elements are stored in a proper manner to be used to automatic processing;
- *processing data* – the primary data are transformed into final results by following a predefined sequence of operations adapted to the user requirements, hardware specifications and processing technique.
- *transmitting data* – from the primary locations to the automatic processing systems. Also, it is responsible for delivering the final results to the consumers;
- *storing data* – is responsible for data archiving on specific medium in order to be possible to access and process the content in the future.

Spiritual management

Current world can be described as a gigantic information system, composed of a multitude of sub-information systems, where each sub-information system defines a specific aspect of individual and social life and economic reality. Achieving the objectives in our times significantly depends on the ability to understand the particularities of the information systems that surround us and to make optimum decisions at the proper moment on the basis of known information contained in these information systems. Economic success crucially depends on the way in which information from all sectors of life are used to produce results.

Understanding the information and data from the surrounding environments, how knowledge is selected and assimilated from the external environment and the ability to make predictions based on them is a key for making optimal decisions. Forecasting is no longer a tool that can be obtained through the use of logical-mathematical methods. Managerial predictions are more and more made on the basis of intrinsic capabilities, which bring with what is called intuition. Intuition cannot be taught, but it can be developed through continuous processing of the inner universe of the individual who has the manager function. A manager of the future is able to receive information from surrounding environments, to understand and assimilate them in a sufficient manner so that to enable decision-making, changing economic-social behaviors, attitudes, attributes such as intensifying concern over the state of physical and emotional of all those persons involved in decision-making diagram.

The implications of the attitudes and actions of a manager over the colleagues with whom he works are multiple. A leader must have the ability to put into action driving forces of the people working and living around so that to bring on the one hand material enjoyment, profits, but on the other hand to maintain a high level of satisfaction of all persons involved in processes: work colleagues, customers, suppliers, authorities, public community.

The human being is located at congruence of infinite information systems. Knowing and understanding all of them is impossible. Intuitively understanding the data coming from the surrounding environments and acting on the basis of predictions, this is the key for spiritual manager of the future.

Being a good manager no longer means just systematizing the decision-making process, knowing its stages and improving the processes already in operation. A successful lead means to intuitively know the satisfaction needs of all economic, social

operators, of those involved in work and also to act so that to create an optimal system of general information. Information circulates in several directions: from active players to observers, from observers to the system, from the system and to the system. To act economically efficient managers should catch the message of more information systems, and use knowledge gained intuitively or in a logical-mathematical way in order to generate effect blends for as many categories of operators in the sub-information systems as possible.

Creativity of a manager is the unique and personal ability to get relevant information from the infinite surrounding subsystems and to use them in the optimum way for the categories of persons involved in the decision-making process and for the persons affected by the managerial actions. People involved in the decision-making process would be those involved in the initial stages of decision-making process, such as the establishment of objectives, strategy, vision, mission beyond recipes strict social and economic. People affected by the decision-making process are those involved in implementing the actions decided in phase assessment results, but foreign operators such as customers, banks, media, community as a whole.

The mission of a manager of the future is to transcend the existing economic theories and find that one personal way to get appropriate information, data and create knowledge which has the characteristic that are beneficial for all persons affected by the process decision-making.

Succeeding to combine information, data and existing knowledge in an optimal manner which is beneficial both economically and monetary, but also in terms of social, personal, community preferences, is an ability under development, but in future we will see what more and more managers focusing to develop this type of managerial behavior.

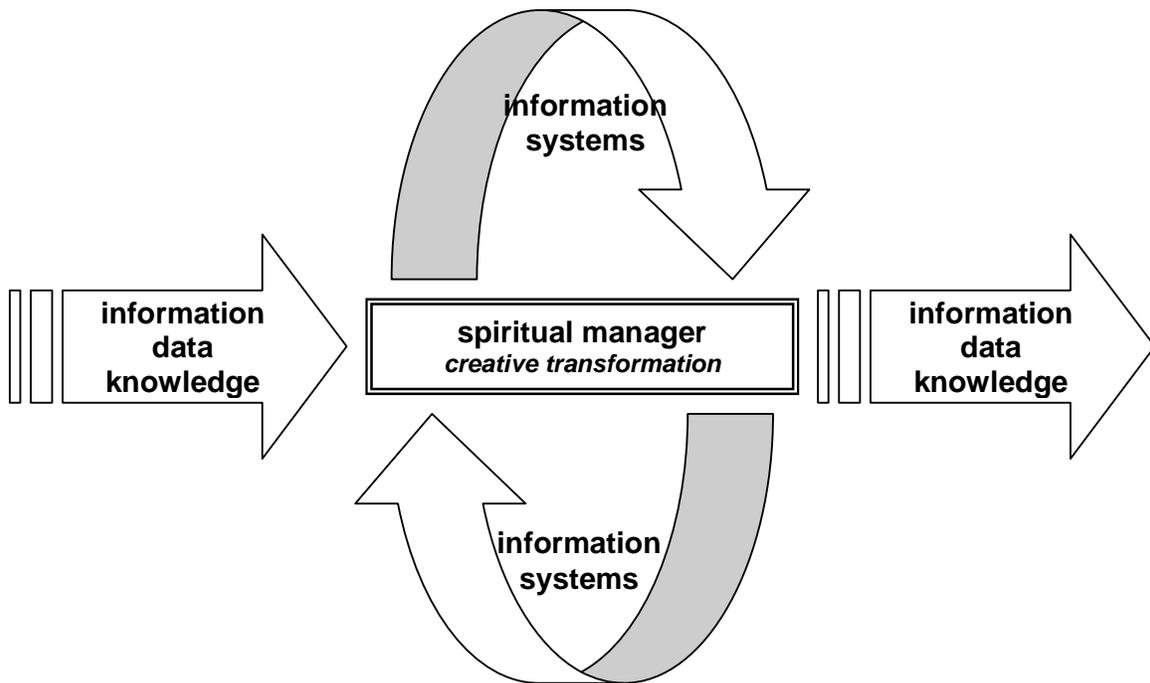


Figure 3 Creative transformation of information

"Some called synchronic-destiny that way of life when you feel that you are yourself as you came from the purity of divine creation, where there are no shades and suffering, where there is unsuccessful, because everything happens as they should, in a natural way. Others called the golden path, which is when you open your doors to receive angelic

help and when everything goes well, exactly as it should be, because receiving guidance from angels you follow a best path of life and decisions. The path followed is that your soul knows better. "This is an excerpt from a spiritual research aimed to finding ways of awareness and action in all areas of life by which man shall ensure an optimal state of health, good provision, power employment, the inspiration to take the best decisions. The article has been published in the Inner Universe magazine. How true are these words manager of the future!

It can not be other that a spiritual manager. Theories learned by now on how to manage are good but not sufficient to ease performance. In order for the work to go smoothly, fluently, without frustrations and without many obstacles, still need something besides what is taught in school, in college, the economic environment. That means just the unnamed and personal ability of a manager to obtain optimum information from the environment, process and transform the information into behavior and decisions communicated to others, where the decisions have benefic consequences for a wider range of people around. The transformation of information, data and knowledge in the spiritual and economic way is through the ability to be creative.

The creative transformation of information and signals received from surrounding information systems are based on intuition and creativity.

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The Creativity of the Human Factor – Performance Premises for an Enterprise Based on Knowledge

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Key words: *creativity, knowledge, performance, innovation.*

Abstract: The human factor is in the centre of the production process of knowledge through its creative thinking which delivers new ideas. The entire progress of science, technique and art are the results of creative spirits whose potential must be constantly and under favourable conditions stimulated, in this way being possible to remove the external and internal blockings, in order to encourage freely association of ideas.

Creativity must be present in all the activities of an enterprise which is living in this new society of knowledge; without renovation and progress – consequences of practical manifestation of creativity – the enterprise is losing its viability and cannot promptly reply to the new changeable requirements.

At the level of a modern enterprise, the creative approach must be oriented to define and to apply real solutions in order to cope with all the problems, into a continuous and changeable environment and a powerful competition one, for anticipation and direction of future evolutions.

As a result of creativity, the change and innovation are the main scopes of economic progress. But in order to obtain a long term performance, these should be assumed into a continuous and cumulative manner.

The opening to progress is leading the enterprise to a continuous adaptation to permanent renovation and innovation, that is the increase of enterprise competitiveness, of its developing capacity by continuous accumulation of knowledges, new abilities/competences and capabilities.

The effects of creativity at the enterprise level are sensed by the producer and by the consumer of the provided goods, as well. The spreading of these is effected on extended area, within the respective sector as well as other far-off sectors, being a source of other innovations. Thus, the progress and knowledge development is generated.

1. Creativity – fundamental dimension of human spirit

1.1. The concept of creativity

The development stage of today human society is the outcome of creativity and assiduous work of people generation whose main target was progress and civilization. For a long period of time, creativity was considered the privilege of artists, researchers, scientists, but in fact, the creativity was a human existing feature in each person and can be differently stimulated by specific techniques.

Creativity is the essential factor of progress and the solving key of more complex problems of the mankind, being in the same time a personal necessity of individual, in order to promote its own ego and self-achievement, but in the same time is a social need which ensures the survival of a nation, of mankind on the whole.

To define creativity is difficult due to the complexity of creation phenomenon and due to various approaches met according to specialty literature, being a research subject for psychologists, psychoanalysts, philosophers, sociologists, economists, etc., each of them emphasizing its different sizes.

The term of **creativity**, even is a latin origin term was assumed in Romanian language from French; its simply meaning is that of “capacity to create”, but **to create** means “to produce original and useful ideas combining the existing elements”.

The word “*creativity*” is relatively new but the interest for this word is coming from antiquity (Platon, Heraclite, Aristotel etc.). The mathematician Jacques Hadamard is describing for the first time these four phrases of process of invention: preparation, incubation, inspiration/ enlighting, checking.

The term of *creativity* was introduced in psychology by G.W. Allport [15], in order to designate not only some features and partial roles, but qualities ensemble which generates the new, but the year 1950 is marking the beginning of systematic investigations on creativity.

During the time, creativity had a lot of definitions due to different authors, depending on the elements which were considered essential by them.

A vast definition considers the creativity as “a capacity to organize the elements of perceptive or imaginative field, doesn’t matter if it is about a game, mathematical principles or words” [18].

According to the author Popescu-Neveanu P. [12] “creativity requires a general disposition of personality for new, a certain organization (stylistics) of psychic processes in a system of personality”.

G. Aznar [1] considers the creativity as “ability to produce new solutions without using a logical process, but establishing a far-off order reports between the facts”.

Băloiu L. and Frăsineanu I. [2] are defining the creativity as “a capacity to identify new connections between elements apparently without connection between them. The creativity always involves a new element as novelty and becomes the departure point of innovation”.

Taking into consideration the variety of approaches regarding the definitions of creativity given by numerous authors, we found that all those approaches cannot be synthesized into a simple point of view which has to tackle this phenomenon in its whole complexity.

Synthesizing, we can consider the creativity as a faculty (size) specific to human beings to establish new relations between the known elements, to solve problems through new solutions, original ones; this potential capacity developed within the creation process and finished in artistic creation, technical creation, scientific creation, etc. The creativity is considered as a natural human phenomenon, which can be analysed as a complex process and starting from its results, original and useful ones, without any omission of the creating person which is more than comprehensive, without exclusion of any field of human activity.

In the specialty literature [9] are emphasized two **types of creativity**:

- *primary*– it is an unconscious process which generates new ideas, unplanned and unintentional;
- *secondary* – which is guiding all the efforts of creative persons to solve all the problems. Can be identified five **levels of creativity** [17], which differs through the depth of creative act and its scope:
 - *expressive creativity* – which is a spontaneous manifestation and without a distinct originality;
 - *productive creativity* – specific to a person who is at a certain level of ability (deftness) which allows him or her a creative expression through the achieved product but without being an original product;
 - *inventive creativity* – specific to inventors, which combines into an undiscovered manner some known elements and finding them new utilizations;
 - *innovative creativity* – which belongs to creators of trends who are adding profound changes, essentially for art, science, technique, etc., leading to new directions of development in the respective field;
 - *emergent creativity* – a rare and highest form, being specific to higher creators who revolutionized different fields of knowledge or human experience.

The creative process usually is starting from an existing problem which has to be solved, that is a stimulus, but the clear definition of this problem and of the targeted objectives is more than important for the success of the creative approach. Information has an important role in cognitive system enrichment and the quality of this information is conditioning even result of creation. The so-called act is intuitive, with a lot of determinations of psychic, social and biological nature. The creative process is finished after a clear formulation and practical checking of ideas and consistency with the need which releases the process that is in the same time with the validation of creation process.

Knowing the creation mechanism which allows the determination of way in this can interfere over this, on the whole, by using some methods, techniques and specific procedures to amplify the creative capacity, to diversify the results. The stimulation of creativity, as well as the evaluation of creative capacity needs more elements as knowledge on personality characteristics (features) of creator and of the motivation factors.

1.2. The determinative factors of creativity

Creativity is determined by a lot of factors which can be grouped in three main categories:

- the intrinsic factors of the person:
 - ✓ biological factors ;
 - ✓ intellectual factors;
 - ✓ non-intellectual factors.
- the environment ;
- the organization or the working place.

The biological factors, respectively the age, sex or the health state is influencing the creativity in a direct way, especially in accordance with some traditions and conceptions which are vaising the role of different ages and sexes within the society. For instance, it is considered that the number of male creators is higher than female creators, but generally, the human beings are more creative between the age of 25 and 45 years old.

The most important intellectual factors are:

- *intelligence* – designate the capacity of human being to adapt himself to new situations due to the abilities to solve problems ; the adjustment of the individual to the environment

in which he is living is achieved by cognitive elements as well as by non-cognitive elements which includes factors of affective (emotional) nature, private nature, social nature, considered as essential for the success of the individual in life;

- *solving of the problems* – is the capacity of adapting to new situations, for which are not known solving solutions;
- *imagination* – is the ability to allow the outlet from the rigid type of thinking and discovery of new relations;
- *sensibility* – capacity to observe the problematical situations in case when other cannot observe them;
- *putting into relation of some elements* which are far away between themselves, by their combination at all the psychic levels, as a result of creative activity;
- *fluidity* – wealth, easiness and rapidity of establishing the relationships, speech, ideation, expression;
- *flexibility* – ease to modify the thinking in relation with new circumstances, to renounce to the old points of view and to adopt new ones, being spontaneous or adaptive ;
- *originality* – capacity to issue new ideas, personal ones, different ideas from existing ones;

The non-intellectual factors of personality are:

- *non-intellectual abilities* (to sing, to draw, etc.);
- *internal motivation* – the wish of the individual to investigate, to search, desire that can be reduced in time into a hostile environment ;
- *attitude versus work* – the creators are developing a tenacious work, to remove the routine work;
- *perseverance* – the strength not to renounce easily;
- *temper* – has a hereditary base and is expressed by behaviour;
- *character* – the creators are conscientious, fair, with optimism and mutual aid spirit.

The environment, as a factor of influence for creativity (geographical, social, economical, political, cultural, family, etc.), is the meaning of an active element made of all that surrounds the creator subject. It is considered as being very important the existence of a creative environment, growth promoter for new ideas.

Organisation is that one which offers the manifestation framework of creativity; therefore, an organizational structure which allows a reduced specialization of functions (positions), diversification of tasks, easiness of communication, as well as the participative type of management, the climate of collaboration which stimulates the manifestation of creativity for all its members.

1.3. The obstacles (blockings) in the way of creativity

During the development of creative processes is possible to interfere a series of blockings, external or internal of the individual:

- **cultural blockings** – occurs from the desire of the people that all the citizens to think and to have a similar behaviour; those people which has ideas or has a different and unusual behaviour being considered as doubted people and treated with disapproval and being blamed, fact which really means that there is a discouraging way of treatment for them;
- **blockings resulted from thinking processes** – can be resulted from a kind of rigidity concerning the using of prior algorithm or from the functional fixity in using of objects and tools in accordance with their normal function ;
- **emotional blockings** – the fear not to make mistakes, not to be scoffed, fact that can stumble somebody to express and to develop an unusual point of view.

2. The creativity of human factor at the enterprise level

2.1. The economical creativity.

The role of creativity within the progress of enterprise

The base characteristics of this beginning of century is the **new**; irrespective of the activity field, economy is dominated by technologies and new materials, the markets are covered by new products, achieved according to a new conception, in new organizational structures, according to new organizational strategies, through new distribution and marketing means, all these having the role to meet the various requirements of different consumers or to anticipate new requirements.

At the base of these novelties there is creativity and continuous innovation, in all the fields, which is replacing more and more the routine work at the management level as well as at workers level.

The actual enterprise must be creative, its viability and efficiency being conditioned by the capacity to offer products and services which are corresponding to the request on the market concerning the need to anticipate and even to create needs under an increased competition and having multiple forms of manifestation.

The economic creativity is corresponding to the nature of enterprise, being present in all its activities; it is beside the production, goods and services commercialization qualitative changes, improvement of technical situation or economical situation and is leading to renovation and progress, without which an enterprise is losing its viability.

The economical creativity means the procurance or creation of new resources in allocation of and optimum combination of available resources, having an aspect of current creation (producing and distribution of existing goods and services), and an aspect of dynamic creation (which allows the overfulfilment of current output and distribution, in order to be adapted to evolution and to achieve the progress and which is consisting of continuous improvement and changing of products, markets, procedures).

Working with a reduced number of personal and under the threatening of huge changes in external, a today enterprise needs innovation and employees which cannot be submitted only to the change, but who are developing tin the same time with it.

More than ever, the today enterprises are requesting two abilities of its employees:

- quick learn;
- creativity.

In general, the leaders of the organizations needed elaborated studies about how and why people are learning and what is stimulating the creativity. Today, the workers with knowledges are rather free agents having one or more careers in their lives, working for many organizations. In this way, the employees are concerned about obtaining of different abilities which must help them to increase the professional value in their chosen field, not only in their organization.

It is a fortunate for managers that people has a strong desire to exist in the community; that is why the leaders of organizations can connect the individual identity with the brand of the enterprise, the individual aspirations with the business scope and the learning objectives of the individual with the abilities needed by the organization.

Frequently, the managers made mistakes when they put an equal between the learning and the formal sessions of training. The depth abilities are learned from practice and experience, but gaining experience needs time.

The enterprises whose leaders considers the guided providing experience as being an essential one and the developing of the people as being one of the first responsibilities of all managers, will have a competitive advantage. The managers have the power and the ability to draw more creativity for the teams leaded by them. Managers must create loyalty and involvement by offering a working place which should be interesting and provocative. The creativity cannot be managed or controlled but certainly can be encouraged or killed.

The researches shows that people who are better motivated by a combination of intrinsic factors (personal reasons) and extrinsic factors (the wish to gain more recognition and more financial security). That is why the probability those leaders who are offering more intrinsic and extrinsic reasons for their employees are keeping them together with their valuable knowledges.

Creativity is not only the prerogative of high enterprises which has the necessary resources to produce new knowledges to be applied in practice through innovation; but even smaller enterprises with sustained activities on scientific research has to ensure the permanent adjustment to the potential requirement and requested one as well as to the accelerated change of environment factors, by a permanent and creative effort carried out in more or less important innovations.

Thus, to create an adequate framework in order to stimulate the creativity and to ensure the necessary conditions for having a higher number of new ideas and the practical implementation of those which are adequate to economical and technical criteria.

The selection criteria of the best ideas can be synthesized under the form of answers for the following questions:

- scope: What we are aiming at? What are you leading up to?
- means: Do we have the necessary resources (material, financial, human) to be able to put into practice this idea?
- Is this idea protected (by licenses and patents)?
- The idea is suitable for the image of the company?
- Is solving the needs to which it is addressed?
- Is the idea original/ simple/ easy to be put into practice/ difficult to be imitated?

At the level of an enterprise is necessary to organize and to release the creativity of all the employees, not only the recruiting of individual considered to be creative, taking into account the fact that ability to create is "**fundamental and universal**" [5].

There are three main families of *applications* for creativity at the enterprise level:

- creation, invention, innovation;
- solving of the problems;
- optimization of everything which exists.

Creativity is necessary for those who wants or has to carry out at least one of these three missions, but even those who are interested to have the power on their own existance [10].

Creativity can be:

- artistic or tehcnical;
- intellectual or applied;
- improvement or pure creation;
- generalization or new creation ;
- discovery or research ;
- new idea or association of two known ideas ;
- modest or magnificent.

The successful manifestation of creativity at the enterprise level, irrespective of form is conditioned by the carrying out of some **requirements** which aim :

- the existence of a strategy within the innovation efforts strategies, to establish clear objectives and to have them in view regarding the use of creative potential;
- to practice a leading style suitable for creativity;
- to ensure an internal climate favourable to creativity, to stimulate the employees for issuance and development of creative ideas, to create an adequate climate for their ideas;
- to ensure a powerful and own research-development activity, high professional level, for the big companies with resources;
- to create an organizational frame specific to individual and group creativity;

- to ensure a communication system in order to allow a good circulation of information on internal plan (meetings, internal communication sessions, exchange of personnel between the departments for carrying out different projects, etc.);
- to maintain a permanent contact with the scientific community, source of new knowledges within the field of fundamental and applied research ;
- a good knowledge of market demands, to anticipate the future evolutions and to maintain a good and close relationship with beneficiaries with a view to rapid information flux in the advantage of both parties ;
- to ensure a system in order to train up the employees in the sense of creativity, improving and motivating the creative abilities.

The enterprise with considerable creative-innovative potential shall be able to innovate, frequently, new products and technologies and to have a competitive position in that field. At the level of a modern enterprise, the creative approach should straighten to formulate and apply real solutions to all the problems to which has to cope with, into an environment in continuous change and strong competitive, for the anticipation and involvement of future evolutions.

Creativity should be assumed into a continuous and cumulative manner, to obtain long-term results and to fulfil with success the finality of the enterprise which is consisting of *“ensuring the production and distribution of goods and services into a productive and progressive manner after which there is releaved an excess which allows the creativity to become cumulative”* [4].

The opening to progress, scientific research and technological development is leading the enterprise to a continuous adjustment, to a permanent renovation, which increase its competitiveness, the capacity of development through continuous accumulation of knowledges, of new abilities.

2.2. The individual creativity and group creativity. Techniques of creativity stimulation in the enterprise

For the individual, the creativity is a source of personal satisfaction, and according to this, the individual is projecting and recognizing his identity, the creation being the main method to get self-satisfaction feeling.

Creativity is a deep individual act, which differs from one person to another and from a period of time to another, due to differences among the individuals, due to the factors which have an influence on it. The differences between people are results of a great number of factors like personality, experience, knowledge, motivation, interest, etc.

The creative persons has some specific features; being inventive persons, independent ones, non-conventional, have interests and opening to new experiences, curiosity and an increased acceptance of risks; the creative persons has a considerable luggage of knowledge, abilities and experience, a powerful intrinsic motivation, the capacity to look at problems from many perspectives, to find problems, to make connections and assumptions. The creator is dynamic, tenacious, competent, audacious, sensible, ambitious [10].

The high creative persons have some specific features which make them not so easy to be leaded and from this reason it might be possible to have some strains within the organization: non-conformism, less respect for the authority or procedures, lack of patience. Therefore, the creativity has a cost which should be assumed by the managers and organizations. Besides the risks related to turning into account of the ideas, the reproduction and imitation of the products, processes, new methods by the competition on internal plan, this creativity can lead to conflicts, when there is no mutual trust and assistance.

To solve more complicated problems which occurs in all the areas of economical and social life means to perform sustained efforts, an extensive approach of all these,

frequently multidisciplinary, which can be fulfilled through participation of many specialists from various fields, working in groups or teams.

The collective creation has some advantages regarding the extension and diversification of informing possibilities, generating a huge number of ideas, as well as turning into account the synergy effect.

The group has a main role in organizational creativity [6] because its dynamic increases the potential of interactions with the rest of them, is motivating, is provoking interest, is adding complexity and is introducing the competition, all these having a contribution to the increase of individual creativity and group creativity.

The group creativity is an aggregate of about 2-15 people [14] whose main target are clear well-defined objectives, prevalent innovating and permanent relative, complying with the rules of the creativity. These are producing ideas about a subject, are offering different opinions through the free exchange of ideas, in order that later to elaborate proposals in accordance with the proposed objectives.

The main **roles** of a creative group refers :

- to solve some different problems/matters of the enterprise, which cannot be settled into another frame;
- to identify the creative persons/people and to support them in order to finalize the ideas;
- to find the factors which encumbers the creativity at the enterprise level and at the collective level;
- coming out of creative groups in the enterprise, which assumes the setting up of leaders for creative groups.

The creative group, usually, has a permanent feature in an enterprise, being a nucleus for stimulation of creativity in an enterprise. The creative group is consisting of members of the same working team, people belonging to different working teams, from the same hierarchical level or members with different specialties from many hierarchical levels.

The organization and running of the creative group must take into account a series of aspects [5] from which: a clear stipulation of the scope for which was set up; to establish the interdependence degree of the group versus the organization, as well as the hierarchy, the roles and positions; stipulating the involvement degree in the settlement of the problems submitted to debates; establishing of the communication ways within the group and ensuring a stimulative climate for all these creative persons.

The effectiveness of creative group is conditioned by the observance of its establishing and running, but assuming the involvement of its members, the acceptance of matters in dispute, or controversy ideas, assuming of risks, success and failures in the same time.

The creative group must not become a conditioning, but a kind of conditioning excepting the case of decreased individual creativity. Having such a risk, the devotion regularly becomes a decisive one for personal practice of creative techniques and especially of trust recovers in its own capacity of problems analyses and finding out of some innovator answers, in its own power of positive change of reality.

Irrespective of creativity forms at the enterprise level – individual or in group – the creativity must be continuously stimulated by applying of some **specific techniques**:

- **brainstorming** – can be used when there is a need of a lot of ideas in order to solve a problem; first of all this is a qualitative approach not a quantitative one; this method has good results because the communication of some ideas within a group has the advantage to arouse favourable association to the other, being an opportunity for a person to formulate opinions which might not come in case when this person should work alone ;
- **Gordon technique** – similar with the previous method, but emphasizing more technical aspects;
- **6-3-5 method** – is about a group of six persons who are generating each of them a number of three ideas, within maximum five minutes;

- *Philips 6-6 method* – based on formation of more heterogeneous groups, which are discussing a specific problem within six minutes;
- *panel discussion* – to discuss a problem within a restricted/limited competent group of persons (“jurymen”) in the respective field, those people being silently heard by a numerous auditorium.

2.3. The reflection of the creativity in the enterprise performance

The creative efforts at enterprise level are carried out into a series of effects for the producer, as well as for the consumer of the goods or services provided by them. Their spreading took place in an extended area, in far-off sectors, at their turn, being a source of other innovations.

The effects of creativity can be founded in various phases of output process, but the partial effects can be determined by comparing the situation which occurs after the application of new solutions with that situation when all these should be obtained without intervention of creativity. The determination of economical effects of creativity at the enterprise level and their totalizing requires a grouping of these depending on the nature of changes which took place:

- **economical effects for the moment** – as additional accumulation obtained only once and consisting of: reduction of investments expenses, savings achieved as a release of floating/ circulating assets, savings achieved as a result of shortage assimilation of some products or technologies, avoidance of buying some units, equipments, licences, patents, etc.;
- **lasting economical effects** - as additional accumulation obtained for the entire economical life of invention, innovation or creative solution: benefits associated to new products or improved products, costs modification for all calculation items, modification of products selling price as a result of quality improvement, rise in production obtained as a result of technological processes improvement, management improvement, etc.

The performance of an enterprise is subordinated to the force to which is able to cope with the competition and this force is coming from the competitive achieved advantage which allows a good position of the enterprise on the market, as well as creation of a viable and sufficient segment of buyers interested in buying the offered products.

M. Porter considers that there are four distinct ways to obtain the competing advantage [13]: achievement of products or services at small costs in comparison with competition, differentiation of offered services and products, distribution channels able to ensure favourable positions on the market, ability to achieve a single and continuous supply of production process and obtaining of preferential commitments offered by the suppliers.

In this way the role of creativity within the approach of obtaining the competing advantage and of increase of enterprise performance is light of belief. The creativity of the persons designated to contribute to the development, trading and promotion of products and services, the creativity of managers and of employees are important factors which can lead to spectacular results regarding the reduction of the production costs.

The differentiation of services and products through characteristics which becomes unique and cannot be forged by competitors, within a field in which the manifestation of creativity is more than necessary, finding of new differentiation ways, as well as traditional ways are requesting a lot this human trait.

The mostly efficient and rapid distribution of the products somewhere near the buyer and attendance of huge markets with decreased costs, assumes the use of creativity in order to apply new strategies, to find new adequate ways of customers behaviour, behaviour which is under continuous change, the evolution of business environment and of the current means of communication.

To find new supplying sources, much cheaper and trustful ones, is a desideratum for any kind of enterprise, but a viable alternative is discovering through manifestation of creativity for new raw materials, raw materials which can replace the traditional ones, ensuring in the same time a higher quality, a decreased cost or the possibility to use new technologies, more performant.

3. Creativity in the enterprise based on knowledge

Nowadays economy get over a developing stage marked by a dematerialization process of economical activity, where the information and knowledge are the most important within the production process. International economies, markets globalization and new information technologies are imposing a deep restructuring of productive models designated to cope with competition and instability of economical environment.

The searching of solutions for all the problems to which the enterprise must cope with, under the conditions of a new economy, to enhance the competition into a highest competitive environment, needed a reconsideration of the role granted to the creativity and to the creators, at the organization level.

The increasing and maintenance of competition on unstable market is not possible without conception of new products or improved products, to have diversified and personalized ones, to have new forms of production organization and of labor, new means of distribution, trading and promotion. This, the knowledge creation and administration should have a central place in the concern of organizations and of its managers, the conception and innovation being essential activities in value creation.

The human resource is becoming a strategical resource with a unique increasing potential and its abilities, knowledge, experience and creativity of the employees are decisive for the performance of the enterprise.

The new economy which expresses the complex reality of advanced economies refers to permanent improved products, traded by innovative agents, who are identifying and even are creating and exploiting new niches on the markets under rapid globalization process. The creation, the intensive use and dissemination of knowledges is possible through a creative management of intellectual property, by stimulation of continuous innovation and rapid spreading of the new knowledges.

The development of knowledge and rapid sending of this information led to reconsideration of the ratio between the physical capital and intellectual capital, the last one becoming an essential resource for enterprise competitiveness. The new environment in which the knowledge plays a decisive role has determined the focused attention on problems connected to generation, identification, collecting, distribution and application of information and knowledge, therefore, the knowledge dimension being an essential component of organizational culture.

This new approach, focused on organizational knowledge, respectively, on development and usage of proficiency, abilities and intellectual abilities necessary to get it and to apply it, led to coming into being of **knowledge management**.

The enterprise of XXI-st century is based on knowledge, an intelligent enterprise has the ability to ensure within its framework a climate in which people can learn one from each other, can let out knowledges between themselves, can send knowledge one to each other, are encouraged to use their knowledge, imagination, experience in order to create new ideas, to adapt these ideas and to put them into practice.

A company based on knowledge is a company with an innovative-creative potential more enhanced in comparison with actual environment level [8]. The increase of creative potential of the company is referring on one hand, according to its capacity to be innovative on products and technologies plan, to generate always new ones, on the other hand, to create ways and real solutions of solving the problems to quit the old and normal existing ways.

According to the information society, the human factor is the most important production factor; being in the central position of production process of knowledge. The success of the enterprise, the competitiveness degree, its progress are depending more and more of human resources quality, of its creativity level, the people being the most valuable good of the enterprise.

The capitalization of this human potential can be achieved only through a sustained preparation and training, by adequate systems of stimulation and motivation of the employees with a view to generate and putting into practice of new ideas by creating an organizational framework, flexible and suitable for developing of creative activities.

The creative capacity is defining for the managerial act; a well-leaded enterprise is re-investing one most important part of its profit and is using this power in order to consolidate its potential movement and progress, the creativity being permanent through a cumulative process.

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Competitiveness by Means of Information

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Key words: *information, competitiveness, Competitive Intelligence*

Abstract: Apart from a clear vision, increasing the level of competitiveness in Romanian companies and their capacity of handling competition pressure also requires the existence of a competitive strategy based on appropriate information and continuous assessment of the risks and of the business opportunities.

Competitiveness by means of information starts from the idea that companies can elaborate valid competitive strategies only by means of "intelligence", which is obtained through internal development of the power of collecting, operating with and analysing the information required for the business. Competitiveness by means of information refers to a systematic process of collecting and analysing the data and the information which come from public sources and deal with the aptitudes, reasons, intentions and the methods applied by the competitors, in order to obtain a durable competitive advantage.

Professional companies know that in order to be competitive, they have to be able to anticipate the changes that appear from inside or from outside the domain in which they work. Besides, they also know that in order to obtain a competitive advantage, they need a plan to transform data and information in "intelligence" and then use them in taking strategically or tactical decisions.

Romania's Integration in the EU structures imposed the Romanian companies a new perspective regarding the market, the consumers, the internal organization system, processes and work relations as well as, certainly, competition. The competitive advantage on a market is hard to obtain, when a competition is very harsh between companies with almost equal powers. Thus, information becomes "la piece de resistance".

Which is the place and the role of information in formulating the competition strategy of a company? How can Romanian companies transform information in a strategic resource and how can they administrate effectively this asset which is so important nowadays? The answer to this question lies in the meanings of the concept of competitive intelligence, which is the information specific management based on verified procedures, instruments, methods and competencies. Mainly, CI can be defined as the ethical, legal and systematic process of collecting, filtering, analyzing and disseminating the pieces of information with an actionable value, in order to provide a competitive advantage, to capitalize the opportunities and to avoid any kind of surprise at the market. The definition brings out a fundamental distinction between data, information and

intelligence, the last one representing the constant cycle through which data and information are subject to a process of qualitative analysis up to the point where they can serve as a decisive base for different departments of a company.

The intelligence function is a different function of an organization, just like any other function, such as marketing, sales or human resources. The intelligence function usually comprises a specialised department formed of employees that have specific abilities and qualities. CIO, the Chief Intelligence Officer, who acts both as a coordinating officer of the intelligence department as well as a strategic counselor for top management. The intelligence staff also comprises a collector of information who collects data and information through the system of sources that he develops, an industry watcher, who is meant to monitor and detect any change on the reference market of the company. This is the phase where a great deal of importance is given to the collecting of human resources, or HUMINT (human intelligence), the capacity of networking being essential.

According to the Society of Competitive Intelligence Professionals (SCIP), the number 1 CI authority in the USA and not only, over 80% of the information needed is inside the companies, it being obtained with only 20% of the efforts, a thing that denotes the "hidden" potential that any company holds and of which, most of the times, the staff isn't aware.

The way to competitive intelligence undergoes a series of steps: data-information-intelligence-acting intelligence. The transforming of the pieces of information into active intelligence is the basic capacity of the intelligence analyst, the profile expertise being absolutely necessary in order to ensure the coherence and the consistency of the entire process. We must insist on the mission that this staff holds in the company, namely that of providing the superior management with the intelligence necessary in order to obtain or maintain the competitive advantage. The identification, in objective time, of those movements existing on the market that could affect the position and the efficiency indicators of the company (turnover, profit) represents a desideratum assumed by the CI staff which must be sustained by the management of the company. As a matter of fact, the relationship of the CI department with the top management must be seen more like one of reciprocal support and collaboration, than one of subordination.

The responsibilities of the staff management can be thus synthesized:

- a. collecting the need of information for the company
- b. building and managing the sources system

The sources of information that can be used are the primary sources (the competitor's employees, analysts, networks of experts, public authorities, pressmen, etc) or secondary (databases, reports, studies of specialty, Internet), internal or external sources.

- c. promoting the intelligence culture and establishing the intelligence community
- d. managing the competitive intelligence portal

The intelligence portal is a supportive software application for a systematic intelligence process and can only be accessed by means of the web browser. This type of application allows the intelligence community to collect, share, perform primary analysis and disseminate intelligence information and products.

The use of these solutions has the following advantages:

- decisions which are better underlain from the informational perspective – this reducing the informational depletion and improving the process of planning and of business analysing;
- a faster decisional process – avoiding useless search on the Internet; all the information is available in the same place at the same time
- the reducing of costs – it saves time and increases the users' productivity
- the improvement of the relations with the clients- the company becomes more attentive to the clients' needs by sharing the knowledge they have about them.
- Developing competences – keeping the valuable staff

- e. producing and disseminating the informative products and services for the company's management, meaning the intelligence products (briefings, daily reports, competitors' profiles, strategic impact analyses, competitive benchmarking studies, early strategic warning reports)
- f. the support by means of information, the planning and the execution of the operations in the market;
- g. participating at the framing of the strategic scenarios
- h. introducing the function and the system of early strategic warning

The environment where a company acts (competitors, new-arrived agents, the tradesmen and the clients) is a generator or more or less pleasant surprises. The warning begins by identifying any complex of situations, which could represent a threat or a risk and whose evolution could have an impact on the interests and the objectives of the company. The risks to which the company's interests (financial-economic, competition, concerning their image) are subject, but also the business opportunities do not regularly appear all of a sudden and there always are indexes of their emergence. That is the reason for which a constant supervision of the group of specific indicators of any type of risk or opportunity and their adequate pointing out are needed.

- i. Providing the internal protection function.

A distinct part in the process of Competitive Intelligence, the Counter-Intelligence activity has, as a purpose, the protection of the interests of the organization of the similar activities of the competitors, activities that could affect the interests or the objectives that were established.

As important as the process of Competitive Intelligence, this process sustains the organization by eliminating some possible losses, its effects being less visible but essential.

A part of the CI is Business Intelligence. Unlike Competitive Intelligence, which refers to the activities of the company related to the external environment, Business Intelligence is more like an "internal business", since it concerns the inter-department activities, the analysis of the material and informational flows and manners of improving the inner activity.

The Competitive Intelligence activity is realised in 5 steps¹:

1. Establishing the requirements – due to the fact that there is a lot of information available, a very important task is to establish which are the informational needs of the managers who deal with the intelligence staff, which are the problems that must be identified and what is the type of decisions which need support?

2. Collecting the information – refers to the activity of collecting the information about the competitors and about the market and provides the answers to questions like:

- What type of information is available?
- What other information should we obtain?
- What information sources can we use?
- What is the optimum percentage of collecting between the different sources?
- What type of specific activities must be taken into consideration for the team of collectors?

3. Analysing the information – involves the interpreting of all the data and pieces of information that have been collected, according to their relevance, value, meaning and characteristics. The information is collated and synthesized according to the purpose and priorities of the beneficiary. This is the stage when the transforming of the information that has been gathered in the active intelligence takes place. Now is when answers to questions like:

¹ The Herring model, named after his founder Jan Herring, one of the "parents" of the North-American Competitive Intelligence and also the president of the USA Academy of CI

- Is there enough information to answer the intelligence requests?
- Are there pieces of information that we can ignore?
- How can we combine in the most efficient way the pieces of information we gather from different sources? - are sought for.

4. Dissemination – the pieces of information that have been analysed are saved and disseminated to the interested beneficiaries through written reports, e-mails or orally. Questions of the following type need to be answered:

- To whom are the intelligence reports given?
- Which is the best method to communicate the results of the intelligence activity?
- What is the format in which they will be distributed?

5. Feedback - in order to make the future collaboration more effective, the communication between the intelligence provisionary and beneficiaries must be continuous. Some of the questions that must be answered are :

- Have the intelligence reports been useful to the people making the decisions?
- What is the most effective technique to look at the information?
- What are the activities needed to improve the Competitive Intelligence process?

The Competitive Intelligence activities aim at collecting, analysing and disseminating the information about:

a) The competitors' capabilities, plans and intentions -the essence of the Competitive Intelligence is the analysis of the information about the competitors of the organization. In order to estimate the capacity of the organization to increase its quote on the market, the competitors' capabilities are assessed, and their plans and intentions are studied in order to elaborate a clear prediction regarding their future actions, actions that could influence the obtaining of the company's own short, medium or long term objectives

b) The market's structure and tendencies – on the same step with the competitors' analysis we can find the analysis of the market on which the organization is present, the analysis of its structure and tendencies according to the results of the analysis, the decisive factors may decide to stay on the market, to increase their rate on the market or to retry in order to focus on other segments of the market.

c) Technological developments – the aspect that each manager must consider and has to use as part of the organizational culture is being up to date with the latest technological innovations, adapting them to the specific of each organization and using them in order to obtain a competitive advantage and to increase the efficiency of the activities

d) Clients – nowadays, customer's behaviour is also of a real interest, since his needs and demands are the subject of some elaborate evaluations, based on a complex system of factors and indexes.

e) The political, economic and social environment – in analyzing the environment in which an organization functions, all the political, economic and social factors whose action can influence the activity of the organization or its position on the market have to be included besides the economic situation, a company must also focus on the aspects and the social consequences of its actions: massive dismissals, the cutting of the salaries, the worsening of the work conditions, etc.

f) Threats for the security of the company - a separate component in the Competitive Intelligence process, the Counter-intelligence is meant to protect the interests of the organization in front of the competitors' similar actions, which could affect the objectives or the interests that were established. As important as the Competitive Intelligence process, it supports the organization by eliminating some possible losses, its effects being less visible, but essential.

The strategic management of some organizations supposes knowing and using some concepts as Business Intelligence, Competitive Intelligence, Early Warning, Strategic Risks and business opportunities, competitive operations and responses, Balanced Scorecard, Dashboard, strategic map, etc. Business War Room (BWR) is a strategic management instrument which manages to integrate these concepts and make them available for the managers.

The main advantages BWR offers are:

- The integrated accessing and observing of the information needed in order to obtain a “360°” perspective on the business or company;
- Creating a space for the managerial team to interact and generate ideas by sharing the information;
- Facilitating the unitary planning and the synchronizing of the actions on the market;
- Emphasizing the relations between different classes of problems and indicators.

BWR is formed of a multi-media, computing and procedure-related architecture. The computing architecture of the BWR is basically sustained by the entire informational structure of the company (Intranet, accounting systems, ERP, CRM, Km, business intelligence and communications.) This consists of access points for the different networks of the company, work stations for the data aggregation and formatting, functional servers, etc. the multi-media architecture is actually the platform used to observe the information and the business intelligence, being set up in a meeting hall. The procedure-related architecture is meant to establish and to enforce the business model specific to the planned usage of the BWR for the management of all the key-aspects of the business. The success of this managing instrument is the human factor, namely proactive managers and planning and competitive intelligence staffs, with creative and analytical capacities.

Competitive Intelligence is seen as a type of capital, an intangible active, and cannot be seen as a mere training or consulting instrument, its role being to create added value in the business functions and processes.

CI structures the company so that it becomes “competitive orientated”, starting from the top management to the selling force which acts at the tactical level.

Competitive Intelligence must not be taken for the marketing research. The techniques or the instruments used are not too different, but that is not the case with the objectives and the focalization. The marketing research is firstly based on studying the consumers’ preferences for some characteristics of the products or of the services and most of the times is done under the form of some studies. Competitive Intelligence is a systematic and continuous process which focuses on determining the strategic directions of the company and on the future intentions of its competitors.

Besides knowing the theory and forming the competences of the team in Competitive intelligence, the entire staff who deals with the business environment must be ready for any changes according to the importance of the information in the world of business, must work as a whole in managing the information, starting with the collecting up to the presenting of the pieces of information in the proper variant, that suits the decisive support. Hence, not only the introduction of some inter-departments procedure and a specific policy is needed, but also new elements of organizational culture must be introduced. The transformations in the domain of the management of the information and organizational culture refers to defining the company’s Competitive Intelligence policy and also the one of informational security, to establishing the following procedures: intelligence auditing, identifying the informational needs, producing and disseminating the analytical products and the support services offered by the competitive intelligence staff, constituting and managing the system of business information sources.

Conclusions

In a business, information is more than just mere data about clients and transactions. The power of the information management lies in the ability of the company's managers and employees to scan, collect, organize, process and maintain correct information about the competitors, clients, suppliers, partners, market and generally, business environment. The companies that have reached a high level of informational maturity disseminate knowledge and information so that all the employees can use it accordingly to their functions, thing which influences positively the quality of the working and decisive process. The pieces of information are a priceless value for the success of a business.

In order to achieve a superior level of decisions, a company's management must perfectly know and combine the information about its own capacities (business intelligence), the competitors' actions and capacities, the ones of the suppliers and also the market's tendencies (competitive intelligence), the risks and the opportunities of the current strategy of the company and its own business operations which are on the verge of or currently unwinding.

Competitive Intelligence is the process of systematically collecting, analyzing and evaluating the information about the business environment (competitors, suppliers, clients, groups of interest, etc) and transforming them into intelligence (pieces of information with added value) , necessary for making tactical or strategic decisions. Through Competitive Intelligence one obtains knowledge about the competitors' intentions and about the unpredictable changes on the market, resulted from the analysis of the public documents, the monitoring of the media and of the Internet, and from the information provided by the clients, suppliers, partners, employees and experts of this domain. The main role of the Competitive Intelligence is offering studies with recommendations about the actions that must be taken in order to improve the strategic planning of the business operations, and for a more effective allotting of the resources. The competitive intelligence provides warning about the potential menaces but also about the opportunities which are favorable to the company, and offers the support which is needed for the company's risk management.

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Which Knowledge for which Economy?

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Key words: *knowledge, economy, science, spirituality, development*

Abstract: The nature and direction of the economy is linked to the state of human knowledge. The impact of these activities on the environment shows the current level of humanity's knowledge. The state of the world today is the result of the over-specialisation of modern science. This leads to the misguided course of the material world towards its destruction and, beyond this, toward humanity's self-destruction. However, these sciences, with their most recent developments, can permit humanity to be led toward a new consciousness. We can become aware of the negative results of sciences oriented toward exploiting the wealth of the biosphere.

It is becoming essential for more and more scientists to draw connections between the different scientific and non-scientific disciplines in order to understand their own discipline. Hard sciences, from astrophysics to quantum mechanics, and life sciences, from biology to neuroscience, are today beginning to understand the interdependence of everything that exists. This vision coincides with the perception that has been taught throughout the ages by the great wise men of all traditions, this perception that is the fruit of their science: spiritual science.

It is becoming possible today to create a bridge between modern sciences and spiritual science that allows for mutual enlightenment. This bridge can help us to better understand the mechanisms of the development of knowledge. This article aims to approach these mechanisms and to ask the following questions: Which knowledge for which direction of human activities? Which knowledge to repair the damages which humanity and the Earth are suffering from today? Which concrete measures should be taken in our economy, and particularly in the business world?

1- ON THE DEVELOPMENT OF KNOWLEDGE

Overview

Our so-called post-industrial age is characterized by an extraordinary expansion of knowledge and information. This is the third stage of an evolutionary process, the first of which was the expansion of new substances through mastering the construction of the elementary building blocks of matter. The second was the expansion and extraction of the energy contained in matter, with the discovery that it is possible to break apart its inner structure and convert a part of it into nuclear energy. Today we are submerged by information originating in all kinds of areas and which has become accessible to everyone.

We are even capable of having an influence upon the information that is hidden in the heart of matter and of determining its characteristics.

What does all this lead to? To a biosphere, from which we receive our very nourishment, that has been everywhere poisoned by chemical substances. To a constant nuclear threat, capable of leading to even more rapid destruction. And finally, to a loss of orientation, without precedent, for humanity as a whole. True, false, good, and evil – everything is mixed together. No one can be sure of anything anymore, and no one can predict what the future holds in store. The great technological, scientific choices crucial to the future of the planet divide, rather than forming the basis of world consensus. The dangers of nuclear energy, of genetically-engineered foods... are they worse than the advantages they offer? Who was behind the destruction of the World Trade Center, the Islamic terrorists or the American government? How can we distinguish, on our computer or television screens, a Chinese soldier disguised as a Buddhist from a Buddhist disguised as a Chinese? All kinds of theories exist today simultaneously, each one of them contradicting the other, and each one well-grounded enough to give rise to conflicts of opinion.

However, there are at least three certainties widely shared by everyone: we haven't yet found a means of existing anywhere else than on this earth, we have become the masters of this planet that permits our existence, and we are currently destroying it much more rapidly than we are capable of repairing our misdeeds. Have you heard of a single animal species whose collective mechanisms are not oriented toward its survival? So are we in fact the most stupid creatures that exist? In spite of this, we have the pretention of understanding the functioning of the world around us. It is true that our current knowledge is sufficient in order to allow us to benefit, in the long term, from all the resources necessary in order for the billions of people who live on this planet to survive... provided we behave a bit more rationally.

Where do we need to direct our search?

In the context of this inquiry, the above-mentioned problem can be summed up as follows: today's human activity is death-carrying, and is leading the destruction of the earth's ecosystem that is necessary for his survival. As researchers and thinkers gathered together at the CIRET, our goal is to contribute to a reorientation of human activities that is compatible with the respect of life.

It is a good idea to begin by stepping back a little. What do we see when we try, with our vision, to grasp the essence of what scientific discoveries and their applications have taught us up until now? Matter, energy, and information are the three levels of reality successively explored by science, and subsequently mistreated by the branches of technology founded upon this science. We currently know that matter and energy are equivalent. We also know, thanks to quantum physics, that the elementary constituent parts of this matter only exist in the state of potentialities, materializing solely under the influence of information or an intention. In the most recent life sciences, such as psychoneuroimmunology, we have also understood that our thoughts have a direct action upon our body, even down to the very chemical composition of our cells. In other fields of scientific research, many theories reveal the principle of the pre-eminence of information upon the elaboration and organization of visible matter. A transdisciplinary view leads us to consider the following principle, which is spoken about in a particular field of science – spiritual science – as being the universal principle behind the existence of every phenomenon:

INFORMATION → ENERGY → MATTER

In order for something to exist in a material form, for it to materialize, information needs to preside over this existence: this information allows the mobilization of energy, a

field of force, which will then bring about the condensation, the material densification of what had previously only existed as a potentiality. As far as human processes are concerned, the principle is the same; we only need to replace the word “information” with the word “intention.”

In our exploration of the visible world, we have penetrated to the level of information. We sense that this is the level where the organization of any system is played out, whether it is atoms, cells, or the human organism, from the microcosm to the macrocosm. So we can only await the worst possible catastrophes in a world that is blindly manipulating information at all levels. What can we do to avoid the worst? Continue searching in all directions at the whim of chance, from our preconceived notions, our desires, and our fears? If information presides over each and every process, what primordial information should be presiding over the scientific approach as a whole? What information are we lacking in order to advance in the direction of reconstruction rather than destruction? To carry our question even further: what is information? How does the information that enables the progression of human knowledge reach researchers' consciousness? How does it happen that we persevere with this unbelievable pretention of ours, of understanding the world in spite of the fact that we now know that we are nothing more than a speck of dust in the vastness of the universe?

What do we know about man?

What is our specific quality as human beings that differentiates us from the other living beings on earth? We can examine this question from many different standpoints – from physiology, psychology, paleontology, ethnology, epistemology, and so on. Here it is not our intention to examine this at length. What we are interested in, rather, is the spirit of what we are talking about, in the hope that we may be guided by it, in the manner of Ariane's thread. There are two essential characteristics of man that seem to be unanimously shared among the different scientific approaches. Beyond the various mechanisms that characterize living beings, we are said to be animated by two fundamentally complementary movements: love (brotherhood) and freedom, which we can also term belonging and realization. These very principles can be found in the “French Declaration of the Rights of Man” of 1789. The movement of belonging is the movement of relationship, of connection. We will return to this principle later. The individual principle of realization is characterized by a movement of growth, personal evolution, autonomy, and freedom.

It is generally admitted that the movement of growth is enabled by the specific composition of our brain. Our brain allows us to think, reflect, and elaborate theories. But how is it that such and such a thought is capable of manifesting? We know the physiological, psychological, and cognitive processes at work, and we know that our thoughts definitively depend on several factors that determine them. Medicine and drugs are capable of provoking certain types of thoughts in us. Our diet also influences the nature of our thoughts. Concerning our relationship with other people and situations, we are firstly under the influence of our instinctive, animal impulses, and secondly under the influence of our past conditioning: our childhood, studies, and the determining events of our lives. Our thoughts are definitively provoked most, if not all of the time. How can something new, something truly new, manifest itself under such conditions? Something that has never been thought by anyone else, or that is not simply the logical, Cartesian, deterministic prolongation of what we already know?

If we turn our attention to the area of scientific research, we notice what has happened over the ages: knowledge has made “quantum” leaps. This is the most surprising thing for a researcher: not the new things he discovers, but that fact that he was able to discover them, or that they were revealed to him. Afterwards he constructs a theory that a portion of humanity is going to consider to be absolute or nearly so... until someone

else dethrones this theory. In the very process of the elaboration of a theory, there is the notion of reproducibility, predictability, and determinism, in complete contradiction with the scientific pretension that a human brain is capable of withdrawing itself from the known in order to perceive the unknown. Here we are touching on what allows man, and man alone, to place himself in this movement of growth that is his essential characteristic, his ability to free himself from determinism. To take a simple and well-known example illustrating this capacity: both a man and a monkey like bananas. A banana is placed in front of both of them, at the bottom of a bottle whose neck is sufficiently large to place one's hand through, but not large enough to draw the hand out when it is holding the banana. A net falls on the banana "thief" the moment the bottle moves. The monkey remains prisoner, incapable of doing anything other than trying to get the banana out of the bottle. But the man can let go of the banana and, in so doing, escapes from the net. This is what makes us different: our ability to distance ourselves, to disidentify ourselves – to let go of one thing in order to attain something else.

The surprising phenomenon of scientific revelation

So we are capable, under certain conditions, of granting place in our brain (which is usually filled up with our conditioned and mechanical thoughts) to totally new thoughts and information. Where do these new thoughts come from? Let us return to the fundamental, universal principle we discussed earlier, the triad "Information → Energy → Matter." According to this principle, if there were not information that predated the existence of the physical world of matter, this world would not exist. When matter disappears, does the information (the plan) that presided over its existence also disappear as a consequence? This is a question for which science doesn't yet have an answer today, or at least for which there is no scientific consensus. Nevertheless, many so-called supernatural or paranormal phenomena would be easily explained if they were perceived in the light of the following answer: the information continues to exist after the matter has disappeared. We have already mentioned the fact that it exists before the appearance of matter. The pre-existence and post-existence of information: what light can this shed upon the development of human knowledge? On this basis, we can easily imagine that there exists one (or several) level(s) of reality in which all information is to be found, all the "building plans" of possible and known materiality.

What happens in the researcher when he discovers something? Is this simply the result of the observations he has analyzed, studied with his intelligence, in other words passed through the convolutions of his neocortex, this specifically human part of our brain, according to a process specific to this part of our anatomy? Put in a very simplified form, this is what is implied by the current scientific, known as materialistic, approach. But this doesn't seem to be what the true discoverers actually experience. These discoverers talk about their discoveries as something unexpected and suddenly obvious that appears to them, at the end of long efforts of research and in a particular state of letting-go. Another surprising phenomenon is the fact that identical discoveries can be made in different parts of the globe at practically the same time, without any physical communication having taken place between the discoverers. It all happens as if their brain had become the momentary receiving apparatus of information, existing at one of these levels of reality postulated as containing all the information that permits us to understand the world around us.

The different levels of reality: the contribution of spiritual science

Conditioned and mechanical thoughts or, under certain circumstances, thoughts that come from somewhere else, from higher fields of knowledge – this briefly sums up the characterization of human thought that corresponds to what is taught in a particular field of science known as spiritual science. The objective of this science is to study human consciousness and the different levels of reality possible for man, with the aim of enabling

him to reach the level it refers to as the spirit. Its goal is the evolution of man toward the highest level of his potentialities, through the elevation of his level of consciousness. It is based on the knowledge of spiritual reality and on the knowledge and specific techniques necessary in order to reach this reality. Taught by all the great traditions in different forms according to the particular epoch and location, it allows us to understand the situation of man when he cuts himself off from his spiritual dimension. We can recall the warning, "Science without conscience is the ruin of the soul." This is certainly the situation in our day, where materialist science denies the existence of the levels of reality spoken of in spiritual science.

Our point of view, however, is that modern science is beginning to have a premonition of the existence of other levels of reality. The comparison between spiritual knowledge and the most recent scientific advances then becomes a genuine opportunity. In order for this to be possible, it is necessary to postulate, if not the legitimacy of a true spiritual science, at least the value of the implications that could be raised by its existence, in order for the scientists, who consider themselves to be seekers of truth, to agree to examine it. After this, it is indispensable to acquire the means of recognizing such a science, in order to avoid confusing it with false paths of knowledge that lead only to detours and disorder. If we seek to recognize the existence of a spiritual science, this implies first of all that we admit that there can be people who possess this knowledge. Herein lies all the difficulty, namely of admitting the existence of a science that is not the fruit of scientific research! Scientists only trust and believe what "ordinary" man (who is not in conscious contact with his spirit) has been capable of discovering by so-called "objective" methods, according to the postulate that it is possible for him to dissociate himself from the object of his research. This is an approach that has been corroborated within certain limits, but which ignores the possible existence of more evolved beings at levels of reality other than that of matter. Since if the spiritual world exists, wouldn't it be legitimate to postulate that it could be inhabited by spiritual entities?

Have you ever seen goldfish who are capable of getting out of their bowl by themselves in order to return to the ocean? How could people find, on their own, the path of access to a world of which they are ignorant? Only those who have already travelled the path, who are already in conscious contact with the spirit in themselves (if it exists), can have knowledge of this path. The vocation of some of these people is to teach others through spiritual science, with the goal of permitting the evolution of humanity as a whole. Recognizing these people is synonymous with recognizing in them the highest qualities toward which a human being can aspire. Throughout the world, there are all kinds of spontaneous or provoked experiences – provoked by drugs, for example – that place certain people in contact with supersensible worlds, but in a limited way. These experiences are nothing other than untimely manifestations of the existence of other worlds. But it is a dangerous illusion to imagine that we are able to reproduce or study them in order to gain access to these worlds. In this connection, materialist science serves as an excellent safeguard.

2- WHICH KNOWLEDGE FOR WHICH ORIENTATION OF HUMAN ACTIVITIES?

The language used in this paper seeks to be pragmatic, based on observation and on the transdisciplinary confrontation of current scientific knowledge. To this end, it seeks to delineate itself from theories and ideologies and to avoid once again falling prey to the conflicts of one theory opposing another.

The responsibility of materialist science

Science today can no longer prevent itself from recognizing its own limits, and from asking itself about its responsibilities in connection with the current state of the world. Einstein himself said, "We cannot resolve the most pressing problems of our lives at the

level of the knowledge we had when the problems appeared.” The nature and orientation of man’s activities are necessarily connected to the state of his knowledge. The impact of his activities upon his environment thus reveals to man the level of his knowledge.

The materialist orientation of knowledge has led to the expansion of the exploitation of matter, and to the credo of economic growth in order to increase man’s happiness. The result has been the destruction of the environment and economic and armed conflicts in order to appropriate the planet’s limited resources. Spiritual science knows and teaches that a science ignorant of the essence of human nature, beyond simply its material characteristics, necessarily leads to a society founded upon the pursuit of economic growth as the condition of happiness. In effect, we are only capable of seeing, understanding, and valuing what corresponds to our level of knowledge. Changing our level is synonymous with learning to let go of our old thought schemas, in order to become capable of perceiving the world in a new way. This is what is important in our time.

To this end, it is necessary to appeal to a science that has perfect knowledge of man’s functioning, his potentialities, and... his needs. The belief that our needs can only be satisfied by material comfort and pleasures clearly leads us to an impasse. The frenzied search for this type of satisfaction has only led to an alarming increase in psychological and psychosomatic suffering in developed countries. So we visibly do not know our needs, other than those in connection with our physical body, with its emotions and thoughts. We learned from our parents how to walk and eat. Without this, we would be living like an animal on all fours, like the “wild child” in Francois Truffaud’s film. In the same way, learning to raise ourselves above our conditioning can only be attained by means of a specific form of education.

Man’s fundamental needs

What are our fundamental needs, beyond those necessary for our physical survival? We can recall that we are driven by two mutually complementary movements: belonging and realization, or love (brotherhood) and freedom.

Human activity is in its very essence an attempt to respond to the individual principle of realization which, as we have seen, is characterized by a movement of growth, personal evolution, liberty, and autonomy. This movement can be seen in today’s world in the domination of materialist economic activity. As for the principle of belonging, it is characterized by a movement of relationship, of connection. Man is fundamentally a being of relationship. Without other people, he would not exist, from all points of view; this is a generally accepted truth. Human activity is itself a vector of relationship between people. Unfortunately, one cannot help but notice the gaping chasm between real respect of the principle of belonging and the reality. In many businesses, the human component is more and more often considered – under the effect of the laws of the market – to be simply an adjustment variable that can be disposed of at any moment. This phenomenon has become so widespread that it is now global – a form of excess that has given rise to awareness and attempts to take measures of compensation and correction, such as sustainable development, social responsibility, and fair trade. Other people’s suffering, even in the most distant corners of the earth, has become economically unbearable for us. In reality, it has been unbearable to us for much longer than this without our being aware of it. Our soul or spirit, this immaterial part of us, is in contact with the spirits of other human beings, and something in us is unable to bear their suffering. This is what science is ignorant of and what spiritual science knows and can teach us to perceive.

“Spiritus” in Latin means air, breath, or spirit. The air is what we are all immersed in and is not that which separates us, but... that which connects us – the air we breathe is the very same air that other people breathe. This brings us to an understanding of what characterizes the spirit, namely its capacity of connecting us with each other. Since we do not have access to this part of ourselves, we are like blind people condemned to

wandering in the darkness in search for a satisfying relationship with other people. This wandering manifests itself through an evolution toward egocentrism in a society marked by an increase in family, social, religious, and international divisions. In spite of this, the hard sciences, from astrophysics to quantum physics, and the life sciences, from biology to neuroscience, are today just beginning to unite in a vision of the interdependence of everything that exists. The great sages of all traditions throughout the ages have had a direct perception of this, which is the fruit of their science: spiritual science.

The answer of spiritual science to man's fundamental needs

What does spiritual science propose in connection with the problems incumbent upon man today and his activities? Such a science, as we recall, has the objective of leading man to the highest level of his potentialities. If we consider the twofold existential movement that characterizes man, we know what humanity requires beyond the satisfaction of its vital needs: a means of growth and individual realization, and a means of connecting himself. In reality, these two directions cannot be dissociated from each other.

In order to grow and realize ourselves, we need to know what limits us, and then learn to free ourselves from this. We know about a certain number of our limitations, for example physical fatigue, difficulty concentrating, lack of self-confidence, and so on. We know how to invent palliative treatments or resources that enable us to go beyond our limits: drugs, training, strategies, etc. But in reality, in so doing we are only making our functions more effective, just as we can make a motor more effective by modifying its mechanism. According to the profound knowledge of human nature, the object of spiritual science, it is his blockages and everything in him that prevents movement that binds man to his current state. Some examples of these blockages are his muscular tensions, resentment, thought schemas, and conditioning. A person's natural state in these conditions is indeed precisely what modern science presupposes: he is predetermined to react, in other words he reacts predictably to his physical and relational environment. Nothing new can appear from such a state. The corollary of this is his influencability and the multiplication of his problems and difficulties. The only possibility of evolution, in order to be delivered from this situation – that is, the maintenance of man in this state of identification with his conditioning and with the objects of his materialist desires – is to reintroduce movement wherever it is blocked, divided, or separated. To this end, it is first of all necessary to know that it is possible to reach a different state in this way – a state in which he becomes genuinely free to choose and decide in his life – and secondly it is necessary to know all the different possible levels of blockages as well as the means that allow us to dissolve them.

Spiritual science has knowledge of all these levels, from the most material and dense, the body, to the most subtle, the spirit, in addition to all the levels in between: the psyche (emotions and thoughts), the energetic system, and the systemic level (one's ancestors and the other human groups to which one belongs). These levels correspond to the different components of human nature. At each level, concrete methods and techniques, which are by no means esoteric, are proposed in order to reestablish the movement. It cannot be anything other than a global approach that is addressed to all of the levels. During an epoch of the extreme specialization in the sciences, it is becoming more and more obvious that this brings along "side effects" for humanity, side effects whose destructive repercussions on a planetary scale can no longer be ignored. It is becoming indispensable to employ knowledge and techniques that are able to address the different levels of interaction. And this goes hand-in-hand with the ability to take into account the interdependence of all beings and things, which globalization has made incontrovertible. Introducing a genuine movement of growth is synonymous with introducing a movement of relationship and brotherhood, and with responding to the genuine existential needs of man.

The conditions for going beyond materialism

In order to be effective, the methods must be adapted to the state of the individual people to whom they are addressed. It is thus necessary to take into account both the historical time and geographical place that determine the culture in question. It is in no case possible for them to remain identical over the course of the centuries or from one continent to another. Only those who have a profound knowledge of human nature are capable of adapting these methods according to the specific historical and geographic conditions. At the same time, they received their knowledge from those who taught them, according to the process of the transmission of genuine knowledge: in a living way, from master to pupil. Whereas it had previously been reserved to an elite, this knowledge is today accessible to anyone who wishes to acquire it, because humanity has reached a stage of its evolution at which this has become possible... and necessary. In order to use it, it is useless to start revolutions or to withdraw oneself from the world, as in the past. It is also not a question of imposing economic, social, or political models. Methods are born which are addressed to modern humanity's mode of life and needs, particularly in the business world. Those who put them into practice not only place themselves in a genuine movement of personal evolution, but are also capable of becoming true catalysts of change. We don't know the form this change will take— since it is up to each person to create it in his own sphere of action — but it is the ingredients of this change that it is important to transmit.

An essential opportunity for the businesses of the new economy

The goal of human activity is to respond to the existential movement of man, but it has also gone astray toward the current model of economic growth that is destroying the biosphere. Today it has become possible for man to quietly transform himself in the very context of business. In effect, the world is confronted with growing complexity connected to globalization, as well as to acceleration in the process of change both in the area of technological advances and in the environment that is being degraded. More and more people in positions of responsibility, in all areas — politics, business, the spheres of society and education —, are having difficulty finding their orientation in order to successfully carry out their responsibilities. It has become a necessity to promote new ways of thinking and acting in the business world. In an epoch of mechanization and automation, the businesses that come out ahead are going to be increasingly those, in contrast, whose directors are capable of sufficiently taking into account this essential element: their human capital with all its aspects. What is also fundamentally at stake here is an appropriate response to the industrial and technological risks that are becoming a major preoccupation of our time.

An excellent business asset is to adopt an approach that is founded both upon the knowledge and techniques of a "traditional" science, whose goal is to lead man to the highest level of his potentialities, as well as upon the results of the most modern scientific research. In effect, this modern scientific research is just beginning to explain the astonishing effectiveness of these traditional techniques, and to lend them a form that is adapted to the needs of modern humanity. The techniques in question are, above all, methods for cultivating one's inner being, this great forgotten aspect in a civilization oriented toward external appearances. Without this, all the knowledge and techniques aiming at the mastery of the external world, this culture of "having," are condemned to both collective and individual suffering. The useful element for the individual here is the possibility for him to be genuinely satisfied with what he does, and to remain young and dynamic, in his body, heart, and mind, even at the end of his career and well beyond it. People trained in spiritual science have developed simple and effective methods, easily learned and adapted to modern man and his way of life, that allow people with positions of responsibility in the working world to realize themselves more fully, beyond their usual

limitations. For each of the components of human nature – from the bodily to the essential level, and including the levels in between: emotional, intellectual, energetic, and systemic – it is important to acquire specific knowledge and techniques that form a complete and coherent whole. None of these levels may be ignored, since a blockage in any one of them may be sufficient in order to prevent an evolution toward a better state, for the individual and for the business or organization. In the business world, certain specific problems correspond to each of these levels. For example, at the bodily level we find the difficulties connected with stress, such as fatigue, burn out, difficulty concentrating, muscular tensions, and so on; at the emotional level, the types of problems that lead to conflicts; at the intellectual level, those that lead to resistance to change; at the energetic level, those that bring creativity and innovation to a standstill; at the systemic level, those that bring about disorder, particularly in connection with risk control; and at the essential level, those that prevent us from finding meaning in what we do and from defining genuine values.

The reader can find, in the appendix, a summary of these levels and the techniques associated with them.

3- CONCLUSION

Perhaps it is the responsibility of science, considered to be the authority in today's world, to expand its field of vision to include the genuine human dimension, which it has until now refused to take into account. Doesn't its dominant position oblige it to be the vector of transmission of the most essential information, the information capable of bringing about a reorientation of human activities that is compatible with the respect of life? In effect, we are dealing here with a situation whose importance can be perceived in light of the universal principle, taught by spiritual science that presides over the existence of each thing:

“Information → Energy → Matter“, or, on the human level, “Information/Intention → forces for action → action“. Only then can man's actions in the world become fruitful in a perspective of reconstruction, particularly in the context of the business world, through the use of innovative methods that are simply waiting for the courage of pioneers in order to be used.

The reader may have noticed that neither god nor religion have been mentioned in this paper. Science and religion – these two children so hostile to each other, both derivations, gone astray, from spiritual science, as an insightful examination of history reveals to us – seem to be placed today before a possibility of reconciliation for those willing to make efforts to this end. “But how is this possible?“, sceptics are going to ask; why not by making a genuine spiritual science more well-known, a spiritual science adapted to modern man and legitimated by the transdisciplinary approach? But perhaps this is only the author's very personal opinion.

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APPENDIX

**The human system and the levels of growth and surpassing of oneself
in the business and working world**

This model is a limited depiction describing a structured system that contains many sub-systems in permanent interaction with each other.

| SYSTEMS AND HUMAN LEVELS | LEVELS OF REALIZATION AND GROWTH of human activity | PROBLEM AREAS OF LEADERSHIP <i>(positive or negative)</i> | « CLASSICAL » BUSINESS APPROACHES | EUPHONIC METHODS (1) FOR ENLIGHTENED LEADERSHIP & MANAGEMENT |
|--------------------------|---|--|---|--|
| essential | paradigm shift or extinction of the human species | loss of meaning and values | ethics constructivism <i>(level of politics and religion)</i> | Give a meaning, define one's values Psychoanthropology : from the essence/personality conflict to non-duality |
| relational systemic | globalization – concept of sustainable development | managing complexity manner of introducing change ability to unify risk prevention <i>(negative : chaos)</i> | socio-organizational analysis systemic approach | Euphonic representations and systemic and professional constellations |
| energetic | the cybernetic and informatic revolution | creativity/innovation visionary spirit charisma | intuitive management | energetic techniques (meridians, silsillas, chakras, tan tien, nadi ...) |
| intellectual | socio-economic models (capitalism, collectivism...) | adaptation to change <i>(negative: rigidification, resistance to change.)</i> | Training RH / management coaching | Psychological Euphonic Typologies (Enneagram...) |
| emotional | forms of social progress | conflicts | personal development psychology coaching | Essential Psychology |
| bodily materialist | predominant search for financial profit – culture of comfort / society of consumption | stress – burn out muscular-skeletal troubles | work medicine Hygiene and security committees | Euphonic Psychocorporal methods (Dervish Yoga, Lou Yong Zhineng, Nadi Yoga...) |

(1) *Euphonic Methods* are methods for the harmonization of human nature in all its components, founded upon the knowledge of the relational functioning between the parts of a whole, striving toward a state of euphony.

Every system, unit, organism, or structure (whether the human body, group of people, business, or the earth's biosphere) functions synchronously and not like a series of fragments independent of each other. This synchronous functioning can take place with less or greater equilibrium or harmony, from the state of suffering or illness (state of diphony) to the state of health (state of euphony) in which a better relationship has been found between all the parts of the system.

The Use of Metaphors in Management

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Key words: *metaphor, the use of metaphors, management, analysis, synthesis*

Abstract: The use of the metaphorical style in management was observed almost ten years ago by the American professor Mary Jo Hatch. This style has been adopted lately by numerous authors; this shows that it is useful and worth being analyzed.

The paper brings to the attention of theoreticians and practitioners in the management field new arguments and examples to support the development of the metaphorical style of specialty knowledge analysis, evaluation and synthesis. Therefore there are emphasized metaphors associated to the currents of thought manifested in the history of the scientific management or of some phenomena or conjectural factors that have determined evolutions and changes in the managerial systems.

The increasing mobility of environment parameters as well as the globalization tendencies of the products and services markets are universally recognized phenomena. The metaphor has an international circulation value and is successfully used in the technical, economic, social communication environments worldwide. This paper brings new arguments justifying the interest for the development of the metaphorical style as a presentation and explanation style of the new tendencies in the scientific management.

Researches in management have been developed and diversified in the context of the historic evolutions of the environmental factors, by means of the various schools and currents of thought, starting from the second half of the 19th century. However, management was practiced until then empirically, by communicating the successful experiences from one generation to another, using the metaphorical style in formulating the principles and rules that had to be observed by leaders. The same metaphorical style came back in the present language practiced by numerous researchers and professionals in management.

In the Romanian Explicative Illustrated Dictionary, Eugenia Dima et al. (2007) defines metaphor as a figure of style that ensures the transfer of semantic characteristics between two different terms, by implied comparison, with the purpose of creating a new, figurative meaning, a new image.

The metaphors used in management are, as the specialists in the internet forums, www.kappa.ro (23.01.2006) state:

- expressive, suggesting a new light on the finality in management;

- exegetic, able of describing and interpreting high complexity aspects;
- explicit, elucidating and vision-creating;
- exploratory, emphasizing the potential of creativity and innovation in management.

The same source of information, www.kappa.ro (23.01.2006) brings to our attention a series of definitions attributed to metaphor by great scientific personalities. Thus, metaphor is:

- "the bridge between what we know and what we don't know." (Warren K Wake);
- "the way of obtaining a real body for an impression difficult to express" (Gerard Bachelard) ;
- 'symbolic system that allows us to partially understand an unusual expression in the terms of other usual experiences" (Kyong Liong Kim)

The utility of the metaphorical demarche, as an expressive way of understanding the evolution of thought in the scientific management was suggested for the first time, in our times, in 1997 by Mary Jo Hatch, professor at the University of Virginia, The United States of America, fact observed by the very young Valeria Anghelache (2004) from the Dunarea de Jos University of Galati. In this sense there are identified four metaphorical perspectives of the thought evolution in the management scientific field: *the machine metaphor*, from the classical thought perspective; *the organic metaphor*, from the modern thought perspective; *the cultural metaphor* from the symbolic representative thought perspective, practiced in the modern era; *the collage metaphor*, from the post-modern thought perspective.

The machine metaphor emphasizes the role of industrialization and of management in the organizational changes process. This metaphor substitutes people with *the robots built by the manager* with the purpose of meeting pre-established objectives. The manager is seen as an engineer concerned with projecting, realizing and ensuring the highest capacity functioning of these *intelligent machines*. This metaphor is associated with F. Taylor's approaches at the end of the 19th century and constituted the generator of the organizations' bureaucracy.

The organic metaphor substitutes the organization with the environment biologic organisms, dependent on the resources it discovers in order to live. The central idea implied by this metaphor is that of emphasizing the dependence of organizations on the environment where they function. The more adaptable to their environment the organizational species are, they more they succeed in developing. The supporters of this metaphor are T. Parsons and J. March who emphasized the four organic functions of the organization: the generation of values and norms appropriate to social purposes; the attraction of the resources necessary for the accomplishing of purposes; the processing of resources; the repartition of the added value in order to harmonize the organization's internal and environmental interests.

The cultural metaphor was supported by J. March, H. Simon and K. Weick in the second half of the 20th century. The study of organizations was realized by observations and ethnographic interviews with emphasis on the human behaviour. The interhuman relationships are characteristic to each organization and are founded by beliefs, values, norms and attitudes assumed by the organization's members. Their lives are influenced by the cultural phenomena, fact the renders the human communities the characteristics of the collective ethos.

The collage metaphor was supported by M. Croizier, E. Fridberg and R. Sainsaulieu in the second half of the 20th century. Seen from the organizations' postmodern perspective, this metaphor emphasizes the quality of the dynamic informal structure in order to ensure the flexible and autonomous evolution of organizations with a low number of individuals. Considering that within the modern organizations there is not a clear delimitation of the structural components, the postmodern theoreticians consider the collage metaphor as representative in art, a way in which the objects are reordered for

creating new forms. The fundamental questions to be asked are: In what degree are the organizations able to change? What exactly activates the change? The possible answers take into consideration the crisis phenomena, generating a major disequilibrium that upsets the functionality of organizations' rigid mechanisms.

The environment is a fundamental concept, used in all management scientific approaches, defined by the binomial reality where all objective and subjective phenomena of human existence take place. As far as the subjective component of the global environment is concerned, the young Swiss researchers Jonas Riderstrål and Kjell Nordström, specialists in management at the Schools of Economics in Stockholm, use a series of very well chosen metaphors, with explicit, exegetic and exploratory characteristics. Their paper, "Karaoke capitalism – management for humankind" (2003a), suggests even by its title phenomena eroding the humankind progress potential and at the same time it shows the way to follow in order to set free from imitations and to write the *songs* of the humankind's future.

The fundamental institutions of the human communities are revealed by Jonas Riderstrål și Kjell Nordström (2003a) by three metaphors: *the temple*, *the tower* and *the central market*.

- *the temple*, traditional institution of the system – religious, philosophical, ideological, as an entity by means of which empathy and/or the ethical behaviour is ensured;
- *the tower*, the institution of the legislative system, representing the entity that ensures the public administration and order;
- *the central market*, the institution of the economic system as a form of manifestation of supply and demand in real time between the active factors, by means of which the delimitation between efficiency and inefficiency is ensured.

In the karaoke environment, as the above mentioned authors observe, organizations and regimes are capable of blindly copy somebody else and the problem is that too many people try to change into *somebody else* instead of being themselves. The consequences of such behaviour are metaphorically seen like this: *the temple is more and more marginalized; the tower has no longer impact on large masses of people; the central market conquers, but above all it divides*.

A solid society supposes, in the authors' vision, a balance between *the central market*, *the tower* and *the temple* – between the economic system, the ideological system and the legislative one. History shows that when one of these pillars is manifested in a greater measure (*as the Vatican Temple was in medieval times, or as the soviet communist tower in modern times*) things can go out of control. For this balance Jonas Riderstrål and Kjell Nordström (2003b) suggest giving up the karaoke copies. The successful regimes, corporations and persons showed us that *a first class version of our own ego* is always preferable to *somebody else's second hand ego*.

The second work of the same authors, *Funky Business*. Talent makes capitalism dance, Nordström, K., Ridderstråle, J., (2003b), is another demonstration of the fact that metaphor represents a means of observation, analysis and discovery of some modern management principles. The two researchers are classified on the first place in Europe and on the 9th place in the "Thinkers 50" world top of management thinkers. It means recognizing the fact that metaphorism is a new way of thinking and creation in management.

The Funky Business metaphor suggests for the management specialists a new style that appeals to the "*help your self*" formula. The central idea of this metaphor is avoiding the market traps by means of *imagination and human emotions and less by reason*. The questions that managers should ask themselves every day are: *Do we love our products, colleagues and clients? And they, do they prefer us?*

In order to argument the characteristics of our times environment, the *funky* metaphor emphasizes the existence of competition for *anything and anywhere*, where the

main resources are *creation and innovation*. The forces of these times are *technology, resources employers* (firms, institutions, associations etc) as well as *the values regarding work in collation with freedom*. We live in the society of surplus, in the context of global auctions, of the social stratifications and where *the winner takes it all*.

In this context the funky firm has to know how to focalize, needs to have the capacity of action by knowledge and regeneration, to know that success comes from being unique and being ready to change on the fly. A firm has to know that being competitive does not mean being in competition with everybody in the same course of talents because people would find it difficult to distinguish it. The funky firm has an authentic leadership that makes it unique by life long learning and by new connections.

The strategies in Funky Business catch people's attention - employees, clients, collaborators, investors - by ethics and aesthetics. In the era of abundance, ethics shows the way to differentiation. Ethics is seldom exploited by competitors as the inevitable transparency of our times reveals those without scruples and who want to be one step ahead without having special merits. Aesthetics appeals to the exterior aspect of products and services by cultivating beauty and love towards people. *Fashion rules the world and her only victims are those who do not keep up*. These are the main characteristics of *the funky strategy* towards the competitive classical strategy.

The creation of the *Funky Business* organization is based on the fact that emotions always build imagination. This reaction is not obtained rationally. There are four ways to send emotions, no matter whom we address to: *reason, affection, intuition or desire (RAID)*. In order to get success, the target has to be lowered from head to the rest of the body - heart, stomach, sphincters. Satisfied people work better if the firm's mission includes goals such as *happiness and fun*. An indicator of performance is *the daily number of laughters per employee*.

A funky manager can easily perceive the disequilibrium between *the temple, the tower and the central market* and looks for support-systems in order to change the future. He appeals to imagination and feelings, regardless of the age, sex, geographical origin and education, in order to create *temporary monopolies by means of which he can constitute the only natural choice for the aimed clients*. The uniqueness can come from anything - the business logics, new presentation ideas, and people's culture. The opportunities have to be searched, as well, in the places where competitors pass because they may not have observed the emotional relevance for inhabitants. A last argument in the search for success is *to try not to be bloody normal*. In order to succeed we have *to surprise people by means of emotions and imagination*, because by imitation (*karaoke*) we will be taken out of the game.

The above emphasized metaphors suggest indirectly the orientation towards excellence in management. A direct explanation of excellence is revealed by Jim Collins in his well known work "Excellence in business" published by Curtea Veche Publishing House and translated by Eugen Damian (2007). After a research of five years (1996-2000), done by a team of 20 specialists under the guidance of Jim Collins, at over 1400 American firms, only 11 were selected, those which met the excellence criteria. The changes that these firms went through from the "good reference firms" category to the "excellent firms" category are synthesized in the flywheel and the destiny chain metaphor. This metaphor makes us think to the machine metaphor associated with F.Taylor's approaches at the end of the 19th century that constituted the generator of organizations' bureaucracy. As you will see in the following paragraphs, the flywheel and the destiny chain metaphor represents a complex development of the classical currents vision in a new evolution cycle of management thought.

Long-lasting developments that lead to business excellence, shows Jim Collins, follow the predictable model of accumulation and breach suggested by the mechanical laws of the flywheel functioning. By sustainable and persistent effort, permanently oriented

in the same direction, the flywheel accumulates energy that finally creates the breach to the great performance. Similarly, the 11 firms that reached excellence after 15-20 years of accumulations realized a sustainable growth potential leading to the breach towards the great economic performance.

Reference firms, with good results, at an average market level have been following the process suggested by *the destiny chain*. Instead of acting by sustainable effort, they avoid accumulations and pass directly to breach by great and erroneous acquisitions. Obviously, this causes a petard effect that produces a short illumination and afterwards everything disappears.

Most of the time, people inside the excellent firms are not aware of the proportion of changes to be produced in the breach. Only later, looking back, everything appears very clear. The leaders of excellent firms, as compared to the leaders of good (reference) firms, do not consume resources trying to create alignment, to motivate the troupes or to manage the change. All those mentioned develop themselves. *When you let the flywheel speak, you are not allowed to communicate your goals with too much enthusiasm. People can just extrapolate the flywheel's enthusiasm.* The leadership created by the metaphor guarantees the continuity of development while the metaphor of the *destiny chain* shows that the leader's retirement is followed by disappointing results.

By means of *the destiny chain and the flywheel metaphor* there is emphasized the importance of the leaders' and human resources quality, to the conformation of the managerial process with reality, of the aesthetical and ethical strategy adoption, of the promotion of the firm discipline culture and of the accelerating role of technologies in the accumulation and breach processes towards excellence.

Concluding on the metaphorical style promoted by the new currents of thought in management, I can emphasize the following aspects:

- in the last ten years the metaphorical style has been reactivated in management as a method of analysis and research of the managerial process and not as a collection of empirical rules transmitted from generation to generation;
- metaphor creates a new, suggestive, explicit and comprehensive image on the evolution of thinking and practice in management, starting with the second half of the 19th century and up to our days;
- by means of metaphor there is emphasized the great potential of vision, creation and innovation of the common communication language of human beings – karaoke, temple, tower, central market, funky, flywheel etc. have every where in the world the same meaning;
- The metaphorical style is convincing as it appeals to paradigms rediscovered and promoted in the public opinion as elements with value of social, ethic and aesthetic symbol.

The use of metaphors in management creates a new behaviour and a new attitude in the human interrelationships, with stimulating effect in assuming the responsibilities of permanent adoption of the patrimony-organization-management (pom) structures to the temple, the tower and the central market parameters variations so as to ensure a sustainable development in conditions of social community excellence.

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The Psychology of Manipulation for the Education Consumer

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Key words: *psychology, manipulation, education*

Abstract: The text will be focused on psychological techniques of influencing the behavior of the consumer in general and the educated consumer especially. Our efforts will be turned towards verifying the hypothesis which states that the transformation of the educational process in a marketing activity has led towards the distortion of its role.

We do a short analysis of the psychology-economy, about the way the formal economical thinking ignores the way the organizations use their power in their own interest, of the mode the illusion of option, of respect and especially of freedom of the consumer do nothing more then take the consumer to the standards the market is saving him most of the time from the effort of thinking.

The objective of our action will be complete after the establishment of a psychological profile of the consumer with an education.

We highlight, further, the importance of getting some clear final judgments of the educational process in accordance with the environment the educated consumer has to adapt. Also the limits and advantages, the moral side, but also the immoral side of the manipulating techniques of the consumers with a good education.

I. The consumer's behavior and the organizational behavior

One might state that the behavior, in general, and the consumer's behavior, in particular, has always constituted a point of interest for the economical theory. "the water and the diamonds' paradox", a problem raised by Adam Smith in the "Nations' Wealth", which demonstrates that what is rare or inaccessible receives a greater value, still remains the object of the researches in the behavioral sciences. Thus, Nicolas Guguen speaks in his work, "The Consumer's Psychology", about the *effect of rarity* in the estimation of an asset, and describes in parallel the experiments developed by Worchel and his collaborators in 1975 and by Aggarval and Vaidyanathan in 2003.

Interests in the consumer's behavior are to be found in the researches of the representatives of the marginality school, especially those made by Vilfredo Pareto and

John Hicks whose hypothesis regarding the individuals' ability to compare and classify the choices according to a preference order, constitutes the starting point in the approach of "the consumer's new theory". Gary Becker, T.W. Schultz, G.J. Stigler and K.J. Lancaster's works broaden the interest area in the traditional theory, by enriching the means of analysis and strengthening the scientific strictness. The consumer's new theory integrates into analysis the time costs and the human capital.

If the first psychological theories about the consumer's motivation have been based on the "physic-psychical determinism" type of approach, focusing on the humans' biological and psychological needs, nowadays, the researchers from this domain almost unanimously recognize the existence of six complex classes of reasons or determinations: affiliation, acquisition, prestige, power, selflessness and curiosity.

During the last two decades one might notice an extraordinary enthusiasm in the academic and research mediums regarding the techniques used to shape the markets while analyzing the consumer's behavior. All the experiments made in this way, whether they were carried out in the academic milieu, in the campuses or in various laboratories, or they were ad-hoc researches, converge towards the same ending point in the consumer's behavior and in the discovery of the methods which influence the latter. Therefore, the existence of two trends illustrating the consumer's behavior and the discovery of the methods which influence him are to be noticed: one which aims at revealing new techniques and strategies as well as educating the persuaders as a method influencing the behavior, the attitudes, the actions and so on, and another trend which both anatomizes and looks for new methods to fight against the former.

If the specialists belonging to the first tendency are concerned with the study of the factors that influence the consumer's behavior (Ph. Kotler – considered a genuine guru of the marketing, G. Armstrong, P. Peter, Olson Jerry, E. Hill, T.O. Sullivan, V. Balaure, C. Florescu and so on), those belonging to the second wave (K. Galbraith, Vance Packard, Nicolas Gueguen, D. Korten, Z. Bauman, etc.) harshly criticize the myth of the consumer's sovereignty, by bringing to light the methods of using the mass psychoanalysis in the great persuasive offence.

II. The psychology-economy connection

The economic literature describes man as a rational human being even from prehistory, preoccupied to ensure his living while making the smallest effort. In order to accomplish this, man had to organize his live, to establish objectives, to have a certain behavior, mostly dictated by the environment. Concerns regarding the satisfaction of the needs, the various activities developed in this direction, have been necessarily doubled by observations and analyses offered by an empirical psychology. An argument in favor of these concerns might be the Antique philosophers' works: Plato's *The Good City* and Aristotle's *About the Value, the Origin of Money and the Exchange*).

Therefore, psychology deals with the study of the human behavior commanded by the psychic while the economy uses data offered by the former science in establishing some rules, finding some solutions for the gradually difficult problems it copes with. However, on the other side, the more diversifying and satisfying economic activity creates a new medium and this medium is influenced by more and more factors, determining a certain behavior from the part of the human subjects that psychology ought to decipher now in different conditions. But these conditions, this new economic context, are the result of creativity, inventiveness, intelligence stimulated in the human behavior by efficient psychological methods.

In other words, the economic and social context influence the shaping of the personality and psychologically, the mature personalities can determine the evolution of society and its development.

Apparently bizarre, the human behavior that marks in many stages humanity's history and economic relations has been subsequently deciphered by psychology by bringing the "indices" which proved many times useful in fixing the economic directions.

When Galbraith wrote, in 1973, that „people are oppressed because they chose their own opprimation and that sometimes the economic behavior seems crazy because people are crazy”, psychology had already offered some of the answers with respect to the human behavior. The experiments performed by the researchers between 1960 and 1990 revealed a part of the answers and we could say that they even constituted the corner stone for the future researches in the economic domain, especially in management and marketing.

In the „Philosophical Anthopology”, Cioran warns us about the fact that „most of the people have no destiny – thus, they cannot constitute cases”. They are obedient towards some ranks, as shown in the experiments initiated by Milgram (1963) and continued by Mantell (1971), Kilham and Mann (1974), Shanab and Yhya (1977, 1978) and many others, which have also revealed to us the transcultural character of obedience. The persons „who lack destiny” find it easier to borrow the others' ideas and let them think for them. Those who can become or who are already „a case” are useless for any organization. Persuasion can't have any effect on them, the illusion of liberty, a strategy which is frequently used by the organizations has no influence upon them and thus, they can't be victims of the cheap seduction practised by these ones because they do not belong to „the products ranged on the life shelves”, presented by Carlo A. De Ferrariis and Paolo Savignano in „Love Marketing”.

The formal economic thinking ignore the way in which the organizations practise their power in self interest and, in many of the situations, in the detriment of the social factor. The individual is mainly determined to give up his objectives, ideals, dreams, and to accept those belonging to somebody else or to some other organization. The abilities of the organizations to exercise its power, by denying it, can be measured by means of simple indicators: low standard of living, unemployment, poverty, hunger. The discourses about the economic development, free markets, which produce prosperity for everybody (anyone can become rich in a capitalist economy of the free market and the failures are caused only by the drawbacks of a personality behavior), are projected as a real mind maze. The stories are real seeds for a „culture of fear”. The liberalism and the initiative become alternatively benefic and threatening to the spirit of the community.

Fear is a culture, attentively looked after by the elite in order to increase the consumption. The consumers mustn't be given any moment of inactivity, they must be kept active so as to intensify their capacity to consume, they must be transformed after the consumption market. The factors which influence the behavior leading it to an increase of consumption, will also raise the individual and the community's degree of endebtedness; although they have the possibility to expres their option, they often arrive in a situation of insolvency, due to their financial short-sightedness. The raise strategy of the consumption, by encouraging the credits by all means, comes to worth, at a certain moment, even the consumer's own freedom.

The illusion of the option, respect and especially the consumer's freedom are the most practised marketing strategies, and alongside the techinques like psychological prices, subliminal images, publicity, persuasion, apparently harmless messages, music, light, colours, behavioral primer and many others, are meant only to bring the consumer to standards according to the market and inevitably spare him many time of the intellectual effort.

Generally, the human behavior, once considered unpredictable and undecipherable, proved however to be decipherable and sometimes predictable, after a series of studies offered by the behavioral sciences.

Global methods regarding the consumer's behavior (the Marshallian, Pavlovian, Freudian, Veblenian, Hobbesian models) stand at the basis of some schemes and analytical models made to predict and shape the consumer's behavior.

The models elaborated according to the extracted and processed theory from the behavioral sciences, like those dealing with motivation, attitude, learning, become real techniques of human needs development for different characteristics of a product. Moreover, there are theories which speak about the influence of the consumer's behavior through the conditions offered by his belonging to a social group.

One of the recent discoveries with respect to creating models is the theory of the informing process, associated with the consumer's behavior. Professor Iacob Catoiu explains the way in which people think and take decisions, by processing the information consisting of different stimuli and reactions from the market medium and once perceived by the personal medium and stored in the memory as verbal concepts, they offer a behavior which can be studied.

The abundance and the great volume of the information, make impossible its rational processing. The information becomes therefore a real trap for man's cognitive activity, by offering to the researchers the possibility to elaborate other techniques of influence which affect the consumer's behavior.

The option – the decision to buy a certain product, to refuse another is nothing but an illusion in the contemporary consuming society. The economic theory explains the way in which the aggregated demand, formulated according to an option, without the influence of some other factors, controls the economic system, meaning that the society's option is the power source and that the organizations has no power. They don't do anything but serve the society and the individual's interests. They have been created in order to find the best solutions for the human needs.

In reality, the interests of the society superpose with the interests of the organization, by speculating its members' consuming capacity. In today's society, the human potential is shaped so as to be a consumer. The human resources must possess the ability and the availability to respect the norm imposed by the consuming society.

The organization doesn't assume anymore its responsibility. All it does is to respond to the options of society. That organization applies this way of exercising the power on the economic system, by denying it, to the human resources as well since they serve their interests. The organization declares, every time it has the possibility, that its people represent the most important resource. Yet, the first adopted measure by the organization in order to reduce the costs is the personnel's dismissal, by demonstrating that man is nothing but a factor of production which can lead to economic efficiency if he is intensely exploited. In these conditions not even the organization can ask for loyalty anymore from its members. If the studies regarding the consumer's behavior have succeeded to find models and techniques for it, applied successfully in the marketing, in the management they are conceived and applied according to the researches performed by the behavioral sciences, strategies of obtaining the best results from the employees. The human resources are evaluated in the teaching institutions where their modeling starts according to the standards of the consuming society.

In 1967, as A. Daniels say, the USA Government created a program named "The continuous pursuit project", so as to compare a large spectrum of teaching methods and therefore to find some efficient techniques for teaching disadvantaged children. The results showed that the "direct instruction and behavioral analysis" methods situated on the first and second place while the traditional method occupied the 22nd place, respectively the last place. The Government assigned funds for the traditional method and not for adopting the methods which proved to be superior from the educational point of view.

The same happens in Romania; the Government assigns funds for projects with no finality for the teaching system which has to suffer a perpetual reform, with a school

syllabus apparently conceived by amateurs, with alternative textbooks of a doubtful quality. The teaching institutions included in various European programs which assigns unreimbursable funds (apparently because they are repaid by means of the contribution to the community's budget), ought to respect the algorithms imposed by these programs and the pupils' specializations. These specializations are, in general, commerce and services.

III. Programs for the adults' formation – persuasion and manipulation

The mental exercise of the influence and of manipulation on the consumers, in general, and of education consumers, in particular, by means of various methods and techniques, represent a positive side and a negative one, with an immoral character but also a moral one useful to the society.

Thus, the moral character of these methods and techniques might be translated by the confidence that they offer to the consumer of education by means of the acts and facts useful to the society that its members are determined to perform. For example, the management of a class of students would be practically unconceivable without the application of the various methods of manipulation meant to determine the educable and to adopt a certain behavior, a certain attitude towards learning, that of acceptance, assimilation and processing of information which finally leads to the accomplishment of the wanted transformations. Persuasion and manipulation occupy an important part in the teachers' activity. Without a solid knowledge of the education consumer's psychology in order to find the most efficient methods which help to intervene on his formation, this activity is destined to failure from the very beginning. In this situation, persuasion and manipulation, not only are they allowed but they are also indicated, if we take into account the factors that contribute to the individual's formation.

The attitude's change by applying some strategies of manipulation of the opinions and behavior has constituted the object of some systematic and assiduous studies of psychologists. Thus, we meet strategies which can be really useful in the educational process, especially in the actual context in which extrinsic motivation is very reduced, and the intrinsic one lacks almost entirely from the educable's perspective. The best-known strategies are:

- "foot-in-the-door technique" – this strategy for influencing decisions has been proposed, analyzed and verified experimentally by Jonathan L. Freedman and Scott C. Fraser in the mid 70s of the previous century. This strategy presupposes to ask for little in the beginning in order to eventually get what you firstly had in mind;
- "door-in-the-face technique" – presented for the first time by Robert B. Cialdini and his collaborators in 1975, is the fruit of many experiments. This strategy is based on the principle: ask for more in the beginning in order to eventually get exactly what you wanted;
- "lowball technique" - strategy conceptualized and verified experimentally in 1978 by R. Cialdini and his collaborators; it refers to the obtainance of the decision for action from the part of a person, without knowing the real price of the action or taking into consideration a fictitious advantage. In other words, this strategy means " emphasizing the hidden costs after the subject has taken the decision to perform the action" (Stefan Boncu, apud Chelcea, 2006, 238);
- "the contextualization of the situation" – a recent strategy which aims at a psycho sociologic understanding of the communication process. Communication must be regarded now as a construction of senses that things earn among people. Assigned to Alex Mucchielli, this strategy shapes itself in a genuine art of manipulation, by concealing the invisible components of the situation.

The analysis of these strategies and their application in the educational process, taking into account all the implied factors (context, the stage of the psychogenetic

development, the medium to which the subject belong, etc), can undoubtedly lead to qualitatively better activities. We consider that persuasion, manipulation and propaganda can be used as much as the benefit goes to the individual, as part of the educational act and, eventually, of the whole society which invests in this act.

Persuasion has been thought of and defined differently by great philosophers and theoreticians throughout the history. That is why we will mention some different authorized points of view regarding persuasion and manipulation.

Septimiu Chelcea (2006, 130) warns us that the authors define persuasion according to their domain of activity. Thus, psycho sociologists will subordinate the persuasion to the processes of attitude changing while the theoreticians will assign this role to the processes of social influencing found in mass-media.

Herbert W. Simons (apud Chelcea, 2006, 130) considers persuasion as being "any human communication destined to influence others' judgments and autonomous actions. Persuasion is a form of attempted influence in order to modify others' way of thinking, feeling and acting, but it differs from other forms of influence". "Persuasion is not the iron hand of torture; neither is the attempt to change opinions, attitudes and behaviors by means of material stimuli, nor the pressure for obeying the group norm or the authority" – is Septimiu Chelcea's warning for us (2006, 130).

We could say that with respect to manipulation, things are quite different. If persuasion results from the combination of some actions of the source and the receptor (the receptor of the message cannot be persuaded if he does not participate at this process), manipulation doesn't grant to the subject (submitted to this process) the right to option. By means of manipulation, subjects' choices are limited. They are "spared" of the thinking effort. The result is, in this case, a high degree of obedience.

In the actual context of some rapid changes, often revolutionary, in which the abundance of information seems to be as damaging as its absence, more or less tendentious questions arise. Do the actual educational programs constitute in methods, techniques and instruments of manipulation? Are the persuasion methods appropriate in this kind of "periplus"? Is it useful for the society to approach the educational system from the perspective of a business?

The adults' formation constitutes, in the last period, in many various programs suggested by the offerers of education. The predictions of the superior forums (School Inspectorates, Ministry of Education) indicate a substitution of formation by means of the high school an professional teaching, with programs means to form the adults.

Although relevant and mostly explained by the consumer's rationality (who would rather prepare for a profession in a short term – a 3 months course – rather than experience a 4-5 laborious school) for a long period, they are considered ungrounded. Moreover, we think that this kind of programs is made up of the education consumer's manipulation instruments.

Due to this first aspect, this manner of approach of human resources is fully justified by the consumer's psychology, which claims for an efficiency able to accomplish more with the least of efforts. The emphasis put on efficiency, by ignoring the quality (totally or partially), presents a high risk: a greater production of "human offals" (as the sociologist and philosopher Zygmunt Bauman names this effect). According to the same author, "human offals" are thought of as human society's unwanted outputs. Consequently, they must be eliminated. Thus, a question rises: if the series production will lead to the creation of a growing amount of "offals", what would be the ratio price-quality?

Due to the second aspect, the situation is justified by the actual conditions of the modern times industry, as highlighted as the new economy or the informational society. This frame addresses to new forms of society's constructive ordination. Without diminishing human resources' role, in general, the new order springs however from the

segregation of the useless human material. Which are/will be the segregation or even the removal criteria?

Recent studies have shown the fact that along with the psychological profile, the efficient employee (who is expected to be endowed with autonomy, perseverance, stress resistance, mobility, etc) ought to have already another work place. In this case are we in a difficult closed-circuited situation on the job market?

Trying to find an answer for this question, Chauvot (apud L. Dagot, 2007, 22) answered 288 job offers, by using the CV of a fictitious candidate. In half of the situations he mentioned that he had a work place, and in the second half he said that he was unemployed. Thus, he obtains 9, 02% of the positive answers to the CVs where he mentioned that he had a work place; as for the second situation, where he said he had no work place, he received only 6, 25% of the affirmative answers. It is easy to notice what employment chances a professionally inactive person can have as well as the explanation of the long term unemployment.

In these circumstances, how useful can be a course of professional formation for a temporarily inactive person? Can we consider from this point of view that the situation is a manipulative one by means of the statistics indicators which create the illusion that employees are needed in various domains of activity?

A third aspect which shapes as a consequence to the above-mentioned is that the situation can present short-term advantages, but is destined to a long-term failure. The segregation and even the removal actions of the "employed human capital", will lead to the adults' reorientation with respect to the education-formation possibilities. A change will undoubtedly happen in the interest shown in the evening school or distance learning type of education.

Another reason for the failure of these types of activities (formation programs for the adults) is that the role of education (seen from the professionally formation perspective) must not be mistaken with propaganda. The goals of education are to teach people how to think in logic and correct way. Propaganda transmits nonfactual information and presents opinions as objective facts (Chelcea, 2006).

Perhaps the term of propaganda is not the synonym of manipulation, as Septimiu Chelcea explains (2006, 132), who also warns us that " we deal with the manipulation phenomenon only when the ultimate aim of the persuasive agent brings prejudices to the persuaded person; when the transmitter and the receiver's final goals are divergent, but not contrary (the one loses and the other wins) then we deal with propaganda".

From our perspective, no matter whether the two expressions are synonymous or not when we use one of them in order to describe the situation we referred to, it makes no big difference as well by not appealing to anyone of them. Given the goals of these ways of education and formation of the human resources, they can be considered as manipulation and propaganda techniques.

In order to understand if these persuasion, manipulation and propaganda techniques, practiced by means of the strategies presented in the previous pages, have or not an effect on the adult consumer of education, we will try to make a psychological profile of this one.

Beyond the unique psychical characteristics, there are some stable coordinates which offer us the possibility to make the profile of the adult who takes part at the formation programs. In order to establish this psychological profile we will not take into consideration the frame in which the courses are performed or some other medium factors. We will only limit only to a robot profile, obtained after interviewing 55 persons who have finished formation courses for adults:

- a person with at most medium level of education;
- looking for a workplace according to the job market demands;

- animated by the desire to develop an activity which needs a reduced effort (usually, an office activity, and that is why formation courses in informatics or accountancy);
- generally, this person has no idea about the tasks of that activity and that is why the courses will be thought of as highly difficult);
- this person is ignorant, and therefore he/she has the illusion of knowing everything;
- the person considers that he/she attends this course only to receive a diploma which is expected to give him/her the possibility to utter pretensions regarding the workplace;
- during the work, the same person shows his/her superficiality (this is due to the fact that the study hasn't been a main concern for him/her till now);
- in the end of the course, the person will state that the course was useless and a waste of time and financial resources.

We consider that these data are sufficient in order to understand how easily these persons can be manipulated. However, we mustn't minimize the improvement effect of this kind of courses, if we consider the fact that in the end, the person becomes aware that he/she hasn't learned anything, although he/she doesn't admit that the information that should have been assimilated goes hand in hand with knowledge data base previously created.

IV. Instead of suggestions

In today's society, a good administration of the human resources is unconceivable without a capable management based on behavioral studies. Aubrey Daniels warns that the managers, who will not possess knowledge about behavioral psychology or about its application, will inevitably cause problems to their organizations, which often cope with a hostile business medium or with a strong rivalry.

The performance management uses scientific strategies of changing behaviors. For this, managers ought to know how and when to evaluate the employees in order to establish an objective way in which employees can be motivated, the way in which the organizational climate or the ergonomic conditions can be created.

Furthermore, we may say that without applying a performance management regarding education (starting with the management of the institutions, continuing with the class management and ending with the person's management), we do not have the right to ask for results according to the established objectives or to put simpler: to ask for quality.

We also consider of utmost importance the goals and the finalities. Before looking for persuasion or manipulation strategies, we must establish concrete objectives, the standards we want to reach. Nevertheless, in order to establish the objectives, first of all, we must ask some questions to which we must definitely answer: Are we aware of the context that we are trying to analyze? What do we prepare the educable for? Why should we prepare the educable? What is the medium they have to adapt to? Why do we form or shape the human resources? What are the real standards that they have to reach and which are the standards they relate to when we evaluate them?

Our belief is that, the moment we have an answer to these questions, we can proceed according to the management's laws.

This is the threshold of profitableness. From now on, we can apply efficient policies:

- establishing clear, concrete rules;
- evaluation standards or criteria according to society's expectations (which is the greatest investor in the educational process);
- designing the activities by relating them to finalities;
- focusing on goals;
- establishing concrete missions of the educational institutions according to the social expectations and demands (if any);
- creating a new motivating medium for the learning-formation activity on the background of an order governed by clear laws.

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Management as an Actional Transdisciplinary Approach of Human Beings. Application to the Management of Education

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Key words: *management, science and knowledge, postmodern and transdisciplinary approaches, End-Means Methodology, Prisoners' Dilemma as a managerial game.*

Abstract: After con-damning the "modern" science for its limits and breaks to new knowledge, I do consider that the disciplinary Cartesian model of science-making is still useful only in order to have a (historical) basis for creating postmodern inter- and trans-disciplinary approaches. I already proposed not to use the word "science" anymore in the recent research but to replace it by "trans-disciplinary approaches" that ensure a broader, multilateral and comprehensive way of getting knowledge. In this respect, the old modern and unuseful dilemma if management is a science or an art is solved... Management is no more a (simple) science; it is a transdisciplinary approach, a synthetic theory of (good) human thinking, feeling and acting. Management is about establishing ends (objectives, goals, purposes, targets, aims etc.), choosing (i.e. collecting, combining and consuming) the right/ adequate means able to attain the proposed ends, and finally to establish simultaneously and continuously the level of adequation between proposed ends and the chosen means. To use the old names of (some) disciplines, I am defining the three dimensional area of managerial thinking as the geometric place of the intersection of politics (establishing ends), economics (choosing means) and ethics (end-means balancing). This 3D vision on management (or the continuum politics-economics-ethics) is intersected with another 3D actional dimension and definition of management as the thinking, feeling and acting (or the simultaneously human action based on thinking, feeling and doing). I'll demonstrate that also managerial thinking should take into consideration continuously and simultaneously other con-textual 3D realities (time, space, and existential structure).

Introduction

Management jobs are typically complex and require a range of (very) different skills. Certainly, it is crucial that managers are able to communicate, to motivate and develop their staff successfully because human beings are - quite literally - the organization's most important resource. In my opinion the real process of management is about people that will transpose the managers' decisions. Even when many of us are talking about information management, sales management, time management a.s.o., we have in our minds the idea that all these "things" are done with people or for them. Sometimes, managerial process is seeing very technically and mechanically although it is about leading people and management comes to be a part of humanities and social disciplines.

Probably, from this very reason professor Adizes proposed not to use the term of management anymore and to replace it by "leadership". He demonstrates that initially, at the beginnings of the industrial era the most used term for conducting people and things was "administration" but the overuse of it emptied it of any content. The replacing term was management, but nowadays it is also overused and needs to be replaced by "leadership", says Adizes. As a principle, I do agree the necessity to use a new coined term for top leading people and it seems that leadership underlines better the essence of the managerial human processes. Till then, I already redefined the management as a transdisciplinary approach of human actions, and put an equal between management and End Means Methodology. So, management is thinking, feeling and acting/ doing, i.e. management is clearly establishing – by thinking and feeling - **ends** (objectives, purposes, targets, aims, desires etc.) and is acting in function of the existing **means**. Management is better defined if we are going across, between and beyond many disciplines. This new approach is a transdisciplinary one. For example, information management is *thinking* about the essence and usefulness of information, *feeling* the necessity of adapting to new IT & C and *acting* for implementing the rational and emotional decisions. Of course, the other contributions to the management theory and practice are welcome and useful.

Managers/ leaders may also be charged with designing and overseeing production or service delivery systems, ensuring that organizational processes are efficient, effective and produce goods or services of the highest quality possible. A conversation between three scholars is published under the title „Management as a Design Science Mindful of Art and Surprise” (** 2006, JMI). Herbert Simon coined this term (management as „design science”) in his book of 1969 when engineers were asked to make projects and to manage industries and factories. Nowadays this term may be took in a metaphorical sense, i.e. the true managers are working by projects that are designed as future actions to do (ends to be fulfilled). I am happy to find out that my „old” (1978) End Means Methodology is (indirectly) used or applied in different ways in management teaching. So, Anne Huff conceives management as an „<artful> blend of resources and action” (** 2006, JMI, p. 413) and EMMY says that economics is about „collecting, combining and consuming means/ resources”. Combining or blending is, finally, consuming resources for a specific end/ purpose. To do it rationally and emotionally is management, and to do it better and better means an improved management. As a conclusion to this introductory part of this paper I propose to encourage the permanent (re)definition of management and (re)coining new names for it. This is not only useful but also necessary for the practice of management in a very dynamic and changing world.

From teaching (even with cases) to training with games

Change (even the terminological change) is the only certainty in a global and highly competitive (new) economy where developments in information technology have arguably rendered geographical distance irrelevant, so sensitivity to the environment and the ability

to manage change are also key competencies in the managerial portfolio. The adaptive skills are good both for top managers and executives. These changes enlarged massively the spectrum of managerial competences. The old 5-6 functions of the managerial processes are a too narrow domain for managers. A good manager needs to perceive the psychological, sociological and anthropological (humankind level) dimensions of the human existence in order to be able to take good decisions. In order to take/ make good decisions managers need to “translate” and “interpret” a lot of signs, sometimes invisible ones... That is why I do suggest (future) managers to be accustomed with semiotics, hermeneutics, discourse analysis etc. Intuition may better serve the manager than his/ her brains... Sometimes, a real good manager needs rapid info, rapid connections and Internet is not always near to him... His memory should help him/ her to make interesting and seductive dialogues. But not any kind of knowledge stuffed in the manager’s brains is a good solution for being a convincing and credible leader... A lot of information apparently not connected with the managerial theory is often needed to organize and make effective a team, to select and generate good organizational climate, but in this respect you need special feelings and special actions... Who is deciding the curricular content of an educational process, and utmost the content of management lessons?

The management courses should aim to equip students with an in-depth understanding of the various aspects of managing organizations in the context of a new millennium, so as to better prepare them for careers in management. I think that the ethical dimension of the managerial processes are more and more recognized, respected and even imposed in order to prevent conflicts or damages. I already demonstrated that management is, at last, ethical behavior of leaders and of the executives in the common process of obtaining more benefits, more sustainable development, less conflicts and preventing commercial wars. Management people are not only to practice and to promote competitiveness, but to make a mix up of cooperation and competition (co-opetition). End Means Methodology (EMMY) was proposed many years ago (Drugus, 2008) to replace the present Management courses, but insufficient dialogue and fear of change didn’t permit a serious SWOT analysis of EMMY. I am still waiting that this proposal will receive the critical attention of some colleagues no matter what part of the world.

Although there are no easy answers in management jobs, my objective is to develop special skills of students so that they are capable of analyzing and deciding how to deal with complicated organizational situations. My educational philosophy therefore focuses on encouraging students to develop a questioning stance aspect of their learning, as we consider reflexivity to be one of the most essential skills a manager can possess. My teaching/ training/ coaching also emphasizes the ethics of managing, the balance between the bottom line and corporate social responsibility (CSR) in terms of diversity management and non-discriminatory decision making, relations with the local community and with the wider society and keeping in mind the environmental concerns. That is why I do consider that business ethics is not a philosophical-ethical problem but essentially a managerial problem and it needs to be offered by experienced managers to the managed people. Not only moral duties or responsibilities are to be “lectured” and learned “by heart” by management students, but the very complex cognitive and decision process are to be exercised and experienced by the future managers/ leaders.

All these short descriptions of my personal lack of satisfaction concerning the modern way of doing the management of management education suggests that this is impossible to be done in the present disciplinary or even interdisciplinary structure of modern education system. I am in favor of a postmodern, holistic, (truly) transdisciplinary, triadic and new system of preparing the future leaders of companies or administrative structures. Talking about the reform of management education I am offering a proposal for a thorough education reform in a very practical sense and dimension. A kind of Waldorf educational system for adults is proposed here and waiting for severe criticism or

improvement...No semestrial or annual examinations, and no diploma final exam is needed, just because people/ students are applying EMMY in a very narrow and strict sense: if the end/ purpose is to have a diploma, then I'll buy one, or I'll buy the exams necessary and previous obtaining a diploma. Instead of subjective (and often corrupted) exams I propose a new way of teaching and training. Games, cases, exercises, paradoxes, conflict resolution and mitigation are to be largely used in this new vision on (management) education. It is quite necessarily to underline that I think this EMMY (general management theory and practice) is needed to be offered to young pupils even since the grammar school or before...Of course, pedagogical experts will have something to say in this respect. Waiting for their (counter) arguments...

The Prisoners' Dilemma

There is a huge literature on logical and managerial games, but the Prisoners' Dilemma is the most well known. Obviously, there are hundreds of variants and interpretations. It is important not only to present the large spectrum of alternative Prisoners' dilemma but to extract a lot of possible learning from this "game". This exercise is quite significant for any market analysis, for international and intercontinental political relations, and for any cooperation or conflict situation. Starting from a simple ancient story scholars developed a game based on a logical structure that is not only a deductive one or based on the "tertium non datur" logic. The story tells us about two citizens (A and B) of an ancient Greek polis. Here it is: they broke the social rule and were arrested by the polis armed people (police). They are imprisoned together in the same room (this is different from the classical story) and waiting to be judged. Everyone has EXACTLY the same HUMAN way of thinking. Of course, this is a forced generalization, but it is needed for our purpose. One important feature is that, generally speaking, three important behaviors could happen and this story contains all of them. First, it is the non-cooperative attitude of the two prisoners, second is cooperative behavior and third is cooperation followed by treason (defection). In any managerial situation we may find, more or less, one of the three behavioral attitudes. I may add here that psychology is fundamental for both management theory and management practice. The attitudes are reflections/ reverberations/ vibrations of thinking and feeling, and we may summarize that management is attitude plus action. So, the three managerial positions of the two imprisoned people are simply attitudes generated by interests (ends) and available resources (means). Finally, the Prisoners' Dilemma is a concrete application of End Means Methodology and I may say that old Greeks very well applied EMMY... Let's say the prisoner A has the following managerial model, i.e. his thinking, feeling and acting are as follows: "Oh, foul of me, I was stupid enough not to pay attention to those guards who caught me up! Now, I am in prison together this guy of low human quality... Of course, if I could have trust with him it would be a possibility to cooperate and to try to have a common strategy to escape...But I couldn't...". Exactly in the same way was thinking and feeling (i.e. managing his daily life) the other imprisoned guy. The very result of this lack of trust was non-action and the stagnation in the same bad situation of imprisonment. In this respect both of them are losing (time, chances, opportunities, i.e. some points in the general table of winning and losing). That is why I afforded them minus 20 points, i.e. non-cooperative attitude costs them 20 units of penalty. It is a loose-loose model. This is the 1st behavioral/ managerial model based on non cooperative attitude. It is the worst one. But, after a while, A is thinking as follows: If I'll continue to be suspicious about my colleague I'll have no chance to escape. I am transforming him in another guard who shall prevent me from escaping. So, I think (and feel!) that it is better to try to cooperate with him and to increase my chances and opportunity to be a winner. Exactly in the same way is thinking the citizen B. So, after a while they make dialogue and begin to cooperate and

make a plan of escaping. They generated the second managerial behavioral model based on cooperation. This is marked in our game with +10, i.e. everyone is winning something. It is a win-win model. It is interesting to observe that the amount of gains (as a result of a pure non-cooperative managerial model) is smaller than the amount of lose (as the result of a cooperative model). This is true in real economic life: gains are created little by little, but lose are coming abruptly and in great dimensions. Of course, after experiencing two models of thinking and feeling, the two prisoners try to apply their managerial project, and it works! By cooperation, they succeed to fool the first guard and here they are on the prison wall. In this very place that is separating the free world by the lack of freedom world, both of them are intensively thinking and highly emotionally feeling on their chances to improve the score, to grow their gains at any price! Here is their rationale: if we'll run together our chances to escape is diminishing. Even more, if I'll push back the other guy, I'll increase dramatically my gains, no matter my colleague will lose a lot. By pushing him back I'll attract the guards' attention to him and my chances and benefits will grow a lot! But if both of them are thinking in the same way the question is: which one will gain? Evidently, those one who will ACT first! To the speed of thinking and feeling the speed of acting is now added. This means that cooperation is over, the treason appear and the strange conclusion comes: to defect (and even to defect as soon as possibly) is recommended as an efficient way of life. We are obliged to offer the traitor a very high level of gain: +40, and to punish the other with -40. This is the third managerial model based on cooperation followed by defection and acute competition. The convention is not respected and any moral aspects disappear in the hard fight for getting more and more profit... Is this model to be followed? Some could say yes, but this may be right only on a very short term. After years, B will be freed from prison and will apply the sad lesson he learned from his prison mate A. In his turn, A will increase his chance to be fooled just because people fear a former prisoner, and even one who defected and gained his freedom with the price of lying and making worse to another human being....After a while all mature people learn to defect as soon as possible... and the only thing to be aimed at will be to increase the speed of defecting...In such an impossible world the social dimension is broken and death become preferable to life...Solution? A new society is possible by changing this mentality and educating people to cooperate, to gain steadily and sustainable. This third model comes to be worse even than the first (non-cooperative) model...

The prisoners' fundamental behavior models are as follows in function of the degree of cooperation: I. non-Cooperation, II Cooperation, III. Cooperation followed by treason.

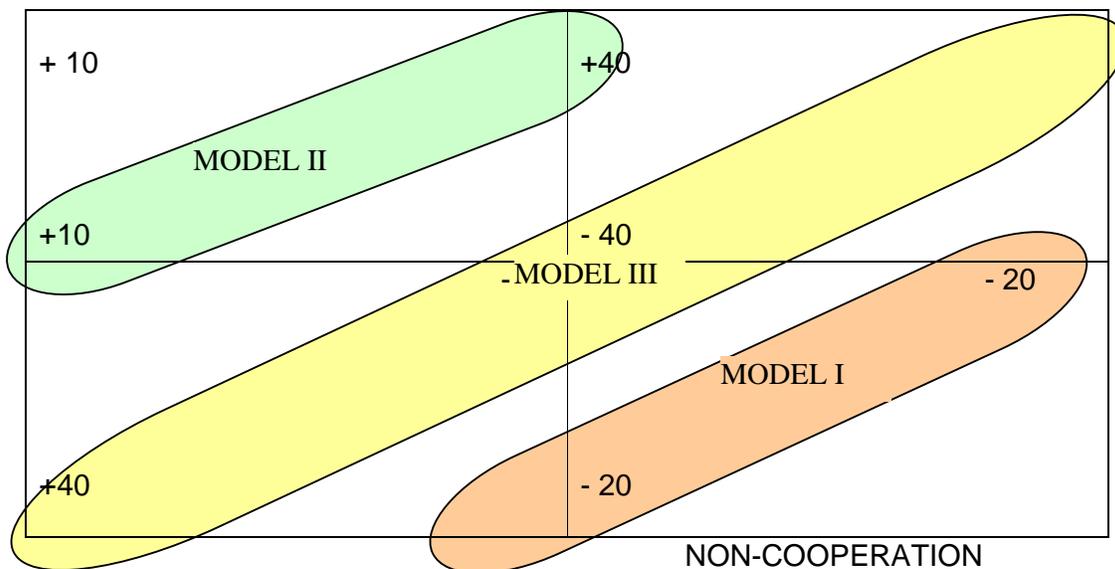
The Prisoners' Dilemma is a very much applied game in business life and in political life as well. Two quite clear situations of applying this game are: Cold War solution (1989) – at the political global scene and post communist economic processes in Romania after 1990 – at the economic local scene. For short, these two case studies are as follows: **1. The Cold War solution.** The two principal global actors in the Cold War period, USA and USSR, tried to gain benefits from different strategies and managerial models. USA strictly applied Prisoners' Dilemma by obtaining a high trust from new installed Gorbachev government. The promise was to give up the bad essences of the two confronting systems (capitalism and communism), i.e. to lack of (economic) freedom in Soviet empire and to military menace from the American policy, and to merge together towards a third way model that took from both the best features (cooperation and competition but in a new third way called co-opetition). The accord was "signed" and the Great Transformation took place: the Berlin wall disappeared, the Eastern markets opened for Western products etc. The proposed inclusion of Russian Federation into the European common market was a simple illusion and soon Russian government took another direction, that of considering that USA didn't respected the rules and that it has the right to choose another political

global track. So, after a period of non-cooperation (during the Cold War) – model I, the two actors begun to cooperate – model II, but this was for a short (historical) time and, nowadays the two actors are experiencing the third model, and things seems to go to the first non cooperative model. **2. The Romanian case:** The Romanian Communist policy and ideology was – theoretically – based on cooperation, reciprocal aid and respect of the other. After 1990, some people tried to apply capitalist market rules and some new private firms appeared, but just because the capital was so small the owners cooperated in creating the new firms. This was model I. Soon, model III appeared and generalized. No trust – no credit, big inflation and negative economic growth were the characteristics of Romanian economy for aprox. ten years. Only after 2000 the trust was rebuilt, cooperation began to work and Romania experienced the longest and highest economic growth in the region. So, Romania is nowadays (in 2008) in the second model of Prisoners' Dilemma. The management is based on the rule of law and ethical principles are more and more promoted. Business ethics is still missing as a teaching subject in many faculties from Romania.

Prisoner A

COOPERATION
TREASON

COOPERATION FOLLOWED BY



A lot of other applications of the Prisoners' Dilemma managerial model could be finding out and used instead of long explanatory texts. The only risk of using these behavioral patterns is that students may take it as a joke and not to be deeply implied in finding out solutions or places to use these models. If we simply consider education as a dyadic model (with only two actors: professor and student), then the three behavioral models from the Prisoners' Dilemma could be applied. The ideal model is Model I, a win – win situation when teacher/ professor and pupil/ student get satisfaction from their work. Things get worse when professor is boring the student and student is stressing the professor. This is the second model, a non cooperative one. Here is the place to intervene and to find out a solution. But the worst situation is when parents are paying money for their children, the children do not come to school, they do not learn anything, professors lack their sense of utility, then the parents help their children to pass the exams and to obtain a diploma by corrupting professors, so finally we have: parents with a worse financial position, graduates without knowledge and professors without dignity and sense

of utility. And this happens in Information Era, in the Knowledge based economy and Knowledge society. It is more than clear that this suggests the need for a radical reform in the education system.

The management of education reform

If management is (1) establishing the ends, (2) choosing the most adequate means and (3) testing permanently and continuously the real level of adequation, then the management of the education system should answer the following three questions: 1. what are the real ends of teachers, students, parents, employers and other implied institutions; 2. what are the real present and future possible means (resources) to be used; 3. who and how are to observe the degree of adequation between ends and means in the educational system in Romania. In this case we have three principal actors (students, professors and employers), so it is about a trilemma not a simple dilemma with three possible models. In trilemma there are many more possibilities and alternative models to choose. Probably, this trilemmatic aspects maintains the Romanian education system unreformed. Applying EMMY to education reform in Romania (and any elsewhere) is to be done. For the sake of this paper I'll describe the real situation of the education system in Romania and some radical solutions to be applied.

The most principal directions for reform in education system are, in my opinion, as follows:

- The entire education system (especially the academic education is not to be based anymore on fear: of professor, of tasks, of examinations and of marks. The adult learner (over 18) is really self motivating his or her desire to know, to have skills or to be able to manage things and people in difficult situations. In this respect, I do propose to eliminate classical exams based on memorization of facts & figures, data and phrases that are immediately forgotten after examination. Also, no diploma or certificate is necessary to proof the level of intelligence, the reproductive capacities or the degree of obedience to professors. The only examiner should be the employer, not the professor. As a direct consequence, the bachelor degree, the graduation examination, diploma exams and dissertation exams are to be eliminated. Even doctorate is not to be based on a lot of examinations, but on dialogue, cases, games, and any other stimulus for a better training could be imagined. Those who need a very qualified person should address to professors/schools that can recommend
- The employer is nowadays not clearly formulating his/ her needs and the expectations from the university system, but wait from university a very good specialist/expert. The lack of dialogue between academic system and the society real needs is the big problem for both parts.
- Also, we need to make a difference between the compulsory and non compulsory education. Only the compulsory education may use some impulses and as higher as possible exigencies to determine the young and not willing to learn person to accumulate knowledge, a big part of it (s)he never will use...
- The open dialogue is sometimes entirely missing from the academic educational process and the reading of some texts written by him/ her or by any other person is offered as higher education/ teaching...This is a very good reason to prepare future teachers/trainers to be creative themselves in order to stimulate an generate creativity for the future graduates.
- Elimination of all exams at the level of non compulsory education is a very good solution to eliminate corruption from university, selling exams, dissertations or simply diplomas...The present system for obliging students to write a dissertation is an excellent means for promoting plagiarism or mimic of creative writing. More than that, the

noncompulsory education based on compulsory exams is a contradiction in itself, is not logic and rational at all. The present education system is canceling any sense of the education process as a stage for preparing and entering the knowledge economy.

- After the presenting the structure of the course/ discipline, and inviting students to critically appreciate it, to even improve it the most frequent questions are: “What about examination criteria and style? Is it based on grill system or is with questions? Do we need to make reports? Do we need to read all recommended books? Is it a difficult exam?” The students are not interested of knowledge but of exams and diploma/ certificate they will receive...

- Education is a market where the demand is, unfortunately, not based on a certain level of knowledge/ education, but on diplomas and certificates. The students have the right of not participating to lessons, so many of them are coming directly to examination, looking for solution to obtain a passing mark...Also, the professors are not objective automatic machines for establishing levels of knowledge and competence, but subjective human beings, influenced by interests, psychic and temperamental attitudes etc.

- If universities are interested to have as many students as possible, if subjectivity is inherent, and the performance is established by number of graduates, all these are simply waste of time and money, psychic pressure for students and stimulus for corruption.

- Professors need to be suppliers of knowledge, skills and competencies for the demands of a very dynamically changing labor market. But if the professors are the organizers, the providers and the controllers, then happens as in a factory where workers are establishing the quality standards and they are executing the control to see if the standards are respected. This lack of real contact with the labor market was observed for many years ago, but solutions are still to be found. I think that one serious step to finding a solution is that professors to give up the examiner position and this examination to be made by those who demanded a certain type of preparation at the graduate or master level. In such a case, professors will concentrate themselves for finding new methods for training and coaching, students will realize (by the market pressure) and not the exam, mark and diploma are important but their real level of knowledge and preparedness for the market demands, for real life. As a result, students will choose to directly and permanently participate to lessons and meetings with their trainers. They will realize that it will be more important for them to train for the market demands and not to prepare for obtaining a good mark. Learning by doing and by sharing is the real market command! Training and coaching should be the answers of the knowledge suppliers.

- Some concrete solutions may appear: interested firms may ask the faculties to prepare a number of high school graduates to be prepared in the higher school in order to receive a list of skills and competencies. The firm may pay for these services and recover the spent money from the higher profit obtained as a result of a targeted training.

- From the conceptual point of view I'll just mention here some proposals for changing attitudes towards modern, Cartesian, disciplinary way of understanding knowledge and to replace it by a postmodern/ transmodern, non-Cartesian, transdisciplinary way of understanding and using knowledge as a sustainable (trans) development factor. For many years I do not use anymore the word “sciences”, just because I was in favor of “science” as a unified corpus of knowledge. There was only one compact science/ knowledge but, unfortunately, people cut and divided it in thousands of small pieces without links and communication among them. It is exactly like in a society where every individual is developing his/ her own living without any kind of communication and exchange of info, views or reciprocal help. That is why I proposed to Develop Research Units Generating Unified Science, but this needs efforts at continental level. Nowadays I am not using at all the word “science”, but only the word “knowledge (The science is dead! Long live knowledge!). The epistemic economies were the modern economies were based on disciplinary science, on scientific management and scientific

decision making. The post epistemic economies are the contemporary postmodern economies based on transdisciplinary knowledge. So, scientific approach is dead, knowledge approach is alive!

Concluding remarks

The need for change is a permanent one and there are a lot of possible solutions for improvement. Most important is to obtain better and more sustainable results, for a bigger number of people. Here EMMY is very useful just because any decision taken within this system needs to be tested simultaneously and continuously at the three levels: micro, macro, mondo (global), i.e. at the every individual level, at social (group) level and at global (humankind) level. This is compulsory now when the globalizing forces are working with bigger force and impact. I suggest that a soft may be created to calculate the huge costs of not applying this holistic, triadic, transdisciplinary and postmodern thinking, feeling and acting model called EMMY. As I previously proposed EMMY may take the place for all social and humanistic disciplines taught at schools and faculties, saving a lot of time and preventing tensions in the system. If EMMY does not sound well for a subject to be learned at school, we may call it simply: management. So, this is a quite synthetically corpus of knowledge about real life, about thinking, feeling and acting both as an individual, a group or humanity. Unfortunately, no counter arguments appear, except, of course, those that claim it is difficult for professors to learn a new model. In this case appears more clearly that students are quite motivated not to learn anymore...

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Applied Scientific Research Design: Romanian Social Work between Ideology and Science

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Key words: *occupational standards, occupational classification, evaluation in Social Work, university professional formation curricula.*

Abstract: In comparison with the international classifications ISCO 88 and ISCO 88 COM, towards which there is an homogenisation tendency, the Romanian version of Romanian Occupational Classification (ROC or COR in Romanian) presents not only formal differences but classifications' content ones as well. These differences generate difficulties in having the professional qualification certificates recognised, as well as in having the specialists properly categorised, and for the mobility of the labour force within the European Union space. And for some areas like the one of the social work, the issues are even more acute and profound because of professional and occupational activities' specific: novelty, diversity, complexity, knowledge development.

The VET standards structure has been adopted at the European level and has as the main purpose to make functional a definite cooperation mechanism between the suppliers of social work formation / training and the real requests from the labour market. In Romania, these exigencies were stipulated in different normative documents, starting with The Education Law no 84/1995, that regards the initial and continuous formation, as well as the formal and non-formal one, the issue was carried in The Government Decision (G.D.) 779/1999 that set up The Council for The Occupational Standards and Certification, which had the purpose to elaborate occupational standards in regard with the European practice, as well as to approve new standards, modify and anole the inadequate ones; the process continued with *Law 253/2003* that transferred these attributions to The <National Council for the Professional Formation of the Adults (CNFPA – in Romanian). Following this course, we find out that today within the Romanian Occupational Classification (ROC-

COR in Romanian), there is a certain structure on steps – major and minor groups, sub-groups and basic groups – with specific contents for each classified occupation.

It is worth to be mentioned that in comparison with the international classifications ISCO 88 and ISCO 88 COM, towards which there is an homogenisation tendency, the Romanian version of Romanian Occupational Classification (ROC – COR) presents not only formal differences but classifications' content ones as well. These differences generate difficulties in having the professional qualification certificates recognised, as well as in having the specialists properly categorised, and for the mobility of the labour force within the European Union space. And for some areas like the one of the social work, the issues are even more acute and profound because of professional and occupational activities' specific: novelty, diversity, complexity, knowledge development.

Within all the official documents of the Ministry of Labour, Family and Chance Equality (the one in charge with social work domain), the first two components of the VET standards, precisely **The Occupational Standards** and **The Evaluation Instruments** are either unspecific defined, minimally, or scanty, and the evaluation specifications are completely absent. The third component is left to The Ministry of Education's latitude, actually to universities as the main professional trainers within social work; and so the Ministry cannot apply a homogenous politic on a national level because of the universities' autonomy. These deficiencies have repercussions over the 14.000 graduates of university social work education (for the year 2005, *apud* Elena Zamfir) from Romania.

For the first two VET components we are to exemplify from ROC (COR) with a description of the social work occupation catalogued as 346 minor group: the social workers offer their assistance to the individuals and families with personal and social problems; initiate actions to prevent delinquency or for the delinquents' readjustment; grant their support to the physically and mentally challenged people in order to improve their capacity of social integration. Then, to the description of the basic groups components the same reductionism, inadequate and unscientific formulations are to be found. To all these can be added the formal critics – e.g. the language used (the social worker grants consultations). On the 2446 category "Specialists in social activity" where it is inserted the "higher level social assistant" the same problems are to be found: un in-definition of the professional activities specifications; un in-definition of the professional competencies areas, along with obsolete language and content confusions.

For comparison, *The Bureau of Labour Statistics* from UK, in 2005, details the specificities for a social assistant specialist (who works with children, family and school) on the following structure: Theoretic knowledge (with 33 sub-domains, from Psychology up to Buildings and Constructions), Skills (with 35 groups, from active listening up to equipment maintaining), Abilities (with 52 qualities, from oral communication expressivity up to sound localisation), Professional activities (with 41 actionable packages). And the list can continue: the physical space and its management, work area, interests and motivations, professional needs, work stiles, correlated occupations, education and others. (See *The National Occupational Standards for Social Work*, Topss UK Partnership, April 2004, www.topssengland.net)

It is obvious that in the European practice the functions and the occupations from the social work domain are very well defined while in Romania we are only at the beginning of a departure that is needed no matter the costs or duration. The comparison between the ROC and the international classifications must be accomplished not only to a formal level but: groups, sub-groups, occupations, levels etc., but as well as the occupational contents are regarded because the majority of the dysfunctions derive from here. The most pressuring issues of the social work practice refer to: specialists' employment contests, and promotion steps, the development of a professional career, the correlation of the university education programs with the labour market, the difficulties of

certificates recognition in other European countries, the denial of the professional competences gained on non-formal ways, certain pseudo-authorities' role substitution etc.

So, it seems necessary a correlation of the 3 components with the VET standards. An accessible direction can be the standardization of the social work first two components that would determine institutional pressures for the correlation of the Profession – Occupation – Position / Job. This exigency is emitted as well by the international occupational classifications, and ROC must be harmonized with ISCO 88 COM. The long term consequence regards inclusively the facilitation of the comparisons between EU occupations in order to allow the international mobility of social workers. The constraints and the immediate problems to be solved refer especially to the social work professional recruitment, selection and promotion within non- and governmental sector.

Actually, based on direct observations and local diagnosis researches, it has been determined that the public administration employers of social work specialists, as well as the non-governmental actors are generally (national, and on a local and county level) confronted with the serious difficulty of objective evaluation and of the proper selection because of the occupational standards do not exist or are insufficiently determined and specified on certain profession within ROC. The Social Work County Offices, along with town services and the Non-governmental organisations do not poses homogenous and national recognised evaluation instruments; they cannot access a data base regarding the competence units and the job descriptions regarding the social work. This situation is registered and condemned by all the managers in social work. And so, the organisation of employment contests and further the job description construction are contaminated by irrelevant professional elements, holding a local and even arbitrary character. The fundamental need regards the definition of competency units and the elaboration of social work occupational standards stating with the practical, direct, and visible activities. The next step would be for the resort Ministry to assume this project results and to disseminate the standards to the interested structures.

In Romania, it already exists a theoretic background as well as preoccupations regarding this topic: Elena Zamfir, *The Development of the Social Work System: A Long and Difficult*, in: C. Zamfir, L. Stoica (coord), *A New Challenge: Social Development*, Polirom, Iasi, 2006, pp.197-216, Ana Radulescu, "The Development of the Social Worker Role and Profession In Romania", in: A. Muntean, J. Sagebiel (coord), *Social Work Practices – Romania and Germany*, Polirom, Iasi, 2007, pp. 161 – 170, George Neamtu, *The Professional Formation of the Social Worker from the Bologna Declaration Perspective*, A. Muntean, J. Sagebiel, *op. cit*, pp. 138-149. The Subject of social work occupational standardisation in Romania has been presented as well in international conferences: G. Neamtu, *The Research of Romanian Social Work Professional Standardisation and the Formation of Specialists during Post University Studies*, on the SPACE - *Annual General Meeting and Conference* from 21st till 24th March 2007, Cyprus College, Nicosia.

ROC (COR) must be up dated, detailed, completed, homogenised with international regulations, as well as correlated with labour market, harmonised with the knowledge development and the current practice models. A standardisation project would solve these complicated tasks for the social work domain – an area where new professions, occupations and jobs showed up. It is an attempt of meeting *Law 47/2006* appliance regarding the social work national system, where new institutions show up, precisely *The Social Inspection* and *The Social Observer*. The results should be applied on a national level because the methodology used is concordant with the scientific conditions of representativity and sociologic validity. The results would create the conditions for chance equality on the labour market for the social work graduates and specialists. The project is based and promotes as well the partnership within the analyses and research domain (see project's team structure).

A SPAS Project should have as a purpose the identification, description, evaluation and standardisation of the professions / occupations from the social work in concordance with ISCO-88-COM and ISCO-88, as a completion or a construction of the occupational standards of the existent professions from the ROC: social worker – upper level 244601, social worker – medium level 346001, research assistant in social work – 258208, head of office manager in a public institution –111059, head of department in a public institution – 111064, specialised inspector in public administration –247003, inspector social protection –315203, inspector social insurance and retire allowance, mediator –244702, social mediator –513903, socio-educational animator – 511307. An objective regards the inclusion of new social work specific occupations in ROC in concordance with the practice of other European countries and with the legislative modifications from our country, like the supervisor in Social Work, case manager, social work inspector, (see *Law 47/2006*), social work observer (see *Law 47/2006*). Together with the appliance of the methodology promoted by CNFPA, the project would develop, elaborate and establish the social work occupational standards and would suggest to be included in ROC due to the field studies and occupational analyses in 4 Romanian counties (Bacau, Braila, Sibiu, Timis) and comparative international *curricula* analyses. Three main directions are to be approached: a) occupational analyses of the activities of the social work field; b) documentation and correlation of the international competence units; 3) frame program for the restructuring of the university professional formation curricula. The project would compare standards list and the job description with the occupational standards in Germany and France, as well as with the European Union and UN ones. As main results: 1. occupational standards for the social workers; 2. Evaluation, Recruitment and Career Promotion Guide in Social Work. 3. Frame Program (Curricula) for the university professional formation. And the Project is supposed to initiate international collaboration research.

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Validity of Continuous Education Strategies – A Higher Education Management Perspective Approach

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Key words: *life-long learning, educational management, higher education.*

Abstract: Since the beginning of Bologna Process, higher education contribution to continuous education and making it the reason of social-economic growth has been emphasized for many times. Measures taken in Romania in this respect, consisted of adoption of a set of laws with the purpose of supporting those who decide on developing any educational programs after ordinary education is completed. Nevertheless, European statistics evince the fact that our country takes last but one place in Europe, out passing Bulgaria, as regards the indicator of *life long learning*.

This paper presents the results of a study whose purpose was to evince the learning mentality that higher education graduates achieve along several years of education. This analysis has been started with a view that the fundament of a valid strategy in continuous learning has to be the awareness of continuous training that has to be supported by legislative measures as well.

At the same time, we proposed measures to correct the ascertained deficiencies, which are such as: poor cooperation between “school” and economic agents, representatives of employers and employees that have to effectively participate into the establishment of professional training content and competencies to be acquired; lack of strong correlation between professional qualifications provided by educational system and the list of professions; miss adaptation of curriculum and study programs to adult professional training needs; lack of social role models promotions to inspire young people desire fro continuous training; poor organization of information and career counseling activities etc.

Consequently, by this plan, we think that this review can be the necessary instrument for all educational managers in higher education institutions.

Even though having its own uncertainties, knowledge society constitutes a new and big promise of progress and wellbeing, of preventing underdevelopment, of reducing social economic differences that can still be found in the world. The realism of this challenge is emphasized if taken into consideration that knowledge society is founded on scientific knowledge – a resource that has unlimited “fuel” in human intellect. Nevertheless, the knowledge society requires ever bigger training efforts, higher and higher competencies, forcing education systems to raise the level of norms or training standards.

The changes to be in education shall target the role and functions of education, its orientation, its scope, values and school values. Even though so far no country has an educational system that a knowledge society needs, certain specifications have been stated for education and schools according to recent social needs. Among these it is the one considering that school has to provide *motivation for learning and practice for life-long learning*.

Taking into consideration that within the new society, learning is an activity that has to continue all through the life and among all aspects of life, it is very important that school finds the best way to motivate its students to learn. OECD report in 2003 – *Learners for Life: Students Approaches to Learning: Results from PISA 2000* – clearly demonstrates that motivation is the main factor that determines achievement of high performance in school. At the same time, school has to develop attitudes and abilities for independent learning, both within and outside of school.

Moreover, school efforts in this direction have to be supported by society in its whole (politicians, mass-media, family etc.), and this support should refer mainly to promoted social models. Special attention is needed for labor market evolution and setting of right stimulants to encourage disadvantaged groups to participate to training opportunities.

In the new society school has to be an open, dynamic system, accessible to persons of all ages, including to those that did not take advantage of formal advanced education in the early stage of their life. Educational system has to provide “random access”. All individuals have to be able to continue their formal training at any stage of their life and qualify for work based on knowledge.

At European level the issue of continuous training from higher education perspective (the one considered as fundamental for knowledge society), has been approached, besides other issues of European higher education, within Bologna Process, to which Romania adhered since its settlement in June 1999. European Commission defines continuous learning as “a deliberate continuous activity of learning with the purpose of knowledge, skills and abilities improvement”. As regards the value of the indicator of *life-long learning*, European statistics evince the fact that Romania takes last but one place in Europe ahead of Bulgaria. Thus, in 2005, the percentage of individuals aged between 25 and 64 involved in any educational programs was of 1.6% against European average of 9.7%.

Authors of this essay have conducted a study (on 377 students and 263 of teachers), in the universities of Constanta and Bucharest to identify mentality of present students towards learning and their main reason to learn and train continuously. Study consisted of quiz tests, plain talks on this subject and analysis of data made public by the universities. Start idea was that a positive attitude towards profound learning is determined at higher education institution level, mainly of aspects such as:

- The ability that organization of the training-educational process in the university has to determine students to study beyond formal frame taught in classes;
 - Creation of conditions to enhance personalization of the learning process according to students’ abilities and interests;
 - Emphasis of support that theoretical concepts can provide to practical activities etc.;
- Obtained results are presented synthetically as follows:

A. *Positive attitude towards learning is affected by the manner time is allocated for study*

Allocation of insufficient time for learning for expected results may generate for the student, especially for the one that has to learn, anxiety mood, stress, weakness feelings that may induce study abandon, plain memorizing instead of full understanding of concepts to be apprehended, exam pass may become the only goal of learning. The issue of correspondence between time, difficulty and volume of concepts to learn is evinced at the European level by ECTS system. Results of conducted study demonstrate that in Romania this system is regarded with indifference and most of the times it is randomly applied.

B. Positive attitude towards learning is affected by unclearly set learning objectives

There are many cases when study courses objectives are unclearly set, not corresponding to managerial principles of objective that can be easily observed from data made public by the universities. This situation generates for those in a position to study lack of motivation, of interest for study subjects, difficulties regarding the organization of individual study that shall affect students ability to critical thinking and choosing among various educational strategies, difficulties in the information of economic agents that are interested in labor force represented by the graduates, of their abilities at graduation level and communication with them as regards the skills they are expected to have. This situation generates obstacles in labor market integration and consequently a state of dissatisfaction, discouragement, lack of interest and respect for higher education studies.

C. Positive attitude towards learning is affected by lack of correspondence between learning set objectives and evaluation topics.

Results of quiz test on students and teachers evinced that in Romanian universities there is a tendency to turn to rapid forms of examination (examination by using quiz tests, written examination) opposed to examination forms that allow the student to express freely, creatively, such as oral examination or practical paper one. At the same time, in absence of diverse methods of evaluation, this activity is not regularly developed but concentrates mainly during evaluation period, which determines students to "leap" study. Results of such practice shall be: students are encouraged to channel their efforts to simply memorize information that most of the times, but help them pass the exams; there shall be no constant study, or connections achieved among taught concepts of various study courses, there shall be no exercise of the ability to think logically; contrary to European principles, evaluation has a passive role in the teaching – learning process, of appreciation of performance level of students and not an active one, that is to determine study.

D. Positive attitude towards learning is affected by students' lack of implication in the research work

More than half of the questioned students have never been involved in research activities developed within the universities.

Such facts associated with the previous observations about the students' evaluation that does not imply ability of original approach on subjects they are taught, leads to the conclusion that up to their graduation, Romanian students are rarely in a position to prove in original manner their assimilation of knowledge. The fact that students are not involved in research work may enhance certain strains that they feel while studying such as: lack of interest for what they need to learn as a result of difficult associations of theoretic information they get with practical relevance; impossibility to identify their own needs of learning; failure to develop critical thinking by analyzing different specific situations; lack of accustomed individual study; inability to self evaluation of personal opinions, to logical and coherent argumentation, that may lead to their alienation in different work teams, study teams that they attend; failure to adapt to individual or team work; difficult response at the level of masters or /and doctoral degrees etc.

E. Positive attitude towards learning is affected by students' lack of trust in the educational system ability to train them for labor market demands

Results of the study point out that students imply themselves in teaching activities with their main motivation being the desire to find a job corresponding to their specialization. Yet, they are convinced that changes in education have not contributed to an increase in the education quality and neither to graduates' competitiveness on labor market. Above all, students express their discontent to the quality of training teachers can provide and consider they should have educational programs to develop entrepreneurial ideas. This situation affects the importance that students show to higher education, teachers in general or in particular, also the importance they show to the entire work in the faculty that shall determine decrease of study motivation, of investing into education all through their life.

F. Positive attitude towards learning is affected by lack of correspondence between student skills and chosen specialization

Students' poor choice is a compromise presently made by higher education institutions to win the competition, as long as short term winning is actually financial winning. Moreover, teenagers in Romania are never being tested all along educational itinerary with a purpose to actually identify their real skills and abilities towards some kind of activity. Under these circumstances, there is a risky situation that many of them proceed on some education that is not congruent with their abilities and interests, that shall lead to lack of interest, motivation and mediocre level of completion.

To the above-mentioned that have pointed out the organization manner of the education and training process inside universities, we can also add social aspects such as: absence of promotion of social models based on ethical and moral values, poor material appreciation of intellectual work, absence of programs to identify study abilities and financial support of students from poor environment, lack of support from business sector toward education etc., despite significant increase of number of students that turn higher education from elitist environment into mass phenomenon, there comes the conclusion that real interest is not to study, but to simply obtain a diploma. Such superficial approach of education is presently a plague affecting Romanian society in every dimension and this does not inspire to study or continuous professional training.

In Romania, all measures taken for continuous education were mainly of lawful nature, such as those concerning public institutions employees that attend professional training courses and are entitled to basic wages and supplements also if training courses take place elsewhere than residential area; at the same time universities can provide on a contractual basis, some assistance to education trainers of adults or they can start themselves such programs. Moreover, it is allowed by law, the organization of institutions and open education networks that use modern technologies of communication and information collection. The idea of this essay is that, despite all the above mentioned measures, even though they are useful, they do not change the attitude towards studying, an attitude that could generate an increased value of performance indicators.

Consequently, measures we would like to propose are linked to re-establishment of Romanian higher education system on new values and organization principles that implies congruent effort of educational managers at all three levels: national, higher education institutions and even the teacher as manager of his class. Such measures, referring in this paper to the level of higher education institutions are synthetically presented further on.

I. Establishing necessary time to study – study objectives – evaluation activity

Starting point of this target shall be clear setting of study objectives. They shall take into account the knowledge level students have to attain, so it is specific to each faculty and it should be determined with the purpose of resources identification (material and human) that the faculty has got to sustain the teaching – learning process. Starting from

final objectives of specialization, every teacher is to establish the objectives of its own teaching subject. Every teacher shall set the teaching - learning methods that are needed for the objectives and competence levels as well as the time required for direct meeting between student and teacher and for individual study also. Most efficient methods are to be chosen, according to international statistics. This requires, on one side, confrontation with time allocated by the other colleagues so that, per total it shall not overcome the established time by law that a student may allocate t studying that is 1.500 hours/year; and on the other side, there has to be set a manner in which students accept and comprehend the time allocated by the teachers.

To further ensure the congruence among study objectives, teaching-study methods and allocation of necessary time to study, we need correlation between students' knowledge evaluation and study objectives. Following this principle is mainly teacher's task, or the task of university/faculty management with the role to ensure implementation of general frame. On one side there is formalized expression of correlation between study objectives and evaluation forms and on the other side there is free decision of every teacher to establish evaluation methods.

II. Students enroll into research work

Serious approach of skills that research – learning activity have to pass on to students is an issue that is linked both to the higher education institution management, and to every teacher.

Also important is that each studied subject should have a component that requires from all students to practice research work stages. Teachers' main objectives shall not be linked to student elaboration of valuable scientific paper from the point of view of theoretical and/or practical contributions. By fixing such an objective it means not to accept the condition of "attainable objective". It is not realistic to ask of a student in his first study year, and even of those in final years to bring their contribution to the scientific evolution of the field (this is remarkable if it happens, yet only exceptional students can achieve it). Unrealism of the objective derives from the fact that students are merely in the stage of their studying of what science has produced so far, of their assimilation and use of knowledge from various areas of interest (even if they intermingle, student cannot bring original contributions to all fields).

Regardless of the manner students reach completion of research activity (scientific session, paper, essay or précis) we consider that the objectives of research work developed by students are divided into two main categories:

1. Learning of taught concepts – issue that has already been developed in the section of teaching –learning process;
2. Forming of useful abilities for students in order to continue research activity in more evolved forms (within masters or doctoral programs), in order to have positive attitude towards learning all through their life, to rapidly accommodate and have good results on labor market.

Thus, the proposal we make is that teacher should evaluate students' research work on the basis of approach change from „work originality” to specific skills that can be obtained especially by research work. They should be such as:

- Ability to identify the interesting issues for research, analysis and evaluation of given situation;
- Ability to elaborate a work plan and to follow stages of this plan;
- Ability to evaluate research models provided by specialized works and choose and adapt it to own necessities;
- Ability to seize essential information from a variety of bibliographic sources according to their relevance to the research subject, key-notions and elaboration of useful database.

- Capacity to overcome blockage moments and not give up in case of less valid idea or change of plan or work conditions;
- Ability to approach researchers that can provide useful information, communicate with them in order to develop social relationships;
- Development of the ability to work in team, to assume responsibilities, to communicate with other team members and with the coordinator, to assimilate ideas proposed by the team they belong to;
- Responsibility to take own decisions when coordinator or other team members from various reasons cannot be of help;
- Ability to work in organized environment and meet deadlines;
- Capacity to valorize own work, to present in interesting and attractive shape, to argument and sustain own point of view.

Following these targets against those that pursue originality, at least one research work objective shall be attained that is to make students accustomed to study.

III. Connection of education activities to business environment requests

Graduates integration on labor market according to their specialization implies two aspects: professional development and socio – human development, both as important. Consequently, those involved in higher education management shall have to pay equal attention to both requirement criteria.

There are concerns at national level of meeting requests of labor market and qualifications provided by higher education institutions, concerns that have already started cooperation actions between higher education institutions, economic agents, other organizations, to develop specific partnership, research of labor force market, development of entrepreneurial dimension of Romanian universities as well as analysis of compatibility of specializations curricula within fundamental fields of higher education, all these have the role to determine acceleration of students accession to labor market.

All general measures may be left without any actual effect if their essence remains not understood and it is not implemented in every higher education institution and every teacher's action manner. It is useless to state some objectives that are correspondent to European tendencies, to support necessity of action plans since every study course, seminar and confrontation teacher – student or time spent by teachers for their own professional development, if those measures are not applied.

These targets cannot be met with declarative meetings only between universities and economic agents. A very important measure that higher education institution management needs is *economic agents' commitment to university life*.

This fact should be of much importance within higher education institutions and formal approach has to be avoided. Organizational structure within university would be useful in order to manage partnership between university and economic agents. Management of this structure does not have to be conditioned to academic titles but to results and commitment of practical activity of coordinator, who, under the circumstances of subordination to academic authorities, may be representative of business environment and not teacher. He shall have his own work team taking into consideration the activities he has to develop:

- Elaboration of database with most important possible employers of university graduates;
- Organization of meetings between employers representatives, teachers and students;
- Employers commitment to objective elaboration of practical activities within teaching plans;

- Providing of professional training programs by university that are to be used by employers;
- Elaboration of applicable tests for employers to establish the level of satisfaction concerning students competences, in general or of graduates in particular;
- Procession of obtained answers and their integration within teaching activity to follow in the university

It is very important for these activities to be conducted constantly, strictly organized and with obvious completion. They shall be part of the working quota of those in charge with them and rewarded according to results. We consider the success of such project is conditioned, on one side, by employers approach as partners that naturally follow own interest and on the other side, by the approach as distinct activity in the university, as important and correlative to teaching – learning and research – study activities.

IV. Students career orientation according to their abilities

Practice within well-known world universities supports the idea of necessary student evaluation before his admission of entrance examination, of his skills and potential to attend specific classes of some faculty. The fact that the system of abilities testing is used at entrance exam such as at Oxford or Cambridge for more than 20 years validates its usefulness. These tests measure according to specialization, student ability to make logical deductions, creativity, critic capacity, coherence. Surely that such selection method would mean for many universities in Romania to be left without students. Meanwhile, those universities that have entrance exams should include, to their own benefit and students' within elaborated strategies, the replacement of traditional entrance exams with skill tests. Even if such tests shall or shall not be sooner or later part of universities practice, the existing correlation between professional success and students skills should not be ignored. This solution, applied by some of Romanian universities is organization of information centers of counseling and professional orientation. To avoid useless consumption of material human, financial resources, there should be common financial support of more universities to form such centers.

The present paper within interest field of higher education is focused on solutions to be applied at this level. Yet, we need to remind that successful implementation of above mentioned principles is strongly connected to the manner of organization of the entire national education system. It is about the fact that the issue of skill identification cannot be solved by approaching it at the higher level at education. Skill identification should be a concern starting from the very moment the child is enrolled to the education system (since kindergarten).

With all the above mentioned we think that they can be a useful starting point in elaboration of valid strategies of encouraging the activity of continuous study whose solid base cannot be but a healthy attitude toward study.

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Considerations about Mechatronics Integrative Transdisciplinary Knowledge

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Key words: *mechatronics epistemology, ontology and logics, top-down and bottom-up mechatronics perspectives, transdisciplinarity mechatronics learning and understanding knowledge, mechatronics training, simulation and learning environment.*

Abstract: The purpose of this paper is to describe the ongoing transdisciplinary way of establishing mechatronics as a paradigmatic teaching-learning process (epistemological mechatronics), as a socio-interactive way of living (ontological mechatronics), and as a reflexive communicational language (semiotic mechatronics) with a logical creativity and flexibility for the purpose of crossing barriers and the building of bridges between students and teachers, between students and the mechatronics as subject and between the students themselves, in a learning-understanding synergistic process, as active-reactive, extrinsic-intrinsic approach, with a functional-axiological evaluation of the achievement of mechatronics knowledge from the transdisciplinary perspective. The paper presents a transdisciplinary approach of the knowledge process through mechatronics learning. The type of the synergistic-significant process in a transdisciplinary context of learning in the knowledge based society explains the functional-informational integration at the level of structures, the logical-creative signification and the ethical-moral valuing of the entire spectrum of knowledge, including the spiritual dimension, using the top-down and bottom-up perspectives in mechatronics knowledge process. Due to this fact that the understanding of the present world cannot be accomplished within the framework of a single disciplinary research, transdisciplinarity is the only way of explaining complementarity both to multidisciplinary and crossdisciplinary research, in a codisciplinary context, being entirely distinct from them. Because multidisciplinary and crossdisciplinarity temporary cross disciplinary boundaries, remaining within the framework of a disciplinary context, they cannot explain the integrative mechatronics knowledge. Because of this very important reason the present paper is a better explanation, through the presented model, than the other existing models of the synergistic identity of mechatronics, in the context of a transdisciplinary approach.

1. What really mechatronics is?

Starting from 1969, the term „mechatronics” emerged in Japan and reflects the merging of mechanical and electrical engineering disciplines. Later, mechatronics was considered as an electrified mechanism, and was explained to be a new engineering discipline, as a boundary between mechanics and electronics [Dinsdale, Yamazaki 1989]. Today, the term encompasses a large array of technologies, merging of mechanics, electronics and software and information technology [Yamazaki, Miyazawa, 1992]. Mechatronics gained legitimacy in academic circles in 1996 when mechatronics was defined as "the synergistic integration of mechanical engineering with electronics and intelligent computer control in the design and manufacturing of industrial products and processes." [Harashima, Tomizuka, Fukuda, 1996; Auslander, 1996]. The general category of mechatronics should accomplish a number of topics as modeling and design, system integration, actuators and sensors, intelligent control, robotics, manufacturing, motion control, vibration and noise control, micro devices and optoelectronic systems, automotive systems, robotics and other applications [Grimheden, Hanson, 2001; Minor, M. A., Meek, 2002]. The very important question is not the definition of mechatronics but what really it is [Comerford 1994; Pop, Maties, 2008]. The areas under mechatronics as defined in that initial issue, would be very broad, and would include topics that have very little in common, so a transdisciplinary approach of mechatronics should be done, considering that mechatronics is, at the same time, an educational paradigm by its thematical, exemplifying, interactive, functional aspect (mechatronical epistemology) [Grimheden, Hanson, 2005], as a socio-interactive system of thought, of living and mechatronical action (mechatronical ontology) and a reflexive way of communication (the creative logic of the included third) [Nicolescu, 1996], integrating in a synergistic combination mechanical engineering, electronics, control engineering, and computers, through the design process, as a reflexive creative language [Pop, Maties, 2008; Pop, 2008]. Based on information, mechatronics is not only the best suited technology for a highly advanced informational society with the mattergical incorporation of the inform-action [Gitt, 2006], as an emerging engineering area that is likely to modify the fundamental nature of engineering education, in the disciplines of electrical and mechanical engineering, but it involves the application of complex decision making to the operation of physical systems, mechatronical systems depending for their unique functionality on computer software, and can provide an academic model for developing co-disciplinary programs within the engineering college departmental structure that is historically based on the traditional engineering disciplines. Mechatronics integrates the classical fields of mechanical engineering, electrical engineering, computer engineering, and information technology to establish basic principles for a contemporary engineering design methodology.

As an argument that mechatronics isn't nor pluridisciplinary, crossdisciplinary, a new discipline, or a simple methodology, but a transdisciplinary epistemological, logico-creative and ontological system, is obviously sustained through the model from fig.1 [Pop, Maties, 2008]. Here are presented the five stages of the evolution of the mechatronics from disciplinary to transdisciplinary, through codisciplinary, pluridisciplinary and cross-disciplinary, as follows: **(1) disciplinary approach, with specific separation** between mechanical engineering, electronics and intelligent computer control in an attractive context, with no contact between them; **(2) co-disciplinary approach, with statistical virtual connection**, identified between separated disciplines, the disciplinary dynamics generating temporary contents and methods in a specific configuration; **(3) pluridisciplinary approach, cooperation through contact**, characterized by different kinds of contacts between disciplines with radial mutual interactive flows through each contact point; **(4) cross-disciplinary approach as a combination by overlapping**, with common creative-innovative spaces, with transfer of methods and content. Circular flows determine the emergence of a new systemic configuration in a paradigmatic system, a reflexive

communicational language and a socio-interactive reorganization of the contents and methods. This kind of informational flow is prevalently. Consequently, the closed regions are growing from the initial points of contact to space filled with the separated elements, so the last level of integrative, as a **transdisciplinary approach by synergistic synthesis (5)** emerges in a new transdisciplinary informational-functional structure, with ethic-semantic values, including the spiritual dimension. This system has a central hard synergistic core with flexible and deformable boundaries, surrounded by a “fluid belt” through which are captured innovative ideas, new research themes and new courses in synergistic specific configurations and programs from the diffuse outer shell. The central zone is functioning as a paradigmatic (educational), socio-interactive (existential) and reflexive (communicational) transdisciplinary system [Pop, Maties, 2008]. If in the cross-disciplinary stage circular flows of knowledge are prevalent, in the transdisciplinary context a radial anisotropy of attractive-repulsive combining flows, with a hierarchical-heterarchical rebuilding of the contents emerges (could be just emerging new transdisciplinary thematic disciplines as robotics, optomechatronics, biomechatronics, etc.). The nodal points (inner, medium and outer) as they are seen in fig.1, are introduced as possible channels for explanation of the transdisciplinary thematic, experiential selection, interactive participative communication and functional legitimacy mechatronical educational paradigm [Grimheden, Hanson, 2005].

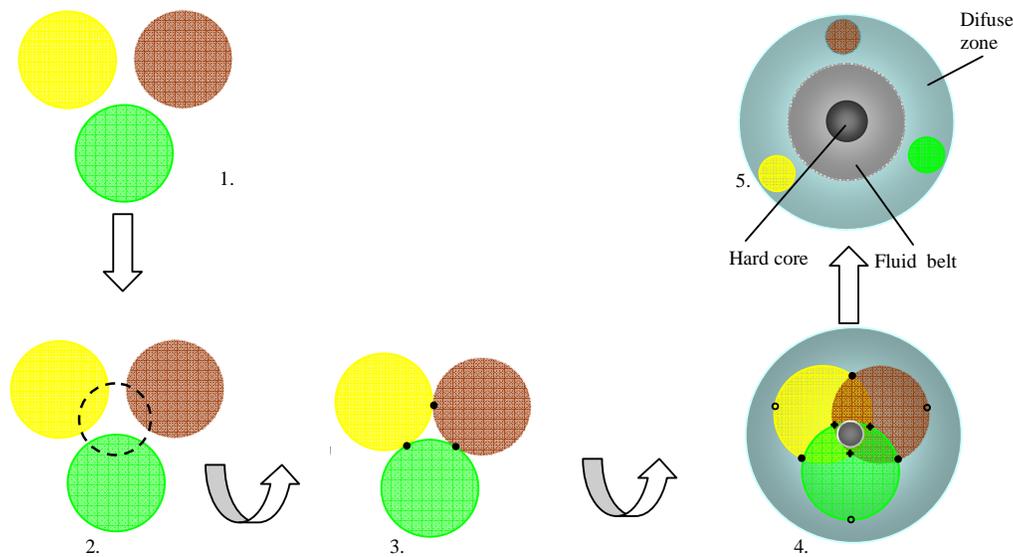


Fig 1. The new perspective on paradigmatic transdisciplinarity in semiophysics [Pop, Maties, 2008]

2. Top-down & Bottom-up Perspectives in Mecahtronical Knowledge

The growing importance of Mechatronics, from a pluridisciplinary one at the beginning, through crossdisciplinary, and more recently, as a transdisciplinary approach to engineering [Pop, Maties, 2008], becomes increasingly apparent. New products and systems based on the integrated application of mechanical, electronic and computing engineering technologies are demonstrating complexity, increased performance, and often, previously impossible capabilities. These advantages have been stimulated by factors including developments in microprocessors, new and improved sensors and actuators, advances in design and analysis methods, simulation tools and novel software techniques [Minor, Meek, 2002]. The key aims of the mechatronical approach of knowledge are to promote relevant education and training, support the development of

research programs and diffuse information relating to the application of techniques across all industrial sectors [Grimheden, Hanson, 2003].

Mechatronics is studied at a theoretical and practical level, as well, a balance between theory, an analysis and hardware implementation being emphasized, based on the physical understanding rather than on the mathematical formalities. In the same time case-study, problem-solving approach, with video hardware demonstrations are used throughout the mechatronical thematic courses [Doebelin, 1980]. In this way there is the possibility to explain what mechatronics is in a general philosophical framework, with the possibility to approach the mechatronical evolution from a **top-down perspective** as a philosophy of living with a specific language and with strong educational skills in the knowledge based society. At the same time there is a **bottom-up perspective** in this approach of reaching knowledge, the integration of new products and systems based on the mechatronical synergistic synthesis with complexity, increased performance, and to achieve skills in a transdisciplinary apprenticeship relation between the teacher and the students as transmitter and receiver of the contextual synergistic message, as is presented in fig.3 [Pop, 2008]. The true mechatronics engineer has a genuine interest and ability across a wide range of technologies, and who takes delight in working across disciplinary boundaries in a transdisciplinary way, to identify and use the particular blend of technologies which will provide the most appropriate solution to the problems. Furthermore, an engineer could be a high communicator who has the knack of being able to motivate others about technologies outside their own, and to promote alternative approaches. The knowledge search window is a methodological concept introduced by the author to explain the bottom-up/top-down mechanism of the teaching-learning process in mechatronical educational paradigm from transdisciplinary perspective. The teacher is acting from a top-down perspective, while the student from a bottom-up perspective, the ranks of authority being alternatively in a symmetrical and complementary interaction state, depending of the context to avoid potential conflicts by building bridges, working together in an assumed/negotiated harmony, in the same time avoiding the possible disharmony states [Pop, 2008].

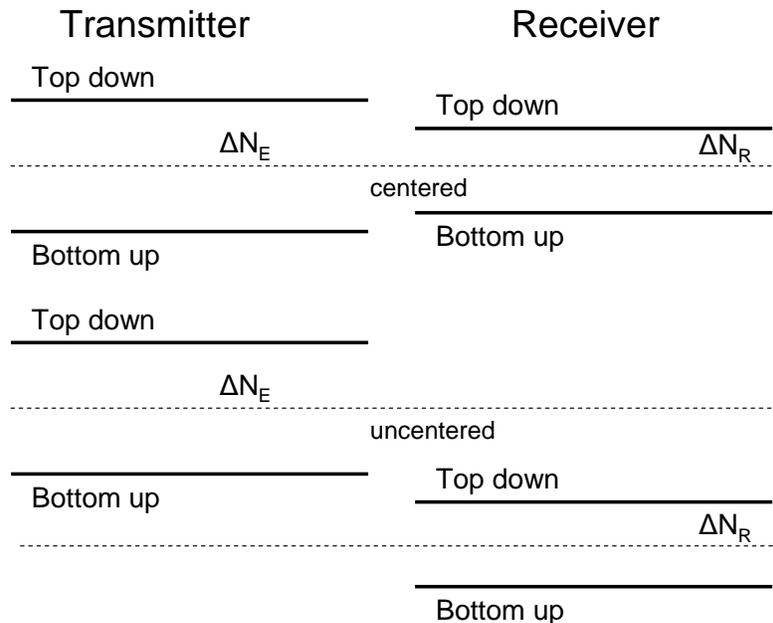


Fig.2. Knowledge search window

The mechatronical curricula studies strive to develop in each student a balance between the top-down and the bottom-up perspectives on mechatronical approach of knowledge, studying in depth the key areas of technology on which successful mechatronical designs are based and thus lays the foundation for the students to become true mechatronicians (mechatronical engineers). To evaluate concepts generated during the design process, without building and testing each one, the mechatronics engineer must be skilled in the modeling, analysis, and control of dynamic systems and understand the key issues in hardware implementation [Wikander, Torngren & Hanson, 2001; Hanson, 1994]. It is very important to develop a hierarchy of physical models for a dynamic system, from a real, natural model to a design model, and understand the appropriate use of this hierarchy of models, and its heterarchical levels, to achieve the key elements of a measurement system and the basic performance specifications and physical/mathematical models of a variety of analogical and digital motion sensors, the characteristics and models of various electromechanical actuators (brushed dc motor, brushless dc motor, and stepper motor) and hydraulic and pneumatic actuators, analog and digital circuits and components and semiconductor electronics as they apply to mechatronical systems [Palm, 1999]. Then the mechatronical engineer has to be able to apply various control system design techniques, as open-loop feed-forward control, classical feedback control (root-locus and frequency response), and state-space control, to have a general understanding of more advanced control design techniques (cascade control, inferential control, model predictive control, adaptive control, fuzzy logic control, and multivariable control) [Minor, Meek, 2002, Giurgiutiu, Lyons, Rocheleau, Liu, 2005]. The digital implementation of control and basic digital control design techniques have to be learned and understood to be able to use a microcontroller as a mechatronical system component, i.e., understand programming and interfacing issues, and to apply all these skills to the design of a mechatronical system and of the intelligent products. By intermediating the creation of these intelligent products, which incorporate an increasing amount of information, containing a high amount of intelligence and complexity, mechatronical technology can assure the conservation of matter and energy resources, by processing less matergy and by polluting less, thus being a no dissipative technology, in an intelligent environmental context [Pop, 2006; Gitt, 2006].

As the needs of humanity seem to be satisfied, there is an increase in actions which seek the fulfillment of spiritual needs, through knowledge, which, in turn, creates a powerfully informatized based society. In the knowledge based society, information being flexible, unlimited, infinitely extensible, can assure the fulfillment of these spiritual needs, at the same time with the material ones [English, 2000; Pop, 2006]. Mechatronics have lead, in a short amount of time, to the development of new educational principles through the development of systemic thinking, the development of skills for team work, where thinking and action flexibility, designing and production creativity are essential qualities for the researcher. In mechatronical technology, the design process can be finalized only by a team of specialists from different fields who must learn to communicate in a new manner, which means that each researcher must think synergistically rather than sequentially, from his own field of research. There is an obvious difference between the traditional, fragmented, sequential and the mechatronical integrative design [Stiffler, 1992]. The principles of mechatronical education can be applied successfully to all teaching levels, thus creating the necessary environment for defining the curricular areas with the possibility to switch from a unilateral thinking, based on a single discipline, to a flexible, global thinking, which assures an integrating approach to the educational process [Hanson, 1994; Rainey, 2002; Grimheden, Hanson, 2005].

Mechatronics can be regarded as an educational paradigm, as a reflexive contextual language and as a socio-interactive way of being (living, thinking, acting), with a methodology to achieve an optimal design of electromechanical intelligent products, to put

in practice the ideas and techniques developed during a transdisciplinary process to raise synergy and provide a catalytic effect for finding new and simpler solutions to traditionally complex problems [Pop, Maties, 2008]. This approach is a top-down evaluation of the mechatronical knowledge perspective. There is a synergy in the integration of mechanical, electrical, computer and information systems for the design and manufacture of products and processes, which can be generated by a correct combination of parameters, so that the final product be better than just the sum of its parts. Without a synergistic combination, mechatronical products could not exhibit performance characteristics that were previously difficult to achieve. A mechatronical concentration area in the engineering curriculum would support the synergistic integration of precision mechanical engineering, electronics control, and systems thinking into the design of intelligent products and processes. Considered as a result of applying information technology to physical systems, consisting of mechanical, electrical, electronic and computer systems as well as actuators, sensors, and real time interfacing, mechatronics use sensors and actuators to transduce energy between high power, usually the mechanical side, and low power, the electrical and computer or electronic side. This is one of the possible bottom-up approaches of mechatronics. Transdisciplinarity as understanding (top-down approach), learning and practicing it (bottom-up approach) is based on an active process, occurring either intentionally or spontaneously, that enables to control information, thus to question, integrate, reconfigure, adapt or reject it [Nicolescu, 1996].

3. Learning to know and learning to understand in transdisciplinary mechatronics

Transdisciplinarity has four pillars of knowledge: learning to know, learning to do, learning to be and learning to live with. There is one very obvious inter-relation between these four pillars of the new system of education: how to learn to make (to do) while learning to know, and how to learn to be while learning to live together with [Nicolescu, 1996]. To learn and to understand are the most two important issues of the transdisciplinary mechatronical knowledge in the integrative process through modeling and control in the design of mechatronical systems with the physical and mathematical modeling. The way the mechatronics works as a transdisciplinary in the new educational paradigm, was presented before, by its thematical, exemplifying, interactive, functional aspects (mechatronical epistemology), as a reflexive way of communication (the creative logic of the included middle), and as a socio-interactive system of thinking, living and mechatronical action (mechatronical ontology) [Rainey, 2002; Grimheden, Hanson, 2005], was explained in fig.1.

To achieve knowledge in transdisciplinary mechatronical context, it is necessary to reconfigure the framework of the way these four pillars of transdisciplinary knowledge are working. For this aim, were put together, in a new framework, learning as achieving information and knowledge, as an objective extrinsic logical issue, and understanding as an ethic-semantic issue, the subjective spiritual dimension of knowledge. Learning to learn to know by doing, and learning to understand to be by living together with other people are two guidelines to achieve both necessary integrative semiophysical skills in a synergistical communicational context, structural-functional semiophysical system, with its technical efficiency (knowing what and how we know), and ethico-semantic value of semiosical products in an ethical authoritative context with its axiological coefficient (knowing how and why we live) [Pop 2008]. Every pillar of transdisciplinary knowledge can be integrated in this framework to explain the mechatronical perspective of achieving knowledge in the informational society with a new transdisciplinary mechatronical epistemology, a new creative logics of the included middle and a new mechatronical ontology. Learning to know becomes a ring of the extrinsic active knowledge chain, with its aspects what, how and why epistemic

questions, related with the message (quantitative and qualitative aspects, know what), with the manner of the communicational process, code and channel (know how) and finally with the context (know why) (fig.3). The “training in the methods which help us to distinguish what is real from what is quite illusory and to have intelligent access to the fabulous knowledge of our age” [Niculescu,1996; OECD, 2004], in the context of the emergence of continuously connected beings to build a new scientific spirit, to establish bridges between the different disciplines, and between the meanings of these disciplines and the capabilities of the inside transdisciplinary potentialities as an indispensable complement to the disciplinary approach, and finally, to adapt themselves to the necessary and continuously changing of professional exigencies, with a permanent flexibility always oriented towards the actualization of their inside, is of big importance for mechatronical knowledge, but only learning by doing. This ring, of the extrinsic active knowledge chain, by doing, represents the “acquiring a profession necessarily passing through a phase of specialization in a challenging world, with changes induced by the computer revolution with excessive specialization risks, reconciling the exigency of competition with equal chance and opportunity for all” [Niculescu, 1996]. Learning by doing could be, in the transdisciplinary approach of mechatronics, an apprenticeship in creativity [Siegwart, 2001], discovering what is new, bringing to light the creative potentialities, generating the conditions for the emergence of the authentic person, working at the top level of creative potentialities [Boden,1994; Niculescu, 1996]. The intrinsic reactive branch of the mechatronical transdisciplinary knowledge, that of the learning to understand, involves the spiritual dimensions of the knowledge process without which the knowledge couldn't be understandable. The first step is learning to be, a permanent apprenticeship in which teachers inform the students, as much as students inform the teachers, in a permanent teaching-learnig process, so that the shaping of a person inevitably passes through a transpersonal dimension with fundamental tensions between the material and the spiritual, discovering the harmony or disharmony between individual and social life, testing the foundations of our believes in order to discover that which is found underneath, questioning in a scientific spirit being a precious guide for us [Niculescu, 1996; Berte, 2005].

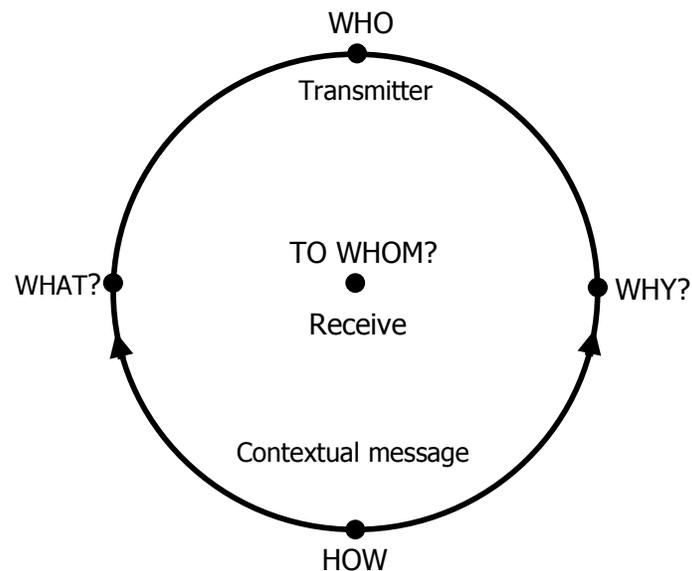


Fig.3. Semiophysical synergistic communicational model

This can be done only living together with other people in communion, not of the simple toleration of the differences between people, but supposing that the transgressive (transcultural, transreligious, transpolitic and transnational) attitude can be learned allowing

us to a better understanding own culture, to better defend the personal and collective identity with national, religious, socio-cultural and political convictions. The transdisciplinary approach is based on the equilibrium between the outside (with its extrinsic active knowledge aspect) of the person and his inside (with its intrinsic reactive knowledge aspect) in a equilibrium balance. So, transdisciplinary mechatronical knowledge, with its extrinsic active (learning to know by doing) and intrinsic reactive (understand to be by living with) components can be presented in a new original manner. The knowledge by „learning to learn to know by doing” involves „creativity through quality and innovation (to know-what, how, why)”, combining with „action through competence and performance (by doing-who, what, how and why)”, as extrinsic active component, characterized by the efficiency of knowledge process. On the other hand there is the knowledge “by understanding to be by living with”, which presupposes „authenticity through integrity and excellence” (to be-who, how), together with „participation through communion and apprenticeship (by living with-to whom)”, as intrinsic reactive component, characterized by its axiological ethic-semantic parameter [Pop, 2008].

4. Conclusions

It is very important to know that mechatronics is not a simple discipline, a new postmodern utopia, but it works through the new transdisciplinary educational paradigm by its thematical, exemplifying, interactive, functional aspect (mechatronical epistemology), through its socio-interactive system of thought, of living and mechatronical action (mechatronical ontology) and a reflexive way of communication (the creative logic of the included third). In the same time mechatronics is not a simple working methodology, but it works with specific synergistic synthesis methodologies. Mechatronics has not a pluridisciplinary or a crossdisciplinary character but a transdisciplinary one, generating new disciplines in a codisciplinary context, with flexible and contextual curricula (robotics, optomechatronics, biomechatronics, etc). Mechatronics evolves in a transdisciplinary context through knowledge search window mechanism defining the bottom-up and top-down flexible limits in the process of achieving knowledge in the knowledge-based society, from a transdisciplinary perspective using transdisciplinary knowledge methodology with its four pillars of knowledge in an original framework, as is proposed, learning to learn to know by doing and learning to understand to be by living with together.

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The International Orientation of the Higher Education Institutions

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Key words: *Higher education, hierarchies, globalization*

Abstract: Romanian higher education needs to use the valid hierarchy systems in order to make itself known, and it has to become as transparent as possible in what concerns the diversity of the teaching methods, of research and of funding. We also have to ask ourselves the following question: in the conditions of financial agreements, is it possible for the Romanian universities to enter the international league? Could a Romanian university rank within the first 50 or 100 universities in the world?

We have attempted to find an answer to this research problem by analyzing the most important performance indexes used by the world's hierarchy systems, and by suggesting a hierarchy model that takes into account the present global needs and tendencies in higher education, and that is relevant and valid both in Romania and abroad. These indexes were subject for validation by 15 experts from all over the world, with a vast experience in international education and in using the hierarchy systems.

Introduction

In the academic environment, both in Romania and abroad, there are numerous ranking systems for higher education, but very few of them are used to evaluate international activity exclusively. Considering the generalization and globalization of higher education, one of the university performance criteria is represented by international activity.

Studies show that educational institutions are directly involved in this increasingly important activity. Some of the questions that can be asked both by potential foreign students and teachers and by employers are: What are the foreign language courses offered? Will the studies be acknowledged by higher education institutions abroad? Are the credits obtained in a university recognized? In what conditions takes place the academic and research activity in the university? In order to correctly answer these questions, it is important to know the orientation towards internationalization of the

universities and colleges. This topic will represent the nucleus of the present research, as follows.

Users of the Hierarchy Systems for Higher Education and the Advantages of Using these Systems

The beneficiaries or users of national and international hierarchy systems can be:

1. Directly interested beneficiaries:

- Prospective students;
- Foreign students interested in studying at other universities;
- People who wish to take a certain course, but are not sure where to do this;
- Students who wish to exchange universities during their studies;
- Sponsors, industrial partners, external governmental or institutional financing parties;
- Human resources offices and people responsible for recruiting inside companies;
- The academic and university staff interested in ranking their own institution among the other higher education institutions;
- Quality centers for higher education;
- Parents;
- Companies and institutions interested in hiring the best trained graduates;
- Research institutes.

2. Indirectly interested beneficiaries:

- Governmental, non-governmental and community organizations;
- Media;
- The local community;
- Other organisms.

The Hypothesis of the Research:

Is there a combination of performance indexes of the higher education institutions in what concerns international activity and orientation, accepted as relevant by international evaluating experts?

In what follows we will attempt to answer this question from the perspective of establishing these indexes and the hierarchy model through the Delphi method and the implementation of this model through a pilot study on a sample of 12 universities in Romania and abroad.

The statistical weight of the criteria and indexes in the hierarchy model received from the experts was processed as follows:

Each grade was associated to the value in the table:

| | | | | |
|-----------------|--------------------|---------------|--------------------|-----------------|
| Essential 10 | Very relevant 8 | Relevant 4 | Less relevant 2 | Irrelevant 0 |
|-----------------|--------------------|---------------|--------------------|-----------------|

On the row, the values that resulted from the multiplication of the weight by the associated value were added.

Example: for index A2 the weight was calculated as follows:

$$10 \times 1 + 8 \times 4 + 4 \times 3 + 2 \times 0 + 0 = 54$$

The resulting weights were added and the respective sum was given the maximum percentage (100%).

Each weight was reported to the total value (in percentage, table no.1.):

| No. ind. | Total | % |
|----------|-------|-------|
| A | | |
| 2. | 54 | 8.3 |
| 3. | 46 | 7.07 |
| 6. | 78 | 12 |
| 7. | 52 | 8 |
| 10. | 44 | 6.76 |
| 11. | 46 | 7.06 |
| 12. | 42 | 6.46 |
| 13. | 54 | 8.30 |
| 14. | 44 | 6.76 |
| 16 | 56 | 8.61 |
| 17. | 36 | 5.53 |
| 18. | 46 | 7.07 |
| 20 | 52 | 8 |
| Total | 650 | 100% |
| | | |
| ES | | |
| 1. | 58 | 29.30 |
| 8. | 68 | 34.35 |
| 9. | 72 | 36.35 |
| | 198 | 100% |
| | | |
| EP | | |
| 4. | 52 | 26.26 |
| 5. | 52 | 26.26 |
| 19 | 50 | 25.25 |
| 20. | 44 | 22.22 |
| | 198 | 100% |

Table no.1 Weight of the criteria and their indicators in the proposed ranking system

Resulting weights (in percentage) for the analysed criteria:

| Criterion | Total | % |
|-----------|-------|-------|
| A. | 315 | 40.12 |
| ES. | 210 | 26.75 |
| EP. | 260 | 33.12 |
| Total | 785 | 100 |

The weights resulted by mediation were rounded to whole values.

Round III

Since a consensus was not reached, and only 60% of the experts responded to the relevance criterion, the third variant of the questionnaire (obtained after processing the data received from the experts in round II) was retransmitted to the experts together with the weight established on the Likert survey.

The experts were asked to re-evaluate the weights of the indexes.

After eliminating the extremes, the total weight was calculated, and the procentual value for each index.

Calculation Formula.

The suggested formula that includes the weights agreed upon by the experts is used for the general ranking of a university X_i , where i represents the number of universities involved in the study:

$$(1) \quad \text{Rank } X_i = [0,4 \cdot \text{CAX}_i + 0,3 \cdot \text{CESX}_i + 0,3 \cdot \text{CEPX}_i] \cdot w; \text{ Where:}$$

CAX_i = The score of university X for criterion A

CESX_i = The score of university X for criterion ES

CEPX_i = The score of university X for criterion EP

$w = (g_3 + g_6) / 100$ - coefficient given by the number of full-time staff engaged in international relations activities and by the number of foreign students in that university.

CA, CES, CEP - are results used for partial ranks after each criterion.

CA - The "Management and administrative aspects regarding international orientation" criterion.

CES - The "Students' experience and involvement in international activities" criterion.

CEP - The "Teaching staff's experience and involvement in international activities" criterion.

$\max(q_i, X_i)$ – the maximum number reported from the respondents to question q_i , $i = 1$ to 20.

The formula contains the three criteria suggested and evaluated by the validated indexes.

The calculation formula for each criterion in the hierarchy model are presented below:

For a university X evaluated according to criterion A, the calculation formula is:

$$(2) \quad \text{CiAX}_i = 10 \cdot q_2 + 8 \cdot q_3 + 12 \cdot q_6 / \max(q_6, X_i) + 8 \cdot q_7 + 7 \cdot q_{10} / \max(q_{10}, X_i) + 7 \cdot q_{11} / \max(q_{11}, X_i) + 5 \cdot q_{12} + 6 \cdot q_{13} / \max(q_{13}, X_i) + 7 \cdot q_{14} / \max(q_{14}, X_i) + 9 \cdot q_{16} + 5 \cdot q_{17} + 7 \cdot q_{18} + 9 \cdot q_{20}.$$

Example for criterion A:

University: code X;

$$\text{Rank A} = 9,5 + 7,0 + 12 \cdot 0,2 + 8 + 0,25 \cdot 7 + 0,5 \cdot 7 + 0 + 0,66 \cdot 8 + 7 + 0 \cdot 8 + 0 \cdot 5 + 0 \cdot 7 + 0 \cdot 80 = 48,03 \text{ points}$$

0.2 = no. of doctoral programs / maximum no. of faculties (at university z there are maximum 10 faculties offering foreign language courses)

0,25 = 2 doctorates / 8 (at university y there are maximum 8 doctoral programs)

0,50 = 60 agreements / 120 (maximum no. of agreements)

0,66 = 2 (the university offers web pages in two languages) / 3 (maximum no. of languages in which web pages are offered)

For a university X evaluated according to criterion ES the calculation formula is:

$$(3) \quad \text{CESX} = 29 \cdot q_1 + 35 \cdot q_8 / \max(q_8, X_i) + 36 \cdot q_9 / \max(q_9, X_i)$$

For a university X evaluated according to criterion EP the calculation formula is:

$$(4) \quad \text{CEPX} = 28 \cdot q_4 / \max(q_4, X_i) + 27 \cdot q_5 / \max(q_5, X_i) + 25 \cdot q_{19} / \max(q_{19}, X_i) + 20 \cdot q_{15}$$

Criteria in the ranking model

| | |
|-----|---|
| Nr. | Criteria in the ranking model |
| A. | Performance criterion A – Institutional Management and administrative aspects regarding international activity |
| ES. | criterion ES - students' involvement in international activity |
| EP. | Performance criterion EP – international experience and involvement of the faculty |
| IT. | Performance criterion IT – Informational technologies that support the internationalization of higher education |

Conclusions

An efficient hierarchy system represents a very useful financing instrument as well as a method to make the university's results and performance known. Moreover, analyzing the ranking systems can lead to:

- Identifying the evolution tendencies in higher education;
- Transforming existing graduate and undergraduate courses and introducing new ones;
- Modifying or updating the educational and financial policy, the educational strategy and objectives in higher education;
- Using different educational technologies and strategies;
- Adapting the contents of the subjects so as to answer real demands;
- Modifying the curricula.

The authors' effort was to point out the performance indexes regarding international aspects, present in the national and international ranking systems. On the basis of his research as well as of his own experience resulted from 10 years of activity in the field of university internationalization, he suggested an original ranking model to answer the present tendency towards globalization of the education.

The originality of the suggested model is given by the fact that the research and its validation were done with the help of international experts, as the author's intention was to have a ranking model of the international activity oriented towards globalization and easy to implement at an international level. Some of the performance indexes used can also be found in other ranking systems and methodologies internationally recognized, such as the Shanghai system (China), US News (USA), CHE (Germany), that are very popular at present in various rankings.

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The Sheet-Board and the Marketing Research

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Key words: *panel, marketing research, types of panels*

Abstract: Known under the name of fixed sample, longitudinal sample or continuous survey, the panel is in fact a constant sample, constituted (from nominated persons) for a relatively long period of time (ten or thousand of years), on which some observations are made, measurements or repeated determinations, at constant intervals of time. That is why, the information used from its application have a greater utility, being capable to illustrate, not only the given situation (the static one, as other types of surveys) but also the evolution in time (dynamics) of the phenomenon which is the object of the market research.

Once constituted (respecting the principles and conditions that make it to be representative and operational), the panel will be activated every time it is necessary to up-date the information. To each member of it, the firm that organizes the market research send, at certain time intervals, (as a rule) the same questionnaire (or – sometimes – questionnaires more or less different), asking for answers respecting some fixed terms. In order to get the acceptance of cooperation from their part, one can appeal to give them incentives (certain sums of money or little gifts).

The gathering of information from one panel to another can be done by mail (by e-mail also) by telephone, or through direct contact. In order that these information correspond to the goal of the research, in the research scheme there must exist:

- sufficient data fro the identification of the subjects being part of the panel (name, address, age, sex, profession), which permit the rapid discover of those furnishing random information or intended to be false;
- training or trial periods for the subjects
- ways to check the veridicality and sincerely of the information (the correlation of the profession with the incomes declared, the level of education with the structure of the purchased merchandise etc.);
- experimentation of the questionnaires etc.

In many market researches the panels are indispensable.

1. Advantages and risk factors

Being considered one of the most modern instruments that can be used in market research, the area of using the panel is in a continuous growth, a thing that can be explained by the advantages that it presents. Thus panels:

- assure a high rate of answers (70-80%);
- to follow the effects that a succession of marketing actions produce on one or many markets;; can put into evidence the factors responsible for the most significant changes within the consumers', middlemen's or competitors' behavior;
- furnish the most useful information in order to teach and analyze the tendency of the local markets, regional, national or international ones.
- as a result of the specialization of the sample unity with the problems making the object of the inquiries (as their long utilization in the process of furnishing information), their capacity to give complete and deeply profound answers increases;
- due to the fact that they are used a long period of time having the same component, the costs that they suppose (which initially can be relatively big) are spread upon some successive researches, being lower than in the case of other types of surveys. Obviously, it is about the research costs.

Although the use of panels presents some remarkable advantages, when establishing the decisions regarding their opportunity it is necessary to take into consideration the **difficulties and the risk factors**. Hereinafter there are mentioned some facts in this direction:

1) Obtaining the acceptance from the part of the subjects that are about to become part of the panel (a long time) is not an easy thing to be done as many firms and even persons refuse to cooperate (from different subjective or objective reasons). It is appreciated that from an amount of thousand persons asked to become part of a panel, about 90 refuse this action. As a result, it is very difficult to assure and then keep the representation of the sample. In such situation it is recommended the offering of incentives.

2) Some of the subjects Some of the subjects that accepted initially to take part in the panel, after realizing (during the research) what this action supposes, refuse to continue collaboration, fact that makes necessary the recreation of the panel (fact that is difficult to be realized).

3) There exist then subjects of the panel which go out from the component of the panel (due to retirement, death, residence changing, leaving the place), they being replaced during the process (with the same difficulties).

4) Another part of the initial subjects becomes, in time, atypical, being necessary to be replaced. For example some person, when aging become atypical and they need to be eliminated from the panel an replaced by some younger ones, in order to keep the age representation. The same thing happens with subjects giving false information or registering a delay in furnishing the answer.

5) Keeping a long period of time the same persons within the composition of the panel we can increase their vigilance in order to avoid mechanic thought and stereotypy in furnishing information.

In order to avoid the limitation of the negative effects mentioned above we recommend a periodical re-fresh of the panels.

2. The constitution scheme

Herein after we want to present a standard scheme necessary to be respected when we want to set up a panel and establish its functioning.

In big lines, the panel is constituted after the general rules of the sampling. The scheme we exemplify herein after resembles those when the sampling is executed in steps and phases, being a combination of both.

Step 1. The problem to be researched is defined in time by help of the panel.

Step 2. States the categories (economic, socio-demographic, political and of other nature) from which belong the subjects to be discussed in the panel.

Step 3. The territory to which the conclusions will be extended are split into *provinces and regions* (such as, in the case of Romania, the three historical regions - Moldavia, Transylvania, and Valachia)

Step 4. Each province structures itself on geographical and administrative areas, constituting a sample of such units (lets say *counties*)

Step 5. In each area there is constituted a sub-sample of habitats (or families), forming the habitats samples (families, firms, stores etc.).

Step 6. from selected area there will be selected a sub-sample. This will be done in such a way that every sample be properly represented by all the categories of population. On this occasion a reserve list will be set up in order to have a reserve for the change of the elements in the initial sample.

Step 7. A person from each family will designated in order to furnish the information and being a part of the proper-said panel.

Step 8. Every family in the panel is visited and explanations are given about the aim of the research, trying to obtain the necessary collaboration agreement from the part of the subject. In case of a refuse the principle panel is re-build with the help of the reserve list illustrated at step 6.

Step 9. The instruction of the subjects is done as they be capable to answer the questions.

Step 10. Trial information are approved and gathered.

Step 11. As a response to the obtained results at the end of the trials, the component of the panel is settled.

During the execution of the research, there are possible other kinds of actions (rebuilding, or actualization) of the panels.

3. Types of panels

Within the field of marketing researches different categories of panels are used. The most known are those formed of consumers, traders and experts.

a) **Consumers panels** (the users of certain goods) are the most frequent, being present under three forms:

a₁) the proper-said consumers, formed of individual persons representative for collectivities to which they belong, getting from them information used later within the market research;

a₂) family panels, used in any kind of market researches aiming the consume demand from the part of the population.

a₃) Firm panels, at which one appeal in case of the products making the object of the productive consume.

Even if the panel is situated in the second or third category, for the fast gathering of the information referring to family or firm, as rule, the persons who must answer the questionnaires are named, and in the end the persons panels being the most used ones.

Market researches regarding the families' budgets represent the most significant example of using panels from the part of the consumers.

b) **Traders panels** (wholesalers and retailers), to which one can assimilate other categories of middlemen, too), are more and more used in order to study some important aspects of their activity, such as; supplying, sales, stocks, prices, products, publicity etc.

The information gathered by their help are very useful both for traders and for firms which use them in order to distribute their products. With their help one can gather data about consumers (regarding fidelity, claims, preferences), and about the competitors, too.

c) **Experts panels** are constituted from well-known specialists, recognized for their professional performances, of divers professions and occupations (engineers, sociologists, psychologists, doctors, economists, lawyers), that have a relation with the current preoccupations of the marketing researches, helping in gathering ideas and information.

Usually, the supposed effort (material and financial) of constituting the panels is very big, the specialists refusing to waste their time and ideas if their are not given important incentives.

The fields of research in which panels can be used are very divers.

4. Treating non-responses

The majority of representation errors from marketing selective researches are due to the non-coverage or to non-responses.

a) **Non-coverage** can be interpreted in two ways:

a₁) *the un-coverage of the general collectivity towards the base of the sample*, thing due to the use of some base of non-actualized, selection or simply incomplete, the probability to extract from the sample of the missing elements being null. For example, the use of telephone-books as a base to set up samples let the persons without having a telephone post no possibility to be selected.

a₂) *the non-coverage of the selection collectivity* by the sample, due to the fact that some subjects chosen to be included within the initial selection collectivity can not be found in the "territory" (from different reasons), remaining outside the sample

b) **Non-responses** appear when:

b₁) the aimed elements in the selective marketing research can not be found, case in which we have to treat with coverage non-responses;

b₂) although they are found the persons do not accept (or they can not) furnish the solicited information, when we are in front of the non-responses by refuse.

The refuses as well as the incapacity to offer information, can have different causes: the desire to keep the secret of some information, the illiteracy (when using written questionnaires)etc.

According to some studies there resulted the conclusion that the persons used in the marketing research by means of telephone inquiries are split into five categories:

- 1) *ready* at any time to offer information (15%);
- 2) *available* to offer answers only after some insistences (50%);
- 3) *available* to answer only after important insistences (15%);
- 4) *impossible* to be convinced to collaborate (10%);
- 5) *incapable* of answering or be contacted (10%).

The measuring and the illustration of the answers rate is an important problem in all marketing researches.

The rate of answers can be estimated with the help of the ration between the number of subjects which accept to collaborate (with or without insistences from the part of the operators), furnishing the information that these ones are soliciting, and the total number of subjects included into the initial sample. Subtracting from one the size of this indicator, one gets the rate of non-responses.

Among the factors of which depends its size, it could be mentioned:

- *the interest* of which the approached subject enjoys among the respondents (the larger this one is, the lower the rate of responses is);

- *the time* when the subjects are implied in gathering data; between this time and the rate of non-responses there existing a reverse ratio;

- *the formula for opening* the discussions by those who are responsible for approaching the subjects included in the sample (used words, voice, face expression etc. being essential for getting the cooperation agreement)
- modalities to offer incentives to subjects (the little gifts or the payment of a n insignificant sum of money make sometimes pleasant surprises.);
- announce in advance the subjects included in the sample (by telephone or short letters);
- re-contact the subjects that initially refused to cooperate etc.

There are many *possibilities to treat non-responses*.

1) The first of them is the adjustment of the results. Thus, if in a sample chosen for the intention to buy a new product, the rate of non-responses is of 60%, and among the respondents 70% declare that they are ready to purchase it, one may conclude (but without a solid base) that the percent of the non-responders accepting the new product is 70% (supposing that the ration of non-responders accepting the product is equal with that of responders).

2) On the other hand, if one considers that 60% of the subjects that refuses cooperation are not interested by the new offer, the adjusted ratio of those accepting it will be of:

$$70\% \times (100 - 60)\% = 70\% \times 40\% = 28\%.$$

In other words, it is considered that the acceptability percentage of 70% remains valid only for the rest of 40% of the remained non-respondents.

3) A third modality to appreciate the rate of non-responses is based on the probability that the subjects can be split into three categories:

- I. persons that are at home 70% from the duration of a day;
- II. persons that are at home 50% from the duration of a day;
- III. persons that are at home 30% from the duration of a day;

The conclusion is that the coverage of subjects in the main sample that can be contacted at their homes would be of 70%, 50% and 30%.

Here are some computations as the groups from the sample will have to be ponderated with some indicators (k_i), calculate the relation:

$$k_i = \frac{1}{p_i},$$

where p_i - probability that subjects from group i be found at home (the proportion of the subjects in group i)

In our example:

$$p_I = \frac{1}{0,7} = 1,43; \quad p_{II} = \frac{1}{0,7} = 2; \quad p_{III} = \frac{1}{0,3} = 3,33.$$

As a result the effective number of subjects included in each group i of the sample will be settled as follows:

$$n'_i = n_i k_i,$$

in which: n_i, n'_i - the initial number, respectively adjusted to the subjects in group i .

Thus if in the first group there were initially 25 persons, after the correction their number will be:

$$n' = 25 \cdot 1,43 = 36 \text{ persons}$$

.From all the facts presented above it results that samples represent a methodological key factor in most marketing researches.

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Methods of Interpreting Prices

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Keywords: *price, economy, trade equation*

Abstract: Everything has a price is an expression encountered not only in the business world or in the underworld, but also wherever people are faced to some options or trade relations.

In its general meaning (the one specific to the current language), price refers to everything that is offered or transferred (in the form of money, but not only) in order to obtain something. According to this definition, we can refer to prices (even if this would be rather surprising for the economists) even beyond acts of trade, independently of the idea of merchandise.

Thus the *first category* of prices to which we can refer is the one of *extra-economic prices*. For example, the price of a good consumed by the person who made it (which, obviously, is not considered merchandise) is the *effort* (physical and intellectual) that has been made in order to produce it. Besides, the price "paid" by the person who acquires a good by defalcating it from its owner is *the fear* of being caught or the time of *detention* that results as a punishment. The price that the beggar "pays" for the goods he cadges is the *shame* of doing such a thing. The price paid by a deceitful politician who gives people hope in vain is his *disparagement* in front of the poll, etc.

In economy, *price is the money expression of the (objective, subjective, entropic) value of the merchandise*.

Since this notion is used in an extremely large area, from one case to another it has been replaced by a series of other notions, with analogous meanings.

Thus, in the case of the *material goods*, the expression used is the one of *price*, this having the exact meaning conveyed by the definition we have just mentioned.

Then, a very frequent use is given to the notion of *charge*, naming the *price of a service* (of merchandise which is not material). Therefore, the notion of charge can anytime be replaced by the one of price (however, this is not a converse relation). That is why it is as obvious (we believe) as possible the fact that the expression "prices and charges" - a very common one even among economists (in some faculties that study economy, there is even such a subject in their curricula) is, actually, a pleonasm. Since a charge is nothing else than a price, this expression should definitely be avoided. A special

type of merchandise, the workforce, deserves a specific price, and that is *the salary*. The price we pay in order to get *the right of using a certain utility* (a parking space, for example) is known as *tax*, as well as the one we pay in order to take part in some events (conferences, for example). In order to receive *the right to use* some goods (houses, cars, etc.) on a limited period of time, the price we pay is the *rent*, this having a wide area of usage.

In the case of some *special services* (law offices, medical services, etc), the price that allows us to use them is the *charge*, and in the case of some others, of a better quality than we had expected (the waiter in a restaurant, the person having carried our luggage, etc), it is known as a *tip*.

In order to enter some political parties, organizations, associations or clubs, the price that has to be paid is known as *subscription*.

If we want to benefit of some apparently “free of charge” service (defense, education, medical care), people pay a price under the form of *duties*. This is the same term used for the price we pay for the incomes we make or if we want to use our own property.

Besides, in order to persuade some persons (like the clerks, for example) into favoring us (but not only), the price paid is the *bribery*. For the luxury of having done some contravention, we get to pay a *fine*.

Therefore, price (no matter the name it has), is present almost everywhere in man’s life, simplifying or complicating his existence. That is why, it is impossible to ignore it. Hence we can understand the great preoccupations it generates every day in every domain and with all types of specialists.

The idea that everything has a price has made the preoccupations regarding its essence and implications leave the domain of economy quite often and enter, practically, everywhere. Thus, it is a topic for engineers, jurists, sociologists, psychologists, designers, artists, theologians, farmers, bargainers and all the other social categories, each of them approaching it from their own point of view. Without considering it “intrusion” in the economists’ affairs, everyone agrees that they are the real specialists in the matter of prices, and they have the task of elucidating the contents and functions of prices in the economic system.

Interpretations of the Trade Equation

Anyone who is in a market (initiated or not in the problems of economy) may, at anytime, observe that an act of trade starts from a relation (also called *trade equation*) of the type:

$$x \leftrightarrow y$$

where: x, y – are quantities of two different merchandises X and Y given and also, at the same time, purchased through the act of trade by two different persons (one who own X and needs Y , and one who own Y and wants X).

More exactly, this relation could look like this:

$$2 \text{ axes} \leftrightarrow 80 \text{ kilograms of wheat.}$$

The fundamental question formulated once trade appeared was the following: **Why x units of X merchandise are traded on y units of Y merchandise and not on another quantity?** Or, in our specific example :Why 2 axes are traded on 80 kilograms of wheat and not on 3 kilograms, 200 kilograms or even 715?

In order to get to the correct answer, some rather discouragingly laborious researches have been made, whose results have been materialized in some different economic theories having in the centre of attention value and its representative on the market: price.

The *quantitative report* y/x (or $80/2$, in our example) where the X merchandise is traded for the Y merchandise has been recently named **trade value**, it being the first

(physical) expression of the **price** of a merchandise expressed of units of the other one. After the appearance of money, this automatically turned into the actual price.

Without having any knowledge of economy, anyone can tell that *the price of the X merchandise equals y/x units of Y merchandise* (the price of an axe is $80/2 = 40$ kilograms of wheat), and the price of the Y merchandise is x/y units of X merchandise (the price of a kilogram of wheat is $10/80 = 2/80 = 1/40$ axes). How would you have explained this price?

From our point of view “**what is the right price?**” is actually the most famous form of the fundamental question regarding the theoretic essence of price.

The answer to it has generated a series of scientific debates (with some really benefic effects on the progress of the economic sciences) but also ideological ones (which distorted the meaning of many positive accomplishments), thus becoming obstacles in front of the trials to establish a general and unique theory of the prices.

Methods of Expressing Prices

In time, there have been known two main ways of trading: merchandise for merchandise, merchandise for money and money for money. From here there resulted two ways of interpreting prices: the natural form and the “money” one.

Prices in Natural Units

The merchandise for merchandise trade (the barter) has dominated the market in its initial phase of existence, being specific for the first form of value. Somehow, it is maintained nowadays, inclusively in the international economic relations (the clearing)

When a good (an axe) is traded for another good (5 loaves of bread), the price of every merchandise is expressed in natural units of the other merchandise. By successively exchanging the places the two goods take in the trade equation, each of them shall get to measure its value through the other one, the equivalent of the value being modified, too. Thus, the price of an axe shall equal 5 loaves of bread (when we consider that an axe can be traded for 5 loaves of bread), and the price of a loaf of bread shall be of $1/5$ axes (should we consider as a departing point the reverse of the first equation, considering that we can trade 5 loaves of bread for an axe). In the first situation, the axe is the merchandise that changes its price, and the loaves of bread have the role of the equivalent (and of natural units of measuring the price), the two types of merchandise then changing their roles. In all of the situations similar to this one, ***the price becomes the natural expression of the traded value***, thus creating an overlap between the economic categories of traded value and price.

Such an interpretation of the price represents another *common element* of the theories concerning them.

Prices Expressed in Money

The most widely spread method of trading is the one mediated by the money merchandise, reason for which prices are also, almost exclusively, expressed in money.

Due to its special function of general equivalent of the value, money can be transformed anytime in any other type of merchandise, thus considerably facilitating exchanges. It is equally used by buyers and sellers, making production and consumption become a lot easier to perform.

Mainly, the seller first transforms his merchandise into money, which he receives from the buyer, and which he can lately use for buying some other goods, thus becoming himself a buyer.

On the other hand, the buyer's money also comes from other selling and purchasing processes. Thus, money exerts its function as a *means of circulation* (and, implicitly, of trade). Through its intervention, the direct trade of merchandise X for merchandise Y is separated into two independent acts of the type:

X Merchandise – Money and Money – Y Merchandise.

In the majority of cases, these two acts do not coincide in time and space, a thing which may generate delays in the process of selling and buying, and even the appearance of economic crises.

As merchandise, money has utility (their own value of use), offering satisfaction to their owners (just like the owning and the use of any other type of merchandise). Moreover, it has objective value, since some amounts of human labour have to be performed in order to obtain it. With its two aspects, money shall be able at any time to turn into a value standard (of the subjective and of the objective value).

Besides its function as a means used for trade, money also has the function of *the measure of the value*.

Both the objective and the subjective theory of the value agree on the fact that **price is the money expression of value**, this thesis being a capital element of their convergence.

Price as the Expression of Gain and Sacrifice

Before resorting to any of the two theories of the prices, they can be given two different interpretations: one as the expression of a sacrifice and the other as the “impersonation” of a gain.

Price as the Expression of a Sacrifice

No merchandise is requested or obtained for free on the market. In order to get it, one other must definitely be given up to, which is thus sacrificed. The owner of the axe from the given example has to give up the merchandise he owns (the axe) in order to get the 5 loaves of bread, and the owner of the 5 loaves of bread has to give up the merchandise he owns in order to get the axe.

Therefore, *price is*, before everything else, *the expression of the renunciations or of the sacrifices that a person has to make in order to obtain a good*.

But the owner of a good does not sacrifice it only when he decides to trade this for another one. He simultaneously sacrifices all the other goods that he could have got from exchanging his merchandise. For example, the owner of the axe does not just sacrifice the axe that he gives to the baker when he decides to purchase the five loaves of bread, but also two litres of milk, or a litre of oil, or ten rides with a means of transport, or two tickets at a ballet show or any other merchandise he could have obtained had he put his good in other relations of trade. All these renunciations or sacrifices have been included in the economic sciences under the name of *convenience cost*¹. In this context, the notion of cost loses its regular signification in front of the one of “price”. Putting it otherwise, the axe is the price paid (the sacrifice made) in a very definite relation of trade in order to purchase the five loaves of bread.

Stepping out of the narrow domain of the barter, but maintaining the same manner of looking at things, *prices shall appear as the monetary expression of the renunciation or sacrifices* that the buyers have to make in order to get the merchandise they need for consumption. With a different meaning, they also appear under the name of **prices paid** by the ones who set themselves to purchase some merchandise from the market, or the **buying prices**, which are a form of manifestation of the *expenses* which they are forced to do in this respect.

The idea that the price of merchandise is the expression of the sacrifice needed in order to get it is also common to all the theories regarding prices.

Price – Expression of a Gain

An act of trade reflects not only the things sacrificed by the ones who take part at it, but also the things that every party receives after this act. It is true that the owner of the axe sacrifices his own merchandise, which he willingly agrees to give to the baker, but not

¹ Mankiw, N. G.: *Principes de l'économie*, Economica, Paris, 1998, p.7

for anything. In return, he receives another one (five loaves of bread), which motivates his deed. The same thing happens with the baker.

That is why, *the price of a merchandise is also the expression of the gain obtained by the one who trades it for one or manner goods*. The gain can be a payment in kind (under the form of the merchandise which is going to be owned for good – or which could be owned, would it be the case of some other relations of trade) or in money (when the price would be its monetary expression).

It is obvious that this thesis *maintains its validity no matter which is the theory of prices to which we would hold by*.

With the interpretation of the expression of the gain, prices are also known as **cached prices**, respectively **selling prices**, constituting a form of manifestation of the revenues obtained by the sellers after the act of trade.

Coming back to the idea we have started from, we should point out the fact that, economically speaking, *a price is reasonable only if what is sacrificed by each participant in the act of trade is **compensated** by what is gained at its closure*.

Even if the expression, first of all, monetary, of the sacrifices and of the losses (which accompany the acts of trade) that prices receive has to do with their exterior layer, not to their essence, knowing these first two interpretations given to them is very useful in appreciating the exactness of the prices, offering us the first elements that come outside the debates that have appeared along time related to the theories of the value of work, utility and of equilibrium.

Both on the intern and on the international market, the acts of selling and buying take place at different prices, which can be organized according to different criteria²

Thus, according to the theory that explains their essence, there are:

- Prices as a monetary expression of the *work value* ;
- Utility – prices, based on the theory of *utility*;
- Entropic prices, underlain by the theory of the *entropic value*;
- Prices of equilibrium, based on the theory of the *equilibrium*.

These four categories of prices shall receive in this paper the greatest attention, our research wanting to prove exactly the convergence of the theories that explain their essence.

Regarding ***the way in which they react to the variation of the determining factors***, prices are divided into:

- *Variable* or *free* prices, which can change as soon as the parameters of the influencing factors are modified;
- *Fix* prices, which maintain (through the decisions of the people who can impose them) the same level on a longer period of time, regardless the way in which the production and the circulation of the merchandise is realised;
- *Semi-variable (limit)*, in the case of the ones where the persons entitled to make decisions in the domain of the prices have established not unique levels but just the limits up to which (or from which) they can rise (or fall).

Reported to the ***geographic area and the period of time*** when they are used, prices can be:

- *Unique*, which are available for the entire country and for the entire year;
- *Different*, which are established (by the decisive factors from the macro or microeconomic level) with different levels from one region to another or from one season to another.

According to ***the character of the economic circulation*** of the merchandise, prices can be classified into the following categories:

² Beju, V.: *Prețuri*, Editura Economică, București, 2000, p.24 - 37; T. Gherasim, M. Carauș: *Prețuri și tarife*, Editura Universitas, Chișinău, 1998, p. 76 - 80

- *wholesale prices*, whose level is established through negotiations, involving in their structure the costs (recognized as necessary by the consumers), regular profit, the turnover tax and other taxes collected by the state. These are the prices for which the industrial goods circulate among the private and state investors, themselves being grouped in:

- wholesale prices afferent to the producing units*, which mark the end of the production process, covering the production costs, obtaining a normal profit and realizing the state's excises;

- wholesale prices of the wholesale units*, where the products are delivered to the companies in retail.

- *Retail prices*, applied to the goods and services that are given to the population, as well as applied to the goods delivered through the retail commerce network to private economic agents or to the state. The level of such a price comprises: the wholesail price, the declared trade markup (being meant to cover up the expenses needed by the selling of the goods and the providing of a normal profit for the firms) and the value added tax.

According to the **form of possession**, retail prices are divided into:

- *Public retail prices*, which are established by the government or by the institutions it has entitled for such an action, having an *unique* character, which means having the same level for all the merchandise of a certain type, or *limit* (the state only fixing the level up to which or from which they can raise), this type of prices being practiced by the autonomous administrations and by the state trading companies ;

- *Cooperatist prices*, practiced by the cooperatist trading units, comprising in their structure the wholesale prices, the trade markup of the cooperatist trading units, and, eventually, some other elements;

- *Prices* that are *free* on the market, resulted after the negotiations between economic agents and specified in the contracts they sign or even displayed on the merchandise which is advertised for /or exhibited for sale, the state not interfering in their formation (this is the type where all the prices fit in, nowadays);

- *Prices of the consignment commerce*, which comprise, in their structure, besides elements that are specific to all the other retail prices, also the commission taken by the consignment units.

According to the **territorial criteria**, prices are divided into:

- *Republican*, that have the same level in all the geographic areas of the country, thus being unique;

- *Local or regional* that is used only on the territory of a certain county or geographic region.

According to the **period of time when they are available**, prices are divided into the following categories:

- *Stable or permanent prices*, whose time variability is the longest. In this category we find the prices made by the state or by some private monopolies that aim at providing a certain economic stability;

- *Temporary prices*, which are valid for long periods of time that have been previously announced, after the expiration of which they are to be modified;

- *Seasonal prices*, which are given only to some merchandise, whose production or selling is seasonal, and which vary from one period of the year to another.

According to the **forms in which the sales are organized**, we can distinguish:

- *Negotiated prices*, which have levels that are established by means of negotiations, these being the most common among the economic agents, having the following most familiar forms:

- stock exchange prices*, used for the replaceable goods or for the stocks, the first of them being encountered even under the name of *exchange rates* or *quotations* and being

established at short regular periods of time (even daily), on the basis of the request-offer report, and then published in special lists (broadcasted to all the other stock exchange offices in the world);

-*auction prices*, practiced only in the case of certain categories of merchandise (except the stock exchange operations), which are offered simultaneously to a larger number of buyers, being effectively sold to the one who provides the price with the most advantageous level;

-*transaction prices*, which are generally established through negotiations, for each transaction separately, through the agreement of the two parties, their range of usage covering everything from specific products, well individualized, to the ones that are subject to stock exchange operations (case in which they shall stick between the stock exchange price), etc.

- *Prices resulted from agreements* (precursory accords) between companies (or even between states), agreements regarding, most of the times, a sum of commercial activities, materialized in:

-*contract prices*, in the case of some products that circulate on the basis of import-export relation respecting the bilateral agreements signed between the producing countries and the consuming ones;

-*cartel prices*, used by the economic units constituted in a cartel with different purposes, including the one of coordinating the actions that are set on the practiced prices;

-*agreement prices*, resulted after some conventions between the competing companies, etc³

According to their **destination**, prices can be:

- *Current*, comprising all the categories of actual prices used for the merchandise that circulates among producers, trading units and consumers;

- *Comparable or of calculation*, meaning prices with a special destination, being used in order to determine some economic indicators whose sizes do not have to be subject to the influences of the fluctuations that the actual prices undergo due to the action of several factors. Normally, they overlap the actual prices from a certain year, the statistics having special methods of transforming the real prices in such prices (comparable ones).

The way in which the value added tax is considered leads us to some other category of prices, namely:

- *VAT prices*, which are invoiced prices paid by the customers, in their structure comprising the VAT accumulated on the entire path followed by the products, from their state of raw material up to the final product;

- *Prices without VAT*, which normally are prices of the production factors that do not have the VAT, comprised in their structure. Eventhough they have no VAT, they can be the basis of the calculation of the VAT which is formed in their current stage.

However, there will always be some other criteria to classify prices, different from the ones we have presented here.

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³Florescu, C. (coordonator): *Marketing*, Editura Didactică și Pedagogică, București, 1981, p. 285 - 286

A Method of Programming the Rolling Stock and the Board Personnel in the Urban Passenger Traffic

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Key words: *rolling stock, board personnel, urban passenger traffic*

Abstract: Due to the lack of uniformity in time and space of the request in the urban passenger traffic, both the passengers and the transportation companies have to suffer: the passengers shall never be able to get (practically) the full capacity they would need in transportation means during the rush hours (and on the busy routes) and the providers of transportation services shall suffer the negative effects of the immobilization of many units during slack hours. Moreover, the transportation companies shall experience big difficulties in organizing the board personnel's work according to the labour code, not having the possibility of programming all the activities not in one, nor two and not even in three normal shifts. This study puts forward a personal methodology which can be used for solving such problems for the benefit of both the passengers and of the transportation companies.

The fundamental characteristic of the urban passenger traffic is its non-uniformity both in time and space, as well as on circulation ways.

Its non-uniformity in time is firstly connected to the working hours of the companies in the county (which can be in one or more shifts), generating the traveling between homes and offices (both ways), as well as other needs of the population (the supplying with different types of goods, of spending leisure time, etc) which also have a non-uniform character.

Generally, in Romania, the distribution of the request of urban passenger traffic is done according to periods of the days, as shown below:

- 4⁰⁰-8⁰⁰ the period of maximum solicitations (when the working hours of the companies with a first shift begin, as well as the ones of the public institutions);
- 8⁰⁰-13⁰⁰ – the first period of the normal solicitations;

- 13⁰⁰-17⁰⁰ - the period of time of the second maximal point of the request (when the working hours of the first shift end and the second shift begins);
- 17⁰⁰-23⁰⁰ – the second period of the normal request, when the population goes out shopping, or for spending their free time etc., or they go home from the second shift or even go to work in the third shift.
- 23⁰⁰-4⁰⁰ – the period of minimum solicitations – when people are resting.

Most of the times, *the spatial non-uniformity* (on traffic ways) coincides with the one of time, increasing its negative effects. During the rush hours, the request is very high on only one of the traffic ways (in the morning, on the one from home to work, in the afternoon on the other one, from work to people's homes), on the other traffic way the vehicles running almost in vane.

Due to the non-uniformity in both time and space of the request in the urban passenger traffic, both the passengers as well as the transport companies have to suffer: (practically) passengers shall never have the entire amount of transport means they would need during rush hours and on the busy traffic ways \, whereas the drivers shall have to suffer the negative effects of the lack of usage of their transport means during low traffic and on the traffic ways which are not intensely used. Moreover, the transport companies shall have very big difficulties in organizing the shifts for the board staff according to the labor code since there is no possibility of organizing their activity not in one, nor two and not even in three normal shifts.

The statistics of the transport companies regarding the solicitations from similar anterior periods of time and the estimations for the very next periods give rather accurate information about the level of the request from each of the five significant moments of the day. By knowing it, we could calculate the hourly number of the drives (n_c) on a certain route, like this:

$$n_c = \frac{N_{ch}}{q_v n_{cl}}$$

where : N_{ch} – the hourly number of the passengers transported on the busiest traffic way (the hourly passengers' traffic)

q_v – the medium loading capacity for a vehicle used by the company in the passengers' traffic (the maximum number of persons in the seats, or both on the seats and standing);

n_{cl} – the medium number of passengers that can be transported successively, in a drive, on the same seat:

$$n_{cl} = \frac{l_c}{l_{cl}};$$

l_c, l_{cl} – the medium length of a drive (for the vehicle), or for a route (km).

The number of the vehicles (N_v) needed in order to perform these drives can be determined like this:

$$N_v = \frac{n_c}{n_{cv}},$$

where : n_{cv} - the medium hourly number of drives that can be done with one vehicle

$$n_{cv} = \frac{60}{t_c},$$

t_c - the medium duration of a ride (hours) :

$$t_c = \frac{l_c}{V_t} 60 (1 + k_{as}) + n_{ot} t_{ot} + t_{set},$$

V_t the medium technical speed of the vehicle that has been programmed for the drives (km/hour) ;

k_{as} - the medium quotient of the stops during a drive (at the traffic lights, stop signs, etc), expressed in stopping minutes for an hour of effective driving;
 n_{ot} - the number of stops in the bus stops; t_{ot} - the medium duration of waiting in a bus stop (minutes); t_{set} - the medium waiting time of the vehicle at the end of the transport routes (minutes per drive).

Therefore, the analytical relation used to calculate the number of vehicles N_v for each of the five moments of the day shall be like this:

$$N_v = \frac{\frac{l_c}{V_t} 60 (1 + k_{as}) + n_{ot} t_{ot} + t_{set}}{60}.$$

When programming the activity of the vehicles one must pay attention to the fact that each of them shall be consecutively used according to the following working hours:

- 1) one full day (three normal shifts);
- 2) two complete shifts (the first shift, from 4⁰⁰ to 13⁰⁰ and the second shift from 13⁰⁰ to 23⁰⁰);
- 3) one shift and a round;
- 4) two rounds usually lasting together 8 hours (coinciding with the two periods of rush hours: 4⁰⁰-8⁰⁰, and 13⁰⁰-17⁰⁰);
- 5) one round (corresponding to the morning rush hours).

The number of vehicles to which the first daily exploitation regime is applied (of 24 hrs/day) (N_{v1}) is determined according to the lowest traffic level of the day (usually, according to the level of the traffic between 23⁰⁰ and 4⁰⁰):

$$N_{v1} = N_{vIII},$$

Where : N_{vIII} - is the number of vehicles that are to be used during the entire third shift.

The number of vehicles that are being applied the second exploitation manner (n_{v2}) shall be calculated in the following manner:

$$N_{v2} = N_{vsmin} - N_{v1},$$

Where: N_{vsmin} - the number of vehicles that corresponds to the lowest traffic level recorded in the two complete shifts of the day.

In order to calculate the number of vehicles to be used in the third exploitation manner (n_{v3}) we shall use the following relation:

$$N_{v3} = | N_{vsl} - N_{vsII} |,$$

Where: $N_{vsl} - N_{vsII}$ - is the number of the vehicles that are to be used during the entire first shift, respectively, during the second one, calculated according to the lowest level of the traffic from the 1st and, respectively, the 2nd shift.

Finally, the number of vehicles to be used in the fourth and the fifth exploitation manner (n_{v4}, n_{v5}) is calculated with the following relations:

$$N_{v4} = \min (N_{vr1}, N_{vrII}),$$

$$N_{v5} = | N_{vr1} - N_{vrII} |,$$

Where:

$$N_{vrI} = N_{vmaxI} - N_{vsl} \quad \text{if : } N_{vsl} > N_{vsII}$$

$$N_{vrI} = (N_{vmaxI} - N_{vsl}) - n_{v3}, \quad \text{if : } N_{vsl} < N_{vsII}$$

$$N_{vrII} = (N_{vmaxII} - N_{vsII}) - n_{v3}, \quad \text{if : } N_{vsl} > N_{vsII}$$

Where: N_{vr1}, N_{vrII} - the number of vehicles that shall be exploited in the round of the first shift, respectively, of the second one; N_{vmaxI}, N_{vmaxII} - the number of vehicles determined according to the highest level of traffic from the 1st, respectively, the 2nd shift.

Thus, if, for example, according to the periods of the day, in a certain city, the data regarding the number of the vehicles that have to be in use in order to satisfy the demand on a certain route is like in Table 1, then:

The vehicles needed in order to satisfy the demand

Table 1

| No. | Significant periods of the day | The number of vehicles needed on the route |
|-----|-------------------------------------|--|
| 1 | 4 ⁰⁰ - 8 ⁰⁰ | $N_{vmaxI} = 35$ |
| 2 | 8 ⁰⁰ - 13 ⁰⁰ | $N_{sI} = 25$ |
| 3 | 13 ⁰⁰ - 17 ⁰⁰ | $N_{vmaxII} = 33$ |
| 4 | 17 ⁰⁰ - 23 ⁰⁰ | $N_{vsII} = 30$ |
| 5 | 23 ⁰⁰ - 4 ⁰⁰ | $N_{vIII} = 10$ |

$$n_{v1} = N = 10; \quad N_{v2} = 25 - 10 = 15; \quad N_{v3} = |25 - 30| = 5;$$

$$N_{vrl} = (35 - 25) - 5 = 5; \quad N_{vrlI} = 33 - 30 = 3; \quad N_{v4} = \min(5; 3) = 3;$$

$$N_{v5} = 5 - 3 = 2,$$

Which means that out of the 35 vehicles to be used daily, in order to satisfy the demand for every moment of the day including the round of the maximum demand – without having to deal with over-solicitations or sub-usages of the capacity – , 10 shall be exploited 24hrs/day (in three normal shifts, of 8 hours per shift), 15 shall be used both in the 1st shift as well as in the 2nd shift (10 hours, respectively 9 hours per shift, that means 19 hrs/day) , 5 shall be exploited only in the 2nd shift and in the first round (14 hrs/day), 3 shall be used in two rounds of 4 hrs each, thus 8 hours/day (4 hours in the morning, 4 hours in the afternoon), and 2 of them shall be exploited 4 hrs per day.

The number of the days per each month when the vehicles shall be used in every manner of exploitation $i(i=1,2,3,4,5)$ is established with the following relation:

$$N_{zi} = Z_1 \frac{N_{vi}}{\sum N_{vi}},$$

where: Z_1 = the number of working days in a month; N_{vi} – the number of vehicles being exploited during that time of the day when traffic reaches the considered level.

Using the data from the example taken, in the case of the months with 30 working days, we shall have the following results:

$$N_{z1} = 30 \frac{10}{35} = 8; \quad N_{z2} = 30 \frac{15}{35} = 13;$$

$$N_{z3} = 30 \frac{5}{35} = 4; \quad N_{z4} = 30 \frac{3}{35} \approx 3; \quad N_{z5} = 30 \frac{2}{35} \approx 2$$

Thus, each of the 35 vehicles from the medium rolling stock active each day, in a month there will be an exploitation of the following manner:

- 24 hrs/day, 8 days;
- 19hrs/day, 15 days;
- 14 hrs/day, 4 days ; 8 hrs/day 3 days;
- 4 hrs/day 2 days.

The results of all the calculations done up to this point are shown in Table 2.

The schedule of the vehicles' exploitation

Table 2

| No. | Working programme | Periods of exploitation | The number of vehicles needed in traffic | Time of daily usage (in hrs) | Number of days each month |
|-----|---------------------------------------|--|--|------------------------------|---------------------------|
| 1 | Three shifts | 4 ⁰⁰ - 4 ⁰⁰ | 10 | 24 | 8 |
| 2 | Two shifts (I and II) | 4 ⁰⁰ - 13 ⁰⁰ and 13 ⁰⁰ - 23 ⁰⁰ | 15 | 19 | 13 |
| 3 | First round and 2 nd shift | 4 ⁰⁰ - 8 ⁰⁰ and 13 ⁰⁰ - 23 ⁰⁰ | 5 | 14 | 4 |

| | | | | | |
|---|------------------------------|---|---|---|---|
| 4 | Exclusively in two shifts | 4 ⁰⁰ - 8 ⁰⁰ and 13 ⁰⁰ - 17 ⁰⁰ | 3 | 8 | 3 |
| 5 | Exclusively in the 1st round | 4 ⁰⁰ - 8 ⁰⁰ | 2 | 4 | 2 |

After such calculations, we shall have all the data needed for the schedule of the utilization of the active rolling stock, being able to plan the daily interchange of the five exploitation periods of each vehicle in such a way that the days with less exploitation hours would be interfused with the ones with a large number of hours, in order to create good conditions for the maintenance and the servicing of the vehicles, thus respecting the *rotation principle*. Accordingly with the vehicles' exploitation regime, several **board staff utilization regimes** can be adopted.

According to the working regime they have, the board staff is organized in the following manner:

- (N_{p1}) personnel, who gets to work 9 hours continuously in the first shift (from 4⁰⁰ to 13⁰⁰);
- (N_{p2}) personnel, who gets to work 10 hours continuously in the second shift (from 13⁰⁰ to 23⁰⁰);
- Personnel who works in two rounds, (4⁰⁰ - 8⁰⁰ and 13⁰⁰ - 17⁰⁰), that means only during the rush hours of the two shifts of the day – together making a total of 8 hours per day (N_{p4});
- Personnel working only in one round, 4 hours a day (N_{p5}) – from 4⁰⁰ to 8⁰⁰.

In each of the three shifts (I, II and III), the number of the drivers (N_{p2} , N_{p3} and N_{p1}) equals the number of the vehicles that must be in traffic, according to Table 1, during the entire shift, which means that:

$$N_{p1} = N_{VI} = 25; \quad N_{p2} = N_{VII} = 30; \quad N_{p3} = N_{VIII} = 10.$$

For the rest of them, the following relations are valid:

$$N_{p4} = N_{V4} = 3; \quad N_{p5} = N_{V5} = 2.$$

Thus, in order to exploit the 35 vehicles from the active rolling stock, there will be necessary: 10 drivers in the night shift, 25 in the morning shift, 30 in the afternoon shift, 3 during the rush hours from the tow day shifts and 2 during the rush hours from the busiest shift, that means a total of 70 workers.

In order to provide a regular working schedule, the public transport companies may use as drivers during the rush hours, a number of $N_{p4} + N_{p5}$ workers from other sectors (maintenance, servicing, etc), this providing the board staff with a regular working regime in three shifts (two of 9 hours and one of ten hours);

The number of the days (in a month) when each driver gets to work in the three (or five) regimes (N_{zi}), shall be calculated with the following relation:

$$N'_{zi} = Z_1 \frac{N_{pi}}{\sum N_{pi}},$$

Where Z_1 represents the number of monthly working days for a driver.

If $Z_1 = 20$, then from the given example we could conclude that :

$$N_{z1} = 20 \frac{10}{70} = 3; \quad N_{z2} = 20 \frac{25}{70} = 7; \quad N_{z3} = 20 \frac{30}{70} = 9;$$

$$N_{z4} = 20 \frac{3}{70} = 1; \quad N_{z5} = 20 \frac{2}{70} = 0.57$$

The activity of the workers as well as the free days during the month is also programmed according to the rotation principle.

Some other organizational methods can be adopted in programming the use in time of the vehicles and of the board staff.

Being the most important elements of the operative exploitation plan, the **circulation programmes** ensure the distribution of the daily active rolling stock on each route, as well as the distribution on hours per day of the activities of the rolling stock for each route, these being characterized by a special flexibility.

The circulation schedules are established on routes and they contain a series of data regarding: the numbers of the vehicles in traffic during characteristic periods of time; the stationing time at the end of the routes; the spells between the rolling vehicles (the traffic flow); the board estimates (the number of the hours worked on the way) etc. These schedules are correlated on the routes and they are at the basis of the drawing up of the circulation charts.

The circulation charts are the organizing instruments which help establishing the definite assignments for each vehicle from the active rolling stock and for each driver, comprising the following important data: the length and the duration of the zero route; the duration needed in order to cover the ground for which they have been established, the exploitation speeds during rush hours and during the rest of the day; the duration of the exploitation during characteristic periods of time; the stationing hours at the end of the routes; the hour when they left the garage; the hour when they left the traffic; the number of the drives to be performed; the hours of fuelling, etc.

The working hours and the circulation charts are established for each day of the week (Monday-Friday; Friday-Saturday; Sunday).

In order to avoid the jam up, by means of the circulation charts, we intend to maintain some equal spells between the vehicles that cover the same route, spells (of time)(t) whose duration is thus calculated:

$$t = \frac{60}{n_c} = \frac{60}{N_v n_{cv}}$$

Where : n_c ; n_{cv} – is the total number of hourly drives, respectively the medium hourly drives per vehicle; N_v the number of vehicles on the considered route.

The duration of this time spell changes from one day to another.

The reverse of the t spell ($1/t$) means the *traffic frequency* in a random point on the route (expressing the medium number of vehicles – from those that are allotted to the considered route – which drive, in the same direction, through that point in a minute).

If the circulation charts are not respected, this generates negative effects on the quality of the services offered, any delay growing exponentially from one stop to the other.

The introducing of the *dispatcher* in the urban passenger transport is a very useful organizational solution meant to prevent and avert any of the (very frequent, actually) obstacles that disturb the fluency of the traffic.

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Experiential Marketing vs. Traditional Advertising

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Key words: *advertising, brand, consumer, marketing*

Abstract: Experiential marketing is a methodology, a concept that moves beyond the traditional “features-and-benefits” marketing. Experiential Marketing connects consumers with brands in personally relevant and memorable ways.

The idea of experiential marketing reflects a right brain bias because it is about fulfilling consumers’ aspirations to experience certain feelings – comfort and pleasure on one hand, and avoidance of discomfort and displeasure on the other. Experiential marketing occurs in person. It is a direct one-on-one interaction between a brand and an individual consumer. This experience creates a stronger relationship with the consumer.

In contrast, traditional product-centric marketing reflects a left-brain bias because it generally seeks to persuade consumers by invoking rational factors that position the advertised brand as better than competing brands. Product-centric marketing presumes a degree of rationality in consumers’ decision-making that contemporary brain science refutes. Consumers’ decisions are much more influenced by emotionally generated feelings than by their rationally derived thought.

What is experiential marketing? When you watch a television commercial you see it, you hear it, but do you really experience it? You don't. A television commercial is traditional advertising. It talks to you but there is no interaction. Experiential marketing is just that - an experience; it is designed to be interactive with the consumer, to engage all of the consumer's senses so as to elicit emotional responses in a way that traditional advertising, like television commercials cannot.

How can marketing be interactive? A company that takes its marketing message directly to the consumer is interactive. For example, a beer company that provides its brand for free on a special promotion night at a popular nightclub is interactive. That's experiential marketing. People encounter the product precisely where they will be exposed to it in the future. Proponents of experiential marketing believe that, like the nightclub example, consumers will be more apt to internalize the marketing message this way than they would, say, in seeing a beer ad on TV.

Experiential marketing attempts to connect [consumers](#) with [brands](#) in personally relevant and memorable ways. The alternative term **customer-experience marketing** emphasises the idea of communicating the essence of a brand through a personalised experience.

As a [marketing](#) methodology, experiential marketing aims to move beyond the traditional "features-and-benefits" [marketing](#), cast to a wide audience that includes not only those who may benefit from a brand or product, but also those who would not benefit at all. **Experiential marketing** presents an experience that people choose to attend to and participate in after identifying the relevance of a brand or product to their [needs](#). Personal experiences help people connect to a brand and make intelligent and informed purchasing decisions. The term "Experiential marketing" refers to actual customer experiences with the brand/product/service that drive sales and increase brand image and awareness. It's the difference between telling people about features of a product or service and letting them experience the benefits for themselves. When done right, it's the most powerful tool out there to win brand loyalty.

As a unique approach to the task of marketing goods and services, experiential marketing is a concept that integrates elements of emotions, logic, and general thought processes to connect with the consumer. The goal of experiential marketing is to establish the connection in such a way that the consumer responds to a product offering based on both emotional and rational response levels.

Appealing to a variety of senses, experiential marketing seeks to tap into that special place within consumers that has to do with inspiring thoughts about comfort and pleasure, as well as inspiring a sense of practicality. This means that the marketer needs to have a firm grasp on the mindset of the target audience he or she wishes to attract. By understanding what the consumer is likely to think and feel, it is possible to get an idea of how to steer the customer in a direction that will relate with the product, and entice individuals to act on that impulse to purchase.

In order to engage in experiential marketing, it is necessary to engage as many of the senses as possible. Striking displays with powerful visual elements, such as websites, and visual media such as print ads should not only be visually appealing, but also conjure up daydreams of locales and reminders of sensations that are enjoyable to the individual. When used to create customer experiences of this nature, a sense of rapport between the product and the consumer is established that helps to make the good or service more desirable with each encounter.

Because experiential marketing connects with the consumer on multiple levels, the strategy is ideally suited for contemporary sales and marketing campaigns. Shortened attention spans demand that any ad campaign make a quick impression, or the opportunity to engage the consumer will quickly pass. While thirty second ads on radio and television once had a great impact, many people now use modern technology to avoid this sort of marketing approach.

This means that ads on the Internet, in print media, and on modern billboards must immediately catch the attention of prospective clients and hold that attention long enough to make an impact. Experiential marketing holds the key to making this happen. By appealing to all the senses, and making the connection quickly and seamlessly, this approach to the marketing task ensures that businesses can still attract and satisfy the needs and desires of consumers.

The idea of experiential marketing reflects a right brain bias because it is about fulfilling consumers' aspirations to experience certain feelings – comfort and pleasure on one hand, and avoidance of discomfort and displeasure on the other. Experiential marketing occurs in person. It is a direct one-on-one interaction between a brand and an individual consumer. This experience creates a stronger relationship with the consumer.

In contrast, traditional product-centric marketing reflects a left-brain bias because it generally seeks to persuade consumers by invoking rational factors that position the advertised brand as better than competing brands. Product-centric marketing presumes a degree of rationality in consumers' decision-making that contemporary brain science

refutes. Consumers' decisions are much more influenced by emotionally generated feelings than by their rationally derived thought.

Experiential Marketing, sometimes called "XM", is a trendy term used in the business press to describe a category of marketing activities that requires a direct encounter with a customer. This direct encounter is different from the majority of marketing activities which are mostly passive in nature.

For example, advertising is a very passive medium that bombards the customer with messages that need to be listened to or read. Print advertising requests the reader to stop and read the message; in most cases, we skim over the ad or just ignore it. In fact, most ads never get noticed.

Markets have undergone a profound transformation after decades of top-down corporate messaging. This change is being demanded by the enlightened and empowered consumer – the so-called prosumer – who no longer responds to a media-propelled "brand essence." Most current advertising still relies on obsessive proliferation of the brand through mass media that seek economies of scale – the more eyeballs, the better. But consumers want more than mass messages sent to eyeballs. They want respect, recognition and relevant communication, and they've indicated that the best way to give it to them is through experiences that are personally relevant, memorable, sensory, emotional and meaningful. Consumers have changed dramatically, and the brand world must change to meet their needs and desires, or lose them to those that recognize the unique influences shaping the evolving marketplace.

It is those companies that can deliver the right experience to customers that will succeed in the global marketplace today. Businesses will live or die not by the attributes they promise, but by the experience they offer customers at every touch point – in the store, at the website, with the product, and through events and advertising.

The question isn't which industries will be transformed by the focus on customer experience, but only which will be first. Companies who do not recognize this change will perish. Those who see the necessity for change and embrace XM will be embraced in turn by the most empowered consumer base in the history of the world.

In the past, the term "experiential marketing" has often been misused to describe advertisements which depict consumer experiences. In contrast we will use the term "experiential marketing" to refer to actual consumer experiences or interactions with products for the purpose of driving the sale of that product -- i.e. marketing -- not merely the consumer seeing an idealized experience in a TV, print, or radio ad. We will also show that creative experiential marketing, when applied correctly, will lead to greater impact for the consumer, increased effectiveness for the advertiser, and even cost savings relative to traditional advertising or marketing techniques.

For further clarification, in this article the word "advertising" is contrasted to the word "marketing." "Advertising" is taken to mean any activity done to convey product attributes or brand characteristics to a broad base of consumers without explicitly requiring the consumer to take any action, for example, most TV, print, and radio ads. "Marketing" on the other hand is taken to mean any activity done with the goal of eliciting a specific action or response from the target consumer, for example, going to the store and purchasing the product.

Current Trends in Advertising In the face of tighter budgets and the general demand for greater effectiveness in advertising, many advertisers are starting to employ more creative and innovative ways to reach out to their target customers. Many have started advertising cooperatively in order to share costs among two or more advertisers who are trying to reach the same audience. For example, Pepsi soft drinks are prominently featured in TV spots by the brand fast food restaurants like Pizza Hut, Taco Bell, and KFC. All of the above are nice examples of on-brand advertising which convey positive product attributes while sharing the costs among participating advertisers, thus reducing the costs

incurred by each individual advertiser. Product placements in TV or movies are also becoming more mainstream and do well in showcasing specific products as they are being used by celebrities or movie stars.

Other examples of what we consider to be mis-applications of the term "experiential marketing" are the following. Car ads which show good looking people driving around to pop music depict the experience one can expect to have when driving that car. But the consumer seeing the ad on TV does not have that experience themselves; they are merely watching someone else have it on TV. Some of the music is admittedly catchy; some of the special effects are indeed "cool;" and some ads might even make a consumer remember a particular attribute of the car; but, then again, when was the last time there was a car ad which did NOT feature happy people driving the car around to cool music? In other words, the impact of such ads on consumers and the likelihood of it motivating a consumer to take some action is low. Victoria's Secret's famous TV ads which feature beautiful models lounging around in their lingerie depict the experience one would have if one wore their lingerie. But these ads are hardly what we would call "experiential marketing" since the viewer of the ad is merely a voyeur who has not experienced the product themselves.

Other ads which are sometimes cited as examples of "experiential marketing" include 1) the "Tide Mountain Fresh" TV ads because the images of snow-capped mountains and meadows of wildflowers "have direct sensory appeal and evoke the outdoor experience," 2) Burger King's latest TV ads which feature cowboys talking up the "cowboy life style" to refer to the flame-broiled attribute of their burgers. So, while many advertisers and advertisements now use consumers' "consumption experiences" to pitch product attributes or brand characteristics, they still don't give the consumer an actual consumption experience. So, we argue, these ads should NOT be cited as "experiential marketing," Instead they remain nice examples of the tried-and-true "feature-and-benefit" advertisements. They should not be considered marketing either, in the present usage, because while the product feature or brand characteristic might be well communicated, a direct connection to action on the part of the consumer is still lacking.

Finally, IKEA stores are entirely based on "sets" which showcase a variety of products arranged as they would normally be used if in a bedroom, living room, kitchen, etc. Customers get ideas about what to buy with what when they see the products being used in their natural environments.

In many ways the above examples provide the context in which consumers can view and purchase products; but they are all still examples of retail. The question remains, what motivates the consumer to go to the retail store in the first place? We argue, experiential marketing.

The Beginnings of True Experiential Marketing. Experiential marketing reaches out to the consumer prior to the actual purchase event in a retail store and gives them enough information about the product to motivate them to go to the retail store to make the purchase. This is contrasted to the experience based retail examples above, where the customer is already in the store and ready to make a purchase given some final interactions with the product. There is a series of conscious steps that consumers take to "filter" down the set of possible choices and then make the decision based on the comfort level afforded by their own "contexts." And the factor that has the greatest weight in a consumer's purchase decision is their own experience with the specific product. Of course, if they did not have such a personal experience to draw from, they would rely on outside inputs such as friends' recommendations. On the far opposite end of the "trust" spectrum lie advertisements which pitch features and benefits. There is little reason for consumers to trust yet another over-exaggerated sales pitch, let alone base their purchase decision on it.

The use of the words "experiential marketing" goes a bit deeper than merely giving consumers their very own consumption experience as a way to do marketing. True experiential marketing should also provide significant economic advantages to all the participating advertisers -- i.e. "bottom-line" cost savings in reaching out to their target consumers to communicate product and brand attributes and to motivate specific actions on the part of the consumer. True experiential marketing should be significantly more effective than advertisements or even traditional forms of direct marketing, not to mention being highly trackable so that concrete measures of effectiveness can be calculated and analyzed. Finally true experiential marketing should provide significant opportunities to accumulate information and insights about customers prior to, during, and after their interactions with a particular product and even after purchase of said product. It is clear that experiential marketing cannot be blindly applied to any product. For example, we're not talking about taste testing the new vanilla Coke or giving free samples of the new gum from Wrigley's, even though consumers do "experience" the said products. Experiential marketing is most useful for marketing products where in-depth interactions with the products are key to helping the consumers make the purchase decision. These are usually products which are more complex or involve larger feature sets where simply reading about such features in a brochure are not sufficient. Experiential marketing is also most useful for products whose price points are high and thus prohibitive for consumers to do their own experimenting -- i.e. buy it and try it. .

Given the definition of "true experiential marketing" and the other "requirements" of lower cost, more effectiveness, and better customer insights, we present a few "out-of-the-box" concepts.

IKEA hotels. Given the commoditized status and lack of differentiation of many hotel chains like Hampton Inn, Fairfield Inn, Red Roof Inn, etc., imagine if a particular chain partnered with IKEA to decorate their rooms with simple, clean and comfortable bedroom furniture. This fact alone would give that hotel chain a significant point of differentiation. The hotel chain also gets the economic benefit of furniture at prices that are even better than wholesale prices on generic furniture. IKEA gets significant "consumption-experience level" exposure to target customers at a fraction of the expense of TV ads. Consumers get to experience IKEA furniture "in action" which undoubtedly would give them enough first-hand experience information to make future purchase decisions. Finally, some creative "consumer insights research" opportunities can even be built in, such as allowing visitors to select from among differently decorated IKEA hotel rooms and tracking such decisions to gather which items are most popular or even how to make IKEA's in-store bedroom sets more appealing. In summary, both the hotel and IKEA achieve "experiential marketing" which drives greater marketing effectiveness (i.e. hotel chain differentiates themselves from others; IKEA lets customers actually experience their products prior to going to a store), delivers a more impact experience to customers, and even reduces costs for both parties.

Cereal bars. Given the high cost and ineffectiveness of product research and television advertising for commodity products like cereal, imagine a small restaurant or section of a restaurant which serves only cereal. It would serve dozens of varieties of cereal through automated, single-portion-dispensing, self-serve stations. The stations would also allow people to "customize" their serving with a variety of milk (whole milk, 1%, 2%, strawberry milk, chocolate milk, soy milk, etc.) and add-ons like berries, nuts, fruits, etc. Customers would come into the cereal bar and buy a prepaid card, much like the Starbucks card, which they use over and over again. At any given self serve station, a swipe their card and dispense their choice of cereal, choice of milk, and choice of add-ons. They can go back as many times they want and create any combination they want. The experiential marketing part of this concept is that consumers, who are typically "loyal" to the brand and type of cereal that they grew up with out of convenience, can have the field

day tasting other kinds of cereal as made by manufacturers or as created by themselves. Cereal manufacturers who "sponsor" particular cereal bars will deliver actual consumption experiences to customers which no TV ad can do, at a fraction of the cost of a TV ad. Also, product research is already built in, simply by observing what cereal combinations people create for themselves; there's no need to pay an expensive product research consulting firm to do focus groups and ask people in an artificial environment what they may or may not like. Observing actual consumers' actual behavior is much more insightful and doesn't cost anything.

If your initial marketing does not even have to be in a physical retail space. In fact, some products are best experienced in the environment in which they are intended to be used.

Conclusion. "Experiential marketing" as it is defined and used in this article goes well beyond simply delivering consumption experiences to consumers as a way to give them the information they need to make a purchase decision. Experiential marketing can also be applied creatively to deliver greater impact while reducing costs and to weave in market research or customer insights research in ways that could not be done before. Experiential marketing is the difference between telling people about features or benefits within the confines of the thirty-second TV spot and letting them experience it and get their own "a-ha!" event.

Experiential marketing is a relatively new concept and when a [marketing campaign](#) designed around it works it becomes huge. Many business experiential marketing are a success due to viral factors. People love it. They talk about it. They tell their friends. Brands can become an instant success with a good experiential marketing campaign.

In each case, experiential marketing is about encountering a brand in an immersive experience that engages the senses in a way that traditional advertising or marketing never has; it is a user experience.

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Aspects Regarding the Distribution Strategy on the International Industrial Market

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Key words: *distribution, strategy, international distribution channel, physical distribution, international industrial market*

Abstract: In the paper we have dealt with the topic linked to the distribution strategy on the international industrial market.

At the beginning we have illustrated the process of the internationalizing in the field of distribution and we have also explained the components of an international distribution channel.

At the end of study, we have presented the importance of the physical distribution in the marketing strategy on the international industrial market.

The distribution is made up by the totality of activities which have as final goal the product transfer (materials, component parts, finished goods) from manufacturing firm to the consumer/beneficiary.

During the last 15 years, the internationalization program in the field of distribution has registered a considerable acceleration. Due to the desire of consolidation of the market position and to obtain the scale economies, the distribution firms in Europe have turned towards new external markets.

The largest European distribution companies entering the external markets are: Ikea, Beneton, Body Shop, Laura Ashley and Carefour¹. The American distribution companies, more and more frequent on the external markets are: Mc Donald's, Pizza Hut, Blockbuster Video and Tos'R'Us.

The firms involved on the international market have developed their distribution channels taking into account the particularities of every market. Among the problems

¹ Memo Enseignes de Lineaires, 2000-2001

facing the distribution firms entering the international markets, the most important are: differences regarding the consumer behaviour (the type of preferred product, buying habits etc.), legal environment, taxation system, expenses in the location-building field, high cost of labour force, cultural differences, IT technologies.

Figure No. 1 presents the distribution channels used within the industrial international marketing².

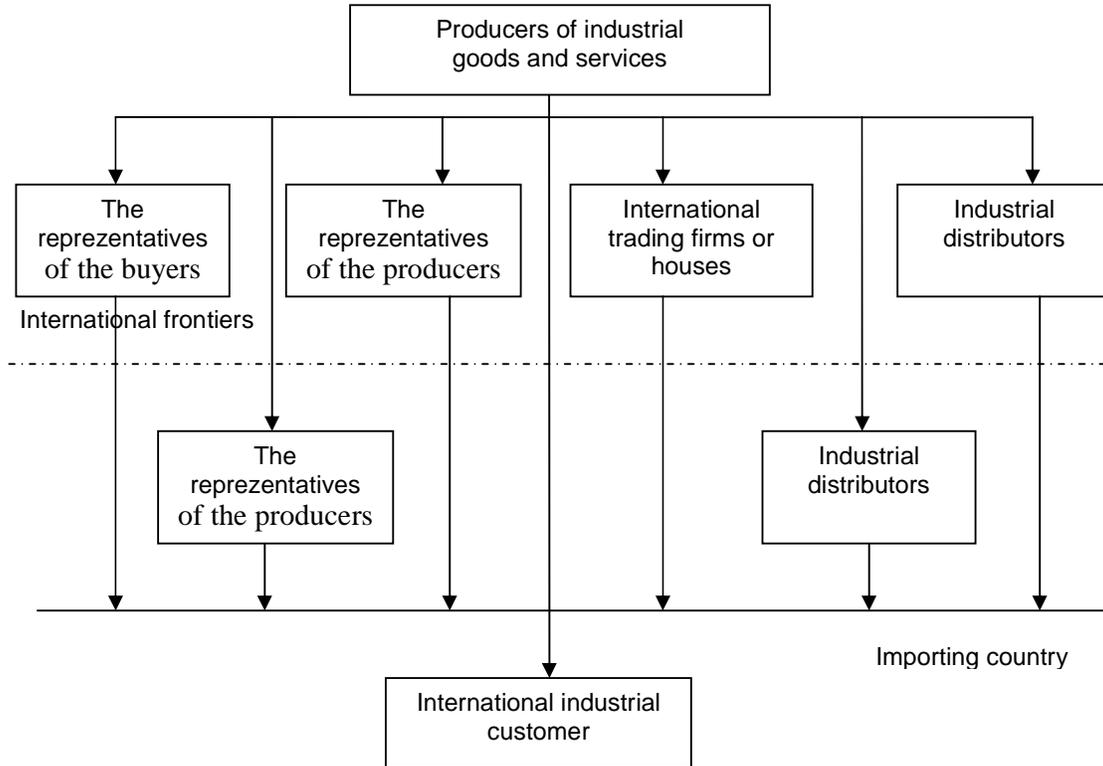


Figure No. 1
The structure of the distribution channels on the international industrial markets

We shall refer in the following fragments, to the forms of indirect distribution. These forms of distribution represent trading ways supposing the intervention of an intermediate ring between producer and consumer/beneficiary.

Among the advantages of adopting the indirect distribution one can mention: a good coverage of the market; product assortment adapted to the consumers' demands; reducing costs through lowering the number of contacts; reducing the risk of non-payment; flexibility of the price policy. As disadvantages one can mention: the necessity of a permanent motivation of the middlemen, difficulties in the adoption of the manufacturing company to the market demands; possible conflicts between the brands of the producer and those of the competitors traded by the same middlemen and indirect information about the market³.

The components of an international distribution channel are:

➤ **The buyers are residence of the origin state of the products or are representatives of the buyers** – the transaction is realised within the origin country of the

² Brânză, A., Cișcă, V., Gherasim, A., *Distribuția și logistica mărfurilor*, Editura Junimea, Iași, 2005

³ West, A., *Managing Distribution and Change to Total Distribution Concept*, New York Wiley and Sons, 1992, pag. 26

goods through a middlemen dealing at the same time the transportation of the products towards the external clients;

➤ **The representatives of the producers** – can be local firms or foreign ones, having international contacts and relations. Some producers have “export agents” which concentrates upon buyers from different countries, becoming acquainted to these markets too;

➤ **Industrial distributors** – some distributors, called by the speciality literature “export middlemen” buy local goods and sell them abroad or/and assume the marketing responsibilities of the producers with the help of its own sale force and of the agreements with other middlemen. Besides these there exist “Import middlemen” too, represented by the local companies which sell the products to some foreign distributors, these one trading them further to the organizational buyers placed in the markets in which they operate.

➤ **International trading firms or houses** – there exist firms which realise selling-buying operations, even at the global level. These buy from many producers, sort the products and sell them internationally.

Irrespective the used distribution channel or channels, the marketing directors from the industrial field must also manage the physical distribution of the products among the manufacturing firms and the using one. When we say “products” we refer both to materials and component parts and to the finite ones.

Further on, treating the problem of physical distribution, we must bring into discussion six main activities such as: transport, stocking, inventory control, stocks manipulation, the protection of goods through package, processing orders.

Transport activities

Decisions linked to transport are usually taken on two levels. First of all the manager must determine which transport modality or modalities should be used in order to deliver products towards clients or middlemen. Once the decision taken, one should select one or several transporters. The transportation is an important element of the physical distribution on the industrial market, and taking decisions may have long time effects.

Within the industrial marketing there are used five classical transport modalities. The goods can be delivered on sea, air, railway land and in some cases, through pipes. In many cases combinations can be used (for example: tracks are transported on long distances by trains). In choosing the modality of transport, the marketing manager must take into consideration the following aspects:

- The implied cost for each transport modality (for example, the comparison cost of a delivery on highway with one on the railway);
- The speed of the delivery (it can cost less a transport by train than by lorry, but it can take a longer time, a component which may be important if time is an essential component);
- The punctuality of the means of transport (for example, establishing the transport modalities that can not deliver the merchandise in due time in an acceptable manner. While the pipe is an acceptable modality of transport for the petroleum products, it is not at all fit in the case of the most industrial products);
- The accessibility of the types of transport (for example, establishing the modality of transport that can be used by certain clients from more isolated areas);
- The protection of goods during the transportation.

The transporters must be compared from the point of view of cost, punctuality, accessibility and the capacity to furnish the desired service. Many organizational clients

have developed relations with transporters and prefer to still use them, specifying imperiously this fact within the dealt agreements.

As a conclusion, the transporters are chosen when the manager is convinced that they can deliver the products in an acceptable state, in time, for a reasonable tariff, also taking into account the conditions imposed by the buyer.

Under the circumstances of describing the classical modalities of transport it becomes necessary to precise the fact that: some organizations have created their own transport systems, such as the lorry fleets. Thus, they have a total control upon the shipment.

Warehouse activities

The decisions regarding the warehousing imply the localization of the products or of the warehouse locations in such a way that the firm can serve the most efficiently possible its buyers or/and middlemen. The basic functions of the warehouses may be resumed to receiving, stocking and facilitating the delivery of goods towards the clients. By using strategic placed warehouses, an industrial firm can furnish superior services towards clients by compared to the case of direct delivery.

Some companies hold and administrate their own warehouses. This alternative, although very expensive from the point of view of the initial investment, allows a total control of the levels of stocks and deliveries. A cheaper alternative is given by the public warehouses. These are private businesses having as their main activity to deposit, to receive and sometimes to deliver goods against payment. Instead of building up its own warehouse, a firm can take in location a space inside a public warehouse that does not need initial investments. Choosing one of the solutions mentioned above takes into account some factors such as financial bonificity of the firm, the controlling degree, the size and the variability of the demand. During the last years, the tendency is to use public warehouses due to their high rate of interests, high costs of the lands and high interests. These factors make the public warehouses be a more accessible solution.

The depositing action is tightly linked to the distribution channels used. For example, if an industrial marketing director uses direct channels or representatives of the producer, the activities regarding the depositing action belong to him. If there are used distributors, these are preoccupied by the depositing action. In other instances, both the distributor, and the producer are involved in warehousing activities.

Stock control

In order to prevent stock fragmentations one should establish certain levels of stocks in order to satisfy the needs of the buyers or middlemen. A high level of stocks means high costs. Thus, the manager should find a balance between these two factors by means of the stock controlling process. As a principle, the stock control means establishing some minimal and maximal values for the level of stocks. The superior value is usually established in order to satisfy the demanded level of the services asked by the client, while the minimal value is based upon the period of time in which stocks can be re-gathered, this means the time to prepare the delivered plot and the transportation time. When stocks reach the minimal level, a new order is launched.

One of the main objectives of an efficient physical distribution system is the one that aims to minimize the distribution costs during the supplying of the service towards the client, fact that explains the use of some specific methods in stock controlling.

Materials manipulation

The handling and the manipulation of the materials involves the physical movement of the stocked goods inside the warehouse or anywhere else inside the physical

distribution system. The activities in this field are realised with the help of stacking machine, conveyor bands, industrial tractors, cranes, or other kind of the equipments in the field necessary for the manipulation and warehousing activities. We also include here the staff engaged to realise all the manipulation and stocking activities.

Products packaging and protection

The goods that have to be dispatched or stocked must be wrapped in order to be protected during the transportation and the manipulation. The protection function realised with the help of the wrapping activity is thus vital in avoiding the deterioration of the products. The manager should take into consideration factors such as costs occasioned by tanks, boxes and their filling, wrapping costs, legal demands concerning wrapping, the products characteristics and the requirements of the clients when they do this kind of activity.

Processing the orders

Besides transport, warehousing, stock control, products manipulation and wrapping, the manager must set up a processing system capable to follow these functions. This normally implies the processing of the orders, their communication and other complementary activities linked to the data processing, activities necessary to the development under good conditions of the physical distribution.

Most industrial companies do not perceive these six fields as individual functions, but as an integrated system of physical distribution. It supposes in many occasions comparisons, such as between the transport costs and the warehousing ones. This belongs to the so-called concept of total cost occasioned by physical distribution.

Kotler developed the following equation in this direction:

$$D = T + FD + VD + S$$

Where,

D = total costs with the whole system distribution;

T = total costs with the transport inside the system;

FD = fixed costs with the warehousing inside the system;

VD = variable costs with the warehousing inside the system;

S = total cost of the lost sales due to the delays inside the system;

The use of this equation helps the manager to take into consideration the possible options and select that system which minimizes the total cost occasioned with distribution.

For a better understanding of the aspects presented above, we will use the following example: the marketing director must choose between using an industrial distributor holding a warehouse and the construction of its own warehouse in order to supply its clients. In both cases the highway transport will be used. The clients' locations are known and also their requirements. Actually, from their point of view, both options are valid. If the industrial distributor will be used, the fixed costs and the variables will be lower than in the case of opening its own warehouse. In the case in which the distributor does not deliver the products in time, the cost occasioned by the lost sales can be sufficiently big and neutralize the advantages. On the other hand, if the manager can control the distributor and can furnish to the clients the desired services, this option becomes more adequate.

The physical distribution is a cost within the industrial marketing, and thus it has an influence upon the process of selection of the distribution channel, especially if one of the main objectives aims the minimizing of the costs.

It is known that, the distribution costs as a percent in sales account in average 13,6% in the case of the manufacturing firms, but can vary from 4,4% in the

pharmaceutical industry, at 10% in the case of the firms producing tools and machinery, at 11,2% in the case of paper industry, at 13,3% in the electronic industry, at 14,1% in the chemical industry. These costs are high and can be appreciated better if we compare them with other marketing activities. For example, in the chemistry industry, the costs linked to distribution may rise up to 14,1% while the costs occasioned by sales achieve 3,2%, and those occasioned by advertising at 0,5%. The highest costs are to be found in activities linked to transport, warehousing and stock control. Thus, the 14,1% costs occasioned by the physical distribution in the chemistry industry are spread as follows: (1) 6,3% transport, (2) 3,3% warehousing, (3) 1,6% stock control, (4) 1,4% packaging, (5) 0,6% reception and manipulation, (6) 0,6% order processing, and (7) 0,3% administrative costs⁴.

The producer's costs referring to the physical distribution vary in relation to the type of distribution channel used. For example, if a producer uses a direct channel, he will support all the expenses linked to distribution. On the other hand, if the manager uses distributors in this channel of distribution, many costs will be shared with the latter. This means that the choice of the distribution channels must take into account the costs with physical distribution too, because from this point of view, the direct distribution is the cheapest for the producers.

Whenever distributors are used, the costs with physical distribution will be lower, due to transport in large quantities, to the reduced necessities regarding the warehousing and lower costs with stocks. If the marketing director uses a representative the costs linked to physical distribution depend upon the representative's clients. If this one sells directly to the industrial clients, the costs are alike to those used in direct distribution, in the moment in which the representatives do not enter in the legal possession of the products. If the representatives sell to distributors, which at their turn sell the products further on to industrial clients, the costs resemble much more with those described in the case of distributors. These factors must be taken into consideration in the moment of developing of the industrial distribution channel.

The importance of the physical distribution within the marketing strategy, on the industrial international market

The importance of the physical distribution within the industrial marketing can be determined only after examining the way in which the industrial buyers perceive this kind of service offered by suppliers. Within the specialty literature it is appreciated the fact that, in choosing the suppliers, the physical distribution is the second criteria as importance, after the products quality, the latter being considered even more important than the price. As a result, those who buy are available to pay further for some logistic well set up services. At the same time the clients change suppliers, if the latter do not offer them the merchandise delivery in due time, in situation of lack of stock, inadequate services, lack of reaction in the case of a rapid order etc.

This kind of behaviour is the result of the necessity of the industrial buyer to maintain a certain level of stocks from reasons linked to the manufacturing process. If these buyers are in the situation to finish the stocks of exchange tools or components, the losses are huge. Consequently, the logistic is one of the factors the most important to be taken into account when a manager enters the industrial area.

Many producers have adopted the supply system called JIT ("just in time"). Using this system, the managers establish several weeks before the consume necessities, and thus, the suppliers had the possibility to send the tools directly to the manufacturing line, without appealing to their stocking. This means that the delays from suppliers are not allowed due to the negative impact which might have been caused to the manufacturing process. The concept reduces significantly the costs of the producers, but brings great

⁴ Brânză, A., Cișcă, V., Gherasim, A., *Distribuția și logistica mărfurilor*, Editura Junimea, Iași, 2005

pressure upon the suppliers or distributors which must deliver the merchandise in due time and in the stated order.

Further on, we are offering an example: suppliers deliver to the automobiles manufacturers the necessary equipments and tools at every several hours, and these ones are sent directly to the manufacturing line. The suppliers load the chairs as colour of the cloth is concerned in conformity with the production plan, which happens in advance. If the automobiles have a black part inside, they are assembled at a certain time, then the chairs having a black cover must be delivered in the same time. Due to the importance of the concept, many suppliers have moved the location of the distribution centres closer to the important clients. Although this concept applies to commercial buyers, as time passes and it develops, it will start to be applied by institutional and governmental clients too. It already functions well on some international markets, such as automobile industry in Japan.

Implications of the physical distribution upon marketing

Physical distribution has major implications upon marketing. It has been demonstrated that physical distribution is even more important when the number of deliveries towards the buyer is greater. This means that the marketing director must be extremely attentive when delivering the merchandise towards firms that buy with a high frequency and try to maintain the relations with the latter as long time as possible.

We may add the fact that the manger must give attention to the clients buying rarely, even if the delivery towards them takes place at longer time intervals.

As a conclusion, the physical distribution is extremely important for buyers and it is used as a competition instrument within the industrial marketing strategy. It is, almost any time, important to the clients, and in some circumstances even vital.

Among the competitive advantages offered to the clients we may also enumerate:

- helps the clients to become aware of the way in which efficient services linked to physical distribution contributes to profit achieving;
- Helps the same clients to make the difference between a high quality service and one of an inferior one when confronting with a situation regarding physical distribution.

Used properly, the field of physical distribution can contribute to have loyal clients among the existing ones and to the creation of dissonance in the mind of competitor clients aiming the enlargement of new development opportunities in those directions.

Giving it a special importance, the physical distribution contributes to the loyalty of the existing clients and the attraction of some new ones, concluding collaboration, medium-term and long-term agreements and offering at the same time, a competitive advantage on the market.

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Politeness versus Manipulation

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Key words: *politeness, manipulation, face, negotiation, politeness maxims, FTA's*

Abstract: Nowadays, high technology and ultra performant devices have made space and place be no longer a problem. We can communicate easily, but can we communicate efficiently? How well can we achieve the purpose we have in communicating and which are the means used in order to do this?

Every human being follows his existential path in search for different accomplishments, which ultimately lead him to his great purpose: becoming God-like in kindness, nobility and holiness.

However, the means used in order to achieve this purpose are as many as the number of individuals engaged in this play called life, and the steps to follow are none others than fulfilling his/her everyday normal tasks.

The present paper tries to determine whether the way in which we communicate is mostly purpose-oriented, and whether an "innocent" communication device as politeness can have a tricky use as manipulating the interlocutors in order to achieve our goals.

I have focused here mainly on the idea of "saving face" which means not being disrespectful to others in public, or taking preventive actions so that we will not appear to lose face in the eyes of others. According to Brown and Levinson¹, politeness strategies are developed in order to save the hearers' "face.". Therefore the questions we should ask ourselves are we more polite when we want something, how useful can this method be and which are the techniques we use?

One of the greatest fears the modern human being faces is the one of being manipulated. Since there are so many means of communication and of exchanging information, the normal question the receiver asks himself is: am I being given the correct and objective data? How well-prepared are the people involved in the process of disseminating the pieces of information, and how professional are their methods? These are matters that will always make us wonder and feel suspicious.

However, being so engaged in this who-manipulates-whom carousel, we omit the fact that besides these obvious means of manipulation, there are some other ones to which we choose to carefully and deliberately assign other names, in order to allow ourselves to use them without any feeling of guilt or shame. One of them, and maybe the

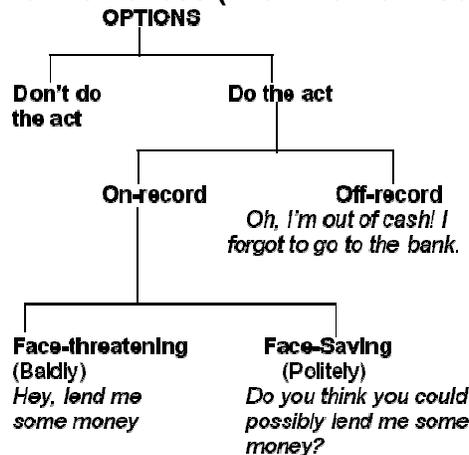
¹ Brown, Penelope & Stephen Levinson (1987): *Politeness. Some Universals in Language Usage*; Cambridge: Cambridge University Press

most popular, is the practical application of good manners or etiquette, or, better said: politeness.

When Shakespeare hinted at the fact that we are all actors on the stage of life, he was “more right” than he probably meant it, since this attribute of ours – acting – is so common and so frequent among us.

Being social creatures, we inevitably interact with the others, since we need them in order to survive. Whether, we like admitting it or not, our actions, and implicitly our communicating efforts, are mostly purpose-oriented. We are always engaged in obtaining something, be it a simple opinion, an encouragement or even a material benefit. Thus, we organize our utterances and we choose our means according to the purpose we have. Cutting straight to the chase, the best way to illustrate this (our predilection for dramatising things in order to get what we want), here is the Model of Politeness given by two sociolinguists, Penelope Brown and Stephen Levinson in 1978.

A Model of Politeness (Brown & Levinson, 1978)



Obviously, in order to get the money he needs, the speaker has got two main modalities: On-record and Off-record, the last one being linked to hinting at what he needs. Even if it seems the most delicate one, this method presents the risk of not being understood by the speaker. On the other hand, going for an On-record technique, the speaker gets to deal with two situations: one, where he would risk to lose not only the money, but also the friendly attitude of the receiver (*He! Lend me some money!*) and the other one, with which he is most likely to succeed: *Do you think you could possibly lend me some money?*

By analysing the model, we notice that Brown & Levinson introduced in their debate about politeness the notion of FACE (threatening / saving). From a sociolinguistic point of view, the concept of face refers to the respect that an individual has for him/herself, and maintaining that “self-esteem” in public or private situations. Usually, you try to avoid embarrassing the other person, or making them feels uncomfortable (as it happens in our example when asking them for money).

The concept of *face saving* is in itself tightly connected to politeness, and analysing the definitions it was given can only prove this, and also bring about the idea of manipulating through politeness. Thus, in a study performed by the University of Colorado, USA², face saving is presented as a concept that refers to maintaining a good image, often in spite of adverse circumstances. It plays an important role in negotiation, in that one party may stick to its position in order to avoid looking bad. The success of the other side’s negotiator, the, may depend on finding a way to get what they want without making their rival look bad. This can involve simply the avoidance of gloating or bragging, or granting a

² International Online Training Program on Conflict, Conflict Research Consortium, Univ. of Colorado, USA

minor concession. Of course, nobody can grant the fact that a person can occupy only one position in communication. Sometimes receivers, other times speakers, we are all aware of the fact (or at least, we become aware afterwards) that we are being manipulate/ors/ed with this “sweet” technique of...politeness. Apparently, face saving could be translated – in the context that would best suit our purpose in the present paper – as nothing else than avoiding the truth when we know that it can be unpleasant for our interlocutor, and giving them what they like, as long as we know that this would bring us what we want.

We could even think that this is a very pervert act of the human mind, since, in order to “save” my “face” (avoid looking bad), I sell pretty lies to the other and get the benefits I want, and I do not risk upsetting him or losing his appreciation.

A problem that could occur with face-saving is that sometimes, people who are involved in a conflict and secretly know they are wrong will often not admit they made a mistake. They therefore will continue the conflict, for a simple reason as to avoid the embarrassment of looking bad.

Therefore, in order to avoid this problem, it is important to allow one’s opponents to make concessions gracefully, without having to admit that they made a mistake or backed down. Often, a simple change in our use of words or an exchange of concessions will help negotiators maintain a positive image, even when they are actually giving in very substantially.

Thus, we try to avoid embarrassing the other person, or making them feel uncomfortable. Face Threatening Acts (FTA’s) are acts that infringe on the hearer’s need to maintain his/her self esteem and be respected.³

Brown and Levinson say that “politeness strategies are developed for the main purpose of dealing with these FTA’s” and they illustrate with the following example:

“What would you do if you saw a cup of pens on your teacher’s desk, and you wanted to use one, would you?”

say, “Ooh, I want to use one of those!”

say, “So, is it O.K. if I use one of those pens?”

say, “I’m sorry to bother you but, I just wanted to ask you if I could use one of those pens?”

Indirectly say, “Hmm, I sure could use a blue pen right now.”

There are four types of politeness strategies, described by the two sociolinguists that sum up human “politeness” behavior: Bald On Record, Negative Politeness, Positive Politeness, and Off-Record-indirect strategy.

If you answered **A**, you used what is called the **Bald On-Record** strategy which provides no effort to minimize threats to your teachers’ “face.”

If you answered **B**, you used the **Positive Politeness** strategy. In this situation you recognize that your teacher has a desire to be respected. It also confirms that the relationship is friendly and expresses group reciprocity.

If you answered **C**, you used the **Negative Politeness** strategy which similar to Positive Politeness in that you recognize that they want to be respected however, you also assume that you are in some way imposing on them. Some other examples would be to say, “I don’t want to bother you but...” or “I was wondering if ...”

If you answered **D**, you used **Off-Record** indirect strategies. The main purpose is to take some of the pressure off of you. You are trying not to directly impose by asking for a pen. Instead you would rather it be offered to you once the teacher realizes you need one, and you are looking to find one. A great example of this strategy is something that almost everyone has done or will do when you have, on purpose, decided not to return someone’s phone call, therefore you say, “I tried to call a hundred times, but there was never any answer.”

³ <http://logos.uoregon.edu/explore/politeness.html>

Beside the strategies proposed by Brown and Levinson in order to achieve the peak of being polite – hence of manipulating the others in order to achieve our goals – the polite manipulator (or the politeness manipulator) should mind that there is a politeness principle with conversational maxims similar to those formulated by Paul Grice.⁴ Hence, Geoffrey Leech lists 6 maxims of politeness: tact, generosity, approbation, modesty, agreement, and sympathy. The first and the second form a pair, as do the third and the fourth. Note that these maxims vary from culture-to-culture, meaning, what may be considered as polite in one culture, may be strange or downright rude in another.

The TACT maxim states: “Minimize the expression of beliefs which imply cost to other; maximize the expression of beliefs which imply benefit to other”. The first part of this maxim fits in with Brown and Levinson’s negative politeness strategy of minimizing the imposition, and the second part reflects the positive politeness strategy of attending to the hearer’s interests, wants and needs: “*Could I interrupt you for a second? If I could just clarify this then.*”

The GENEROSITY maxim: “Minimize the expression of benefit to self; maximize the expression of cost to self.” Unlike the tact maxim, the maxim of generosity focuses on the speaker, and says that others should be put first instead of the self: “*You relax and let me do the dishes. You must come and have dinner with us.*”

The APPROBATION maxim states: “Minimize the expression of beliefs which express dispraise of other; maximize the expression of beliefs which express approval of other”. The operation principle of this maxim is rather obvious: all things being equal, we prefer to praise others and if we cannot do so, to sidestep the issue, to give some sort of minimal response (possible through the use of euphemisms or to remain silent. The first part of the maxim avoids disagreement; the second part intends to make other people feel good by showing solidarity. The reader of this paper should thus notice that both the speaker and his interlocutor are aware of the strategy that is so softly applied in order to obtain what we aim at. “*I heard you singing at the karaoke last night. It was, um...different*”. For example, in this context, we avoid telling our friend that he didn’t perform too well. However, knowing that he waits for our appreciation, and that giving him the truth would be too harsh, and we would even risk losing his friendship, the choice we have is giving him a polite lie, euphemising the answer.

The MODESTY maxim states: “Minimize the expression of praise of self; maximize the expression of dispraise of self”. A procedure that would seem quite difficult to apply by the less modest persons, the modesty maxim comes as a direct manner of bowing in front of the one who holds the gun, knowing that we might succeed in softening his decision. And, surprisingly, might work more often than we think. “*Oh, I’m so stupid – I didn’t make a note of our lecture! Did you?*”

The AGREEMENT maxim runs as follows: “Minimize the expression of disagreement between self and other; maximize the expression of agreement between self and the other.” This maxim is in line with Brown and Levinson’s positive politeness strategies of “seek agreement” and “avoid disagreement”, to which they attach great

⁴ Grice’s Conversational Maxims

Maxim of Quantity:

1. Make your contribution to the conversation as informative as necessary.
2. Do not make your contribution to the conversation more informative than necessary.

Maxim of Quality:

1. Do not say what you believe to be false.
2. Do not say that for which you lack adequate evidence.

Maxim of Relevance:

Be relevant (i.e., say things related to the current topic of the conversation).

Maxim of Manner:

1. Avoid obscurity of expression.
2. Avoid ambiguity.
3. Be brief (avoid unnecessary wordiness).
4. Be orderly.

importance. However, it is not being claimed that people totally avoid disagreement. It is simply observed that they are much more direct in expressing agreement, rather than disagreement. "A: *I don't want my daughter to do this; I want her to do that.*

B.: *Yes, but ma'am, I thought we resolved this already on your last visit.*"

The SYMPATHY maxim states: "minimize antipathy between self and the other; maximize sympathy between self and other." This includes a small group of speech acts such as congratulation, commiseration, and expressing condolences – all of which is in accordance with Brown and Levinson's positive politeness strategy of attending to the hearer's interests, wants, and needs.

"I was sorry to hear about your father".

From analysing the 6 maxims, one can easily draw a simple conclusion: the principle that governs them is basically the same: always make the other one feel more important than you, even if you are perfectly aware of the fact that there might be no reason in the world to do such a thing. However, we all do that, and what is more absurd is that we encourage the others to do it to us, when in the seat of the receiver. Moreover, we educate our children in the spirit of politeness, ignoring the fact that we actually teach them the secrets of manipulation: smile nicely and / so that you (shall) be smiled back; say hello & goodbye in order to make a good impression (and hence encourage the others to trust you with whatever might come up) and so on.

In conclusion, since we are the fathers of our own manipulators, and, even worse, we agree to "pay" in order to be manipulated via politeness, perhaps we have all accepted, consciously or not, the fact that, when wrapped in the appropriate glossy wrapping, even manipulation can become a thing of etiquette, and thus, be less painful.

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The Importance of English for Business Syllabus in Creating a Global Business Culture

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Key words: *English for business syllabus, business culture, business performance, business meetings, business communication, globalization.*

Abstract: The article aims to illustrate the importance of foreign language knowledge, especially English for business in building up a competitive business environment under the circumstances of the European integration and of the globalization. The success or the failure of a large or small and middle-sized enterprise depends, in a great extent, of how important it is nowadays to speak several foreign languages. Language skills are increasingly attractive to business and industry and valuable to students entering an ever more international and global workplace. Business English is also very important for the today's new business environment.

English language and the business culture - a transdisciplinary approach

The emergence of the new notion of transdisciplinarity can be associated to two closely linked aspects. On the one hand, science has traditionally advance in a linear fashion. This is mainly due to the fact that it is closely tied to the notion of progress and development. To a large extent we may say it has become responsible for the compartmentalization of knowledge into a multitude of separate disciplines. It is exactly this new trend that transdisciplinarity challenges. Transdisciplinarity is mainly concerned with the articulation between disciplines rather than their relations.

In a competitive business environment one need to be sure that his/her business is reaching its full potential. While there is no magic fix for unlocking business potential, did you know that building the language, literacy and numeric skills of employees can have a significant impact on business operations. English language and especially English for business helps the learner to better integrate into a business environment. Many

disciplines must be studied together in order to understand how the mechanisms of the business environment can be mastered.

In this changing world individual people carry on getting up and going to work and doing the best they can for themselves and for their families. For working people the challenge remains to manage diversity and change simultaneously. The European Union will continue to foster partnerships and joint ventures, mergers and acquisitions, within the territory and across borders.

Transdisciplinarity research is closely linked to three types of knowledge: systems knowledge, target knowledge and transformation knowledge. The mutual dependencies of these three directions is reflected in the research progress.

Creating a global business culture takes place on many levels and in several timeframes. At senior executive level there may be a need to create a strategy for developing a business culture appropriate to global goals with measurable objectives and benchmarks. In the short term there may be an intermediate problem with dysfunctional multicultural teams. In between these extremes are skills such as negotiating across cultures and managing project teams. Your culture is changing all the time and will do so ever more quickly with the impacts of globalization and technological development. The question is not whether you want culture change but whether you want to manage it.

English is the accepted medium for international business transactions and the market for Business English courses and textbooks is booming. There is relatively little published and practice is materials rather than research-led. An interdisciplinary approach is called for to take account of language, interpersonal communication skills, business know-how and cultural issues.

People around the world conduct business meetings in English even though this language may be a foreign language to all those present. The language that they use will be neither as rich in vocabulary and expression, nor as culture-bound, as that used by native speakers, but will be based on a core of the most useful and basic structures and vocabulary. Businesspeople do not always need to know the full complexities of English grammar and idiom. Fine distinctions in meaning may not be important in a business context. On the other hand, in a Business English course some structural areas may require more attention than in a conventional course: for example, conditionals in negotiating, or modality for expressing possibility or politeness. There is consequently a need for syllabus designers to be selective when addressing the needs of Business English learners.

Business English Syllabus

The English for business syllabus is likely to be defined primarily in relation to business performance skills such as meetings, presentations, socializing, or report-writing. Within these skills areas, certain concepts are typically discussed and expressed: for example, describing changes and trends, quality, product, process and procedures strategy. These concepts can be broken down into more linguistically powerful functional areas such as comparing and contrasting expressing cause and effect, recommending, and agreeing. The language defined in the syllabus may include grammatical or lexical items, and elements of spoken or written discourse, including for instance, cohesive devices and stress and intonation patterns, as well as organizational features such as signaling a new topic or turn-taking in interactive sequences.

English is often called the unofficial language of the world community, which is no wonder when you consider that half of the world's scientific journals are written in English, three quarters of the world's mail is written in English and three fifth of the radio stations of the world beam their messages in the English language.

English is the second most spoken language in the world but it is the official language of more countries than any other language.

Globalization, especially terms of trade, environmental policies, and oil politics, whether managed wisely or not, will also lead to shifts in the European business environment. Today's business environment is globalizing rapidly. The idea of the global village ("think global, act local") is becoming reality. Organizations are crossing borders and searching for strategies that take advantage of the new global opportunities. European unification is another factor stimulating cross-border business. This does not only affect multinationals, but also small and medium sized companies are strongly influenced by the process of globalization. In all cases, organizations are confronted with more complexity. Cross-cultural differences are an important part of this complexity and have an impact on business processes. The extent to which companies are able to cope with this new cross-cultural challenge is one of the key causes of success or failure. Technology has now created the possibility and even the likelihood of a global culture. The Internet, fax machines, Satellites, and cable TV are sweeping away cultural boundaries. Global entertainment companies shape the perceptions and dreams of ordinary citizens, wherever they live. This spread of values, norms and cultural tends to promote Western ideals of capitalism. Will local cultures inevitably fall victim to this global "consumer" culture? Will English eradicate all other languages?

English is rapidly becoming a global language in academia. At least 1,700 universities in countries with another host language offer master's degree programs in English, and an increasing number of schools have stepped up English-language requirements at undergraduate levels as well. Directors of these programs aim to prepare students "to be global leaders in this new era of internationalization", (New York Times, April, 2007) arguing that universal teaching language is a necessary and a "natural consequence of globalization". Today there are many varieties of Business English. The most important distinction to be made is that between pre-experience (or low experience) learners and job-experience learners. Students in colleges or universities will have gained their knowledge of business largely from books and, as a result, such knowledge will be incomplete and theoretical rather than practical. They will be less of their expectations of language learning will be moulded by their experiences from school, and thus by the educational policies of the country in which they grew up. Job-experience learners are more likely to have a single set of needs relating to their job. The practical use of the language will be more important than theoretical knowledge about the language.

International businesspeople have a need to make contact with others whom they never met before, or know only slightly. Meetings are often short because businesspeople are pressed for time. There is a need for an internationally accepted way of doing things so that people from different cultures, and with different mother tongues, can quickly feel more comfortable with one another.

Social contacts are often highly ritualized. Formulaic language is used (in greetings and introductions, for example) in context of a routine pattern of exchanges. A certain style is generally adopted which is polite but also short and direct (taking into consideration the need to be economical with time). Although some situations may require more than this (for example, keeping a conversation going over lunch), the style and content of social interactions will be typified by a desire to build a good relationship while avoiding over-familiarity.

People around the world conduct business meetings in English even though English may be a foreign language to all those present. The language that they use will be neither as rich in vocabulary and expression, nor as culture-bound, as that used by native speakers, but will be based on a core of the most useful and basic structures and vocabulary. Businesspeople do not always need to know the full complexities of English grammar and idiom. Fine distinction in meaning (as they are conveyed by some of the compound tenses, for example) may not be important in a business context. On the other hand, in a Business English course some structural areas may require more attention than

in a conventional course: for example, conditionals in negotiating, or modality for expressing possibility or politeness. There is consequently a need for syllabus designers to be selective when addressing the needs of Business English learners.

Business English is an area of ESP that is relatively poorly researched. Rigorous linguistic analysis is fragmented and is more frequently based on the written forms of language such as correspondence, annual reports, and articles in business journals. Some kinds of analysis have been carried out with respect to the language of meetings and discussions, but there is still little to support course developers beyond their own first-hand experience gained in the field.

Achieving a sense of purpose within the business context

The most important characteristic of exchanges in the context of business meetings, telephone calls and discussions is a sense of purpose. Language is used to achieve an end, and its successful use is seen in terms of a successful outcome to the business transaction or event. Users of Business English need to speak English primarily so that they can achieve more in their jobs. Business is competitive: competition exists between companies and also within companies, between employees striving to better their careers. It follows that performance objectives take priority over educational objectives or language learning for its own sake. For example, a German company in Seoul may have a long-term objective to establish good trading relations, and their representative's use of English is geared to that end. A French telecommunications project manager in India needs to know English to communicate with his technical terms on the site, who are all Indian. A Swedish pharmaceutical product manager needs to give clear presentations of recent product development to subsidiaries in Europe and the Far East. In each of these examples, the use of the language has an implied element of risk; mistakes and misunderstandings could cost the company dearly.

Most of the language needed by businesspeople (apart from social language) will be transactional: getting what you want and persuading others to agree. A significant amount of business is being lost to European enterprise as a result of lack of language skills. On the basis of the sample, it is estimated that 11% of exporting European SMEs (945,000 companies) may be losing business because of identified communication barriers. Analysis of the findings from the survey identified a clear link between languages and export success. Four elements of language management were found to be associated with successful export performance: having a language strategy, appointing native speakers, recruiting staff with language skills and using translators and interpreters. There could be very significant gains across the whole EU economy if all exporting English is a key language for gaining access to export markets. However, the survey results suggest that the picture is far more complex than the much-quoted view that English is the world language. Russian is extensively used in Eastern Europe as a lingua franca (along with German and Polish). French is used to trade in areas of Africa and Spanish is used similarly in Latin America longer term business partnerships depend upon relationship building and relationship-management.

Performance objectives for business English

As already stated, one of the main characteristics of Business English is the emphasis on performance. For people in business, the priority is to be able to understand and get their message across, and for the majority of Business English learners many of the refinements of language are quite simply not relevant. What the majority of business learners need to acquire could be broadly summarized as follows:

- Confidence and fluency in speaking
- Skills for organizing and structuring information

- Sufficient language accuracy to be able to communicate ideas without ambiguity and without stress for listener
- Strategies for following the main points of fast, complex, and imperfect speech
- Strategies for clarifying and checking unclear information
- Speed of reaction to the utterances of others
- Clear pronunciation and delivery
- An awareness of appropriate language and behavior for the cultures and situations in which they operate.

Some learners may also need to develop practical reading and writing skills.

In Business English, these performance criteria need to be seen in the context of specific business situations which the learner will be involved in. If the requirements of a typical job are analyzed, it can be seen, for example, that the learner has to attend meetings which are carried out in English and that he or she has to follow what is going on and be able to make a contribution.

As a conclusion we may state that there is a strong relation between language skills, cultural competence and exporting performance. In contemporary business environment foreign language skills are prerequisite for success of young business people and their companies. Every professional, from scientists to engineers, to nurses, to businessmen etc, function in a global market: they rely on primary sources published in other languages, attend international conferences, and often find themselves interacting across national, cultural, and linguistic borders. Government and industry often give preference to job applicants who are proficient in one or even more foreign languages. More and more companies are competing in the global market place, which means there is a growing demand for managers with an international outlook. Graduates with knowledge of foreign countries and their business cultures, that are proficient in foreign languages, have an edge.

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La transdisciplinarité et son rôle dans la dynamique de la terminologie touristique dans le français contemporain

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Mots clé: *terminologie, langue spécialisée, terminologie touristique*

Résumé: La langue peut être considérée comme une structure stable à un moment donné du temps, c'est la coupe synchronique. La langue peut aussi être considérée comme une succession d'états évoluant au cours du temps de la perspective diachronique.

Une langue spécialisée ne se réduit pas à une terminologie: elle utilise des dénominations spécialisées (les termes), y compris des symboles non linguistiques, dans des énoncés mobilisant les ressources ordinaires d'une langue donnée. On peut donc la définir comme l'usage d'une langue naturelle pour rendre compte techniquement de connaissances spécialisées.

La langue n'est pas un objet figé mais bien un système en réorganisation permanente, fait de zones d'équilibres et de zones de déséquilibres, d'instabilité. À chaque instant cohabitent des schémas productifs, d'autres en création, d'autres enfin figés et improductifs dans le système qui est par sa nature non homogène. La prise en compte de cette hétérogénéité et de cette instabilité permanente a amené André Martinet à développer le concept de synchronie dynamique. La dynamique synchronique est liée au facteur temps, qui prend en compte les différences linguistiques entre générations et aussi liée aux variables sociales.

Comme dans tout secteur professionnel, les professionnels du tourisme utilisent un jargon qui leur est propre, difficilement accessible aux "novices". Par ailleurs, chaque mot, y compris les plus courants, accepte un sens précis dont la connaissance nous aide à décoder l'information touristique.

La langue est un produit social issu de la parole et un ensemble de conventions permettant l'exercice de cette dernière. De plus la langue est soumise à une évolution dans le temps sous l'influence de l'ensemble des agents parlant, sans qu'aucun d'entre eux ne puisse à lui seul la modifier.

La terminologie en tant que discipline est définie par les spécialistes comme l'étude scientifique des notions et des termes en usage dans les langues de spécialités. Par langue de spécialité on entend un sous-système linguistique qui utilise une terminologie et d'autres moyens linguistiques et qui vise la non-ambiguïté de la communication dans un domaine particulier.

Vue du côté linguistique, une terminologie n'apparaît pas d'abord comme un ensemble de notions, mais comme un ensemble d'expressions dénommant dans une langue naturelle des notions relevant d'un domaine de connaissances fortement thématiques. Le terme est un symbole, stimulus physique représentant conventionnellement une notion ou un objet individuel. La convention peut être explicitée sous la forme d'une norme. Elle s'établit dans les meilleurs cas par consensus et se perpétue dans la formation au métier, comme on le voit dans les vocabulaires artisanaux, agricoles, industriels, touristiques.

Le caractère interférentiel de la dynamique de la terminologie touristique peut être discuté sous deux aspects: premièrement on implique des termes d'autres domaines d'activité qui sont empruntés du transport, de l'industrie hôtelière et d'autres; et deuxième le glissement de la langue spéciale en langue commune par le phénomène de la banalisation et vice-versa. On peut prendre comme exemple dans ce deuxième cas le mot *baladeur*, qui désigne dans la langue touristique un appareil électronique portable destiné à l'écoute de contenus multimédias et qui utilisé dans la langue familière désigne une *personne qui se promène*.

Une langue spécialisée ne se réduit pas à une terminologie: elle utilise des dénominations spécialisées (les termes), y compris des symboles non linguistiques, dans des énoncés mobilisant les ressources ordinaires d'une langue donnée. On peut donc la définir comme l'usage d'une langue naturelle pour rendre compte techniquement de connaissances spécialisées.

La langue spécialisée est d'abord une langue en situation d'emploi professionnel mais au service d'une fonction majeure: la transmission de connaissances. Les connaissances spécialisées sont dénommées linguistiquement par des termes, qui sont principalement des mots et groupes de mots sujets à des définitions conventionnelles.

La double nature des termes (mots et expressions d'une langue, mais en même temps dénominations de notions) dépasse les frontières saussuriennes entre linguistique immanente et linguistique externe.

Vue du côté linguistique, une terminologie n'apparaît pas d'abord comme un ensemble de notions, mais comme un ensemble d'expressions dénommant dans une langue naturelle des notions relevant d'un domaine de connaissances fortement thématiques. Le terme est un symbole, un stimulus physique représentant conventionnellement une notion ou un objet individuel. La convention peut être explicitée sous la forme d'une norme. Elle s'établit dans les meilleurs cas par consensus et se perpétue dans la formation au métier, comme on le voit dans les vocabulaires artisanaux, agricoles, industriels, touristiques.

Si on parle de l'aménagement linguistique et de la dynamique d'une terminologie, il faut accorder un intérêt particulier à la néologie, sous ses divers aspects : emprunts, mots construits, néologismes sémantiques, etc. Rien qu'en France, où le statut et le corpus de la langue sont géographiquement privilégiés par rapport au reste de la francophonie, on peut observer que l'une des appellations successives du dictionnaire des termes officiels a été *Dictionnaire des néologismes officiels*. Plus largement, l'ordre des substantifs dans le nom du *Réseau international de néologie et de terminologie* (francophone) est significatif

d'une priorité reconnue. Vue du côté de la lexicographie, la néologie n'est rien d'autre que l'enregistrement de mots nouveaux, sous la pression des besoins de dénomination, d'expression et de communication.

De nos jours, comme le prouvent les recherches sur la dynamique linguistique et sur les langues spécialisées, en particulier, l'anglais demeure, pour beaucoup de langues contemporaines, l'une de sources essentielles en ce qui concerne la constitution des terminologies dans divers domaines. Certes, le français ne fait pas exception à la règle en matière de construction et d'aménagement linguistique: l'industrie du spectacle, le développement du tourisme, les produits industriels, les nouvelles technologies, etc. enrichissent toujours la langue. Toutefois, depuis neuf siècles, les rapports entre l'anglais et le français ont été "intimes" et les échanges entre les deux langues ont toujours été déséquilibrés, d'abord à l'avantage du français, puis, aujourd'hui, à celui de l'anglais. De nos jours, on constate un afflux massif de termes spéciaux de l'anglais vers le français. Plusieurs raisons peuvent expliquer cette arrivée massive de termes anglais dans la langue française, car il s'agit plus que d'un engouement à l'exemple de ce que le français a vécu avec l'italien au XVI^e siècle. Notre époque subit l'influence de la suprématie de l'anglais dans le monde. Il y a, bien sûr, la civilisation américaine qui exerce une attraction considérable sur les francophones et transporte avec elle les mots qui véhiculent cette même civilisation. Toutefois, on ne peut pas ignorer certaines causes d'ordre linguistique qui font possible la circulation des termes d'une langue vers une autre.

La profusion terminologique gagne la langue commune, qui présente des traits techniques évidents, voire technocratiques. Parallèlement, la publicité apporte sa contribution: des mots et des expressions plus populaires sont diffusés à l'échelle de pays entiers. Bon an mal an, le français s'enrichit de 60 000 à 70 000 nouveaux, provenant de sources diverses telles que les milieux scientifiques, industriels, touristiques, commerciaux, publicitaires et journalistiques. C'est là le signe manifeste du dynamisme de la langue.

Comme le vocabulaire touristique s'écarte souvent de l'usage courant et comporte de nombreux anglicismes, on exemplifie quelques termes en usages courant déjà, enregistrés par *Lexitour, Les 1700 mots des métiers du tourisme* :

All-in, All Inclusive: Formule de séjour incluant non seulement tous les repas mais aussi certaines dépenses sur place, comme les boissons et les snacks.

Aparthotel: Type d'hébergement offrant tous les avantages d'un hôtel (nettoyage, service, repas) mais composé d'appartements et non de chambres.

Air(-)conditionné: calqué sur *air conditionel* cette expression est critiquée à juste titre par les auteurs du Dictionnaire des anglicismes du Robert qui suggèrent de le remplacer avec *climatisation* est l'adjectif *air conditionné* par *air climatisé*.

Ajusteur d'assurance est un calque de *insurance adjustment*.

Avisuer légal est un calque de *legal adviser*

Appointement est un anglicisme au sens de rendez-vous.

Board, half-board, full-board : Termes indiquant la formule de repas que vous avez réservée. Half-board signifie que vous êtes en demi-pension, comprenant le petit-déjeuner et le dîner (repas du soir); en accord avec l'hôtelier, vous pouvez éventuellement et exceptionnellement remplacer un dîner par un lunch le midi. Full-board signifie pension complète.

Charter, Chartersicket : Pour les vols charter, les organisateurs de voyages chartérisent (c'est-à-dire louent ou affrètent) l'avion et déterminent eux-mêmes les tarifs et les conditions de voyages. Les billets des vols charter sont généralement meilleur marché.

Circuit: Formule de voyage où vous changez d'hôtel presque chaque nuit.

Coach: Autocar de tourisme.

Cottage : Le plus souvent, logement de vacances situé dans un cadre champêtre ou encore, bungalow dans un parc ou village de vacances.

Eurolines : Réseau européen de lignes régulières d'autocar de tourisme.

Fly-and-drive : Formule de vacances où le client ne réserve que le volet l'voiture de location et s'occupe lui-même d'assurer son hébergement.

Gîte : Logement ou hébergement aménagé à la campagne.

Haul, long haul, short haul, medium haul : Le terme 'haul' indique la distance, la longueur du trajet.

Hôtel de charme : Petit hôtel souvent géré par son propriétaire. L'aménagement est en général personnel.

Package, package tour: Voyage à forfait ou forfait voyage comportant un ensemble de services et prestations.

PAI, personal Accident Insurance: Assurance relative aux passagers, proposée lors d'une location de voiture.

Party. Le français a emprunté à l'anglais ce mot au sens de *réunion mondaine*. *Party* lui aussi a été emprunté au mot français *partie* qui prend le sens de *divertissement réunissant des gens: une partie de chasse, de pêche, de campagne*.

Résignation ce mot est un anglicisme au sens de démission

Representative: Représentant sur place (c'est-à-dire à destination) d'un organisateur de voyages.

Round the World-ticket: Billet d'avion vous permettant de faire le tour du monde dans un seul sens.

Royal Class: Siège d'autocar de tourisme, très confortable, réglable et équipé d'un repose-pieds.

Sleeping Class: Autocar de tourisme dont les sièges peuvent être basculés en position horizontale et transformés en lits.

Tourist visa: Visa à durée limitée et destiné uniquement à des fins touristiques.

Voucher: Bon d'échange à remettre à l'hôtelier comme preuve que vous avez déjà payé pour les services ou le logement.

Certes, l'anglais bénéficie ici de la prime à l'inventeur, ce qui explique pour une bonne part son usage général dans le monde touristique de diverses langues, du français y compris. Mais, pour accéder à la langue d'accueil, ces emprunts doivent se conformer à son système et à ses normes, en subissant un processus de naturalisation et de normalisation, dans le cadre d'une politique d'aménagement linguistique. Dans la pratique, les emprunts sont soumis à l'action de plusieurs mécanismes, en acquérant le statut de « terme normalisé » ou de terme « recommandé », de « terme avalisé par l'usage » ou de « terme déconseillé ».

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Experiencing Fragrance Advertisements through Cultural Meta-Patterns

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Key words: *semiotics, the management of objects, bodily and mental experience, cultural (meta)patterns, pictorial metaphors*

Abstract: Smell, hearing, sight, taste and touch are the five senses that govern every human being's existence which seems to be dominated by different systems of objects. Once objects enter the subject's field of experience, they will become signs, thus shaping objective or subjective discourses.

Sensing adds value to the managerial practical dimension (limited by modern thinking to the rational dimension). Any human act(ion) of purchasing a particular commodity turns into a semiotic consumption of a system of values and we might assume that advertising becomes "a cultural mechanics for assembling and reinforcing the value of brandname icons" (Goldman, Papson, 2004).

The deep structure within fragrance advertisements actually hides a paradox, namely the smell has to be grasped through other senses and we are of the opinion that re-inventing famous cultural patterns is a postmodern strategy which turns out to be very persuasive. The words and images used by any persuader in advertising are shaped into semiotic resources of representing one's reality (Duranti, 1997). Together with contextual features, they have besides the iconic function which sends to a particular object, the semiotic function of *indexicality*, signalling a certain social and cultural territory.

Having as empirical data the advertisements for Givenchy (Organza), Joop! (All about Eve), Cacharel (Noa), Yves Saint Laurent (Opium) and Salvador Dali (Dalissime), the aim of the paper is a twofold one:

- on the one hand, to underline the semiotic role of metaphorical reasoning (Lakoff, Johnson, 1980) within the representation of fragrance bottles;
- on the other hand, to verify the hypothesis, according to which the process of experiencing metaphors is different depending on the educational background.

"Odours have a power of persuasion stronger than that of words, appearances, emotions or will. The persuasive power of an odour cannot be fended off, it enters into us like breath into our lungs, it fills us up imbues us totally. There is no remedy for it." (Patrick Süskind, *Perfume, The Story of a Murderer*)

The unavoidable power of odours mentioned by Patrick Süskind should be embedded into a process of synesthesia where the five sense (smell, hearing, sight, taste and touch) keep melting together in order to help us decode the hidden meanings within objects of value. This act(ion) of managing the valence and magnitude within any object around us is a part of the subject's field of experience, and the economic sphere is to be re-defined and re-designed.

In our opinion, the economic field is defined by any experiential human act (eating, dancing, producing goods, smelling perfumes, making love or managing a firm). This is the result of applying EMMY to the political-economic-ethical continuum, in which every human experience is/ could be defined by the proposed end, chosen means and fitting means to ends and/ or ends to means (Druguş, 2003a, 2003b, 2004, 2006). Managing our own actions is also a continuum of signs perceived by us or by others. Management is defined – through EMMY – as thinking, feeling and acting in order to obtain a satisfaction for individuals first of all and for the others viewed as “means” possible to be used in order to attain the individual's end. Management and marketing models are better understood and more efficiently performed if described in semiotic terms as a triadic construction. According to the degree of interpretation, the sign will embody a three-fold *interpretant* (Peirce, 1990):

- immediate interpretant: the mere existence of that particular object;
- dynamic interpretant: mere physical perception, one of the five senses being activated;
- infinite interpretant: the human beings' ability to go beyond and to stir one's imagination.

I. Beyond experience – several approaches

Semiotics has two main objectives (Sebeok, 2002: 25), namely *semiosis* and *representation*. Whereas the former objective – semiosis – is the biological ability which is at the basis of production and understanding of signs, the latter objective – representation – means a deliberative use of signs in order to classify and consequently to know the universe which can be shaped in simple lines (iconicity) or in intricate shades and contours (indexicality or symbolicity). This discrepancy in experiencing and representing the same reality may constitute the variable which creativity can be measured with and which can be achieved through the persuasive strategy of metaphors whose essence, according to George Lakoff and Mark Johnson (1980: 5), is “understanding and experiencing one kind of thing in terms of another”.

Any experience is, as a matter of fact, an analysis of the degree of adequacy between the proposed ends (political dimension), the used means (economic dimension) and the efficiency of the obtained results (ethical dimension) (Druguş, 2004, 2006). The experience economy is “a symptom and an expression” (Boswijk et al, 2007: ix)

Actually, *experience* is the key concept within education, marketing and sociology as well. On the one hand, the new trend in marketing has switched towards experiential marketing which predicates on face-to-face personal interaction between a marketer brand and a consumer, its goal being to succeed using innovative approaches and tactics to reach out to consumers in creative and compelling ways.

On the other hand, focus-groups have a popular sociological qualitative research because they “elicit more in-depth information and often point out whys of behavior, as well as showing intensity of attitudes held” (Newsom et al., 1993: 112). The focus-groups method is part of “brand management”. Some say that, nowadays brand management is still marketing exactly in the same measure accountancy is financial planning. The idea is that the real target is the consumer and not the brand in itself. This is the proper moment for the experiential marketing (XM or EM) to be presented. The XM is a focus on creating fresh connections between brands and consumers. It is about special prepared connections in the form of experiences that are personally relevant, memorable, interactive and emotional. These ones are able to increase sales and brand loyalty.

The above introduction to semiotics, marketing and sociology proves that the understanding of objects, whose “luxuriant growth” (Baudrillard, 1968/ 2005: 1) seems to have invaded us, should “appeal” not only to interdisciplinarity but to transdisciplinary thinking, feeling

and acting. (see Dalke Ann et al, 2007 and Drugus, 2006). It is interesting to note that Experiential Marketing needs metaphorical (imaginative and innovative) thinking which is the key to the essence of transdisciplinary approaches. Transdisciplinary thinking asks for going “between, across and beyond disciplines” (Nicolescu, 2002). The same thing is made by metaphorical thinking: forcing the old barriers, and lifting us “above, between, and after” old situations, as the Greek words “meta pherein” suggests.

In our (postmodern) opinion, the focus group method and experiential marketing are not like water and fire. On the contrary, every method has its own advantages, even if the experiential marketing pretends to solve any selling problem. But it is well known that EM is very emotional, attractive, pleasant and memorable.

Selling one’s products means to put into persuasive images the object of reality. This task is performed by advertising which even if it belongs to the moment, as John Berger (1972: 129) says; it is nostalgic because it sells the past to the future. This plunge into the past is accomplished because we usually perform a symbolic purchase of a product, which should be interpreted as a semiotic object embodying different social and cultural values.

Defined as the perfect blend between *art* and *science* (Beasley and Danesi, 2002: 2), advertising seems to unify the aesthetic techniques with the tools of psychology and statistics. But XM is more than simple advertising, it is about convincing our minds that this or that is good for us. So, the ethical and ideological dimensions are fully implied in business. Advertising informs us in a pleasant way, whereas XM influences our thinking pushing over our brains tremendous and non-forgettable events. The *mise en scène* of every ad relies on four semiotic systems (represented participants, interactive participants, composition and modality) that social semiotics (van Leeuwen, 2005) is based on.

Our paper is, first of all, an analysis of the way in which the visual metaphorical representation of smells coincides with the actual fragrance of five well-known perfume brands (Givenchy - Organza, Joop! - All about Eve, Cacharel - Noa, Yves Saint Laurent – Opium, and Salvador Dali – Dalissime – Annex 1). The degree of persuasion was tested on two different focusgroups, each of them formed of ten students, belonging to the communication and marketing departments (University of Bacau and George Bacovia University, both of them from Bacau, Romania). The variables taken into account when choosing the students were the following: the sex (5 – men, 5 – women) and the age (19 to 30 years old).

Our hypotheses are the following:

1. The metaphorical representations of fragrance bottles that rely on cultural patterns are more persuasive than mere bottles.
2. The decoding of the source-domain of a metaphor is different depending on the educational background.

The main points that were discussed during the two focus groups were the following:

- the pinpointing of the context (participants);
- the managing of some old cultural patterns within postmodern meta-patterns;
- the type of smell that the image of the representation of perfumes stir within every participant;
- the shape of the bottles and the way in which they belong to the image as a whole.

II. Beyond the smells of fragrances

A semiotic analysis of a perfume [coming from the Latin “per” meaning “through” and “fumum” meaning “smoke”] relies on exploring the figurative space ‘scented’ by sensoriality and sensitivity (Boutaud, 2003, p. 89) that characterize any olfactory image. A figurative space gets shape when it “relies on calling forth a visual statement’s signifier by using a culturally relative reading grid, which is linked to codes”. (Boutaud, 2004, p. 96)

Jean-Jacques Boutaud (2004: 92-95) mentions three layers of figurative constructions for perfumes:

- *the figurative space of internal sensations*: it is something beyond communication, because it refers to the intimate movements of one's body before being verbalized;
- *the figurative space of sensoriality*: a synaesthetic description of a perfume, referring to the olfactory sense in terms of visual, auditory or caloric images.
- *the figurative space of sensitivity*: it is a way of giving significance to sensoriality. Thus the olfactory concept covers four dimensions: the synaesthetic dimension, the social dimension, the symbolic dimension and the dimension at the level of the discourse.

In annex 1 there are presented the advertisements for the perfumes to be analyzed and in annex 2 we will offer a brief description of the smells that each perfume has, taking into account five variables: fragrance notes, fragrance family, fragrance style, time to be used and type of person. This information was offered by different visitor reviewers of the site Basenotes (www.basenotes.com)

II.1. *Understanding pictorial metaphors*

A metaphor becomes an argument that establishes the structure of reality (Perelman & Olbrechts-Tyteca 1993) for the respective targeted entity. Thus, it is an instance of (re)molding one's identity, which might be interpreted in terms of M.A.K. Halliday's functional grammar, as a relational process of classifying and identifying, by linking one fragment of experience to another. If we label the two entities with a carrier and an attribute, then, this functional representation seems to, partially, remind us of Aristotle's comparison theory on verbal metaphor, built on implicature (A implies B, or A is B) and having a stylistic effect. The qualifying function of an attribute is derived from some entities that belong to a different semantic field than the one of the carrier. This apparent clash between the two semantic fields was labelled by Groupe μ (1977) allotopy (the deviation from a norm/ isotopy and the combination between different units).

The two approaches (stylistics and cognitivism) on metaphor are not in a relation of disjunction, but are, rather, dominated by inclusion. The surface structure where the (non)verbal metaphor is uttered, rests on a deep structure where some image schemata (Lakoff, Johnson 1980) are activated and which will drive towards a layer beyond, depending on the context and through its stylistic connotation, generating an instance of creativity which, finally, is wanted to be acknowledged as having a persuasive function.

In our case, the visual communication of smell is based on a double absence (Boutaud, 2004):

- on the one hand, the absence of a sense of smell in favor of a sign;
- on the other hand, the complete absence of fragrance in favor of value, based on an axiological calculus (Adam, Bonhomme, 2005).

The undercodedness that metaphors are based on seems to fulfill this apparent absence, relying especially on an active interpreter/ consumer who is able to map the target-domain (perceived elements – bottles of perfumes) onto the source-domain (conceived elements that form the pictorial context). The decoding process means on the one hand, a plunge into past, into one's memory, in order to bring to surface any cultural and social interpretations, based on stereotypes, prejudices, or social norms, and, on the other hand, a stirring of one's imagination in order to find some coherence within every semiotic system in the advertisements.

Leaving rationality aside, advertisements stir our senses and their meaning could better be decoded within the framework of postmodernism. In *A Poetics of Postmodernism – history, theory, fiction*, Linda Hutcheon (1996: 3) defines postmodernism as “a contradictory phenomenon, one that uses and abuses, installs and then subverts, the very concepts it challenges” in order to install a new order and we are of the opinion that metaphors constitute a persuasive means towards a surprising arrangement of objects.

We will analyse the five advertisements using two theories on nonverbal metaphors, namely: Groupe μ 's visual metaphors (1977) and Charles Forceville's pictorial metaphors (1996). These two approaches are not different, only the terminology is rather changed. This is the reason for

which we will adopt the terminology of the former perspective even if it started within the field of semiotics, rhetoric and arts. Our reason is a matter of temporality: the choice was made for those who first established a theory on visual metaphors.

Groupe μ takes into account two types of binary oppositions for the conceived and perceived elements, concerning the presence or absence of the respective elements. Thus the two dualities are *in absentia* versus *in praesentia* and *conjoined* versus *disjoined*. The combination of these four variables brings forth four types of metaphors which appear in the eleven advertisements:

- *in absentia coinjoined*: the perceived element (the bottle of perfume) totally substitutes the element that should have belonged to the respective context.

Besides its simple and round shape, the fragrance bottle of *Noa*¹ indexically sends to the form of a pearl rendering depth and rarity. The colour white and the concentric circles seem to mould the shape of a shell. The symbolism of light is also supported by the title (*Le perfume prodige – The Miracle Perfume*) and by the brand name. The cultural pattern beyond the name *Noa* is a twofold one:

a. the misspelling of the English word Noah, the biblical character who survived the flood. The rainbow, a consequence of coming to light, is the sign of God's promise that life will never again be destroyed by flood (Genesis 9.13-15).

b. a feminine Hebrew name, derived from the root meaning "movement". In the Hebrew bible, she was one of the five daughters of Zelophehad who raised before Moses the case of a woman's right and obligation to inherit property in the absence of a male in the family².

Opium includes this metaphor in its semiotic system as well, but this time, the shape of the bottle reminds us of the 19th century rectangular beverage bottles that gentlemen had in their jacket pocket and which they were addicted to. This interpretation was suggested by the dark colours that invade the compositional system and by the name of the perfume, namely *opium*, a narcotic obtained from the juice of a poppy. But the perfume is less harmful, entering into your skin since you use it once and you cannot get its persistent smell off yourself.

The man lying on the red coach, his black shirt unbuttoned, seems to be the visual image of Dorian Gray whose youth is praised by lord Henry Wotton: ". . . People say sometimes that beauty is only superficial. That may be so, but at least it is not so superficial as thought is. To me, beauty is the wonder of wonders. It is only shallow people who do not judge by appearances. The true mystery of the world is the visible, not the invisible. . ." (Wilde, 1985: 32).

The 19th century verbal description and the 20th nonverbal image correspond to the physical description of the cultural pattern of a dandy's body³. Adriana Babeți (2004: 220) considers that dandies are devastated by the fear of growing old, of fallen muscles and riddles, and of grey hair, all this being a sign that their fragile body is subject to the severe course of nature and the passing of time.

- *in praesentia conjoined*: the perceived and conceived elements or at least parts of them are interpenetrated.

Joop – All about Eve was built on a mixture of some minimal parts of the two elements: the green colour and the shape of an apple and the glass texture and the cap of a bottle of perfume. The apple has a biblical value, sending the consumer back in time to the well-known story of Adam and Eve. The paradox appears in the representation of the shape of the bottle: the modern approach does not display a bitten apple, as a sign of the woman's disobedience, but rather the full shape of this fruit. The decoding of this pictorial representation is actually a reinterpretation of the cause and effect relation within the biblical episode: the biting of the apple in postmodern times implies an undressing of the women.

*Dalissime*⁴ does not reinvent a certain cultural pattern. It is rather the perfect icon of Dali's 1946 work, *Christmas*, which was the cover of the *Vogue* magazine. The cultural meta-pattern lies within Dali's surrealist painting which reveals the essence of his *Declaration of the Independence of the Imagination and the Rights of Man to his Own Madness* (apud Descharnes, R., Néret G. 2001: 329):

“When, in the course of human culture it becomes necessary for a people to destroy the intellectual bonds that unite them with the logical systems of the past, in order to create for themselves an original mythology [...]”.

The literary and art movement, promoted by surrealism, was based on surprising and unexpected juxtaposition of elements of reality, in the case of *Dalissime* one could easily perceive, on the one hand, the mouth and nose of a human body, and on the other hand, a Corinthian pillar with its slender fluted column and ornate capital. This startling transformation of a real face brings forth a new object that is the creative expression of imagination, “free of the conscious control of reason and free of convention”⁵. The intermingling of the mouth and nose within an architectural style seems to humanize an inert and concrete object which is capable of tasting and smelling.

- *in praesentia disjoined*: both the perceived and conceived elements are present, but, this time, they are placed one next to the other. In most cases, the conceived element is actually the body or parts of the body of the woman or man participant, but, at the same time, it may resemble some other objects represented in the images: a Greek column and an Ionic order.

All the advertisements presented above are based on transtextuality. The process of reading advertisements suggests that the respective representational images rely upon culturally determined codes (Hutcheon, 2002: 117), shared by the producer and the reader (viewer). Linda Hutcheon (2002: 117) considers that these codes are the reason why the ideological cannot be separated from the aesthetic in postmodernism. Thus there is implied a mapping of the signified elegance, distinction and simplicity, reminding of Greek culture, onto the commodity code within the white dress worn and the simple hair cut. As we have mentioned above, these representations are reinterpretations of known cultural symbols. This is the case of the advertisement for *Organza* as well: the reversed letter “Σ” and the reversed scrolling volutes. It might be interpreted as a parody of the Greek culture, but we are of the opinion that it is a cunning bringing of the past into the present. The mapping of the body shapes onto the bottle shapes seems to be a means of activating the functional value of a fragrance: to make one’s body smell nice.

III. Experiencing perfumes – different degrees of persuasion

Norman Fairclough (1989: 202) claims that advertisements work ideologically, namely they create a system of values, which implies a building of images and a moulding of the consumer. Thus the relationship between the referent systems and the product system is important because the ideology of the “referent system” is constantly being recreated in connection to the advertisement and the commodity it represents. By drawing upon ideological elements in the spectators’ memory, certain meanings/ images to particular products are shaped. This continuous exchange between meanings outside the frame of an advertisement and the signifiers within the narrative link of a particular advertisement create an ideology about a certain product and as Judith Williamson (1994) says the building of an ideology turns us into active participants.

The aim of our two focus-groups was exactly to involve students within the process of decoding/ managing the semiotic means of attaining persuasion in advertisements for fragrances. The procedure was not focused on smelling different perfumes, but rather on discussing about the semiotic systems that make the represented images of the five advertisements mentioned above.

The two hypotheses are as follows: 1. the metaphorical representations of fragrance bottles through cultural meta-patterns are more persuasive than mere bottles; 2. the decoding of the source-domain of a metaphor is different depending on the educational background.

The discussion was carried around the following points:

- the type of fragrance that the pictorial elements send to and which might convince or not the students to buy the respective bottle of perfume;
- the way in which the shape of the bottle fits into each pictorial representation.

We have chosen this way of approaching because the students were free to talk about the images without having to think about what a metaphor is and thus trying to offer the proper answers. We could imply from their responses who identified this rhetorical device and who would have been persuaded to buy the respective fragrance due to the metaphors presented.

The pictorial elements that the twenty students identified were based on:

- human participants and the type of role they are supposed to play within the respective representation;
- the colours used by each producer and its meanings;
- other contextual elements (e.g. articles of clothing).

All the students began by identifying the human beings that appear or not in the five advertisements and judging by the contextual elements, they tried to make the narrative link within each image and thus to identify the role assigned to each participant.

There were mentioned six main roles: the pure, the lady, the addicted, the tramp, the sexy and the extravagant. But there were some differences in the number of students who assigned these roles and there could be noticed even an overlapping of roles.

We will label the students from the department of Communication (University of Bacau) as G1 and the students from the department of Marketing (George Bacovia University) as G2.

FRAGRANCES

| | ROLES | | | | | | | | | | | |
|---------------------------|--------------|-----|----------|------|--------------|------|-----------|-----|----------|-----|-----------------|-----|
| | the pure | | the lady | | the addicted | | the tramp | | the sexy | | the extravagant | |
| | G1 | G2 | G1 | G2 | G1 | G2 | G1 | G2 | G1 | G2 | G1 | G2 |
| Cacharel | | | | | | | | | | | | |
| Noa | 100% | 70% | | | | | | | | | | |
| GIVENCHY | | | | | | | | | | | | |
| Organza | | | 100% | 100% | | | | | | | | |
| JOOP | | | | | | | | | | | | |
| All about Eve | | | | | | | 70% | 70% | 70% | 70% | | |
| SALVADOR DALI | | | | | | | | | | | | |
| Dalissime | | | | | | | | | | | 70% | 70% |
| YVES SAINT LAURENT | | | | | | | | | | | | |
| Opium (pour homme) | | | | | 100% | 100% | | | | | | |

The colours and the behavioral code played a very important role in the assigning of these roles and, at the same time, in the type of fragrance that the students linked to the visual representations.

| | FRAGRANCES | | | | | | | |
|---------------------------|-------------------|------|--------|------|----------|----|-------|------|
| | Fresh | | Floral | | Oriental | | Heavy | |
| | G1 | G2 | G1 | G2 | G1 | G2 | G1 | G2 |
| The pure – blue | 100% | 100% | | | | | | |
| The lady – white, gold | | | 50% | 70% | | | | |
| The addicted – black, red | | | | | | | 100% | 100% |
| The extravagant – orange | | | 100% | 100% | | | | |
| The sexy – white, black | 50% | 50% | 50% | 50% | | | | |

As the tables show there was no difference in pinpointing the narrative role played by the [+/- animate] participants. Thus, at this point, we could draw the conclusion that the students specialized in marketing, on the one hand, and communication and public relations, on the other hand, had the same cultural reading grid.

III.1. Levels of metaphoricity in advertisements for perfumes

After having identified different types of roles, the next point to be discussed was another participant, namely the fragrance bottle. This mere discussion about the shape of the bottle actually reflected the way in which the students managed the encyclopaedic knowledge in order to process the new contextual information in degrees of creativity and originality.

Within the theory on metaphors, it was identified with the perceived level or the target-domain. As we have mentioned, the students were not asked to identify the stylistic device, but rather to tell whether the shapes and colours of the bottles or caps reminded them of something, thus implicitly talking about the conceived level or source-domain within the pictorial metaphors.

| Perceived level/ target-domain | Conceived level/ source-domain |
|--------------------------------|---|
| GIVENCHY | |
| Organza | A woman's body: G1 = 100%, G2 = 100% A Greek column, Ionic style: G1 = 60%, G2 = 20% |
| JOOP | |
| All about Eve | The shape and the colour of an apple: G1 = 100%, G2 = 100% |
| CACHAREL | |
| NOA | The pearl and the shell: G1 = 80%, G2 = 70% |
| SALVADOR DALI | |
| DALISSIME | Mouth, nose: G1 = 100%, G2 = 100% A Greek column, Corinthian style: G1 = 60%, G2 = 20% |
| YVES SAINT LAURENT | |
| Opium (Homme) | A 19th century bottle of beverage – G1 = 20%, G2 = 10% |

The percentages mentioned above show the following facts:

1. The similarities between the two focus-groups can be noticed when the shape of the perfume bottle had a man's or a woman's bodily shape, thus showing that the ethological dimension of bodily resemblance was easily pinpointed.
2. Another similarity lies in the identification of the source-domain for *Joop*. Both groups were able to mention the biblical episode through the presence of an apple, but only half of them could grasp the idea that there is rendered rather a (post)modern story where the apple is not bitten and the woman is dressed. *Noa*, which also started from a biblical episode, was linked to Noah's ark, and consequently to the idea of coming to light, rather than to Noa, Zelophehad's daughter, who demanded a woman's right and who could have explained the presence of a woman and her finger as an index of her right to express her opinion.
3. The difference between the two groups lies in the way of identifying the source-domain for the *Givenchy* and *Dalissime* perfumes. The cultural architectural element was the one which made the distinction, even if the students from G1 did not know exactly the Greek architectural style. We consider that this discrepancy between the two groups in decoding the cultural elements could be explained in terms of their educational background, thus confirming our latter hypothesis. The former group from the department of Communication and Public Relations

were delivered lectures on semiotics, communication, history and cultural discourse where they were taught about intertextuality.

4. Even if six students from G1 could identify the cultural element in *Organza*, they could not clearly specify the shape of the bottles for the role of the addicted in *Opium*.

Taking into account that there were differences in perceiving the conceived elements or source-domain, the students were asked to range on a scale of persuasion the advertisements according to the creativity within the representation of the fragrance bottles. The results took into consideration the variable male (M) versus female (F).

| A scale of persuasion within pictorial metaphors for perfumes | | | | | | | | | | |
|---|------------------|------------------|------------------|------------------|------------------|------------------|----------------|---|---------------|---|
| | Very persuasive | | Persuasive | | Less persuasive | | Not persuasive | | I do not know | |
| | F | M | F | M | F | M | F | M | F | M |
| GIVENCHY | | | | | | | | | | |
| Organza | G1 - 5 G2 - 5 | G1 - 5 G2 - 5 | | | | | | | | |
| JOOP | | | | | | | | | | |
| All about Eve | G1 - 4 G2 - 5 | G1 - 5 G2 - 5 | G1 - 1 | | | | | | | |
| CACHAREL | | | | | | | | | | |
| Noa | G1 - 5 G2 - 4 | G1 - 3 G2 - 2 | G2 - 1 | G1 - 3 | | | | | | |
| SALVADOR DALI | | | | | | | | | | |
| Dalissime | | | G1 - 3 G2 - 2 | G1 - 1 G2 - 1 | G1 - 2 G2 - 3 | G1 - 4 G2 - 4 | | | | |
| YVES SAINT LAURENT | | | | | | | | | | |
| Opium (Homme) | | | G1 - 2 G2 - 1 | G1 - 2 G2 - 2 | G1 - 4 G2 - 5 | G1 - 4 G2 - 2 | | | | |

This table partly confirms our former hypothesis, namely that the metaphorical representations of fragrance bottles are more persuasive.

Two advertisements, which were considered not very persuasive, were the ones built on the roles of the addicted and the extravagant (*Opium* and *Dalissime*). Actually, the students motivated their choice not necessarily on the shape of the bottle. As we have seen, they did not even recognize the type of bottle. “These advertisements where the predominant colour is black and whose logos are centered on negative meanings do not convince me to buy them”, said Andreea Gherca (20 years old, G1). Even male-students were of the opinion that these advertisements do not fit with their personality: “Even if I wear black, I won’t use Dior Addicted or Opium because they, at least the images, give a feeling of restlessness, and I am not that kind of person”, said Cornel Grigoroaia (28 years old, G2).

Two advertisements (*Organza* and *All about Eve*) were considered the most persuasive ones, both of them being centred on the female body. In both cases, the narrative has been changed into new cultural meta-patterns.

The results show that there were not huge differences between the male and female students regarding their pinpointing the fragrance bottles in terms of a scale of persuasion.

The male-students from the two groups had different views about the degree of persuasion for the Opium fragrances: whereas only two G2 male-students thought that the ad for *Opium* was less persuasive, four G1 male-students saw it as less persuasive.

Conclusions

A good marketer and a good manager need to have a very large array of knowledge from different fields of study. In this respect, the authors conclude that every method could be used depending on the brand, market, consumer structure, education level, period/stage of economic development etc. Selling perfumes could be better performed by knowing the consumers' "visual smell" through focus groups testing the capacity of understanding the metaphorical language based on cultural metapatterns.

Endnotes

¹ On the Cacharel site (www.cacharel.com) the fragrance of Noa is described as follows: "modern yet timeless, Noa is the visionary element in all of us. Rediscover the inner peace and instinctive wisdom of a woman ...".

² http://en.wikipedia.org/wiki/Daughters_of_Zelophehad

³ Charles Baudelaire defined the dandy as one who elevates *aesthetics* to a living religion. [...] These beings have no other status, but that of cultivating the idea of beauty in their own persons, of satisfying their passions, of feeling and thinking Contrary to what many thoughtless people seem to believe, dandyism is not even an excessive delight in clothes and material elegance. For the perfect dandy, these things are no more than the symbol of the aristocratic superiority of his mind". (<http://en.wikipedia.org/wiki/Dandy>)

⁴ Dalissime, launched in 1994 by Marc Buxton, pays homage to the centennial birthday of Dali's wife, Gala. <http://www.scentagious.com/dalissime.html>

⁵ André Breton, *apud* Walther, Ingo F., 2000:137

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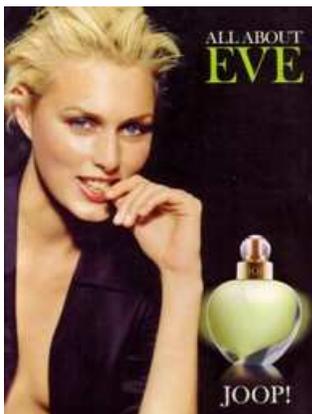
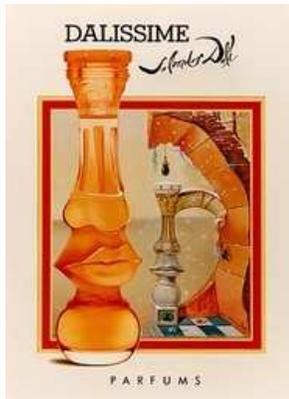
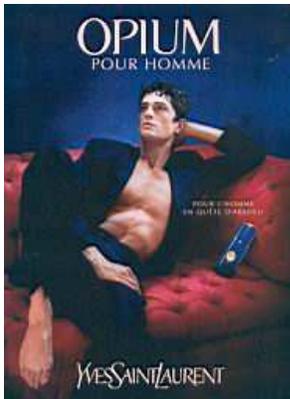
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ANNEX 1



ANNEX 2

| | Fragrance notes | Fragrance Family | Fragrance style | Time to be used | Type of person |
|---------------------------|--|------------------|-----------------|-------------------|-------------------|
| GIVENCHY | | | | | |
| Organza | Beautiful blend of gardenia, ylang-ylang and tuberose. At the base are amber, nutmeg, vanilla, cedarwood and mace. | Oriental | Sexy | Special Occasions | Elegant women |
| JOOP | | | | | |
| All about Eve | An intoxicating blend of apple, cinnamon, and jasmine, complimented by vetiver and vanilla | Woody, Ambry | Spirited | All Seasons | Appealing women |
| CACHAREL | | | | | |
| Noa | Wood and peony | Woody | Fresh | Day time | Wise women |
| SALVADOR DALI | | | | | |
| Dalissime | Top notes: apricot with peach, raspberry, red fruits, and davana for a first heady impression | Floral, fruity | Unconventional | Anniversary | Extravagant women |
| YVES SAINT LAURENT | | | | | |
| Opium (Homme) | A very sweet oriental fragrance. Top notes: black currant | Oriental | Provocative | Night time | Addicted persons |

Sources of Misunderstandings and Blunders In Business Communication

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Key words: *business communication, misunderstandings, culture*

Abstract: The globalization process can cause people to change deep-rooted cultural values. Many times one's own cultural values and interactional competences are acquired unconsciously, and it is difficult to understand other's cultures without first examining one's own culture. Thus, it is very important that people understand and become aware of one's own and of others' cultural values in business communication.

It has been noticed that the intercultural relationship is positively influenced by respecting the behaviours specific to cultures coming into contact and, at the same time is influenced by breaking the same behaviour norms.

There are nine concrete and immediate sources of inter-cultural communication misunderstandings and blunders: the taboos, the woman's status versus man, the way of showing respect, the perception of time and space, the business etiquette, non-verbal messages, the language and the translator, clothing and prejudices.

Serious errors frequently occur in international negotiations, in international marketing, as well as in diplomatic meetings.

They are usually caused by the difficulties in communication due to cultural differences. The fact is that people are not really aware of their cultural tendencies.

Even more, they become blind prisoners of their own culture norms and thus, see other cultures as abnormal (the normality being for them what is in accordance with the norms of their own culture).

When two or more people belonging to different cultures meet and communicate, their communication brings out something new, something different from each interlocutor's culture. This area of the "frontier communication" is called exchange culture.

This area of culture is a “no man’s land”, with no rules or compulsory norms, characterized by confuse and risky communication. The international negotiation and inter-cultural communication take place in this area. On the one hand, none of the parties can strictly respect the norms of the partners’ culture and, on the other hand, none of them can behave exactly as they would in their own culture area. Thus the parties’ synchronization and harmonization inevitably become more difficult than in the same culture area. Behavioural tendencies of different cultures coming into contact are often contradictory.

It has been noticed that the intercultural relationship is positively influenced by respecting the behaviours specific to cultures coming into contact and, at the same time is influenced by breaking the same behaviour norms.

The general behaviour rule in a foreign land is *lex loci*. J.M. Hiltrop considered that in order to be efficient in international negotiations, we have to become aware both of our culture tendencies and of the interlocutor’s culture norms.¹

There are nine concrete and immediate sources of inter-cultural communication misunderstandings and blunders: the taboos, the woman’s status versus man, the way of showing respect, the perception of time and space, the business etiquette, non-verbal messages, the language and the translator, clothing and prejudices.²

Taboos

The word “taboo” refers to sacred interdictions whose violation leads to severe punishments. Persons, objects, words can be taboo. There are religious, moral, social taboos; the social ones refer to objects, colours, numbers, words, gestures, gifts and behaviours that vary from culture to culture.

In Chinese culture symbolism is important, with colours and numbers having special meaning. For instance, at Chinese New Year, money may be given in a red envelope; it must be even amount, using an even number of new bills.

Red is a lucky colour; pink and yellow represent happiness; and the number 8 is the luckiest number. The colours black, white and blue and the number 4, or four of anything, are negatively associated with death or funerals. Also included in this category are clocks, handkerchiefs, and straw sandals.

In Japan gift giving is an art form, representing friendship, respect, and gratitude. The ceremony is important; the gift is always in a gift box, or beautifully wrapped in quality paper, and given with great respect. Because the symbolism is what’s important, frequently the actual gift may be very modest.

Gifts of food or liquor (cookies, expensive candy, and fruit) are always good choices especially for modest gifts. If you’re bringing a gift from your home country, make sure it’s not “made in Japan”. And don’t select company items with your logo that may be a promotional item and look cheap.

In Japan symbolism is important. A gift with a pair of items is considered lucky, but sets of four or nine are unlucky.

Plus, the number 4 also means death; and the colour red is associated with funerals, so don’t give a pen with red ink, and don’t write out a card using red. Books aren’t appropriate; and sharp objects like knives, scissors, and letter openers symbolize “severing a relationship”.

Latin cultures don’t have formal or traditional ceremonies surrounding gift giving. However, business relationships are developed as personal relationships. And in order to build a strong and lasting friendship, gifts are a thoughtful way to make a good first impression, and socially continue showing generosity, appreciation, and kindness.

¹ Cf. J. M. Hiltrop, Sheilla Udall, *Arta negocierii*, Bucuresti, Editura Teora, 1999, p. 58.

² Cf. Stefan, Prutianu, *Manual de comunicare și negociere în afaceri*, Bucuresti, Ed.Polirom, 2000, pp.150-158.

Because relationships become personal, find out about your Latin counterpart or client's lifestyle. Then using these details, select insightful gifts that will reflect how important this person is. Always have the gift wrapped in a quality paper, as this is a subtle detail that can express the value of the relationship.

If you're a man giving a business gift to a female, in order for the gift not to be construed as a romantic overture, tell her you're delivering the gift to her on behalf of your wife, or your secretary.

Symbolism in this culture will also influence the choices you make for gifts and wrapping paper. Black or purple paper isn't used because it's used during Holy Week.

Items associated with death or funerals that wouldn't be used include handkerchiefs, and yellow, red or white flowers.

As in other cultures, sharp objects such as knives or scissors should never be given, since they represent a "severing of a relationship".

In the Muslim culture, the Koran forbids alcohol. Gifts of liquor or any product that contains alcohol, such as perfume, would never be selected to give. Also, forbidden are products or foods from scavengers, which includes pork, birds, and shellfish. So a leather item made from pigskin or ostrich could not be given, nor any food from these groups.

Other categories are also not appropriate for gifts. These include personal clothing items, which are far too personal to give as gifts. Dogs are considered unclean, so any dog item, even something with a picture of a dog would not be given. And knives because they have a sharp edge – severing relationships – are not appropriate.

Artwork that consisted of sculptures, drawings or photos showing the human body, especially a nude or partially nude female body, is not acceptable as a gift. And although nicotine is discouraged, it's frequently used in the Arabic and Middle Eastern countries.

Women's status

Women's social status and the relationships between man and woman have specific approaches in different cultures and religions.

In Islamic countries, for example, the woman's status is inferior to that of the man, as the first category unconditionally obeys man's will and has no power of negotiation. Women don't sit at the same table with men (they usually lay the table and then retire). It is impossible for a man and a woman to negotiate. Thus, it would be a serious error and a great offence to send women to negotiate in these countries. Women are also not allowed to speak or to have any kind of contact with foreigners. This situation is true in the case of Japan and China.³

In Western Europe there are no longer differences between sexes concerning the behaviour or the social status. But this equality raises another category of problems. For instance, to kiss a woman's hand in a business or professional relationship is no longer used. Yet in Eastern Europe this gesture is used in public. There are countries where it is a very rare and intimate gesture, allowed only to a close man.

To carry the purse or the file of a businesswoman partner, to give her priority can be a nice gesture in Romania but it may look suspicious or it may cause a definite refuse in Western Europe. Common behaviours, as the way of looking at a woman may be considered sexual harassment. Thus, it is safer not to "stare" at the businesswoman partner.

The way of showing respect

The problem that rises here is the way of showing respect for the partner in different cultural areas.

³ Idem, Ibidem.

The respect can be indicated by age, sex, social status, titles, punctuality, silence, clothes, keeping distance, the attention given to holidays, prior hours, through bowing, reduced visual contact, body posture while standing etc.

Age, status, sex and title are signs of respect in masculine countries: Japan, Switzerland, Germany and some Islamic countries. In many of these countries, the respect for an old person is very high.

The Japanese or the Germans have a high sense of self-esteem. For them, only the formal addressing, using the titles and the full name, is proper.

The keeping of distance and the respect for punctuality can be another problem. The Germans, for example, are tidy, punctual, well educated but distant and cold.

In India and China there is a great tendency towards social status and age. To send a team of young negotiators there, even if they are intelligent and competent, can be seen as a serious insult for the Chinese or Indian negotiators.

The way of greeting can be another problem. A well-know example of cultural misunderstanding is the greeting of the state-secretary of USA and that of a Japanese dignitary, when the first remained for a few seconds with her hand held out while the latter bowed deeply.

The mutuality of the greeting, of gifts and favours is a very important social ritual in the future-oriented cultures.

The perception of time and space

Time is an important indicator of the business partners' feelings, attitudes and opinions. A minute, an hour or a day doesn't have the same significance in all cultures.

The time problem refers, especially, to punctuality, delay, hurry or patience, and the order of arriving to business meetings. The negotiators' attitude towards time betrays the native cultural area. In South America, southern Europe and the Middle East being punctual does not carry the same sense of urgency. For some tribes, time is something absolutely relative while Western societies are very clock conscious. Time is money and punctuality is crucial.

Asians and Arabians respect complicated rituals, where the duration of the ceremony is more important than that of the actual action. Arabians like to negotiate for a long time. If they get to quickly what they want they have a feeling of dissatisfaction.

The organization of the negotiation space refers especially to interpersonal distances that must be respected by the partners belonging to different cultures. Americans, English and Germans, for example, need a larger personal space than Arabians who can negotiate very closely.

The length of the personal space varies according to the person's psychology and temperament but also according to demographic and cultural factors. In Japan, for instance, the personal space is reduced and the Japanese can deal better with crowd.

Business Etiquette

Business Etiquette has a sufficient number of cultural particularities to cause confusions and blunders. Germans and Japanese care the most about the formal aspects of etiquette. The use of the first name is very rare in direct addressing, an exception being the family and the closest friends.

In Europe and USA it is rude for the guest to leave as soon as dinner is over. On the contrary, in Arabian countries it is rude not to leave before dinner is over.

Another problem can be the choice of the moment of starting discussing business. The Western Europeans can start even after the first words. In some Arabian countries, this would be impolite. First the partners have to exchange favours and gifts, serve tea or

coffee. Generally, discussions take place before dinner at Arabians and during dinner at Europeans.

Body Language

The nodding gesture can have contradictory significations in different cultures. It may mean “yes” or “no”. Another example is the sign of victory, which in England signifies an indecent proposal.

The gesture for the American “OK” suggests, in some Mediterranean countries the idea of homosexuality, in France means “zero” and in Japan means “money”.

The language and the translator

The language as a link between cultures can also rise barriers. The problem appears when the partners do not speak the same language or they do not want to learn the language of the other. One of the solutions is to use a translator.

However it is better, even if a translator is used, to learn at least a few words in the partner’s language to show him kindness and respect.

Clothes

As general rule, the conservative suit is used everywhere in the world. The standard business clothes (suit and tie) is compulsory in Western Europe and USA, especially in the banking system, administration and insurance companies.

In China and Japan, the light colours of the clothes are not proper (they render the idea of mourning). In Japan, the suit and tie are dark coloured. In some Islamic countries, men are not allowed to wear shorts.

Prejudices

The problems that may appear refer to the fact that it is necessary to try to convince the business partners that the opinions they have about the Romanian people are wrong. The Western Europeans sometimes see us as thieves, lazy and drunkards, not too loyal and hard working. They sometimes take us for “Romanian gypsies”. The media played a decisive part in creating these opinions.

Another example is that Romanians and other East-Europeans do not give a special attention to life or health insurance, fact that the Western Europeans see as a proof of irresponsibility or immaturity.

Conclusions

The globalization process can cause people to change deep-rooted cultural values. Many times one’s own cultural values and interactional competences are acquired unconsciously, and it is difficult to understand other’s cultures without first examining one’s own culture. Thus, it is very important that people understand and become aware of one’s own and of others’ cultural values in business communication.

According to Robert Gibson, “the next state of going global requires high- level skills to manage diversity inside and outside the company”⁴ and it is extremely important for businessmen to use interactional and communication skills for successful business outcome.

⁴ Gibson, Robert, *Oxford Handbooks for Language Teachers: Intercultural Business Communication*, Oxford, Oxford University Press, 2002, p. 3.

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The Universal Value Concept Applied in Bank Management: Study Case on Turkish Banking in Marmara Region

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Key words: *Bank managers on public and private sector, values and attitudes, value comprehensions of public and private bank sector managers*

Abstract: Values and attitudes are the most active components which hold members of a society together as well as shaping people's opinions. Values are a cognitive structure representing ideals that refer more to a desire of access than to easiness of access. In this context, the culture which the individual lives in is a primary factor in shaping value comprehension. Thus, national culture and value models have been developed. The universal value scale of Schwartz was used as it has been used commonly in the literature. The basic aim of this survey is to determine differences and similarity value comprehensions of public and private bank sector managers. In this way, it is thought that public and private bank sector managers are different and this difference affects their decisions and management policy. It seemed to be a very rigid thinking among experts concerning public sector management legislation.

On this account, this study determines the basic values and attitudes, on the one hand, and the differences and similarity value comprehension among different sector managers, on the other hand. We suppose that there are differences between public and private bank sector managers.

Introduction

Management values have interested employers and researchers for many years. A Value is very difficult to define because it means so many different things to different people. However, these different factors to explain for achieving values mean that it depends on many factors to explain the values. Each individual or culture has certain underlying values that contribute to their value systems. Values are subjective and may

vary across people and cultures (<http://en.wikipedia.org, 2008>). Inheriting their concern from philosophy most early social scientists spoke of “values” in a way that conformed to the term’s Latin etymology (value to be worth) (Case 1939). Thus in *The Wealth of Nations* (1863, orig 1776) economist Adam Smith wrote of labour as the ultimate and real standard by which value could be determined. Using a similar formulation, Marx (1968, orig 1848) developed his labour theory of value and in a neglected American classic, *Principles of Social Science* H. C. Corey (1858: 158) defined values as “the measure of the resistance to be overcome in obtaining those commodities or things required for our purpose” (*The social of values* James L. Spotes).

The first was Clyde Kluckhohn’s (1951: 395) systematic definition “A value is a conception, explicit or implicit, distinctive of an individual or characteristic of a group, of the desirable which influences the selection from available modes, means, and ends of action.”

Furthermore, we will use the individualism – collectivism terminology and type A, type B, type AB, transactional and transformational behaviour terminology in this study to discuss the values of the private and public bank sector managers.

Individualism - Collectivism

This continuum has been identified as a means to differentiate Western cultures from Eastern cultures (Hofstede, 1980; Triandis et al., 1986; Triandis, Bontempo, Villareal, Asai & Lucca, 1988; Yang & Bond, 1990). Individualism can be defined as an individual's self-orientation that emphasizes self-sufficiency and control with value being given to self-accomplishments; whereas collectivism can be defined as the subordination of personal goals to the goal of the (work) group with an emphasis on sharing and group harmony (Morris, Davis & Allen, 1994). Ensuing research has supported Hofstede's (1980) original findings that Eastern cultures score high on collectivism, while individualism epitomizes Western cultural values, especially for the U.S. (Hofstede & Bond, 1984; Ralston, Gustafson, Cheung & Terpstra, 1992; Ronen & Shenkar, 1985; Triandis et al., 1972; Tung, 1981).

Thus, this study presents evidence about contrasts between public and private bank sector manager’s values. Our hypotheses are based on the “Turkish public and private bank sector managers” continuum that was previously described. We hypothesize that there are more differences between public and private bank sector managers’ values.

Research Design

This study is an effort to answer to the questions, “What is a Turkish public and private bank sector manager’s values?” and “Are there any differences between public and private bank sector Turkish management values?” Thus, we decided to contact total of 212 public and private bank sector managers because bank sector plays leading roles in Turkish management life. Subjects were given a Turkish language version of “Schwartz Value Survey” instrument administered by a Turkish researcher. They were told there were no right or wrong answers, and that it was only their opinion that mattered.

Method

Questionnaires were used to collect data. This study is based on a survey conducted with 212 Turkish managers in public and private bank sectors. We received a total of 212 questionnaires from 120 private and 92 public bank sector managers. The managers were asked to react “What values are important to managers as guiding principles in their life and what values are less important to them?”

Measurement

An important part of the design of this study was to identify measures that would allow us to contrast between Turkish public and private bank sector managers. The Schwartz Value Survey was selected as research measurement.

The Schwartz Value Survey consists of 10 universal sub dimensions, as described in Table 1. While all 10 of these sub dimensions of work motivation are found in every culture, the level of importance of each varies from one culture to the next (Schwartz, 1992; Schwartz & Bilsky, 1987, 1990).

The ten value types are listed in Table 1 and each defined in terms of its central goal:

Table 1:

| | |
|-----------------------|--|
| Power | Social status and prestige, control or dominance over people and resources. |
| Achievement | Personal success through demonstrating competence according to social standards. |
| Hedonism | Pleasure and sensuous gratification for oneself. |
| Stimulation | Excitement, novelty and challenge in life. |
| Self-direction | Independent thought and action; choosing, creating, exploring. |
| Universalism | Understanding, appreciation, tolerance, and protection for the welfare of all people and for nature. |
| Benevolence | Preservation and enhancement of the welfare of people with whom one is in frequent personal contact. |
| Tradition | Respect, commitment, and acceptance of the customs and ideas that traditional culture or religion provide. |
| Conformity | Restraint of actions, inclinations and impulses likely to upset or harm others and violate social expectations or norms. |
| Security | Safety, harmony and stability of society of relationships and of self. |

Furthermore, Fifty-six values are included in the core survey, 52 to represent the ten postulated value types and 4 to capture a possible spirituality type. The values are presented in two lists, the first 30 phrased as terminal values (nouns), and the remaining 26 as instrumental values (adjectives), each followed by a short explanatory phrase. Values from the different motivational types are intermixed throughout the survey. Respondents rate each value on a 9-point importance scale "As a guiding principle in my life," from 7 (of supreme importance) to 6 (very important), to 3 (important), to 0 (not important), to -1 (opposed to my values). Prior to rating the values on each list, respondents choose and rate their most and least important values, thereby anchoring their use of response scale.

Findings

The sample consisted of 67,4 % male public bank sector managers and 32,6 % female public bank sector managers. Furthermore, 56,7 % male private sector managers and 43,3 % female private sector managers. Of all public bank sector managers, 17,4 % have 1 to 5 years, 22,8 % have 6 to 10 years, 42,4 % have 11 to 20 years and 17,4 % have more than 21 years of work experience. Of all private sector managers, 32,5 % have 1 to 5 years, 37,5 % have 6 to 10 years, 22,5 % have 11 to 20 years and 7,5 % have more than 21 years of work experience. A high school degree only is held by 5,8 % of the private bank sector managers whereas a high school degree is 12% of the public bank sector managers. Moreover, of the private sector managers, 73,3 % hold a university degree, 19,2 % master degree and 1,7% Ph.D. degree. Findings of the study show that Turkish public bank sector managers to be mostly autocratic, paternalistic and transactional leaders, strictly obeying rules and their dependence on the organization is a result of importance they give to the use of skills, physical conditions, training, advancement, recognition and earnings. (Arbak et al, 1995: 88). Furthermore, Turkish

public bank sector managers are influenced by deep-rooted historical traditions and exhibit the respective behaviour. Many of these are inherited from the Ottoman Empire. Typical characteristics of the Ottoman administrative culture are old, conservative, authoritarian with controlled decision making, strict obedience to the rules, dependence on superiors, limited creativeness, little freedom of action (initiative), introvert and high resistance to change and to change and to uncertainty. Some studies describe that Turkish managers show mostly type A and type AB behaviour. Type A personality is characterized by feeling a chronic sense of struggle to achieve more and more in less and less time, which results in high standards of productivity (Friedman & Rosenman 1974). Type B is exactly opposite of type A, the person never suffers from a sense of time urgency (Robbins, 1971). Type AB is a mixture of type A and type B.

In addition, type AB people are managers that mostly show typical autocratic behaviour. Findings of the study show that especially, Turkish public bank sector managers show mostly type AB. Moreover, we can see from this study that Turkish public bank sector managers are more collectivist than private bank sector managers. The Turkish private bank sector however is quite young. Turkey has been moving toward becoming a democratic country for 100 years. This movement has opened the doors to many new people to move into leadership position. The private sector in Turkey started to boom in 1960s. Before 1960s, the business climate in Turkey is moving away from traditional industries and manufacturing and toward moving some industry off shore. There is also a slow but significant trend away from an over-dependence on family business toward larger organization structures. Typical characteristics of private sector managers, especially after 1980 when opened private bank in Turkey, include young, dynamic, hedonist, transformational (one who provides individualized, consideration and intellectual stimulation and who possesses charisma), paternalistic, open to change, individual.

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From Territorial to Professional Mobility and Labour Market Mutations

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Key words: *professional mobility, territorial mobility, migration, labour market*

Abstract: Professional mobility is defined as an individual or collective process of changing the society's professional structure, as a result of the modification of the relations between professions, of their hierarchy in the development processes or as a process of changing professions inside group and/or individual mobility. The mobility can aim at a structural transformation of the individuals' distribution on professions or can just lead to a changing of the labor's content and characteristics inside the same profession.

Generally speaking, professional mobility includes all the changes of job or situation of the active population:

Changes of profession by moving from one company to another

Changes of the economic activity

Transfers from one profession to another, from one socio-professional category to another, including promotions, etc..

Basically, in sociology, the professional mobility is analyzed in direct connection with the territorial mobility without having between them a subordination or supra-ordination relation: for example, a territorial mobility is not necessarily connected to a professional one and vice versa. However, there are many situations when the two of them are simultaneous: for example, the external migration is most of the times connected to an increased professional mobility.

Coming back to the problem of mobility, territorial mobility, especially migration, must be taken into account, since its influence on the professional mobility as well as on the labour force turns out to be of utmost importance.

The problem of the *internal or international* migration has been for the past few years a constant concern for the social sciences researchers, as well as for the political organisms in Romania. This preoccupation is tightly connected to the results of the demographic analyses, this meaning either the statistical numbers that have been

nationally centralized either the projection of the evolution of the active or busy population in our country for medium or long terms. In the social sciences, the migrational phenomenon has a double perspective: a sociologic one and a demographic one.

-from the sociologic perspective migration refers to the persons' moving from one area to another thus changing their address. If this has already happened, then we are dealing with a permanent migration. If not, and they come back after a period of time, then we deal with a circulatory¹ migration. There are some others specific types: internal/external migration; migration according to the departure-arrival place (rural-urban and viceversa); legal and illegal migration, etc.

-from a demographic perspective, migration can be interpreted as territorial mobility (through emigration and/or immigration) which add to the natural populatin mobility (through giving birth and dying).

As regards the influence of the migration onto the demographic situation from a certain social demographic space, one must consider, for example, the following types of influences:

- a) the oscillations that appear in the total amount of the population
- b) the influence that the migration has on the natural spore (as a difference between births and deaths) in the incoming areas of the e/immigrants.
- c) the report of the migratory population according to sex and gender
- d) the effective migratory spore (as a difference between immigrations and emigrations)etc.

A first classification of the demographic effects of the migration, at least in our country, is to be found in the conflict caused by the display of the final results of the 18-27th of March 2002 census. Firstly, the population of Romania has decreased in the past 10 years with approximately one million persons (from a population of 22.810.035 in 1992, to the 21.698.181 in 2002), more exactly with 1.111.954 persons.

The decrease of the population with one million persons is very big, should we consider, for example, the anterior census. Here is the evolution of the figures starting with 1930:

| The year of the census | The population | The percentual growth reported to the anterior census |
|------------------------|----------------|---|
| 1930 | 14.280.729 | - |
| 1948 | 15.872.624 | 112% |
| 1956 | 17.489.450 | 111% |
| 1966 | 19.103.163 | 110% |
| 1977 | 21.559.910 | 113% |
| 1992 | 22.810.035 | 106% |
| 2002 | 21.698.181 | 96% |

In this table there are at least two things to be observed: firstly, the population of Romania has not decreased during the World War II, and secondly the actual population is practically at the same level with the one in 1977. The main causes of the stable population decrease have already been identified by the demographers and not only: the natural negative spore and the emigration.

We shall insist here on the second cause: the external migration. All the demographic analyses mention it, even if the statistic data is not always very accurate. The greatest migratory fluxes have been registered immediately after 1990, afterwards, they decreased and then started to grow consistently again. Here are the numbers of the emigrations, starting with 1990:

| | | | | | | | | | | |
|--------------|-----|--------------|-----|--------------|-----|--------------|-------------|-------------|--------------|--------------|
| 1990 | ... | 1993 | ... | 1996 | ... | 2000 | 2001 | 2002 | 2003 | 2004 |
| 90629 | ... | 18446 | ... | 21526 | ... | 14753 | 9921 | 8154 | 10673 | 13082 |

¹ This also includes the phenomenon of commutation, and what lately the Romanian press has already observed, the euro-commutation.

There are no specific data regarding the situation of the e/immigrants and/or of neither the illegal migration nor the circulatory migration, especially after the opening of the borders to Central Europe. In 2003, after a CURS census, we discovered that there were over 900.000 people working abroad legally or illegally in April. Actually, the CURS manager, Sebastian Lazaroiu declared (in Ziua, 13.07.2003) that in April 2003, at least one member of the family in 12% of the Romanian houses was working abroad.

Such an estimation was made by D. Sandu² in 2006: if in the families with people working abroad the ratio of the one who left was of 1.34 then the estimation of the people working abroad was of 777.200 persons (when the survey was made). From a demographic perspective, the connections that we can make with some conclusions of the preceding research are important:

1. the e/immigrants are more likely young than old people; there are more men than women;
2. among the ones aged between 18 and 59, most of the immigrants come from the rural area;
3. the temporary migration of the women varies according to age and environment: up to 30 years, there are more from the rural area, whereas after 30 years old, the ratio is opposite.

Thus, from a demographic perspective, we may observe a series of specific behaviours that were proven in several speciality studies:

- the tendency to delay the date of the first marriage;
- the tendency to reduce the number of children per family;
- the troubling of the woman's functions in the reproduction of the population (mention being made to the women that can still have children).

There are obviously numerous social problems directly connected to migration: from abandoning their children to destroying the migrants' families.

As it is easy to notice, the external migration has lead and still leads to a decrease of or country's population³ and implicitly to a growth for the receiving countries. Let us take a look at the evolution of these numbers in two of such countries:

| The population no. (millions of persons) | 1993 | 2001 | 2005 | May 2007 |
|--|-------------|-------------|-------------|-------------|
| Romania | 23.2 | 22.4 | 21.6 | 21.6 |
| Italy | 57.8 | 57.8 | 58.7 | 59.3 |
| Spain | 39.1 | 39.8 | 43.5 | 45.3 |

Source: *Population et sociétés*, 1993-2007 (www.ined.fr)

A simple reading denotes a massive population growth, firstly due to the migratory fluxes and very little to the natural spore. However, there still remains another question: who are the ones leaving for good and which are the demographic consequences?

Analyzing the age categories, here are the results for two consequent years:

| Emigrants | 2003 | | 2004 | |
|-----------------------|--------------|-----|--------------|-----|
| Under the age of 18 | 1677 | 16% | 1417 | 11% |
| 18-25 years old | 1426 | 13% | 1920 | 15% |
| 26-40 years old | 5438 | 51% | 7174 | 55% |
| 41-50 years old | 1159 | 11% | 1414 | 11% |
| 51-60 years old | 449 | 4% | 577 | 4% |
| 61 years old and more | 524 | 5% | 580 | 4% |
| | 10673 | | 13082 | |

² Reference is made to "Living abroad temporarily", Fundatia pentru o societate deschisa, Bucuresti, 2006

³ The decrease of the population number is not itself a threat, as much as the changes that take place in the age-defined population structure are. check also the conclusions from the "Green Population Chart", the National Commission for Development and Population, UNFPA, 2006

From these data, we may observe that 64% (respectively 70 %) of the emigrants are aged between 18 and 40, the best period of time for reproduction.(births). These persons either don't have children, and they will have them at their destination place, or they left their children in the country and shall reunite their families when coming home. In both of these situations, our country loses a growth of the population number, especially if we take into consideration the gender ratio: 59% of the emigrants were women in 2003 and 63% in 2004, and these numbers can be alarming, since they contain women able to have children. This loss has two significations: on one hand, it deals with the *eventual* children (which shall not be born in Romania) and on the other hand, with the families with revenues over the average that could provide a *quality*⁴.

The analysis of the migration is completed with one of the internal migratory fluxes, as many as they are left, knowing that they are guided according to socio-economic centers of interest and having the consequences that have already been noticed by the demographers: a feminization or on the contrary, a masculinization of some industrial areas, significant changes in the reproductive behaviour, etc. The definite internal or circulatory migration has had, both before 1989 as well as afterwards, an economic fundamentation with precise evolutions on the labour market in Romania. As regards the actors involved, the basic hypothesis which justifies migration is "the difference in the quality of life between the local social/economic communities, that differ (..) in origin and destination"⁵. As it can be noticed, D. Sandu places in the centre of the analysis the concept of the quality of life, yet, correlating them directly, the Romanian sociologist finds the following domains: the available work places, the income, the house, the infrastructure, etc. As regards the work place, it becomes an indicator with multiple significations: the demand-offer ratio on the labour force market (in the place of departure but as well as at the destination place), the *incomes* associated to a work place, the human quality associated to that specific work place, etc. From this perspective, we can refer to areas that attract emigrants as well as areas where the attraction index was decreasing (at least around 1966-1977). In that period of time, the attraction index was increasing in Brasov, Timisoara and Bucharest, whereas for Bacau, Caras Severin, Cluj, for example, it was decreasing. Obviously, here we are dealing with a direct connection to the level of evolution of some counties in Romania, as well as we can actually talk about a deceleration of the internal migration fluxes. For the region of Moldavia, professor D.Sandu identified the following fluxes:

- Botosani – Suceava
- Bacau – Neamt – Constanta
- Vaslui – Constanta
- Vrancea – Galati

Obviously, these results are still available after 1990, and the author, D. Sandu, comes back with details.⁶ This time, the author sees the situation radically changed. For example, the rural-urban migration has diminished considerably and the re-migration (from urban to rural) phenomenon has increased, as an expression of the general socio-economic crisis. At a national level, the differences between regions are maintained intact: for example, Moldavia remains an emigration and not an immigration area. Only Iasi is attractive, but just for Vaslui and Neamt counties; in its turn, Iasi is a departing place basically for Constanta, etc. from a different perspective, the one of the regional or sub-regional development, we can differentiate between the comunitary conservatism from

⁴ The most important demographers in Romania have repeatedly mentioned the need of a qualitative and not most necessarily quantitative one, resulting in the need of some demographic policies encouraging the families with a certain standard of living to have children

⁵ D. Sandu, *Fluxurile de migrație în România*, Ed. Academiei RSR, București, 1984, pag. 31 and next

⁶ See chpt. "Migration as a Regional – Comunitary Experience", in vol. "The Social Space of Transition", Polirom, Iasi, 1999, pp. 160-170

Botosani-Vaslui counties, and the individualist liberalism from the West side of Moldavia (Suceava, Bacau, Neamt, Vrancea). Obviously, all these studies directly focus particularly on the labour market in Moldavia, but also in Romania in general, since solutions regarding the regional or sub-regional development are being sought for, not forgetting Romania’s classification into historical regions, cultural areas, etc.

Regarding the *rural remigration*, we must say that this phenomenon is still very little studied, since the social categories hinted at are heterogenous: from the young people or the adults fired from different economic sectors, up to elders which give their children their houses from the cities. A. Camara, the ex-president of INS declared that the increase of the rural population was due to the migration to the peri-urban areas of a certain favoured social-class who built their villas or houses in areas which are known as rural. Obviously, a study can be made to see whether these new buildings are inhabited or not, but we cannot neglect the people coming from the rural areas which actually search for *alternatives to survive*.

The increase of the rural population is also certified by some other data: the increase of the number of households with over 88.000 compared to the previous census as well as the increase of the houses with over 260.000. However, this increase in absolute numbers remains debatable, since only 15,1% of the rural houses have running water, only 12,9% have sewerage, 13,4% have a bathroom and only 2% have central heating. Some other criteria (from the material out of which they are built up to the *comunitary capital*) can be added to these ones, in order to have a clear image of the rural development (see the observations made by prof. D.Sandu⁷).

Territorial mobility and labour market mutations

The Romanian sociologic literature about the internal or international migration is rather vast and we can name authors like, among others: D. Sandu, V. Ghetau, V. Miftode, T. Rotariu, etc. One of the problems they have studied attentively is the tendency to migrate and the complex consequences this phenomenon has. the internal or international migration remains for all these authors an existential alternative, a phenomenon identified with the social networks, a selective phenomenon, marked by some socio-economic variables, a phenomenon with extended demographic consequences especially on a long or medium term. If we refer to the causes/motivations which facilitate the decision to emigrate, they vary in a great degree. An example is provided by the push-pull analysis, promoted even from the ‘60s , which can be found in some studies of the World Bank:

| Motivations of the migration | Rejection factors | Attraction factors |
|---------------------------------|---|--|
| Economic and demographic | Poverty / unemployment Low incomes Large fertility rate Precarious educational and sanitary assistance | The possibility of an increase of the incomes The possibility of improving the life standards Personal / professional development |
| Political | Conflicts, insecurity, violence Poor governing Corruption Abuses regarding the human rights | Safety and security Political freedom |

⁷ “How to Reach to a Poor Village: the Sociologic Path”, *Romanian Sociology*, no.3-4,2000.

| | | |
|----------------------------|---|---|
| Social and cultural | Discriminations based on nationality, religion, gender, etc. | Re-uniting the families |
| | | „Ethnica” migration |
| | | Getting rid of the discriminations |

Source: *Migration and Remittances* (eds. A. Mansoor, B. Quillin), World Bank, 2007

As it can be seen, a demographic dimension studied in this table is the rate of fertility. This fact can be comparatively controlled with the international emigration from our country. As an example, here are the data from the Romania's Statistical Anuary from 2005.

| The development region | Population | The fertility rate(living babies fpr 100 women) | The international migration (no. Of persons) | The emigration rate(for 1000 inhabitants) |
|------------------------|----------------|---|--|---|
| North East | 3738601 | 46.3 | 1853 | 0.50 |
| South East | 2850318 | 37.6 | 1039 | 0.36 |
| Southern Vallachia | 3342042 | 37.8 | 578 | 0.17 |
| South West Oltenia | 2317636 | 35.6 | 589 | 0.25 |
| West | | | | |
| North west | 1939514 | 35.2 | 1738 | 0.90 |
| Centre | 2730461 | 39.1 | 2270 | 0.83 |
| Bucharest Ilfov | 2539160 | 39.6 | 2958 | 1.16 |
| | 2207596 | 31.5 | 2057 | 0.93 |

The reading of this data and a simple statistical analysis show us that the sets of data are not correlated and they don't confirm the fact that a large fertility rate correlates with a large (definite) emigration rate. This is an example for which the push-pull model must be studied very attentively. However, the predilection for emigration as a potential, but also as a circulatory emigration, remains very high, in the North-East region, for example. This fact is also confirmed by a recent study called Eurobarometre 66⁸ which proves that, for example, for the North – East region, where we have the largest fertility rate, the predilection for circulatory migration has one of the largest values recorded in Romania and is correlated to the degree of pessimism regarding the economic development of the country. These conclusions come to certify the statistic analysis based on data from the 2002 census. Professor D. Sandu has performed such an analysis⁹ which resulted in the following conclusions:

- the rate of the circulatory migration for a workplace¹⁰ is three times bigger in the rich villages from Moldavia (16‰) reported to the national percentage (5‰)
- the rate of the circulatory migration for workplaces was 4 times bigger in the cities with 100-200 thousands of inhabitants from Moldavia (21.2‰) compared to the national percentage (5‰)
- in the western region, the biggest numbers are in the cities with almost 30 thousands inhabitants.
- After analysing the counties, the largest rates of the circulatory migration for work are found in Satu Mare, Maramures, Suceava, Bistrita Nasaud, Bacau, Vrancea, generally counties with a large rate of poverty and with low rates of the circulatory migration for

⁸ The representative of the European Commission in Europe, *Eurobarometer 66. The public opinion in the European Union*, 2006

⁹ D. Sandu, *Patterns of Temporary Emigration*, paper presented at the „Development and Patterns of Migration Processes in Central and Eastern Europe” workshop, Prague, 2005

¹⁰ There is also an external migration but not for workplaces

work, a fact that makes them socio-economically vulnerable, and most of them are found in the South of Romania.

| Specific rates of the circulatory migration for work (number of persons / 1000 inhabitants) | | | | | | | |
|---|----------|--|--------------|--------------------|-----------|------------------|-------------|
| Type of community | Region | | | | | | |
| | Moldavia | The South of the country MT, DB, OT | Transilvania | The Western region | Bucharest | Total rate | % Emigrants |
| Poor villages | 6.6 | 1.1 | 4.0 | 3.0 | 0.3 | 4.7 | 11.7% |
| Villages with a poor level of development | 13.5 | 1.3 | 6.1 | 6.5 | 0.3 | 5.6 | 16.6 |
| Rich villages | 17.7 | 2.4 | 6.8 | 11.4 | 0.9 | 6.1 | 22.5 |
| Orașe <30 mii locuitori | 7.5 | 2.0 | 5.1 | 13.5 | 0.7 | 5.9 | 12.8 |
| Cities with 30-100 thousand inhabitants | 4.8 | 2.9 | 5.4 | 3.0 | | 4.1 | 8.7 |
| Cities with 100-200 thousand inhabitants | 21.2 | 2.1 | 3.0 | 6.3 | | 9.5 | 15.7 |
| Cities >200 thousand inhabitants | 3.9 | 4.2 | 4.9 | 2.3 | 1.3 | 2.8 | 12.0 |
| Total rate | 9.8 | 2.3 | 5.4 | 7.6 | 1.2 | 5.2 | |
| % Emigrants | 41.1 | 15.7 | 20.8 | 20.0 | 2.4 | 100 N= 111832 | |

Source: INS, apud D. Sandu, *Patterns of Temporary Emigration*, 2005

Otherwise speaking, professor D. Sandu considers the push-pull approaches as being mechanistic and that is why he feels that the exact sociologic analysis of such a complex phenomenon must not be neglected.¹¹ In the centre of this analysis, the author places the “life strategy” concept (please read *rational acting structures*) and this concept is then analysed through three perspectives: economic, human, social, relational and vital capital), the instrumental perspective (which sums up the total of the available means materialized in mobility, diversification and accumulation strategies) and finally, the functional perspective (regarding the consequences of the strategic action).

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The Managerial Career within the Romanian Society

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Key words: *career management, strategies, knowledge*

Abstract: The career management process involves career exploration, development of career goals, and use of career strategies to obtain career goals.

The purpose of this paper is to present the importance and some aspects about career management in Romanian society. In this purpose are defined the concept of knowledge, the concept of career, career counseling and career management.

Career management is nothing more than a small investment of time, money and energy to protect the major source of revenue - one's job.

Management has become a part and parcel of everyday life, be it at home, in the office or factory and in Government. In all organizations, where a group of human beings assemble for a common purpose, management principles come into play through the management of resources, finance and planning, priorities, policies and practice. Management is a systematic way of carrying out activities in any field of human effort.

Management careers are one of the most sought after careers in the modern times. Due to globalization and liberalization there are many companies that have started their operations across the world and thus require world class managers and leaders to run their operations.

In today's work environment, the employee is ultimately responsible for his or her career development-the process by which individuals establish their current and future career objectives, assess their existing skills, knowledge or experience levels, and then implement an appropriate course of action to attain their desired career objectives.

Managers need a complement of skills in their tool boxes. Some of that knowledge can be learned in school, but more can be picked up on-the-job or with the guidance of a knowing mentor. Ultimately, learning important skills leads to a better-motivated workforce and a skilled manager.

A management career is quite vast in its entirety. There are many aspects and dimensions to this term. A management career may mean different things for different people. Yet all managers start with a common goal that is essentially to 'manage'. Later depending on the interests and the specializations managers choose to manage finance, product, operations, people, time, crisis etc. Since there are so many career options that are available in the media field, it becomes imperative for prospective and potential managers to realize and understand where their skills sets and interests lie.

While one is considering a serious rewarding career in management, one should be ready to be dedicated and work hard towards their goal. Though it seems easy and 'common sensical', management is as much an art as it is a science. It requires immense amount of strategies, tactics, Machiavellian skills, leadership qualities, strong communication skills, effective orator and discipline to become a successful manager.

The big picture of the companies in any economy, impressive by its diversity, clearly emphasizes some polarization of those companies in two categories: some which have great success, prosperity, a constant developing and some which fight hard for survival and have weak economical and financial performances. The features of these companies are different: the first direct clearly their activity towards the realization of planned objectives, based on a realistic analyze, react fast to the changes from their action environment, are capable to profit from the opportunities encountered, have an efficient activity, all these thanks, first of all, to the efficient management; the others companies have not enough control, their activity has no precise objective, suffer of chronic passivity, are incapable to observe and exploit the opportunities offered by the internal and external changes, have an hesitant, inefficient and full of birocracy management.

Today the more than clear action effects of the realistically and coherent strategy, and the effects of applying it based on thorough plans of organizational action, are widely recognized.

Trainers need to consider changes in working practices, which, it is argued, influence managers' perceptions of their careers. A management career path is not a straight line. Nor is it the same for everyone. Yet all management career paths have a starting point. All have milestones along the way.

Developing a compelling personal brand image still remains essential to winning and keeping management's faith. Management has begun to suffer the same pains as the blue collar workers; everyone is overworked and unable to focus entirely on any one thing. Professional development in the corporation has transformed into personal development.

In other words, management doesn't have time to help you develop your career. Sure, they'll take a few minutes to help you jot down your goals but it won't go much further than that. Employees don't get the kind of attention nowadays that helps develop careers. The best way to promote yourself is to promote your brand.

Personal brand value should be managed by focusing on the creation of your manager equity. Too many times employees focus on creating value for themselves. They engage in activities that they think will increase their value to the organization. Maybe they work longer hours per week or learn new skills to increase their productivity. These types of performance are valuable in that they give your manager less to worry about. However, they don't do a great deal to increase your equity. Technology has already ushered in an improvement in productivity and unfortunately longer work hours. Everyone is getting better at these so you won't necessarily be distancing yourself from the competition by improving them.

Building manager equity will require a change in mindset. Your actions should not seek to make you look better but make the managers look better.

Managing your brand equity not only requires an ability to modify it but to also measure it. Gauging how others value you and your contributions is always difficult since

most managers will avoid being brutally honest about what they think you contribute to the company. This can be avoided by using your friends and trusted colleagues to probe your managers for what they really think. Use their feedback to adjust your strategy. For example, if your assessment team identifies that managers are disappointed in your ability to lead projects, take a look at your history and understand why they feel that way. Then, improve it.

It's important to remember that brand equity is subjective. Not only will different managers value your brand differently, the same efforts that improve your equity with one manager may have little effect on another. Your efforts can increase or decrease it. Therefore, it becomes critical to understand what drives each manager's equity. Awareness is one essential element in how they develop equity and the easiest to manage.

Ten Tips to Perpetual Career Management:

1. *At the end of each week, document your accomplishments.* This will ensure that you have an accurate record of the value you provide, making it easier to update your resume.
2. *Google yourself every Monday morning* and ask yourself whether the results truly reflect what makes you unique and compelling. Determine what you need to do to build a stellar online identity.
3. *Update your resume regularly.* Every month, look at your accomplishments, and make quick updates to your resume.
4. *Stay up on what's happening in the world of marketing.* What are the latest trends? What's hot? Always have a professional development plan that will keep you current in the skills necessary to succeed in your specific area of marketing.
5. *Stay connected to the job market.* Join career portals and browse job boards so you know what jobs are hot and what's happening with compensation.
6. *Join and participate in social-networking sites.* Networking is the best way to get a job. But remember that the most successful networkers approach networking with an attitude of generosity and not need. Building enduring relationships is the key. It's all about [career karma](#).
7. *Join a career management Web site* like BestJobs or 1001 locuri de munca (www.bestjobs.ro, www.1001-locuridemunca.ro) to help you maintain your career momentum and automate the process of staying in touch with the members of your brand community.
8. *Join marketing portals*, like marketingprofs.com, so you can keep contribute to and learn from communities of colleagues.
9. *Live in the inquiry.* Ask yourself how you can inject more of yourself into everything you do-every report you write, every meeting you attend, etc. Never accept an assignment without thinking about how you will put your unique stamp on it.
10. *Join professional associations* and take a leadership role that gives you access to all members and enables you to be visible to your peers.

In today's dynamic knowledge economy, this sporadic, effortful approach to career management isn't the most effective. Instead, you have to kick over the ladder and view your career climb as a ramp.

When you're ascending a ramp, you don't stop and relax-you're advancing in perpetual motion toward your professional goals. In this scenario, you don't wait for a trigger to move you to your next step in your career: You manage that movement yourself, every day of your life:

- You update and revise your resume in real time.
- You maintain networking contacts rather than letting them fade away.
- You seek out tasks and activities that will move you closer to your goals.
- You apply your strengths and unique talents to every task you undertake.

- You stay connected to the job market, understanding your worth and the factors that are affecting your job function.

Doing so ensures that you are prepared for any eventuality.

The ladder is the most enduring metaphor for career advancement, yet it is no longer constructive to think of your career progression as climbing a ladder.

In the ladder metaphor, you ascend one rung at a time, progressing in your career through a series of milestones. At each rung, you work hard on what you are doing at the moment. You forget about that next step because you're sure you'll get there when the right time comes, without encountering any obstacles.

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The Excellence Management and the Quality Culture within the Public Institutions

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Key words: *quality, excellence, excellence management, permanent improvement*

Abstract: The predominant conception within the last few years when formulating a philosophy dealing with quality is to attain *excellence*, respectively realizing products, processes and services having superior characteristics to those offered by the competition, over-passing the standards. The *excellence* is the attained performance at a certain moment within a competition based upon exigent and complex criteria. The path to the excellence of a public institution is based upon the principle of a permanent improvement, upon the quality cult, upon adapting to change, diversity and competition, upon the excellence management.

The *quality cult* becomes a complementary element for the economic activity; it should be transmitted to all the participants involved in economic and social processes engaged in order to obtain value. An immense role in the process of cultivating the inclination towards quality is giving to education, but also to the management.

The quality culture starts from the managerial culture! The management can be changed without costs - the wrong product/non-adequate service can not be replaced! At this point, the quality strategic management can interfere.

The quality strategic management (QSM) represents a new culture at highest levels of the organization. In order to introduce QSM there is a need for *initiative* and *change* from the part of the senior managers and of personal implication, and of a management of excellence.

Excellence is permanent competition. Further more, by applying the Deming's principle, PEVA (Plan - Execute - Verify - Act), over the spiral of quality we can have an image of the path towards excellence. *Excellence* is the record obtained in a competition at a certain moment in time (T1 time). It follows a new competition. The battle for quality continues. Anew record may be obtained (T2 time) and then another and another.

The paper aims to make a comparative analysis, an illustration of the way in which *excellence sustains the improvement of quality* or how *the permanent improvement of quality* leads to *excellence*. The conclusion is that both models have as a base the excellence of the individual, the excellence of the team, the excellence of the management. The analysis is useful in any organization, more over, within the public institutions where the human factor is decisive.

Excellence is a permanent competition, not a destination.

Excellence is the record (sometimes the world – record) obtained in a competition at a given moment.

It would be wrong to believe that excellence is easily to be reached. Jim Collins (2006) said that “we have few things that attain excellence because we have many good things. Good is the enemy of excellent”.

The concept of excellence was fundamental by Thomas Peters after the year 1980, and his books “In search for the excellence” and “The passion for excellence” constituted an open door for this field. The author propose an assembly of basic principles in search for the excellence, suggesting, among others, an emphasis on action, the understanding of the client, the promotion of entrepreneurship spirit, the development of the basic competences, a preoccupation to survive the personnel “match” and ability.

“The term excellence may have the significance of high degree of perfection”. Excellence represents an ideal towards which the management aims and has aspects linked to competitively, price, profit, satisfying the clients’ needs, culture etc.

Kelada (1990) considers that the pure satisfaction of the client is not sufficient, the client’s expectations should be overpasses, promoting the concept “over client’s expectations”. But who can measure the client’s pleasure degree?

In all models, the used attitudes, competences and instruments in order to evaluate the quality excellence it is necessary to employ some wider definition to characterize quality” quality can not be defined as a ratio to the standards, or compared to the products existing on a certain market, but versus to what has been realized worldwide, excellence being a premise for competitively, so the essential element of the quality concept”. (Ionescu, 1997).

Thus excellence refers to the organization, to competition, quality, to the quality management system, to processes, manager, team, individual, etc. Excellence represents the essence of the managerial thinking.

Excellence do not depends upon the size of the organization. A large and successful company may not be excellent or sustainable. A small company (or middle-sized one) may be excellent and sustainable.

The excellence of the individual

“The teams make the organization be considered bad. The individuals make that the organization be extraordinary good”. (Harrington & Harrington, 2001)

An organization may excel only if it valorize the entire potential of each individual belonging to it, stimulating its creativity, offering to each individual reasons to be proud and making this individual to be aware of his/her own value. The Japanese qualitologue Ishikawa (1984) admitted that “the individuals are more productive and more efficient than the teams, in solving quality problems”.

The need to excel is a personal characteristic to each of us. Excellence is valid for any job. The necessity to excel, to be the best we can, is not something that can be imposed. It comes from our inner self, it is our choice.

Though, in order that each employee do his duty excellent, both Japanese people and American people consider that the organization should assure them:

- Training (for improvement and individual culture, for professionalizing, for quality improvement);
- Instruments;
- Time (in order to keep equilibrium between work, family, religion, self).

Individual excellence starts from the employment date. Most organizations have a basic staff that they try to train in order to collaborate and determine it thus to get to the excellence. Sometimes the success of these efforts is strongly influenced by factors that the organization can not control.

Collins' statement saying that "good is the enemy of excellent" is also valid in the case of the individual, product or service.

We consider that it is wrong to introduce to the evaluation of products, services, employees or organizations the qualification "excellent" without being capable to make the distinction between good, very good and excellent. The facility with which it is frequently attributed this qualification (in fact the qualification excellent should not exist but exceptionally, excellence being as I have already said a competition, a distinction, a prize), is a sign of weaknesses or non-professionalism.

Even the series of ISO 9000:2000 standards comes to support these statements. While ISO 9001 is based upon those requirements of which the certification of QMS depends and not on performances, ISO 9004 aims the sustainable growth of the performances.

Collective excellence

Some authors consider that, although the excellence of the individual decides the success or the failure of the organization, it is also necessary an excellent system of team work.

The quality does not rely in achieving the standard or respecting the recommendations for the execution of product or service. The principles of the quality management lead beyond the quality of the process toward the „human spirit of quality" (Hacker, 2002).

In order to attain collective excellence the organization must assure the conditions for applying a method that we will call SITI method:

- Selection of the employees;
- Instruction of the employees;
- Time;
- Instruments.

All these mean the quality culture, excellent management, excellent managers, excellent workers, and the qualifier being granted as a result of a competition.

The success of the institution in enlarging the quality of all the activities depends upon the internal environment, upon the internal environment, upon the managers' ability to develop human relation, to recognize and evaluate each individual characteristics and talents of the employees, giving each of them the opportunity to attain their maximal own potential, to stimulate the permanent development and training of the staff.

The requirements of the management standards belonging to the ISO 9000 series, in the respect of which there is configured in the firm a system of quality, do not contain explicitly mentions of a cultural order. Although, the implementation of a quality management system and implicitly its auditing are directly conditional of the specific of the organizational culture, of the pre-existing cultural elements at the beginning of the process, of the flexibility to integrate new values and norms specifically to quality.

Possessing inside the institution a quality system is a prove of a performance management, of a management oriented towards cultural values that consider quality a fundamental factor of progress. This supposes the existence of a true quality culture.

The excellence of nation

The Americans have stated repeatedly (after they have years after years ignored Deming and his contribution to the „Japanese quality miracle"), that „in order to be competitive as a nation, we must do two things: to improve quality and education". They became aware that all the companies must have a preoccupation in this direction. And John Akers, former director at IBM has made a resembling statement: the quality dictated on the market starts with education and ends with education.

Until the educational system can be improved, two thirds of the labor force is already at work. As a result, something must be done! Some organizations (from Japan, U.S.A., China, Germany, the society from the Romanian banking system etc) have already

found the solution: the training of their own employees. We have come to what it has formerly proposed by the SITI method for the collective excellence.

The excellence management and the quality culture

The quality culture becomes a complementary element for the economic activity; it must be transmitted to all the participants of the economic processes and to the society engaged in the mechanism of obtaining value. A huge role in cultivating this attitude towards quality belongs to education, but also to the management*.

The quality culture starts from the managerial culture

The manager of the public institution must know how to answer the question: „Is, for sure, quality imposed from outside the organization, by the law, or by the citizen – client?” Among the basic principles of the management one may also find the improvement of quality, or this action means exactly to decrease non – quality, a target toward „zero defaults”. Logics determine us to state that in order to apply this principle it is necessary to change management!

Starting from this point, here is the conclusion: the management can be changed without costs – the wrong product/service can not be changed! Here interferes the strategic quality management.

The strategic quality management (SQM) represents a new culture at the highest levels of the organization.

In order to introduce SQM it is necessary to exist initiative and change from the part of the superior managers and personal implication.

Any change at the managerial or technologic level, consists in reality of two changes: the proper change in itself and the social consequences determined by this change. The social consequence is the perturbation element. The problem appears from the encounter of the two cultures: that of the persons having change as a desire and that of the affected society.

* - the famous people worldwide studying quality have noticed and criticized the attitude of many managers regarding quality. Feigenbaum demonstrated that the lack of a link between manager and quality is the cause of a slowdown of quality programs. Juran accuses the managers that they do not take seriously the quality problem and they deal only with the management.

All these belong to the individual culture, of the organization culture as a whole. For the top management the component „organization quality culture” should represent a constant preoccupation in its way towards excellence. Any managerial system should evaluate at certain intervals the existing culture of the organization.

The creation or/and the improvement of the quality was realized as time passed (diagram.1):

- Conformity with the standards (the guarantee);
- Efficacy (doing well);
- Efficiency (doing better);
- Excellence (doing best).

The components of the total quality system of values are based upon concepts such as: confidence, responsibility, integrity. This system of values leading to high performance and excellence includes: professionalism, implication, empowerment, self-improvement, creativity, innovation, opportunity.

These different sets of values do not exclude mutually, but they complete each – other within a labor-favorable environment, which implies, authorize and give importance to the staff.

Today the quality management represents, first of all, a managerial philosophy, a new model of organization culture, aiming to be client-oriented in all its activities and processes bringing thus long-term benefits. Following the conception of some researchers

preoccupied by quality (Boeri, 2006; Hermel, 2006) one may say that total quality is the internal strategy of the organization through which methods and practices are established and all the necessary structures to travel on the path leading towards excellence.

Without doubt, when we speak about excellence we should refer to two aspects:

- The attitude towards standard quality (for example the attitude of the top management towards *standard quality*)- the *quality management*
- The attitude towards quality improvement(for example, the attitude of the managers, of the teams, of the individuals towards the *improvement of the performances*) – *excellence management*.

The German specialist Karl Wagner (2006) considers that the process-oriented quality management (PQM)* leads to excellence. From this point of view, excellence management supposes a set of principles, among which:

- *The consecration and the direct implication of the top management*

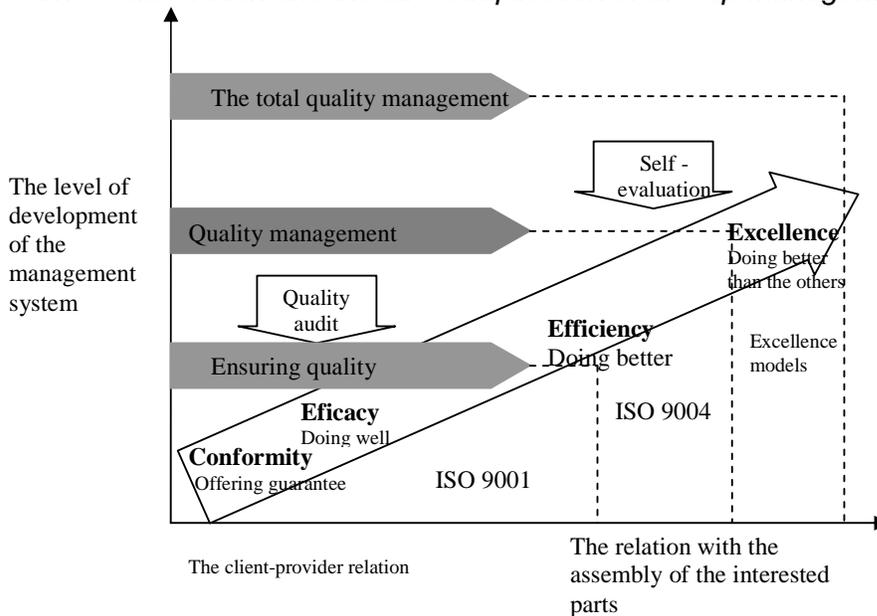


Diagram 1 – The way to excellence
Adaptation after Monin(2001)

- *Giving the proper importance to the activity of planning;*
- *Using specific techniques and methods of permanent improvement;*
- *Giving the due importance to the staff's training, qualifying and motivation;*
- *Teamwork;*
- *Giving the due importance to SMC*
- *changing (improving) the culture of quality;*

What does one need in order to apply such principles in an organization?

- Orderly employees (the culture of discipline eliminates the persons that do not share the organization's values and criteria)
- Orderly thinking
- Orderly actions;
- Excellent technology;
- The culture of excellence
- Durable quality.

But all these things stand at the basis of the *permanent improvement strategy*, and the permanent improvement strategy is obtained by permanent training.

* Prozessorientiertes Qualitätsmanagement

Why is there need for such a strategy? The answer can be the following: *any organization faces several challenges:*

- **Clients**
- **Competition**
- **Legislation**
- **Technology**

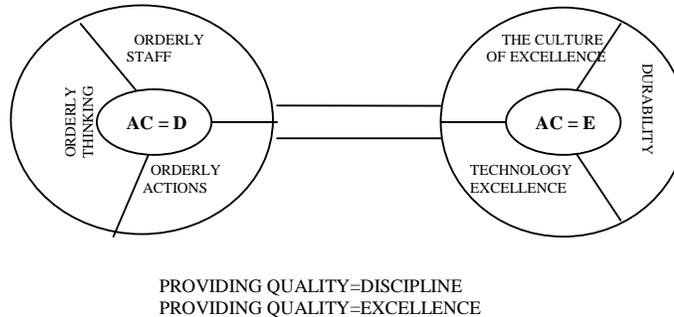


Diagram 2 –The Manager's "Dumb Bell"

The Permanent Improvement Strategy

The permanent improvement strategy means that excellence is built in time and, more important, is based on the culture of quality.

The new types of business are based on permanent improvement, transparency and intangible resources of the companies (brand, human resources, intellectual capital, technology, customer relations and partnership, etc), the culture of quality occupying a different place from one country to another.

On the same line with the Juran Trilogy (Planning, Controlling, Improving) or Deming's PEVA cycle, when we began talking about integrated systems it would have been a good moment to explicitly include *the culture of the organization*. The interconditionings between *culture, motivation, work and quality* are always strong and cannot be easily seen. The quality management also has its own cultural approach. The managers and researchers have lately acknowledged the increase of importance of the culture of the organization, under the influence of socialization and of the creative climate.

The organizations that want to prosper should have a continuous strategy of improvement. Accepting the reality that nothing, and most definitely not even quality management, lacks progress today, we reach the conclusion that *change* (please read improvement) is the only thing that remains constant. Change is a fundamental characteristic of time. It happens both in science and in culture, in economy and in management, in attitude or in fashion, etc.

The permanent improvement strategy (for example, the KAIZEN* strategy) focuses on the *continuous gradual* improvement of the quality of products, services, and also of productivity and of competitiveness *with the contribution of the entire staff*.

* Kaizen – Japanese concept introduced by Masaaki Imai . it means : KAI = change and ZEN= for the better and the translation is permanent improvement ». The Japanese have a tradition in begging every year a campaign based on a programme of permanent improvement of quality. For example, NISSAN MOTORS started „ 3K 1-2-3 Campaign”, 3-K :Kangae (thinking), Kado (action) și KAIZEN, 1-2-3 =the order of these three processes=thinking, acting, improving permanently.

Masaaki Imai (MI) considers that this is a type of “umbrella” characteristic to most of the Japanese concepts and techniques, partly similar to the ones suggested by Sadgrove (KS):

- Client orientation (MI, KS)
- CWQC (MI, the Japanese version of TQM)
- Just-in-time (MI, KS)
- Zero deficiencies (MI,KS)
- Participative management (MI,KS)
- Quality circles(MI)
- The method of the “3S”, “5S”, “6S” (MI), etc.

Here are, for example, the “6S” of the successful quality management which Masaaki Imai presented as leading to excellence:

- Excellent **S**trategy
- Excellent managing **S**tyle
- Excellent quality **S**ystem
- Excellent **S**pecialists
- Excellent **S**taff
- Excellent **S**alaries

“The laws that function in capitalism are the ones centered on the most capable individual” – said Joseph Juran, the father of quality.

The French management school defines the concept of *total quality* as a “energies-mobilizing policy” (Boeri, 2006). By adopting this concept, the organization equally aims at satisfying the customer, measuring performance and permanent improvement. Among the basic principles of the quality management one can find the one of *permanent improvement*, an action that firstly supposes the diminishing of non-quality, aiming at “zero deficiencies”.

The present edition of ISO 9004:2000 is drawn up as a generic document with the purpose of obtaining the progress of the quality management system towards **excellence**. This international standard focuses on realizing the improvement of the *measured* satisfaction of the clients and of the interested parts.

Continuous improvement is “an activity that is *repeated* in order to increase the ability of fulfilling the requests. The process of establishing the objectives and determining the improvement opportunities is a permanent process...” (ISO 9000:2005, paragraph 3.2.13). The above mentioned definition reinforces the affirmation according to which excellence is a permanent competition. Actually, Juran’s well-known “*quality spiral*” suggests permanent improvement. Moreover, by applying Deming’s PEVA principle over the quality spiral, we can have a clear image of the way to excellence (Diagram 3).

As shown in an anterior presentation, excellence is the record obtained at a given moment (time T1). A new competition follows. The fight for quality continues. A new record (time T2) can be obtained, and then a new one and so on.

According to ISO 9004:2000, there are two fundamental approaches to improve quality:

- *Through projects of radical improvement* which lead either to the revising and improving of the existing processes, either to the introducing of some new processes (usually realised with multidisciplinary teams, outside the routine operations);
- *Through activities of permanent improvement* with small steps, which take place in the existing processes.

Under these circumstances, the employees involved in the introducing of a SMC must apprehend quality as a whole which includes services, order, discipline, and very important, positive attitude towards the team and towards the client.

For all of these things, *education for quality is needed, and for education, there is a need for a national strategy and for the permanent and sustained implication of the institutions of the state and of the organizations, in order to create the strength needed for the change.*

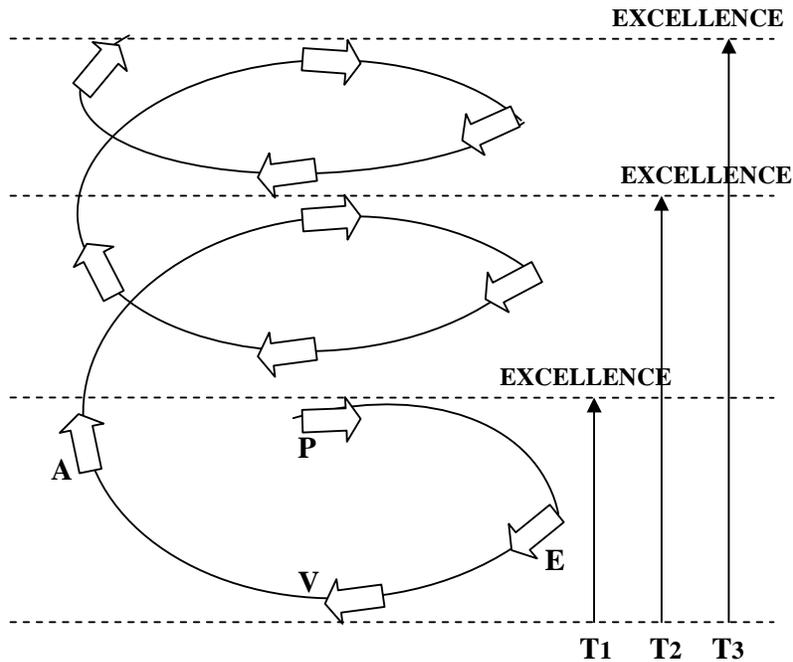


Diagram 3 – *The quality evolution spiral*

The approaching of quality in consent with the requirements of the ISO 9000 standards and of the Excellence Models (Prizes for Quality) is based on common principles. Both approaches:

- a) *allow an organization to identify its own strengths and weaknesses*
- b) *contains evaluating foresights according to generic models*
- c) *offers a basis for continuous improvement*
- d) *contains foresights for external acknowledgement*

These approaches differ in the domains in which they are applied. *The ISO 9000 standards offer demands for SMC and guidelines form performance improvement; the assessing of SMC determines the level of fulfillment of these demands. The excellence models contain criteria that allow the comparative assessing of organizational performance which can be applied to all the activities and the interested parts of an organization. Even hough excellence has been talked about for about 25 years now, the prizes for quality have been being given for more than 50 years. The Prizes for Quality are established starting from a referential with several criteria and sub criteria established according to categories of organizations, on the basis of which evaluations are done in order to establish whether the premises needed for the introducing of TQM are fulfilled and how much does the mobilization of the quality stimulating factors influence the obtaining of good results in business.*

Over the past years, several studies have debated the complementarity between innovation and total quality. Nha Nguyen (2006) shows that “sustainable development of the system of quality mostly depends on *the capacity of the organization to innovate, purchase knowledge and promote a model of excellence in order to set up that culture of the quality* which would contain the assembly of quality administration techniques”. Boéri (2006) underlines three types of managerial strategies in the field of quality, two of them being applied more often:

- maintaining the improved level;
- the innovation strategy;
- the strategy of permanent improvement.

Maintaining the level of quality is a state of satisfaction which can endanger the competitiveness of the organization. *Innovation* is characterized by the “going up the stairs” of performance, provided that pauses are not too long. *Continuous improvement* allows the daily adapting of the needs of the organization to the needs of the clients. The quality-centered strategies from the public institutions do not always belong to the category of the competitive ones, because in this case, the main mission of the institution is the total satisfaction of the client-citizen, of the interested parts, participating in the contest for the prize for quality and not for facing competition.

An example is offered by the European Common Assessment Framework in Public Administration (CAF), inspired from the excellence model EQFM (European Foundation for Quality Management) which uses likewise a series of widely accepted criteria. In the meanwhile, CAF has known new variants, improved due to the EU Conferences for Quality in Public Administration (CCAPUE) from Copenhagen (2002), Rotterdam (2004) and Tampere (2006). The members of EU have assessed the impact of this model which represents for the public administrations:

- the opportunity to identify and promote the best techniques from different sectors of an organization and from other organizations;
- a means of mobilizing the staff and involving them in the improvement process
- the occasion to identify the different initiatives referring to quality in the daily activities.

Conclusions

Therefore, excellence is the performance reached at a certain moment in a competition based on complex and exigent criteria. In the case of the public institutions, the way to excellence is based on the principle of permanent improvement, gathering practical experience, adapting to diversity and competition, to the inevitable evolutions of the economic or legal environment, to the corresponding standards from the respective domain and from similar domains, on chance, challenge and desire to progress. Actually, the reform in public administration supposes “the introducing of the values of the European administrative space: transparency, efficiency, responsibility, adaptability and predictability.” (<http://modernizare.mai.gov.ro>) hence the improvement of the culture of quality and an excellent management.

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The Catalytic Manager

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Key words: *quality, catalytic manager, intellectual capital, internal customers, external customers*

Abstract: Nowadays, the quality has become a key element of the organization's strategy and an ace, which allows it to face the competition catching the consumer's, manager's and marketer's attention more and more.

The efficiency of the quality system and the continuous improvement of the quality depend on the intellectual capital and on the organization's culture of the quality. There is very important to have a complex approach of the components of the quality system (the customer, the personal and the processes) inside an organization which crosses a process of continuous learning. These components depend on the manager's "portrait", on all the responsibilities assumed by the manager and also on each employee.

The new manager needs a new way of "seeing" the old problems (which should include the previous perception as a partial truth) as an aspect of reality with a larger coverage which should respect both internal (internal customers) and external (external customers) requirements.

The manager must become "the catalyst" of applying the knowledge to all his co-workers, must be the promoter of a courageous vision upon the strategy of the product's and service's quality, together with a new mentality which promotes transparency, the knowledge dissemination and their active usage.

The efficient management of quality systems is based on the efficientization of work flows, of processes. These processes have to be created, simplified, optimized in order to produce the best quantitative and qualitative result, at the lowest price and in the shortest time possible. In the case of public administration, the analysis of a process performance and the rapid identification of the possible dysfunctions represent the means of avoiding the feared trap of the excessive bureaucracy, through which a process tends to live for it self and not for meeting objectives.

The arguments that can make managers want, know "what, who, how, when, why" act for the projection, implementation and development of a Quality Management System are numerous. The key to successfully approach to a Quality Management System is the client: the internal client and the external client. This "key" can be used by the manager but he has to learn how to use it, has to approach new management styles, some of them based on the knowledge management.

Knowledge represents the intellectual capital and is considered to be essential for the development of an organization. The role of the management team consists in the development and valorization of this capital. Excellence, which ensures the competitive character, depends mainly on the way labour force, talent and knowledge are used in the organization. The new management style used in modern organizations does not refer to

technology, but to the way in which the staff is organized for cooperation, interaction in order to emphasize their knowledge as efficiently as possible.

There still are some confusions concerning the intellectual capital especially when managers think that this capital can be identified only with the “good name” (that is temporary if we do not take part in the real competitions), with “the eagerness” of the management team (that avoids the talent and professional skills belonging to some individuals seen as “dangerous” in the internal competition) or with the recognition of knowledge by as many documents as possible. Nowadays, the fate of this type of organizations whose management does not know or does not want to show to advantage the knowledge of all employees is decay. The success will belong to organizations that by an appropriate management and by training are concerned with the development and permanent valorization of the intellectual capital.

Specific, personal knowledge must be identified, assimilated and stocked in usable forms within the organization. The value of an organization will be measured not only in periodical financial or election campaign, but also by their most powerful assets, the intangible ones: the assimilated know-how, the experience of employees, the results of personal research-development, the performance of processes, the satisfaction of users/beneficiaries, the social environment and the organizational culture etc. The old disappearing paradigm considers that value is represented by the product/services life duration. The change of paradigm reports value to the speed of introduction of new products and services, by their permanent development. All specialists state that the speed of the activities’ development, processes, the time of answer to the clients’ needs and to other interested parties and the setting on the market of new services and products that add value are the determinant factor of success. Speed is the origin of most pressures we all feel and we already cross some turbulence areas.

The value creation process in the public administration process is continuously changed in an accelerated rhythm and this is why there is a demand for the information and assessment of the intellectual capital, concerning its relation with the tangible capital. From the management point of view, *knowledge* is information placed in people’s minds and whose value can permanently increase by application.

The managers of the public administration can, as well, manage knowledge by creating human motivations. “The extraction” of knowledge to be used in the organization’s processes, by dissemination of information, is difficult and supposes mastering of the people’s management art and science. Relying only on the fact that employees consciously transform knowledge into different forms of information (expert’s reports, letters, projects etc.) and gather information from others in order to develop their own knowledge is a mistake. The particularity of the modern public administration is rendered by the quantity of knowledge the employees dispose of, by the way in which the management knows how to valorize this knowledge, as well as by the creation in organizations of the mentality that the existent knowledge inheritance must be supported and developed. The business “sense”, the managerial “sense” cannot certainly lead to results. One needs research, education, knowledge acquired in time in order to know how to act for the optimization of results. “The life-long learning organization”, “the interdisciplinary, interdepartmental integration” have been more and more discussed lately. (Savoyat, 2007; Nyuyen, 2006, Russu, 2008).

The manager has to become the “catalizer” of the application of all collaborators’ knowledge, the promoter of a daring vision on the strategy of products and services, combined with a new mentality that promotes transparency, the dissemination of knowledge and their active use. The models of some western firms regarding the human resources policy are not to be ignored. A modern organization has to “learn” permanently, it needs active employees that should be let to act, to take responsibilities and their knowledge should be appreciated at their true value, and the people possessing it should

be stimulated. The “catalytic-manager” should make employees apply, use, communicate and develop the existent knowledge. Knowledge, as well as information, is worthless if it is not applied for decisions on the actions necessary for the organization’s well-being, for the full satisfaction of clients and even for the exceeding of their expectations, for the generation of new ideas on the organization’s future.

Just like the catalyser in the chemical reaction, the *catalytic manager* can efficiently contribute to the application and use of knowledge if certain conditions are observed. Some of these conditions are:

- The conviction that the organization stimulates and rewards the employees’ decisions and actions by means of which knowledge is used and communicated;
- The creation of conditions for the transfer and/or the acquisition of new knowledge by specialized programs for the longer/shorter seniority employees;
- The existence and development of a consultancy attractive market on the good practices in the knowledge management and, why not, in the innovation management concerning people, culture and communication.

“Innovation means 1% inspiration and 99% perspiration” – said the genial inventor Thomas Edison. Thus, it is necessary to make an additional effort in order to help ideas see the light of the day, to admit them, to offer them the possibility to be applied. The management of competences is focused too often on a small number of stocked knowledge and organizations (especially those in the services sector) deprive themselves of a huge and cheap resource system. (Savoyat, 2007).

A study, realized by a German institute (presented in RKW-Zeitung, 1998), showed that the industrial sector is the one that traditionally involves in the highest degree employees in the creation of new ideas as compared with other sectors. Comparing the number of new ideas offered by 100 employees the results of the study led to the following results:

- the car sector – 83 ideas
- the insurance sector – 26 ideas
- the services sector – 7 ideas
- the public administration sector – 0,3 ideas.

These results show that certain sectors, especially that of services, have a rather low level of innovation fact that imposes the dynamization of the internal creative forces in their organizations. We consider that one of the causes is the lack of standardization in the services field with all its negative consequences.

In the case of public administration services we have to bring to discussion the paradox of the phenomenon, as well. The human resources in this sector are most of all of a university level, meaning that they should be used with the creative approach and with the liberty of innovation. There is at least one explanation for this problem. The need for creativity of all employees seems to be connected to the competitive pressure of the market, or the public services have not met such a pressure before. The public function has lived without any competitive stimulation while the industry had to survive, taking part in the competition. The transparency culture did not offer either the public administration employees the possibility to react to each other’s ideas, not to talk about the external clients’ ideas. And here comes the manager’s role or the role of the creative ideas team that should allow “the exploitation” of the organization’s intellectual capital. The efficiency of this approach comes from the talent of bringing together resources (material and human), of supplying an open structure that should allow new knowledge and ideas move freely, be encouraged to express themselves, to be known and applied once their advantage has been verified. There is created thus a way of permanently improving the quality of services and of rendering more efficient the Quality Management System. The ones who have the most to gain are the clients, either internal or external.

In the quality management, comparing the city or town with an industrial enterprise, without taking into consideration the particularities, is a mistake. The real crisis of the local budgets, the sources of aggravation of social inequalities, the citizens' demands, adaptation to the communities' needs and to their culture, the lack of the democratic exercise and others have determined a new context of the quality management application at this level.

Who are the external clients of the public administration services? What do they want? What are their expectations? Who ensures the clients' satisfaction? What do we do in order to guarantee the quality of their services for the clients, for the tax-payers? What do we know about our clients? These are only some of the questions whose correct answer can ensure the way to excellence.

"The client is the heart of quality systems. Within a quality approach, all logic will be focused on satisfying the clients' expectations." (Margerand, Gillet-Goinard, 2006). Therefore, the discourse, actions, indicators, all of them will converge to all employees' understanding of the importance given to external clients. Clients have expectations and needs. Clients must receive high quality services in accordance with their expectations and needs. The quality of these services must give them satisfaction.

Further on, we suggest an approach based on assessment anticipation and measuring of expectations, needs and of clients' satisfaction.

The assessment of the clients' satisfaction implies four stages:

- The gathering information;
- The analysis of expectations;
- Selection;
- Formalization.

The gathering of information can be done by means of several general questions, 10-12.

Examples: What do you expect from your employees? What do you like about your services? What do you appreciate the least? How the ideal job you expect should be? etc. The golden rule has to be the acceptance of what the client says, with no alluring justifications or hasty solutions.

The analysis of expectations should make a clear distinction between the solutions proposed by the client and his real expectation. Example: A client suggests that in the institution's hall there should be a receiving person. His expectation is in fact the satisfaction of the need for information in order to find more quickly the appropriate desk for the solicited services. This can be realized by information boards, the direction of clients by light signals, indicators etc.

The selection of expectations has to be done in accordance with the institution's objectives. It is recommended to select to key-expectations, the most often expressed and/or the implicit expectations, but also the original expectations that show the evolution of the clients' needs.

The formalization can be done by keeping, on certain thematic areas, the suggestions and expectations of the target-clients, expressed by their importance (very important, important, less important).

The anticipation of clients' needs can be realized in many ways or stages, according the client's listening way.

Case 1. Unsatisfied clients address the institution. The institution is interested in settling the client's complaints in a friendly manner, to find out from them and to keep under control the dysfunctions, to punctually launch the appropriate corrective actions. The used indicator is the number of complaints.

Case 2. The institution addresses the clients in order to establish the degree of satisfaction, afterwards it establishes the improvement program of conditions, practices

and behaviors. The used indicator can be the percentage of highly-satisfied clients/customers.

Case 3. The client is considered a true partner, and in this case the institution will be the first to answer to its customer's latent needs. The indicator can be the number of customers' suggestions to be taken into account.

Conclusions

The "complaints" phenomenon is still wrongly understood and managed. The anticipation, knowledge and analysis of complaints are a sure way of improving the service quality. The specialty literature on the management of complaints offers numerous examples of creating suggestions for the service quality improvement and for emphasizing suggestions and complaints. The system of suggestions and complaints is not an "offence" to the management of complaints, but a working instrument. The Japanese have adopted and applied "The system of creative suggestions" for more than fifty years. The organizations that understood the importance of the client had in view: the listening of the client, the identification of the interested parties, the communication and relational problems, the clients' counseling, the avoidance or solving of litigations, the organization of services, the solving time and the expectation time, the way of perceiving the product/service quality by the client-citizen and by the citizen-client, the employees' professionalism and performance, the taking of responsibility etc.

The reform in the public administration, the decentralization offer opportunities for action, for reaching a maximum efficiency with a minimum consumption, for a new paradigm. Moreover, the decentralized organization has the capacity of taking decisions closest to the environment, fact that also leads to the capacity of adapting very well to the interests of its environment and, implicitly, to its own interests. There are also viewed the increase of the quality of services offered to the clients, tax payers, stimulating at the same time the evolution, education and satisfaction of civil servants.

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Implications of the Human Resources in the Knowledge Management

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Key words: *knowledge, human resources, knowledge management*

Abstract: The economic and social life includes changes regarding the strategic resources: the information item and the human capital. The role of the human factor is to use and transform efficiently the information item – as an element of knowledge.

The scientific revolution gave the opportunity – in the current context of transformations – for the scientific knowledge to become a continuous process based on innovation. In modern economy there is an interdependence relation between the information revolution and the revolution of knowledge, through the transition from the economy based on physical resources to the economy based on knowledge.

The changes at the level of human resources have effects in the learning, training and continuous education processes.

The management becomes knowledge-based management. As a science, the knowledge management is a continuous process within an organization, being reflected through:

- the importance of knowledge in the functioning and performance of the organization that learns;- the use of new information and communication technologies in the organizational processes;
- the exploitation of the knowledge of the human resources in the optimum adaptation to the current social-economic requirements.

As an evolutionary process, the knowledge-based management emphasizes the decisive role of the human factor and involves a multidisciplinary approach.

The economic science, as a component of the science in general, contributes to the efficient organization of the social production and to the enhancement of the technical and scientific creativity of the human factor. It also endows people with the knowledge of the laws and contradictions of the social reproduction and the knowledge necessary for the human action to the purpose of the development of the human and material production.

Starting from these elements specific to the economy of the contemporary world we distinguish the relevance of the involvement of the human capital in the modeling and adaptation of the nature of the social purposes and needs. As a synthesis between the

natural component and the social one, the man is in the middle of the challenges of science by using knowledge in order to create a balance between the needs of nature and the need of the society.

Through a continuous technological process and the development of an economy based on knowledge and information technology, the concept of human capital reflects different significations. On the one hand, the human capital reflects the investment in education and the development of professional skills, and on the other hand, it represents the source of innovation and renewal.

In a society of knowledge, the world of new ideas becomes a priority in comparison with the world of tangible objects. Knowledge can be turned into value. Thus they become an essential economic factor. Among the opinions of different specialists, we mention the following: the existence of cognitive knowledge, of superior skills, of systems for the superior comprehension of things and self-motivated activity.

The management of knowledge as a process generating added values for the intellectual capital of the organization combines a variety of practices in order to identify, create, gather and distribute knowledge.

Through a new perspective, knowledge integrates theoretical aspects as well as practical ones, being the connection bridge between the rational and the non-rational, abstract and concrete. The new economy develops the idea of using some efficient instruments in order to assess the intangible resources in an organization.

The economy based on knowledge influences the manifestation of management at all levels and knowledge represents the main resource and objects of a new type of management.

More and more authors identify the existence of the human capital, besides the organization and relational capital, as components of the intellectual capital.

The coordination of the human, information, physical and financial resources with a view to achieving the purposes of the organization offers the multidisciplinary character of management in general.

The visions on management are multiple. The knowledge management may be approached from various points of view:

- the importance of management based on knowledge depending on the information technology (Lester's approach);
- the promotion of the creation and use of the intellectual capital (Abel and Oxbrow's conception);
- the involvement of the organizations in the development of production and the flow of knowledge for the creation of value (Clarke and Rollo);
- the focus of management on functionality, efficacy and profitability in exploiting knowledge (Ferguson' demarche) etc.

According to the American and West-European perspective, the organizations own in general individualist values, which leads to the dissemination and use of knowledge. According to the Japanese vision, the production of knowledge is the essential element, the dissemination being present as regards the group values.

From the theoretical point of view, the management based on knowledge reflects the study of managerial processes and relations based on knowledge, by turning it to good account; without the theoretic basis, knowledge-based management risks to remain a trend that will not last (Roberts Nelson).

As a practice, knowledge-based management consists in producing and using knowledge through different methods, techniques and means.

The prevailing characteristics of knowledge management are influenced by the human factor. At world level, there are tendencies of promoting high-performance managerial practices and of theoretizing them. Directions of knowledge-based management:

- treating, approaching and using knowledge in their multivariate and multidimensionality;

- using information techniques in managerial processes;
- the increase in the role of the human factor in managerial practice;
- superior turning of knowledge to good account and protecting it.

Through economic globalization, the “information revolution” or the “knowledge revolution” became definitive in the world economic growth. The new economy takes shape through the development of intensive-knowledge industries, digitalization, Internet, robotizing of production systems, the computerization of the transport services and the virtualization of currency-financial flows. The next society will be a knowledge society, Peter Drucker said. Two decades ago, Knowledge workers (cogniticians) were managers that knew how to use knowledge with a view to increase productivity.

From the knowledge point of view, we distinguish the existence of three different stages:

- the rush for knowledge;
- the discovery of technology through the organization and systematization of knowledge;
- the use of organized work (Frederick Winslow Taylor).

Contradictions regarding knowledge economy and knowledge society have not ceased to appear during the recent years.

Concepts such as: data, information, knowledge, comprehension, wisdom, management denote the importance of the human capital in a developing society, in which the intellectual material is used in order to produce value.

From certain points of view, the data are assemblies of symbols that exist under any form; they do not have any significance on their own. The information are processed data, endowed with certain significance, which provide us answers to questions such as who, what, where, when.

The information is data organized which will constitute the base for decisions. As a matter of fact, knowledge as assemblies of information are useful in the knowledge process.

Understanding, according to Ackoff, appears as a probabilistic and interpolation, cognitive and analytical process, through which the knowledge turns into new knowledge. We distinguish the importance of wisdom as a non-determinist, non-probabilistic and extrapolation process that leans on the other levels of the human knowledge. Through the appeal to philosophy we describe wisdom as essential in demonstration. In comparison to the other levels, wisdom poses problems for which there is no answer (or the answer is very difficult to find). Through wisdom we may discern, reason good and bad, correctness and error. Where is the wisdom we have lost in knowledge? Where is the knowledge we have lost in information? (Eliot, T.S.)

Among other approaches, we notice the hierarchy evoked by Barabba and Zaltman, which includes: data (numbers, words), information (sentences), intelligence (rules), knowledge (the combination of the previous levels) and wisdom (bases of combined knowledge).

Davenport and Prusak present the existence of a value chain on three data-information-knowledge item lines. Gene Bellinger considers as essential: information, knowledge and wisdom.

The development of informational society of knowledge is influenced by the existence of intelligent organizations through the evolution of the existent ones or the creation of some new ones in order to reach the proposed purpose. The organizations based on knowledge involve:

- strategic orientation and managerial ingenuity in combining information facilities of intelligent aid with organizational practices (through innovation, learning and partner interactivity);
- promoting value, ethics, morality in society, with the purpose of fulfilling the requirements of optimum adaptation to the requests of the external environment.

Through the definition of its multidisciplinary character, the management of organization, the integration of some categories and sociological, mathematical, psychological, statistical, legal methods etc. is identified.

The only thing that makes an organization competitive – the only valid thing – is knowledge, the manner in which we use it and the time in which we can learn something new! (Laurence Prusak). We distinguish as factors of the knowledge-based management the demand and the offer.

Their necessity defines the importance of the human resources at the level of the increase in the production, transmission, use and amplification of knowledge.

At the organizational level, the human capital has the role to increase the managerial systems and instruments through the access to data, information and knowledge. Therefore, at the international level we contoured the management principles based on knowledge, for reflecting the human capital involvement in accomplishing them.

The following elements are taken into consideration:

- the managerial techniques and the human abilities (Frankie Keong, Roger Willez and Kim Yap);
- the influence of the political aspect on the management based on knowledge and the necessity to share the knowledge for making their use efficient (Thomas Davenport);

Investing in people and achieving an economy based on knowledge will become the main directions for obtaining the economic competitiveness based on science.

Through the dynamism and flexibility of a new economy, the human resources will contribute to the continuous, durable and sustainable increase. The value of intellectual property will become primordial and the knowledge will be identified in all the economy components.

Reducing the importance of knowledge can generate negative effects on the human resources through the professional insufficiency.

In direct relation with the theory of intellectual capital theory, the knowledge management can be regarded as a component of the human resources management.

For this reason, the human resources of an organization influence the management oriented towards exploiting the knowledge by:

- promoting an organizational culture and an appropriate working climate;
- transmitting the knowledge within the groups, motivating and attracting the personnel;
- using the accumulated knowledge for obtaining the performance at the managerial level;

Knowledge becomes dominant in the future professional orientation and in the efficiency of using the human resource. As a factor forming the human resources, for achieving the economic-social progress, education represents one of the factors developing the society.

The progresses registered in the plan of human knowledge have consequences on the fields of social life, on today and tomorrow's man that the society needs.

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Human, Environment and Technology in the Age of Postmodernism

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Key words: *modernism, postmodernism, environment, technology, consumption*

Abstract: Human being has affected and been affected the environment where he has inhabited since his inception. Human being had initially to live in conditions which were not to his taste but in time as a result of the increased needs he discovered new ways of coping with the hardship which they faced. The requirements of the societal life, coupled with the intelligence and the desire of humans led in the 17 and 18th centuries new technological developments. In time mass production resulted in mass consumption and the latter created environmental problems. The new period based on the enlightenment idea paved the way for modernisation in both cultural and societal fields.. However, problems emerged in the second half of the twentieth century have not met the demands of modernism and a new way out had to be found to face the new challenges. In the context of these developments postmodernism has been circulated and a new paradigm has been formatted. The present work has the intention of the deal with the relations of humans, technology and the environment in the process of modernism to postmodernism.

Introduction

Postmodernism that has begun with the enlightenment, scientific revolution and industrialization has come into question with the collapse of modernism that has arisen and reached to peak by the great changes happened in the 20th century. Modernism that has been associated with a lot of economic, social and cultural factors, has emerged parallel with the development of capitalism especially after the middle age. It has introduced scientific oriented understanding instead of church oriented understanding which was dominant in the Middle Age. In this framework, modernism consists of processes of secularism, rationalism and individualism and urbanization (Ozata, zeynepozata.wordpress.com). Modernism denies all kind of idea and authority other than freewill of the people (Kahraman, 2002: 1).

According to enlightenment understanding that is one of the most important paradigms of this period, it is essential to trust forever to the science and reason and the human being can solve every problem by science. In this framework, the ideologies such as Liberalism, Marxism and Fascism founded on the basis of reason are accepted as the

great stories of modernism (Saklı, www.sakli.info). This system that accepts the materialistic development as the main aim, perceives the world as two poled such as subject/object, woman/man, technology/nature and accept the polarization as universal and consistent. Polarized world understanding of modernism, has begun to be argued heavily by the second half of 20th century, in the meantime, notion of postmodernism has begun to develop as a philosophical thought questioning modernism (Ozata, zeynepozata.wordpress.com).

Modernism accepts the technological development identical with good living and social development. Technology is to bring together the raw material, material and machines for development. The value of the technology in modernism is associated to its productivity and its cost to its user. Modernism neglects "why" that expresses an ethical value, by focusing on production style of technology. The aim is to live well and the way to realize that is unlimited production and consumption. In this sense, Technology includes not the subject (producer) and its ethic standards but, the object (product) and its technical components. So, this paves the way for mass production / consumption in which subjectivity is turned to objectivity and become the basis for expansion of industry (Bookchin, 1994: 342).

The inference of modernism on science and technology has caused irreparable problems on human - nature - technology. Live-well in harmony with nature understanding is destroyed because it supported the material scarcity paranoia of modernism and capitalism as well as it dismantled the human-nature completeness. By determining "quantitative" criteria for live-well, ethical, social and political dimensions have been neglected.

When nullity through materializing of human and environment, the rise of science and technology by the lack of the value and ethic principle, are united with the inequality of globalized capitalism, big problems have become inevitable (Esgün, kutuphane.uludag.edu.tr). The gap caused especially by enviromental ethics, has become the most important factor for the inextricable enviromental problems. This understanding which accepts live-well identical with wealthy life, has seen science and technology as an important mean on this way (Bookchin, 1994: 387).

Transition from modernism to postmodernism

Intensified criticism against modernism has directed the human being to new search and induced the birth of postmodernism (Odabaşı, 2004: 20). Postmodernism has emerged as multiheaded and multiaspected trend in opposite areas (Martinez, img.forministry.com). As well as this trend is a theory against the enlightenment values and the nation-state idea produced by these values and modernisim, as a society model, also it shows a character of contumacy against enlightenment culture (Kutluay, www.mmoistanbul.org).

Postmodernism is one of the irreconcilable, most debated and unlimitable concepts. As a matter of fact, It is difficult to include a situation, which has clearly determined horizons, to take place in postmodernism, because postmodern ideas are against exact definition and limitation (Toros, kutuphane.uludag.edu.tr). According to postmodernism, As well as there is no natural limits of human thinking, also in reality there is no limit on social and cultural life. For that reason, social and cultural circumstances of human are not monotype in respect of time and place. This cause differences in cultural and social aspect. The diffence in sensing the world causes showing different cultural attitudes fort he same needs. While the universalism understanding of modernism is being criticised, the reality of sharing widespread acceptances and beliefs of different cultures is not denied (Venkatesh, www.crito.uci.edu).

Postmodernism is a concept used for explaining a lof of developments witnessed today and describing new phase of the society compared to modernist period. By

emphasizing paradigmatic aspect of the change, it tries to characterize a post-industrial period. (Şan-Hira, www.elelebizbize.net). Despite “post” prefix means after, postmodernism is a process which has a continuity relation with modernism, originated from modernism and trying to overcome modernism by making it problematic (urlalisesi.k12.tr). According to some, postmodernism is a name of a period, according to others it is a name of a new thought, wording, a new nationalism and discourse. Historical evolution of postmodern process and thought goes as far as the end of The World war II. Especially Poststructuralism, that emerged in France in 1960s, has been background for the theoretic structure of postmodernism.

Generally, postmodernism is evaluated as the epistemological break from enlightenment which is the main reference of modernity. However, disparities appears on definition and evaluation of postmodernism. Critics of modernism like Lyotard, Baudrillard, Jameson, Foucault, Touraine and Bell claim that developed western societies experience a break from modernity and a new period arises. On the other hand, philosophers like Habermas and Giddens define the current period as the further phase of modernity instead of assertion of a new period (Şan-Hira, www.elelebizbize.net).

Postmodernism and consumption

1980s and early 1990s witnessed the postmodern arguments on consumption and behaviour of consumer (Venkatesh, www.crito.uci.edu). The way aiming to live - well is supposed to pass from unlimited production and consumption. So, This paves the way for Fordist style of production and consumption in which the subjectivity is objectified (Bookchin, 1994: 342). While the production and distribution of goods and services are designed according to standard economic rules and supply and demand In conventional economy; culture and consumption are also emphasized as the important factors in postmodernism. According to postmodernism, when the production and distribution, welfare and wealth reach to a certain level, consumption becomes the driving force of the economy. On the otherhand, at the expense of causing fall in production and distribution, the consumption turns to a phenomenon determined by the symbols and brands. Harvey points out this and expresses that in postmodern economy, brand economy highlights the fashion for mass markets in lots of areas of life from garment to decoration, from ornament to esthetics. Also Baudrillard in his research dated 1981, analysed the relationship between consumption-symbol and brand and found out how vital role it plays in daily life. According to him, consumption is composed of change in brand and symbols and in this system goods, services and materials are replaced by the brands and symbols (Venkatesh, www.crito.uci.edu).

Thus, since the consumption is designed according to symbols, brands and fashions instead of real production and distribution in postmodernism, it highlights consumption which is based on show-off rather than “consumption proportional with need”, and this has paved the way for running out of the resources. This characteristic of postmodernism in human nature relation has deepened the environment problems.

Human nature and technology relation in postmodernism

In the period of development process of modernism, freedom has been introduced as the developments in technology, getting the nature under control, highlighting of individual interest and the increasing of consumption by the dominant social values for centuries. As a result of this understanding, environment and natural resources has begun to be seen as an obstacle for increasing of life quality, understanding of unlimited consumption and the freedoms (Demirer vd., 1999: 164).

Contrary to assertion of modernism, postmodernism does not give a dominant status to technology (Segal, 1994: 2). By shaking the basic acceptances of modernism, It

does not see technology, science and reason as the powers explaining everything (Saklı, www.sakli.info). Instead, by abandoning the understanding of unique reality, unique science and technology, pluralism has begun to get more important (Ozata, zeynepozata.wordpress.com). Just as postmodernism in architecture consists of the efforts to catch a new and different esthetics by using opposite elements together, Also in the other fields of life it consists of pluralistic understanding that holds varieties in harmony . What is important is to accept disparities and to be able to stay together in harmony with different ones (Kutluay, www.mmoistanbul.org) postmodernism do not handle the reality in a way that is purified from feelings and social values, but on the contrary, it is based on interactivity, by consisting of fundamentals and nature of knowledge by a holistic understanding, it slides the interest also to other fields such as fine arts, law and social sciences. Since in this understanding it is defended that reality is subjectivity oriented and not universal-objectivity oriented, generalizability, universal reality and predictability are refused (Ozata, zeynepozata.wordpress.com).

Also from the viewpoint to technology, postmodernism shows a fundamental break from modernity (Bookchin, 1994: 387). Modernism has assumed that getting the nature under control, highlighting of individual interest and increasing consumption and technological improvements are the basics for freedom and life quality (Demirer vd., 1999: 164). On the other hand, postmodernism does not grant the same value to the technology. In postmodernism technology and freedom are two phenomenonones that can not exist together in life (Bookchin, 1994: 387). Furhermore the idea of “we live in a destroyed world” has become the main resource of technologic pessimism in postmodern age. Technology is not granted with a dominant role in the process of redefinition of individual, society and politics in postmodernism (Segal, 1994: 2).

As well as pessimist view, attribution of positive values to technology is in question. According to postmodernism, a small, soft and middle sized technology can play an important role to transform an authoritarian society to ecological society (Bookchin, 1994: 387). The problem, according to postmodernism, is rather than the point that science and technology has reached, but the use of these. The main factor determining this is economy-politics. Capitalistic production system that tries to maximize surplus value and modernism, have used the scientific and technological instruments for this aim (Demirer vd., 1999: 164).

Also in the context of technology – culture relation, postmodernism claims that New upper identities are built especially parallel to the developments in computer technology. According to Lyotard, even the people who do not know any foreign language is subjected to open to global by “smart machine”s (computers) and beyond national identities, global identities has begun to emerge. According to Lyotard, hereafter, science has become an object of technology. By the technology, the information can be transported from one place to another place fastly and it is becoming an upper identity shared by a great number of people (Kutluay, www.mmoistanbul.org). Postmodernism put forward “the alternative technology” against the technology approach of modernism. Here, rather than a certain system of technician or machines, the approaches about design and usage are put forward. Alternative technology anticipates that technology based problems can be overcome by the radical tuning of technological and industrial basis of the society, but not by partial and reductionist approach. Besides, minimum use of non-renewable resources, minimum intervention to environment, self-sufficiency, prevention of alienation and exploitation are some approaches that postmodern environments argue in terms of human-nature-technology (Dickson, 1992: 61-62).

As it is seen, the approach of postmodernism to human-nature-technology relation is not homogeneous, and consists of different views and does not show an exact clarity.

Conclusion

Gradually increasing post-industrial trends emerged especially in the last quarter of 20th Century have brought different reflections in all fields from economy to politics, from culture to environment. Postmodernism, which is one of these trends and that built its theory on criticism against modernism, includes essential differences on human-nature-technology as well as on all fields compared to modernism. The view of postmodernism that highlights disparity, diversity and local, for technology and its reflections on environment is not homogeneous and as in its theory, differs among different philosophers. Unlike modernism, postmodernism does not glorify the technology, but evaluate it from positive and negative view. Furthermore, symbolic culture, brand and fashion that enabled the postmodernism to emerge, stimulates consumption and causes it to reach mass dimensions. This situation accelerates the exhaustion of natural resources and the deepening of environmental problems.

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Energetic Resources, the Green House Effect and the Rise of the Oil Prices – Catalysts or Inhibitors for the Change of Mentality?

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Key words: *pollution, economic interests, mentality changing, pessimism-optimism, multiple intelligence*

Abstract: As well known, in the present days we assist at the growing of oil prices along with the danger of the greenhouse effect. These events claim for a rapid and urgent mentality changing from social economic actors. The first observation of these events is that the singular isolated individual interest of the main socio economic actors is not a catalyst for this necessary process. Only the perspective of huge global phenomena like a world recession and dollar dropping, associated with the greenhouse effect could threaten the general and individual interests. That makes the space for a large spectre of opinions from pessimists to optimists. That leads to the second issue. It is important to be aware not only about the future events but also in equal measure is to develop the multiple aspects of human qualities like in the Gardner's evaluation of the multiple intelligence portfolio structure theory (the language – communicative, spatial-visual, musical-rhythmic, interpersonal, intrapersonal, logic -mathematics, kinaesthetic - corporal, naturalist-ecological and metaphysics aspects). A worker, and much more a strategist, has a multiple disposition to be helpful in this period of challenges. It's still a hope for the future in every field of working.

Q54 - Climate; Natural Disasters; Global Warming; Q55 - Technological Innovation; O31 - Innovation and Invention: Processes and Incentives; L62 - Automobiles; Other Transportation Equipment

As well known, in the present days we assist at the growing of oil prices along with the danger of the greenhouse effect. Taking into account the recent considerations made by Bill Reinart – the mind strategist of Toyota Auto Industries - it is expected that the

behaviour of economic agents, political leadership and strategic thinkers to face a major change in attitude and mentality.

The recent ecological disaster at Fort McMurray – Alberta Canada one of the most important oil reserves area led Bill Reinart to say: „this is the end of oil pipe line era!”

What is the meaning of these words?

First of all, as it is well known that the general economic framework is illustrated by one of the macroeconomic indexes - the GDP (Gross Domestic Product) per capita.

In the same time the perspective of pollution and continuous depletion of resources, conduct the experts to calculate a mirror index so called GDG (Gross Domestic Garbage).

In this respect, even the GDP reflects apparently, the standard of living from the classic national accounting flows point of view, the GDG could reflect the standard from the mirror of environmental accounting indexes matrix containing the pressure, state and response indexes (e.g. the measure of human-induced influences upon environment -the rates of pollution emission-, the condition of environment pressures - the ambient concentrations of pollutants – or the societal responses to environmental problems-regulations, pollution charges).

This general framework of macroeconomic living standard took a dramatic tendency recently, in the context of perspective of rising oil barrel price beyond 100\$ associated with the world wide spreading risk of US mortgage credit crisis and the dropping of US dollar.

Secondly, at the microeconomic side, since 1913, Fordist production mode based on moving assembly line determined the producers and mostly the car producers to create the internal combustion engine dependent on oil derivatives.

Actually these phenomena affected the profit of auto producers in 2007 and determined them to switch to alternative energetic resources like natural gas, ethanol or electric cells.

In the present the microeconomics is shifting from the competition based on cost management efficiency to quality management of eco efficiency valorising not only the limited natural, financial capital but also the existent and latent human capital potential in the of mentality changing of production process.

The necessary mentality shifting is easy to say but hard to play: for the moment the simple economic, financial and politic interest is not a catalytic factor for this major essential event either because of the economic and politic „cake” that not stimulates the risk for investment improvements or because of slow growing of ecologic marketplace due to the demand for actual „strong” but polluting cars.

Is a general mode of living.

On the side of producers, shareholders, consumers or politic leadership for the moment is this not an real interest to change the behaviour from different reasons: due to the slowing efficiency of the ecological marketplace the car producers could be interested in selling strong profitable but polluting cars demanded by consumerist pattern of consumer actual behaviour, the shareholders could be attracted by the predictable protected risk dividends, and the politic leadership manifest the specific behaviour of political rent-seeking in the budgetary process.

In the face of immobilism, strategic minds offered a middle way to a more catalytic approach. For example, Bill Reinart encouraged Toyota to restructure its production portfolio: to diminish the percentage of strong cars (like Corolla model), to encourage the ecological cars (like the Prius model) and especially to develop the middle-class sector in the form of sport and pick-up cars- as an important catalyst that satisfies both the consumer, producer and economic policy interests (in the form of products, profit and taxes) but also constitutes an important financial resource for the necessary investments in the scientific researches for plug-ins ecologic models production.

But the real problem appears when these separated interests are analyzed together in a wide approach included here both the green house effect the oil price rising or

environmental regulations applied in the context of the recent mortgage credit crisis or the dollar currency position. What we'll do in the face of recession?

And as the Nobel Prize Winner Al Gore said we must move rapidly no more than 2015 to do something in this respect.

So in this context there are two principal points of view: the pessimistic approach and the optimistic point of view.

The pessimist approach

On one hand, it is said that the pessimist is a very informed optimist person. In the present the energetic resources are in a continuous depletion but not because of the resource reserves per se or the extraction and manufacture costs only, but there are other factors in discuss.

Firstly, is about the actual macroeconomic extraordinary perspectives from Asian countries-mainly India and China- that reflect the growth of GDP per capita but also in equal measure a mirror growth of the GDG.

Secondly, because of the consumerist preference pattern tendencies to a more reasonable mode of living made a very few steps like in the US.

They need to consume energetic resources but also create the prerequisites for huge irreversible pollution.

Thirdly, the last but not the least is the perspective of world recession due to the mortgage market crisis, the dollar dropping and the world political oil problems - Iraq, Iran.

That leads to the fact that not only the producer interests are affected but also the consumer and political leadership will be confronted by the world social economic polarisation: the rich will be richer and the poorer will be poorer but the greenhouse shock will affect them together suddenly and this could mean the beginning of what's so called the war of human survival in the phrase of homo hominy lupus - the total war between people.

The first conclusion of these events is that the singular isolated individual interest of the main socio economic actors is not a catalyst for the mentality changing for the future but the perspective of huge global phenomena that could threaten the general and individual interests. That makes the space for a large spectre of opinions from pessimists to optimists.

The experts are thinking to produce the synthetic oil. So to maintain the actual trend needs the production of synthetic barrel oil needs a lot complex costly technology but in the same time generates important carbon dioxide emissions: that's why the era of cheap oil is ended.

Thus, the prognosis are not so optimistic: some experts like Jeffrey Rubin chief economist at CIBC World Markets Inc., Jan Kreider engineering professor at the University of Colorado or Peter Wells, director of research firm Neflex Petroleum Consultants Ltd. in Abingdon, England predict that the world oil production will peak at about 100 millions barrel a day in about a decade and by 2030 the output will fall to today's level of 87 million barrels.

But the declining production will collude with rising demand which could hit 118 millions barrels a day by 2030 if the trends continue. In the context of an imitated production the price will be between 200 and 300 \$.

Although, Bill Reinart considers that the oil price may drop because of recession between 75 and 125 \$ a barrel, for the moment.

In this framework we can say that the car producers in mutual competition are forced to produce faster as possible a new ecological car as in example of Toyota and GM companies: their intention is to put on market less consuming- strong polluting and new ecological cars until 2011: the start of Toyota Prius model and the intention plan GM to produce 16 car model based on alternative energy resource like hybrids natural gas or the

Nissan Motor Co and Honda intention to put in practice the electric cells and plug ins models .

The optimistic perspective

On the other hand, is another point of view based on the Canadian Fort McMurray example and the discovering of Florida's new oil reserves in the USA.

It is well known that it is a region whose soil was saturated with petroleum when landmasses collided to form the Rocky Mountains millions years ago. Oil related development has displaced i.e. 330 sq. meters of previously untouched forest rich with the spruce trees and peat bogs. The population has doubled and the opportunities for business and working places developed grace to the oil sand mines: refineries mines and as so called situ extraction oil made the Fort McMurray not only a simple enterprise but something similar as the ancient pyramids construction.

In the same time some specialists consider that "it is a lot of oil in the world" not only in the Arab zone but also in US or Russia to sustain the optimism that there are sufficient energetic resources for maintaining the actual mode of living.

But despite of the evidence, the more is postponed the mentality changing the more will be harder to face the future pessimistic events.

For example, the construction of little or non-polluting car clamed for development of a network projects included here a grid for electrical or hybrid and ecologic resources production and alimentation station (researchers in the field of eco efficient cars based on unconventional combustibles like hybrid gas,, lithium batteries feasibility or photo voltaic electric cells),along with a new projects of the cities (the housing more nearer the work places and the fluidisation of traffic congestion).

That leads to the second important conclusion.

It is important not only to be aware about the future event but also in equal measure is to develop the multiple aspects of human being. It is a question of culture and continuous professional training.

In his researches published in the books "Frames of Mind- the theory of multiple intelligence" (1983) and later in "Intelligence reframed- Multiple intelligences for the 21st century" (1999), the psychologist Howard Gardner sustained that all the human living have multiple intelligence structured in a form of a portfolio including different types of inner human qualities that could be developed, weaken or ignored.

This intelligence portfolio includes some aspects like language - communicative, spatial - visual, musical - rhythmic, interpersonal, intrapersonal, logic-mathematics, kinaesthetic -corporeal, naturalist - ecological and metaphysics aspects (capacity to communicate and sensibility at the rhythm and significance of the words, the modality of geometric spatial thinking, the ability to develop an abstract conceptual logic thinking, the quality to express feelings through music and rhythm, to be able to express trough the pantomimic body and objects movements, the capacity to detect and be reactive to the necessities of the other persons to real be helpful, the capacity to be aware and be connected to analyse the inner intimate feelings and thinking processes in terms of convictions and value systems ,to be able to recognise and evaluate the environmental and nature animals and flora , and the last but not the least the capacity to be careful to put fundamental questions about the primordial cause of existence and the sense of living. All these types of intelligence define the human being and they act either in isolation or together in different part of the brain; there is no hierarchy between them but in a form of a network that provides ones intelligence can help the other in developing of a wide cultural and managerial horizon of human potential

To became a good specialist in any profession included a strategist is necessary to work hard and seriously beginning from the apparently simple things to work on the portfolio structure of intelligence.

For example, Bill Reinart the actual strategist of Toyota at the very beginning raised in a hostile family environment that leads him to temporary jailhouse.

After three weeks in jail, he enrolled in the University of Colorado and got a bachelor's degree in biopsychology. In 1979, when the fall of Iran's Shah Mohammed Reza Pahlavi sparked an oil crisis, he joined the university's master's program in energy engineering.

Reinart graduated and was hired by professor Kreider. His job was to attach solar panels and windmills to microwave telephone towers that were otherwise dependent on diesel fuel airlifted into the Rockies. He became a pioneer in so-called power electronics, co-ordinating electricity from wind and the sun with a battery and diesel engine. He maintained the towers via helicopters based in Grand Junction, Colorado.

Reinart joined Toyota to run energy operations at the California sales headquarters in 1990. He spent eight years badgering top brass to let him use power electronics to design cars.

He helped imbue the Prius with a hatchback and fold-down back seats for maximum cargo space and acceleration of 0-60 miles per hour in 10.4 seconds - 4 seconds faster than its predecessor.

But the sparkling thing about Reinart was his intelligent mode of promotion the Prius car model. He won the assignment of chauffeuring actress Charlize Theron in 2004 on the night she won an Oscar for *Monster*. He remembers how she hugged her mother when paparazzi pounded on their fuel cell-powered car.

In the present days Reinart is preoccupied by the general phenomenon of pollution: the region where he lives with his wife - the ranch Santa Margarita, California was rich in forest not like today.

Reinart tries to make people sensible about these things. He personally declared "I feel an abject sense of hopelessness that I can't do anything to stop this," he says. "I feel like I've lost part of myself, like something's been amputated."

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Climate Change in Juridical Regulations

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Key words: *climate changes, juridical regulations, environment*

Abstract: Born as a branch of biology, the environmental science was not seen as a science with a bright social future. But, slowly, its impact became more varied, wide and complicate. Studying natural balances, environmental scientists forecasted their gradual degradation; after a few decades, the development of industrial companies deeply modified the planet's environment. The appearance and development of pollution, the disappearance of some species, global issues manifestation and so on, were evident signs of a profound environmental crisis.

"The environmental crisis" taking place in the mid 1960s and its immediate consequences, the likelihood of a self destroying disaster, raised for the first time in history questions about the man's capacity to exploit and use nature, "the boundaries" within which economic growth may be conceived and carried out so that the natural environment on which human beings depend, is not deteriorated essentially and irreversibly.

"At theoretic-conceptual level, the influence of "the environmental crisis" of environment protection and conservation was expressed by the appearance and development of new dimensions and divisions for traditional disciplines, having tendencies of autonomy and specific affirmation and representing real (possible) answers to this major challenge of the beginning of century and millennium.

Representative for this fact is the development of social ecology, political ecology, environmental economics, education ecology, environmental law" (Mircea Duțu "Environmental Law" CH BECK Publishing House, Bucharest, 2007, p.3-4)

Facing these realities of utmost importance for mankind, law could not remain indifferent. This explains the multitude of juridical regulations related to environment protection and conservation that are enacted worldwide and also in each country because environment deterioration through human action does not have land boundaries.

I. Preliminary notions. About environmental law

Climate changes like other environment-related issues are the object of the regulations and rules of environmental law.

I find very significant for the study about the birth of this new branch of juridical sciences- environmental law, the statements made by the renowned theoretician of this subject in one of his recent works¹.

¹ Mircea Duțu "Environmental Law" CH BECK Publishing House, Bucharest, 2007, p.3-4.

Born as a branch of biology, the environmental science was not seen as a science with a bright social future. But, slowly, its impact became more varied, wide and complicate. Studying natural balances, environmental scientists forecasted their gradual degradation; after a few decades, the development of industrial companies deeply modified the planet's environment. The appearance and development of pollution, the disappearance of some species, global issues manifestation and so on, were evident signs of a profound environmental crisis.

"The environmental crisis" taking place in the mid 1960s and its immediate consequences, the likelihood of a self destroying disaster, raised for the first time in history questions about the man's capacity to exploit and use nature, *"the boundaries"* within which economic growth may be conceived and carried out so that the natural environment on which human beings depend, is not deteriorated essentially and irreversibly.

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Representative for this fact is the development of social ecology, political ecology, environmental economics, education ecology, environmental law". Facing these realities of outmost importance for mankind, law could not remain indifferent. This explains the multitude of juridical regulations related to environment protection and conservation that are enacted worldwide and also in each country because environment deterioration through human action does not have land boundaries.

The same author concludes stating that *„ During a long and incongruous process when at first we dealt with a law "indifferent" to environment and slowly became "a law for the environment", the legal sciences also integrated as fundamental values solidarity and the reconciliation between man (society) and nature. Environmental law² represents the most important type of development and self-assertion of law in the postmodernist era ...".*

The environmental world crisis at the end of the 60s also brought about the assertion of international environmental law which was favoured by a multitude of factors and which triggered the cooperation among countries as means of stopping and diminishing the effects of this crisis.

Generated by the cross-border character of pollution and the appearance of worldwide effects, environmental issues imposed international cooperation.

Initially the first environment-related regulations had a sector-based character, the international acts enacted targeting anti-pollution practices, the protection of some vegetal or animal species or the improvement of environment protection in some geographically deteriorated areas.

(For example – *"The Convention for the protection of farming pastures"* signed in Paris on March 19th 1902, the Treaty from February 7th 1911, closed between USA and Great Britain and the Treaty from Washington on February 7th 1911 between USA, Great Britain and Russia that regulated the preservation and protection of seals for their skin; *Convention Relative to the Preservation of Fauna and Flora in their Natural State* – London 1933; *Convention for preventing sea pollution by oil* – London, 1954; the Treaty from Moscow relative to the interdict of nuclear experiments in air, in space and water (August 5th 1963) so on.

The year 1968 represents a crucial moment in the evolution of the international environmental law because in this year the United Nations Organisation (U.N.), European

² The same opinion can be found in **Florin Făiniși** – *"Environmental Law"*, „Pinguin Book" Publishing House, Bucharest, 2005, p.30 and so on.; **Ernest Lupan** – *"Environmental Law"*, „Lumina Lex" Publishing House, Bucharest, 2001, p.5 and so on.; **Ioan Ciochină-Barbu** – *"Environmental Law" – specialization public administration*, „Junimea" Publishing House, Iași, 2007, p.9 and so on.

Council (E.C.) and the Organisation of African Unity (O.A.U) launched systematic environment related activities.

In 1968 the General Assembly passed the Resolution no.2898 through which a world conference on "human environment" was established and took place in June 1972 in Stockholm where a general statement, an "Action Plan" and a resolution relative to institutional and financial provisions recommended to the world organisation were passed.

The Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration) comprises a set of 26 principles and a series of ideas such as: man is both the creator and creation of environment, the natural elements and the ones created by man are vital for his welfare and the exertion of fundamental rights and freedoms including the right to life; environment protection and improvement have a major impact on the population's wellbeing and development.

The conference from Stockholm had the merit of approaching environment protection issues and methods of ensuring it, in a global manner, in all meanings of the term.

Despite the Stockholm Conference optimistic results recorded for international collaboration the planet's environment continued to deteriorate in a general and alarming manner.

This situation determined the U.N. to examine two documents published in 1987 by the General Assembly – respectively a study entitled „*Environmental Perspectives to 2000 and beyond*” and the report of the World Commission on Environment and Development ³ (W.C.E.D).

The W.C.E.D. report promotes an integrated approach for the development policies and projects; according to which if these ones are environmentally rational it will trigger a sustainable development in developing and developed countries. The main role in this project is played by preventive and anticipatory measures, without neglecting immediate coercive measures.

The conclusion of the W.C.E.D. report is that „*it responds to current needs without compromising the ability of future generations to respond to their own needs*”.

The same report recommends the establishment of regional and world reunions to promote environment integration and economic growth.

According to the Resolution no.44/228 from December 22nd 1989 the United Nations Conference on Environment and Development took place in Rio de Janeiro during the period 3-14 June 1992. The conference passed a series of acts such as „*Rio declaration on environment and development*”, also known as „*Earth Charter*”, „*Agenda 21*”; *Convention on biodiversity*; *Framework convention on climate change*; „*Declaration on woods*” and „*Declaration on desertification*”.

Henceforward, I will present in detail the issue of climate change which was the subject of the *Framework convention on climate change* but only because this is the theme of the present paper and only from the point of view of the juridical regulations of this phenomenon, the issue of climate change being very complex and needing a multidisciplinary and interdisciplinary approach.

II. The meaning of the phrase „*climate change*”

Climate was defined by the National Meteorological Organisation as a synthesis of weather on a long period of time so to determine certain statistical features.

In climatology, according to international agreements, a period of 30 years (1961-1990) is called reference period.

³For these reports to also read **A.O.Alede** – „*International Environmental Law from Stockholm to Rio – An Overview of Post Lesspu and Futures Challenges*”, *Environmental Policy and Law*, vol. 22 nr.2/1992, p.88-103 and **Mircea Duțu** – *quoted work*, p.20.

At the beginning of 1970 the climate theory introduced the notion of *climate system* which comprises subsystems such as air, oceans, land, biosphere and cryosphere. Climate variability is determined by the diverse nature of these interacting subsystems.

Climate variability, due to the complexity of the climate system, has many forms – short-term variability (several years), long term variability (up to a few centuries, millenniums) and the observed climate variability which is none other than their superposition.

Short term variability is most common being also called *fluctuations/oscillations* and long term variability is associated with climate change.

Climate change⁴ is caused by both *internal factors* (modifications within the climate system or the interactions among its components) and *external natural factors* (the variation of sun energy, volcanic eruptions, variation of orbital parameters of Earth) or *external anthropogenic factors* the result of human activities (the alteration of air composition due to high concentrations of green house effect gases).

It is important to emphasize the fact that these factors act simultaneously and their division is very difficult.

The global climate of the last decades suffered major changes which triggered the appearance of the important issue of *climate change assessment* for the future decades.

The complexity of the climate system, the different nature of substances which are part of it, their interaction, bring about the need to use extremely complicated numerical models which are based on dynamic physical and chemical laws that simulate the behaviour of this subsystems. The influence of the anthropogenic factor brings an uncertainty related to the evolution of green house effect gas emissions.

Certain emissions related accessories were designed and continue to be designed in order to draw up climate change scenarios. Emission scenarios take into consideration the features of human society future development, features that include political decisions.

The simulations carried out with various models show the difference between scenarios, but the common signal is that of climate warming. Despite the stabilisation of the concentration of green house effect gases the climate will continue to warm up⁵.

Intergovernmental Panel of Climate Change – I.P.C.C. was set up in 1988 by the World Meteorological Organization (W.M.O.) and the Programme of United Nations for Environment, to assess on a comprehensive, objective, open and transparent basis the latest scientific, technical and socio-economic literature produced worldwide relevant to the understanding of the risk of human-induced climate change, its observed and projected impacts and options for adaptation and mitigation.

The structure of the Intergovernmental Panel of Climate Change comprises three working Groups:

- Working Group I (W.G. I) having as objective the assessment of scientific aspects related to climate system and climate change;
- Working Group II (W.G. II) for the evaluation of social-economic and material systems vulnerability to climate change, positive and negative outcomes of climate change and options for adjustment to these changes;
- Working Group III (W.G. III) which evaluates options for limiting greenhouse effect emissions.

⁴ For further details about climate change read Dan **Bălțeanu, Mihaela Șerban** – „Global environment modifications – an interdisciplinary assessment of uncertainties”, „Coresi” Publishing House, Bucharest, 2005, p.62 and so on.

⁵ About measures of preventing and clearing out the consequences of global warming read **Lester R. Brown** – coordinator – „State of the world/1999 – Global issues of mankind”, Technique Publishing House, Bucharest, 1999, p.17 so on.

The main activity of the Intergovernmental Panel of Climate Change is to provide regular reports, assessments about the level of climate change knowledge and technical papers on issues related to scientific input.

Until now, I.P.C.C. provided 3 Assessment Reports .

The first assessment report drawn up in 1990, had an important role in the negotiation of *United Nations Framework convention on climate change* (U.N.F.C.C.) by the Committee of Intergovernmental Negotiation which passed in 1992 in Rio de Janeiro and was enforced in 1994. This document provides a general political framework for climate change issues.

The second assessment report of I.P.C.C. was drawn in 1995 and served as negotiation basis for the *Kyoto Protocol* from 1997.

The third assessment report of I.P.C.C. was elaborated in 2007 and presents a synthesis of current climate change research results observed in the XXth century and climate scenarios for the XXIst century.

The fourth report of I.P.C.C. was elaborated at the end of 2007.

From the reports provided by I.P.C.C. a series of scientific data are worth to be considered.

As far as *climate changes observed in the XXth century* are concerned, they may be summarized this way:

- the global average temperature increased during the period 1860-2000 with 0,6°C, more emphasized in North America, the equator area and Asia where there were average temperatures between 0,4-0,8°C;

- the global average sea level rose with an annual rate of 1 mm;

- the duration of ice covering of rivers and lakes dropped to 2 weeks at high and medium latitudes from the northern hemisphere;

- a decrease of width and spatial extension of ice in the arctic area (with 40% during the last 30 years); there were no changes in the ice extension in the fore-arctic area (1978-2000);

- the retreat of icebergs from the non-polar areas (Alps);

- phenomena like EL NINO were more frequent and more intense during the last 30 years (1997-1998 there was the most powerful event of this kind);

- mutations in biosystems occurred, such as earlier blossoming of plants, earlier arrival of migrant birds ;

- precipitations increased with 5-10% at medium and high latitudes from the northern hemisphere and decreased with 3% in the subtropical regions (dry); a 2-4% rise of intense precipitations frequency ;

Relative to the *climate changes for the XXIst century* the reports of I.P.C.C. say that:

- the global average temperature will grow with 1,4-5,8°C depending on the emissions scenario, being 2-10 times higher than the warming of last century ;

- the quantities of precipitations will grow globally, with great regional differences: decreases and increases between 5-20%;

- climate change leads to modifications in the air circulation triggering at its turn changes in the frequency and amplitude of some weather extreme conditions;

- very hot days will be more frequent and cold days less common;

- extreme precipitations occurrence and amplitude will grow in many regions and drought will accentuate .

International climate change regulation

United Nations Framework convention on climate change (U.N.F.C.C.C.) was signed at the Earth Summit from Rio de Janeiro in June 1992 by 154 countries. It appeared after worrying signals at the end of 1980 relative to the growing political and public awareness on climate change.

The convention provides an international legal framework and a set of acceptable principles for nearly all countries involved.

The convention accepts the fact that climate change represents a serious issue and assures the developing countries that its approach is first and foremost the liability of industrialized countries.

U.N.F.C.C.C. was enforced in November 1994, after being signed by 50 signatories and was ratified by 181 member states called "*Parties of the Convention*".

The status of framework convention allows the addition of protocols so to clarify the targets of diminishing or the special measures of reducing green house effect gas emissions (G.E.S.).

The general objective of the convention as it results from the art. 2 of U.N.F.C.C.C. is to „ *to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner*".

U.N.F.C.C.C. is based on four major principles:

- *equity* – the equitable manner of distributing between states the responsibility of reducing the emissions of G.E.S., taking into consideration that up until now emissions mainly came from the industrial states of Europe and North America ;

- *precautionary measures* – climatology uses prognoses that suppose certain levels of uncertainty. Parties have to act now in order to protect the climate and cannot wait until the absolute scientific proof about the impact of climate change is found;

- *efficiency* – the policies and the measures to approach climate change have to be efficient in relation to costs so as to ensure global benefits at the lowest price possible;

- *sustainable development* – defined as „ the development which satisfies all the needs of the present without endangering future generations' capacity to satisfy theirs ”.

The convention supposes the commitment of the parties to:

- Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases;

- Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change, to promote sustainable management;

- Promote and cooperate in the development, application and diffusion of climate change related issues, including transfer, of technologies, practices and processes, education, instruction and public awareness;

- Cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods;

- Communicate to the Conference of the Parties information related to implementation.

The convention commits the Parties – developed countries and other parties included in the 1 Annex to take several specific measures, namely to pass policies and measures demonstrating that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention.

The Convention also establishes the financial responsibilities of countries from Annex II – especially of developed states by assisting developing countries, complying with the obligations of the Convention and supporting vulnerable countries to adapt to climate change including the transfer of non-polluting technologies.

The central body established through the framework Convention is the *Conference of the Parties* – CoP - which meets each year.

The Secretariat is responsible to organise daily activities of the Convention and associated efforts, transmit reports and prepare CoP meetings.

The subsidiary body for Scientific and Technological Advice is a forum of negotiation which is meeting between annual Conferences. It comprises governmental representatives with competences in relevant expertise fields.

The Subsidiary Body for Implementation – S.B.I. also composed of governmental representatives assists the CoP in evaluations and revisions.

The Framework Convention also defines a mechanism to ensure financial resources on a grant or concessional basis, including for the transfer of technology. The Global Environmental Facility – G.E.F. hosted by the World Bank and supervised together with the United Nations Environmental Programme was accepted as temporary agency.

Kyoto Protocol

At the first Conference of Parties from Berlin in 1995, the Parties decided that the commitments of U.N.F.C.C.C. for the Parties of Annex 1 were not „*appropriate*” and they launched a new round of discussions to decide some commitments more strict and in detail for each country.

After two years of negotiations the Kyoto protocol was signed at the Conference of Parties (CoP 3 from December 1997).

The Kyoto conference was the event with the greatest impact on environment issues after the earth Summit from Rio de Janeiro.

The main achievement of the Protocol is to define some legal and quantified constraints for green house gases for each industrialised country.

The Kyoto Protocol defines the green house gases allowed for each Party as terms of allocated quantities for the commitment period 2008-2012. Annex A of the Protocol specifies the green house gases and their sources. The commitments apply to all industrialised countries from Annex 1 of the Convention and the numerical commitments are specified in Annex B of the Protocol.

The commitments represent a reduction of 5,2% in comparison with the green house gases of 1990.

The Protocol introduces three flexible mechanisms for international transfer (common implementation, clean development mechanism, emissions credits trading)

If a country has more emissions than the allocated quantity from the Protocol, she can use these mechanisms in order to purchase either „*Assigned Amount Units*” – AAU or „*Emission Reduction Units*” – ERU obtained through joint implementation projects or „*Certified Emission Reductions*” – CER through clean development mechanism.

In addition to the internal policies and measures which the states will need in order to reach targets, the Kyoto Protocol establishes a series of international mechanisms based on market principles of mitigating green house gases:

- *Joint Implementation*– JI;
- *Clean Development Mechanism* – CDM;
- *Emissions Trading* – ET.

Flexible mechanisms aim at assisting countries from Annex 1 in reaching objectives, allowing for emissions mitigation with the lowest costs possible. At the same time, these mechanisms can facilitate technologies transfer or finance flows towards developing countries or with transition economy.

Participation to these mechanisms is voluntary. Through these mechanisms the Protocol creates a series of incentives for industrialised countries to invest in clean environmentally friendly technologies in the countries with *economies in transition* – EIT) and in developing countries.

Mechanisms related to joint implementation (JI) and clean development mechanisms (CDM) are project based tools. Unlike the mechanism of emissions credit trading (ET) the other two mechanisms ensure real reductions of emissions through investments and technological innovations and sustainable development in developing countries and in transition economy countries.

U.N. Conference on climate change⁶, which took place in Bali– Indonesia, during the period 3-14 December 2007, launched the negotiations on closing a comprehensive and ambitious international agreement on climate changes for the period after 2012, when the first period of commitment of the Kyoto Protocol ends.

Negotiations have to end by the end of 2009.

This is the main objective of the Commission and of European Union member states – as reaction to the worrying results of current and future climate change assessments, carried out by the Intergovernmental Committee on Climate Change (I.P.C.C.).

The position of the European Union was approved on October 30th 2007 by the Council of Ministers for environment. The essential elements proposed by the European Union for the agreement on climate change for the period subsequent to 2012 are:

- limiting the level of global warming to maximum 2 degrees Celsius above the temperature registered in the pre-industrial period. Respecting this limit means that the following 10-15 years will have a constant global level of emissions and until 2050 it will be cut down with a percentage of 50% compared to the level registered in 1990 ;
- more significant obligatory reductions of absolute gas emissions by developed countries.

The European Union requires developed countries to diminish emissions collectively with 30% and with 60-80% until 2050 in comparison with the levels recorded in 1990. Until passing an agreement the European Union took it upon itself to diminish green house gases with 20% until 2020, starting with 2008.

- equitable and efficient contributions from other countries, especially from countries with emerging economies, ensuring an economic rise with low emissions;
- consolidate and extend the global market of coal, including some innovative and flexible mechanisms. The European Union marketing system of emissions ratios demonstrated that the market is operating;
- intensify cooperation for the research, development and use of clean technologies necessary for gas emissions reduction;
- intensify efforts to approach adaptation to climate change. The cooperation needs to be strengthened in order to face the inevitable impact of climate change and especially to intervene for the poor and vulnerable;
- adopt some measures relative to emissions caused by international air and water transportation;
- reduce emissions caused by deforestation which contributes with 20 % to global carbon dioxide emissions.

Juridical regulations on climate change in internal law

On an *internal level* the national measures relative to greenhouse effect gases (GES) are in close relation to the achievement of Romania's commitments taken by ratifying the Framework Convention of the United Nations signed in Rio de Janeiro on June 5th 1992, ratified through Law no. 24/1994⁷ and the Kyoto Protocol of the Framework

⁶ www.business.cream.ro

⁷ Published in the Official Journal no.119/12.05.1994.

Convention of the United Nations on climate change passed on December 11th 1997 and ratified by our country through Law no.3/2001⁸.

Climate warming was proved in Romania⁹ by a series of climatological data (over 100 years in 14 weather stations). According to these analyses in the XX-th century (1901-2000) the annual average temperature increased with 0,3°C, value which is under the global warming of 0,6°C. There were regional differences: a more significant warming in the south and east part of the country (reaching 0,8°C in București-Filaret, Constanța and Roman weather stations) and insignificant ones in the intra-Carpathian areas, except for Baia Mare station where the effect of the anthropogenic activity lead to a warming of 0,7°C. During the period 1901-2006 the average warming in Romania was of 0,5°C. From pluviometric point of view there was a general tendency of precipitation decrease, more emphasized in the southern part of the country after 1960.

Returning to the aforementioned international documents, Romania as country Party enforced the use of tools stipulated in these international acts:

a) implementation of flexible mechanisms provided in the Protocol ;

b) establish the scheme of trading the certificates of greenhouse effect gases and the conditions of elaborating national plans of allocating these certificates

Initially, these activities were regulated by the Government decision no. 780/2006¹⁰ so that starting with 2008 a national Plan of allocating certificates of greenhouse effect gases for the period 2007 and 2008-2012, approved through the Government decision no. 60/2008¹¹.

c) sustainable and unitary management of funds obtained following the transaction of the unit of quantity granted through structures especially established within the Administration of the Environment Funds.

Romania's national Strategy on climate change 2005-2007¹² was elaborated and approved through the governmental decision no.645/2005 and the National Action Plan on climate change (PNASC)¹³ was approved through the governmental decision no. 1877/2005.

Also, through the Government decision no.1570/2007¹⁴ was approved the establishment of the National System for estimating the level of anthropic emissions of gas effect gases from sources or through retention by sequester of carbon dioxide, regulated by the Kyoto protocol (SNEEGHG).

The National strategy defines the policies regarding the compliance with the international and community obligations of Romania in this field, the national priorities in this regard, the environmental and economic benefits of our country relative to the participation to the implementation of flexible mechanisms established by the Kyoto Protocol, namely: joint implementation and emissions international trading.

National Action Plan on climate change (PNASC) is the main instrument of applying the Strategy establishing the manner in which the progress made through implementation are reported, establishing the tasks and responsibilities for each institution involved and identifies the main actors for each specific action and task with special terms of accomplishment (Chap. I and Chap. II) .

⁸ Published in the Official Journal no.81/16.02.2001.

⁹ **Mircea Duțu** "Environmental Law" CH BECK Publishing House, Bucharest, 2007, p.383, footnote 1; **Angelica Cobzaru** – „Environmental Law”, „Sedcom Libris” Publishing House, Iași, 2007, p.105

¹⁰ According to the scheme of trading the certificates of greenhouse effect gases, published in the Official Journal no.554/2006.

¹¹ For approving the national Plan of allocating certificates of greenhouse effect for the periods 2007 and 2008-2012, published in the Official Journal no.126/2008.

¹² Published in the Official Journal no.670/2005.

¹³ Published in the Official Journal no.110/2006.

¹⁴ Published in the Official Journal no.26/2008.

In order to reach the targets mentioned and promote these documents the Emergency Ordinance of the Government no. 195/2005¹⁵, the framework-regulation stipulates several tasks for the central public authority:

- a) elaborate national policies and coordinate national, regional and local actions on air protection, climate change and population protection in compliance with the european and international policies ;
- b) elaborate, promote and update the national Strategy on air protection and the National Action Plan on air protection;
- c) elaborate, promote and update the national Programme of diminishing the emissions of sulphur dioxide, nitrogen oxides and powders from large burning installations;
- d) coordinates the elaboration of the national Programme of progressive reduction of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia ;
- e) elaborate, promote and update the national Strategy on climate change and the National Action Plan on climate change;
- f) ensures the integration of the policies of green house effect gases and the adaptation to the effects of climate change in sectorial strategies ;
- g) administers the national Record of green house effect gases;
- h) coordinates the national System for assessing green house effect gas emissions;
- i) coordinates the implementation of flexible mechanisms stipulated in the Kyoto Protocol of the Framework Convention of the United Nations on climate changes.

In the context presented before, the law uses and defines three important notions relative to climate changes:

- *authorization on green house effect gases* (which is the legal act issued by the competent public authority on environment protection for one or more installations or for parts of the installation situated in the same location and operated by the same worker, through which a number of certificates of green house gases are allocated);
- certificate of green house gas emissions (title which grants the right to emit a ton of carbon dioxide in a defined period);
- *emission border* (maximal quantity of a substance which may be emitted at a national level throughout a calendar year).

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Romania either as member of the United Nations Organisation or as a member of the European Union actively took part to all environment protection related, contributing in a significant manner both to the content of the international documents and to that of the European community, committing without restraint to putting into practice the obligations assumed through various international or regional documents.

Therefore, on an internal level, Romania made great efforts to harmonize environmental law with the community one, introducing in the internal environmental law over 300 Directives of the European Commission and Parliament.

Furthermore, important environment obligations are taken by Romania by means of the Accession Treaty of Romania to the European Union and the Lisbon Treaty which modified the European Union Treaty and the Treaty establishing the European Community¹⁶.

¹⁵ Regarding environment protection, published in the Official Journal no.1196/2005, approved with amendments through Law no.265/2006 (Published in the Official Journal no.586/2006).

¹⁶ Ratified by Romania through Law no.13/2007, published in the Official Journal no.107/2008.

The final objective of all international, community or internal juridical regulation which focus on environment protection, is to defend mankind's fundamental right to life and a healthy environment.

Following the development of international and internal regulations, one can draw the conclusion that environment quality became a component of human rights a fundamental right with its own profit and status, independent.

Despite the significant difficulties of achieving a healthy and balanced environment, currently we can speak of recognising and guaranteeing some specific substantial rights relative to its contents: right to clean water, pure air, to enjoy landscape, the benefit of biodiversity, the right to prevent planet's destruction.

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The Application of the Prevention Principles and Precautionary Policy of Environmental Protection

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Keywords: *principle, prevention, precaution, genetically modified organisms.*

Abstract: The principle of preventing environmental degradation is one of the fundamental principles of environmental law, the contents of which expresses the idea that the most and more effective strategy consists of environmental pollutions prevention and ecological damage any kind, instead of remedying the effects thereof. Caution refers to measures taken, even if damage is not provided in the near future so as to remove any risk (as far as possible) degradation of the environment. Genetic engineering is therefore a nine technology involving the manipulation of human gene. Like any innovation, and genetically modified organisms are the subject of debate and analysis on the need and desirability of their use. This paper aims role principles of environmental law (principle of prevention and the precautionary principle) in the genetic modified organisms.

Protecting nature through legal regulations imposed weight, showing obvious imperfections, and today, thanks in large part, the specific problems and general attitude in the matter.

This was because "the environment was not until long been regarded merely as an easy source for fuelling economic processes specific human society and as an area for free discharge of all waste and residues of human activities, without you account in mind that is subject ecosphere without stopping of transformation within the framework of natural cycles in which each element has its place and its role in maintaining the dynamic equilibrium of the entire system exospheric."

The principle of preventing environmental degradation is one of the fundamental principles of environmental law, the contents of which expresses the idea that the most adequate and more effective strategy consists of environmental pollution prevention and ecological damage any kind, instead of remedying the effects thereof.

Precautionary principle comes in the continuation and completion of the principle of preventing environmental damage. Caution refers to measures taken, even if damage is not prefiguring in the near future so as to remove any risk (as far as possible) degradation of the environment.

The difference between the principle of prevention and the precautionary principle is given specific content of each. Thus, the principle of prevention refers to the existence of certainty about a phenomenon and the consequences of any action against it; risk knowledge and wanting to stop its effects, will take measures in relation to the known and measurable risk. On the contrary, the precautionary principle assumes an attitude that is to take measures against a risk incert, unknown or poorly known.

1. The principle of precaution and prevention. Applicability their issues of genetically modified organisms

Biotechnology is the science which has been in recent decade's significant progress and they do not stop, on the contrary they continue in a rhythm, which unfortunately is not favorable for the environment, life and human dignity.

A genetically modified plants and animals for their defend disease and to obtain high yields is a normal science temptation who managed to make a manipulate molecules that contain genetic information. But these genetically modified organisms, fundamentally different, the damage can generate a new type whose scope and impact remains unknown for now, but are possible and even probable.

The issue of genetically modified organisms had been raised by institutions of the European Union there a series of directives in this regard, which examines the potential risks they may present GMO and which provide a mandatory control not only of their placing on the market, as well as scientific research to produce them. European attitude is not seen at all with the goodwill of U.S. authorities who believes that the risks posed by GMOs not worth delaying the measures envisaged by the EU would bring scientific research and international trade.

History transgenic maize shows to what extent the application of the principle of precaution and prevention in the field of biotechnology must take account of political relations between states. Culture and consumption of genetically modified maize may generate risks multiple: in the field of nutrition, public health, agriculture, the environment. The products are based on modified maize may have consequences that science has not discovered and whose impact on health remain unknown for long enough. This example is very conclusive and comes to reinforce the idea of applying the precautionary principle and the principle of prevention, as the specialists argue that the genetic modification of maize will lead to secret area by a plant toxins and insecticides that after May many generations could produce a mechanism for adjusting the insects, which would determine a change of situation, that is a proliferation of pests, which would seriously affect the culture of maize.

This is just one example, because in reality, there are many plants and animals genetically modified, on which there many suspicions and uncertainties are related to safety and their alleged role of his adherent's genetic changes.

Genetic engineering is therefore a nine technology involving the manipulation of human gene. Given the universal language of the genes (the genetic code), people science can transfer genes between different species that are not relate (animals, plants, microorganisms).

2. The advantages, disadvantages and risks of using GMOs

Like any innovation, and genetically modified organisms are the subject of debate and analysis on the need and desirability of their use. He arrived there before that, "in

2003, during a meeting at high level between the management of U.S. and the European Union, the issue of GMOs to be examined on an equal footing with other major problems of contemporary mankind. Americans are for the promotion of GMOs, as they claim the products obtained from these genetically modified organisms, large productions to be performed, and other valuable characteristics could contribute to ensuring food security worldwide. On the other hand, argue that Europeans have nothing against these products, but considers them have not been sufficient studies to prove that genetically modified products are not harmful to health and the environment. "

a. The advantages of using GMOs

- "According to FAO (Food and Agriculture Organization of the United Nations) potential practical benefits of biotechnology would be the following: Improving nutrition foods with high consumption. For example in rice can be inserted genes that produce beta-carotene, which the human body it transform in vitamin A, which causes a lack of major cases of lose of vision and contribute directly to a large number of deaths in children.
- Reducing environmental impact. Researchers working on obtaining some types of trees whose cells contain a genetically modified lignin that avoids chemical treatment of wood in the manufacture of paper, costly and polluting operation. Improving efficiency in the fishery. Research has changed gene that control the production of growth hormones in Filipinas, a fish hatchery, which improves the increase in weight and the quantity of protein.
- Absorption increased by animals of chemicals in animal feed. Fodder for genetically modified animals will be better assimilated, which will result in reducing the content of chemicals in toxic substances animals, which contribute to pollution of groundwater.
- Tolerance to environmental conditions precarious. Researchers working on the creation of transgenic crops resistant to drought and soil salinity, which that allows extending their marginal land and poor quality."

b. The risks of using genetically modified organisms

FAO (2001) believes that "following aspects present the greatest risks of GMOs introducer:

- Insufficiency control measures. Although control measures were implemented, they do not prove sufficient. In 2000, for example, a variety of corn has undergone a change, approved in particular for feeding animals. The products resulting from genetic modification have been identified in human food, which was supposed to take place.
- Transfer of allergens. There is the possibility that allergens be involuntary transfer from one organism to another. For example, when a gene of the Brazil nut was transferred to a variety of soybean, during the tests was found that the variety of soybean that has been transferred while a common allergenic, discovered during testing. As a result soybean variety that was not launched on the market.
- Imprevizibility. GM crops can have unpredictable effects on the agricultural system. It may have some forms of genetically modified to extract a greater quantity of nutrients from the soil or to consume more water than normal crops. Accidental gene transfer. The artificially genes placed in a species likely to be accidentally introduced into another species. For example, resistance to herbicides could move from a genetically modified variety in this regard, weeds, becoming themselves resistant to the herbicide.
- Environmental risks. Transgenic fish species are likely to alter the genetic composition of natural fish populations, if they to escape in kind. For instance, the fish genetically

modified to increase their efficiency, could invade November territories disturbing in this way the biology of fish indigenous peoples. "

c. Disadvantages genetically modified organisms

Although the list of benefits seems long and close interminable, it is followed by a list equally consistent disadvantages, which come in counterweight the first, and it scares the optimistic people not think only good brought by genetic modification. Here's one of the disadvantages of genetically modified products:

- Excessive multiplication which would turn the genetically modified plant in a invadator of agricultural system and even the natural habitat as a whole; Change biochemical cycles (nitrogen and carbon cycles); inopportune of modified genes transfer to other plants, planted or spontaneous flora as a result of production of a "genie flow via pollen carried by wind or insects; negative influence on the interaction between species (predator-prey relationships, parasitism etc.);
- Non advance and direct impact on non-target species (such as reducing food resources or the habitat they depend on the survival of other bodies); changes in the dynamics of populations due to a transmission plant as non-transgenic species related to the flora spontaneous. Some of these effects are difficult to predict accurately or may become evident only over time. But the risk that they will take place there whenever a variety is placed ninth in culture, regardless of how it was obtained. However, given that through genetic engineering can be made a transfer of genes between organisms which are not related, which would not be able to combine in natural conditions, many countries have been drawn up a series of regulations in accordance with the precautionary principle. Concretely, request an opinion regarding the deliberate introduction of transgenic plants in culture, and must be accompanied by a study of environmental impact. Risk assessment includes should include: identifying potential harmful effects to human health and the environment associated with the introduction of PMG (genetically modified plants) agricultural system; estimate the probability of occurrence of these effects by taking into account the possible interactions of GMOs with other components of the environment, estimating the consequences each produce harmful effect, setting the general level of risk, the adoption of security measures, checking their effectiveness.
- Plants have different capabilities to dominate or invade certain environments and to disperse genes in different populations and species. As a result, and their impact on the environment, after genetic transformation will be different. Depending on the receiver (country, region), plants can have a big impact, medium or minimum. As can be readily ascertained, the problem of environmental impact associated with the introduction of the commercial culture of genetically modified plants is very complex. Unconditional acceptance of genetic engineering is dangerous. As it is dangerous but the total rejection of these products because they may be synonymous with surrender, in the most stupid as possible, at considerable benefits for the environment and society. Accordingly, the words order must be in this regard lucidity and discernment.

Who's who oppose genetically modified organisms stresses that "certain aspects of ethical genetic problem lies in the context of the most important principles of human rights:

- **right to an adequate diet and** - which refers to the availability of a diet free of harmful substances, in sufficient quantity and quality adequate to meet the food needs of the individual and the accessibility or the opportunity to obtain the food in a sustainable manner and not hinder respect other human rights. The committee of economic, social and cultural rights and the Commission on Human Rights of the United Nations has addressed this right in the World Summit on food.

- **right to an informed choice** - derived from the ethical concept of autonomy of individuals. Election knowingly concerned consumers is possible only under conditions correct information so that they know what consumed. This principle could be applied, first, by labeling of foods produced from GMOs. Any strategy for informing the public should include methods and techniques appropriate to address groups and less trained and most disadvantaged, so be given any opportunity to take decisions on its own needs.
- **a right to democratic participation** - corresponds to the need for justice and fairness, they find the concerns regarding decisions on the issue of genetically modified organisms. All social categories must be given the opportunity to participate in debates on the impact of GMOs on the life and the environment, and the advantages and disadvantages they may offer. The decisions taken today should not be affected right of future generations to meet their specific needs. "

With the evolution of biotechnology occurred nine and a science called bioethical science which is defined as "a scientist who studies border issues arising from the moral progress of biology and medicine." Bioethics is the link between life sciences and universal human rights, which take care to avoid any possible abuses arising from scientific discoveries about the human being. In conjunction with this science of being taken and the concept of "biofact" which "describes an entity that became possible thanks to technical advances, namely the creation of artificial beings in conditions and programming or reprogramming of living beings."

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Protected Areas from Bacau County

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Key words: *protected areas, endemic species, avifaunistical, endangered species, biodiversity*

Abstract: The paper presents the protected areas from Bacău County. In Bacău County are 12 protected areas. Our county (image no. 1) is located in the north eastern region of Romania, in historical province of Moldavia.

In our county are two categories of protected areas: natural reservations and avifaunistical protected areas. The fauna of the natural reservations comprises endemic, endangered or species rarely found or natural monuments.

The avifaunistical protected areas fauna is in majority formed by birds, followed by amphibians, reptiles and mammals. These areas have proper habitats for the est-european avifaunistical migration channel.

In the protected areas from Bacău are present species like: *Saxifraga cymbalaria* (endemical species), *Taxus baccata* (glacial relict), *Tetrao urogallus* (present on national list of natural monument), *Aquila chrysaetos*, *Branta ruficollis*, *Nycticorax nycticorax*, *Asio flammeus*.

Introduction

Globally the number of protected areas has been increasing significantly over the last decade, covering about 12% of the Earth's land surface, and making them one of the Earth's significant land uses.

The existing system of protected areas does not cover all biomes and species, requiring protection and they are not fulfilling their biodiversity conservation objectives.

In this direction, the specialists from „Ion Borcea” Natural Sciences Museum Complex from Bacău, initiated the procedures to declare important parts of lands and wetlands protected areas.

In Bacău are two categories of protected areas: natural reservations and avifaunistical protected areas. The fauna of the natural reservations comprises endemic, endangered or species rarely found, or natural monuments.

Values of protected areas range from the protection of natural habitats and associated flora and fauna, to the maintenance of environmental stability of surrounding regions.

In our county are 12 protected areas.

These are: - natural reservations: Nemira Mountains, Izvorul Alb, Perchiu, Lac Bălătău, Arsura, Măgura-Târgu Ocna, Buciaș and - avifaunistical protected areas: Lilioci Lake, Galbeni Lake, Bacău II Lake, Răcăciuni Lake and Berești Lake.

Materials and methods

The present paper presents the protected areas from Bacău, generally, each protected area being a potential source for a scientific debate or article.

The intention of the author is to make these interesting places known, and to increase the public interest for the protection of ecosystems, the protection of nature in general.

Results and discussions

The Nemira Mountains are part of the central group of Oriental Carpathians and 90% of their surfaces are located in Bacău County, the rest of 10% are equally parted between Covasna and Harghita Counties.

Nemira Mountains natural reservation (image no. 2) has a surface of 3491,20 ha, where are present numerous rare and protected species of flora and fauna.

The specialists had identified here 18 species of mammals, 74 species of birds, 5 species of reptiles and 5 species of amphibians. You can find and admire here species like: *Saxifraga cymbalaria* (endemical species), *Tetrao urogallus* (present on Bacău county natural monuments list), *Ursus arctos*, *Lynx lynx*.

Izvorul Alb natural reservation (image no. 3) is located in the north-western part of the Nemira Mountains. Izvorul Alb was declared natural reservation especially for the arboretum of *Taxus baccata* (glacial relict). The arboretum comprises over 300 individuals. The surface of this area is 21 ha.

Bălătău Lake appeared in the IXth century, in 1883, after a landslide (image no. 3). Until 2006 this lake occupied 4,83 ha. This protected area is the home of several protected and endangered species (like *Trientalis europea*, *Triturus montandoni*, *Perdix perdix*, *Aquila clanga*, *Rosalia alpine*, and *Cerambyx cerdo*).

Perchiu natural reservation is an area of scientific interest, with natural habitats like those from Central Moldavian table-land. These habitats evolve in forests areas. The Perchiu natural reservation occupies 206 ha, and specialists mention here species like: *Adonis vernalis*, *Dendrocopus major*, *Aquila chrysaetos*, *Sciurus vulgaris*. The biodiversity is represented by 26 species of mammals, 86 species of birds, 7 species of reptiles and 5 species of amphibians.

Lilioci Lake (image no. 4) is an avifaunistical protected area with habitats spreading over 262 ha that are home for 160 species of birds, and is an important area, as a part of the est-european avifaunistical migration channel. In this area of waters and wetlands, are present 22 mammal species, 4 species of reptiles, 7 species of amphibians, and 19 species of fishes. Frequently here are present species like *Cygnus Cygnus* and *Accipites nissus*. Lilioci lake (beside the other lakes) is an important link in conserving the biodiversity, and the natural habitats for the entire eastern area from european continent, due to nutritional and shelter conditions that is offering.

The avifaunistical protected area Bacău II Lake (image no. 5) is located in Bistrița meadow (is the last lake on the row) and covers a surface of 202 ha. Bacău II Lake comprises habitats with big importance in est-european avifaunistical migration channel. This area has a rich biodiversity: over 147 species of birds (40% passage species, 36% summer species and 24% sedentary species), 22 mammal species, 5 species of reptiles (especially *Emys orbicularis* and *Natrix natrix*), and 22 species of fishes. You can see here beautiful species of birds like *Egreta alba* and *Brantha rufficollis*.

Galbeni Lake protected area (image no. 7) is important for the shelter offered to over 168 species of birds (30% summer guests, 51% passage species. Is located in the middle

flow of Siret river, downstream the confluence of Siret and Bistrița rivers. The specialists have mentioned 14 mammal species that live on the watersides, 4 species of reptiles, 7 species of amphibians, and 24 species of fishes. Is an important area that offers food, rest and shelter for the birds flying through est-european avifaunistical migration channel. The length of this lake is 6300m and occupies a surface of 1123 ha. Frequently are present here *Lacerta agillis*, *Pica pica*, *Accipiter gentilis*.

Răcăciuni Lake (image no. 8) occupies over 2004 ha, with a length of 13 ha and a width that varies between 800 and 2000 meters. Is part of the lakes chain from Siret, Răcăciuni Lake being located downstream Galbeni Lake. This protected area is the southernmost lake on Siret meadow. The Răcăciuni Lake area is characterized by an intense seasonal life. Upstream, the vegetation is natural, well represented. From 168 species of birds 32% are summer guests, and 49% passage species. On water sides, live 6 species of reptiles, 7 species of amphibians (like *Bufo bufo*), and 22 species of fishes.

Berești Lake (image no. 9) is located on Siret river and on its entire surface (1800 ha) are important habitats for est-european avifaunistical migration channel. The lake vegetation is recent, and cosmopolite. The specialists have mentioned for this protected area 148 species of birds (like *Alcedo atthis*, *Asio flammeus*), 23 species of fishes, 7 species of amphibians, 4 species of reptiles (like *Emys orbicularis* and *Lacerta agillis*) and 19 species of mammals (*Myotis myotis* and *Vulpes vulpes*).

Arsura natural reservation (image no. 10) was declared protected area especially for the old forest that comprises beech with a cover of 100%, and trees over 120 years old on an occupied surface of over 312 ha. The biodiversity of this area is represented by 9 species of amphibians, 7 species of reptiles (like *Elaphe longissima*), 75 species of birds (like *Ciconia nigra*, *Motacilla alba*) and 28 species of mammals (like *Felis sylvestris*, *Cervus dama*).

Măgura-Târgu Ocna is a natural reservation, with protected species of flora and fauna with great scenery value. Occupies 82,91ha, in the area of Măgura Peak, downstream the place where the Slănic flows into Trotuș. Are present here a big number of mammals species (196 species - like *Capreolus capreolus*, *Vulpes vulpes*), 67 species of birds (like *Aegithalos caudatus*), 2 species of reptiles (*Vipera berus* and *Lacerta agillis*) and 7 species of amphibians (*Pelobates fuscus*, *Salamandra salamandra*).

Buciaș natural reservation is composed by 471 ha of keystones and waterfalls with high scenery value. The fauna from this protected area is dominated by birds (58 species like *Turdus torquatus*), followed by mammals (24 species – like *Martes martes*, *Canis lupus*), amphibians (7 species – like *Salamandra salamandra*, *Triturus vulgaris*), and reptiles (5 species – like *Vipera berus*).

Conclusions

A protected area is an area of land and/or water especially dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources, managed through legal or other effective means.

In our county are 12 protected areas: natural reservations: Nemira Mountains, Izvorul Alb, Perchiu, Lac Bălătău, Arsura, Măgura-Târgu Ocna, Buciaș and avifaunistical protected areas: Lilieci Lake, Galbeni Lake, Bacău II Lake, Răcăciuni Lake and Berești Lake.

In this direction, since 2004 Bacău County has 9712.44 ha (97.1244 km²=1,47%) of protected areas from the entire surface of 6603 km² Bacău County represents 2.8% from the entire surface of Romania.

With this paper, the author wants to make these interesting places known, and to increase the public interest and awareness for the protection of ecosystems, the protection of nature in general.

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- Ordin nr. 494/2005 privind procedura de încredințare a administrării sau de atribuire a custodiei ariilor naturale protejate.

New Directions in the Science of Commodities

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Key words: *commodities, environment, consumer*

Abstract: Knowing the goods is one of the fundamental exigencies of the contemporary man who, as a consumer, represents the final consignee of the production activity. The name it bears even tells us this is a science, a science that has a quite rich history.

As it happens with other sciences, the science of commodities was, is and will continue to be in the attention of the specialists in production, distribution, commerce, tourism and logistics since the negotiations between the business partners (this including the consumers) can only take place in the context of a good knowledge of commodities, of qualities and of satisfying the clients' needs and expectations.

Its interdisciplinary and multidirectional character has lead to new directions in the contemporary science of commodities through: the ecological science of commodities, the social one, calimetry, the commodities expertise, studying the product's life cycle, including the impact its utilization has on the environment.

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Its interdisciplinary and multidirectional character has lead to new directions in the contemporary science of commodities through: the ecological science of commodities, the social one, calimetry, the commodities expertise, studying the product's life cycle, including the impact its utilization has on the environment.

The object of the science of commodities has continuously evolved, both in form and in content, but its essence has remained constant even from the first books of the

pioneers of this science, in Italy (Balducci Pegoloti) and Germany (Johann Beckmann). In the first textbook on the science of commodities that appeared in Romania in 1885, professor Arsenie Vlaicu defined this science as being the “study of the origins of products, of their essentially chemical and physical properties, of their authenticity and quality indexes, as well as of the methods used to establish these qualities and to discover the deterioration and falsification of the merchandise”.

The importance of knowing the science of commodities has been synthetically expressed by the Japanese professor Yoshiro Iijima. “the education in the science of commodities has contributed a lot to commercial education and to industrial development in Japan, playing an important role in the field of internal education, of the education of the consumer and generally speaking, in social education.”

There are a lot of significant proofs of the international acknowledgement of the importance borne by the science of commodities:

- Starting from 1975 there appeared the International Association of the Technology of the Science of Commodities, with its headquarters in Wien.
- There are national associations of commodity studies in many countries of the world
- There are several publications in this domain: Forum Ware, IGWT, Studies of commodities, Japan , Italy
- There are faculties and specializations in the science of commodities in many Universities from Italy, Japan , Austria, Romania, The Republic of Moldavia, Poland, Russia, Ukraine
- The science of commodities is studied both in schools and universities
- It is a specialization for doctor’s and master’s degree
- The study of commodities is and has been part of numerous international scientific manifestations

Nowadays, the science of commodities heads to the following main directions in research:

- The multi-directional research of the goods (from a technical, economic, ecological and social point of view)
- The research of the goods all along their trajectory, considering even the phases before and after their utilization
- Engaging in activities meant to form the ability to differentiate goods according to their quality, etc.

The thematic of the international study of commodities deals with a great variety of issues, like: defining the contents of the categories of the science of commodities and of the quality study, the connections between the science of commodities and other sciences, classifying the types of goods according to scientific criteria, modern methods of studying the merchandise, the implications that the usage of synthetic raw materials have on quality, the implications of the latest technologies, raw materials and packing techniques, marking and labeling merchandise, finding out the fakes, the relation between quality and environment, packing and environment, product and environment, consumer and environment, quality and consumer, certification, expert examination and checking on delivery.

The science of commodities is a domain that is eminently practical and interdisciplinary, allowing correlating the natural reserves and the stocks of raw materials with technological progress and the production capacity, with the economical development and environmental issues, offering elements which are indispensable when making rational and non-emotional choices between the goods that are sold on the market. The domain of the science of commodities is closely connected to the evolution of goods and the methods of turning to good account contemporary merchandise on the market.

Nowadays, in the science of commodities, conceptual and methodological reshaping take place, a special importance being given to promoting an integrating vision of the product.

This means, first of all, a multi-directional approach of the goods, taking into accounts not only the technical and the economical aspects, but also the social and ecological implications of the products and of the logistics. Normally, the science of commodities is more and more oriented towards studying the products all along their trajectory, paying attention even to the pre and post existential phases of the product.

The interdisciplinary and transdisciplinary character, the multidirectional research introduced in the modern study of commodities are concepts that are shared nowadays both by worldwide known personalities like G.Grundke (Germany), W. Ciusa (Italy), J. Holzl (Austria), G. Nebia, C. Calzolari, O. Gekeler and so on, as well as by the Schools of commodities studies created by ASE Bucharest and UCCM Chisinau.

The thematic approached by the study of commodities is very wide and is at the boundary of manner classical and modern disciplines, from which it takes concepts, methods and techniques of analyzing quality and the type of products that are being sold, adapting these methods to its domain of study. The science of commodities will live as long as there will be merchandise on the market, hence....forever. (Stanciu, 2002). According to the Italian Encyclopedic Dictionary "contrasting the simplicity of its name, the science of commodities is one of the most complex and wide sciences". Therefore, commerce is done with merchandise, and merchandise is studied by the science of commodities. Approaching merchandise in a bi-component system (product-pack) or three-component (product-pack-environment) amplifies the conceptual and informal message of the science of commodities.

The modern orientation of the object of this science is circumscribed in the field of knowledge that is directly or indirectly connected to the quality and class of products.

In the past twenty years important progress has been recorded in the field of defining and solving the practical aspects of improving, standardizing, certifying, providing, guaranteeing, analyzing, assessing and presenting the quality of products and logistics.

The amazingly rapid evolution of the internationalization and world-wide opening of the market, through the most complex forms and structures, also brings along new problems of notional and terminological communication, regarding ecological products and packs, environmental safety, durable evolution.

According to the diversification and growth of the complexity of the products, of the pointing out of the interdependence between merchandise, man and nature, the new science of commodities has taken into account new implications of the merchandise, such as the social and ecological and even juridical ones (this meaning respecting the consumer's rights, the settlement and standardization aspects, the guarantee and the certification, etc).

From the multiple aspects of the new science of commodities we shall approach the ecological science of commodities, as a new domain of the contemporary one.

As expected, the consumer-oriented "green" movement has urged the amplification of the preoccupation the science of commodities has regarding a certain category of products that is the ecological ones. Hence, marketing did not remain behind and developed the ecological marketing. Moreover, the educational system introduced in its curricula the problematic of environment: the management of the environment, environmental strategies, the management of the wastage, durable evolution, ecological products and logistics, etc.

It is obvious that we need ecological products, but we must take into account both the advantages and the disadvantages (costs, influences, lack of education) the ecological product is still hard to "control". And here we mean the fact that very few products or logistics are fully ecological (not even the products used for recycling are completely

ecological) and between the intention and the practical activities there still is a phase difference. At the international level it can be seen that the scientists have noticed that there is a global problem of health and environment, and they want to do something in this respect. The experts in commodities have already started their research in aspects regarding durable development in two directions: the ecological impact of the existing products and packs and the study of new, ecological products.

A fundamental change of perspective must be made also regarding the consumer's opinion. Their ecological awareness will determine restatements in the usual problems of the science of commodities, marketing and management, and even politics. The actual manifestation and inducement of the request for ecologic products and logistics is done by informing the consumers through a process of continuous communication between the company and the market, so that, step by step, the consumer will change his usual behaviour becoming a responsible consumer. Europe's Plans for Environmental Actions mention the social utility of the consumer, thus naming his responsibility for present and for the future. Referring to the companies' responsibility towards the environment, Hawken (*The Ecology of Commerce. A Declaration of Sustainability, 1997*) mentions three types of activities: what do companies take, produce and waste. What they take refers to the raw materials and the resources they take from the ecosystem. What they do deal with the products and the services they obtain and offer for commercialization and that can affect the environment. What they waste are the ecological costs, defined by the collective costs associated both to the businesses and to the clients, and to the company as a whole. These are: pollution, wastages, the depletion and the destruction of the natural system.

The ecological science of commodities already comprises some food, textile, cosmetic, chemical and electrotechnical products, and so on. Nowadays, attention is mostly paid to food products, but we are far from having approached all the range of products and the problematic of the science of commodities related to the environment.

Nowadays, the sixth generation of food products is coming out. These are the ecologic products.

The evolution of the food product from the natural one, more or less physically, chemically or biochemical modified to the complex food product obtained through new technologies, non-conventional raw materials, ultra-refined substances and chemical additives was accompanied by the apparition of unwanted metabolic effects induced by food disequilibrium.

This has led to the act of becoming aware of the importance of the act of nutrition and has also determined the consumers and the producers to focus on foods with a declared nutritional value and as biologically pure as possible.

The need to stimulate the action of producing, processing and selling "bio" products has opened a new preoccupation to the science of commodities, this being the science that studies merchandise as assets to be used.

Today, the ecologic food products are considered new products, even if some of them have existed before. The farms and the companies must change their technology, their conception and their standards. The specialists even describe a possible "conflict" between the ecologic food products and the technical-scientific progress based on chemical substances of synthesis, genetically modified organisms, processing technologies based on irradiation, etc. ecological agriculture means going back to nature, life, natural organic raw materials, the elimination of any polluting technique, continuous sustain and improvement of the soil's natural fertility. The "bio" food products are exclusively natural, obtained without using fertilizers or pesticides, they wholly respect the biological and ecological processes, and, consequently are certified by accredited organisms (a third part), having this certification written on the label.

The scientific progress permanently offers new technologies even in the field of food products, thus contributing to the spectacular increase of the number of new

products. In 2007 there have been signaled 20 000 such products, but many of them are not natural.

The problem that still hasn't been solved refers to the consumer's right of being informed and educated.

Significant segments of consumers start to focus on food products as biologically pure as possible. These can be found under the name of ecological or organic products, even if there are quite delicate terminological differences between these notions. As we have mentioned several other times, the ecologic products are natural products, whereas the natural products are not always ecological if they result from a polluted environment, or if they pollute (this is the case with petrol)

However, in real life, sometimes there are confusions between the natural products' market and the one of the ecologic products. Not everything that exists in nature is ecological. Hence, the biological foods are exclusively natural products, obtained without the use of fertilizers or pesticides, respecting the biological and ecological processes entirely and are, consequently, certified by an approved body (third part) in order to have a "bio" label, which acknowledges the fact that they have been obtained according to the standards of the biological agriculture.

However, obtaining a diversity of 100% biological products is very hard. According to the American standards, we can speak about four categories of biological products: *100% biological* (meaning the products with 95% of their ingredients produced biologically, a percentage reported to the weight of the product), *prepared with biological ingredients* (they contain more than 70% biological ingredients, but a maximum of three components produced biologically can be specified on the label of the product), *transformed products* (they contain less than 70% biologically produced ingredients, and the term "biological" cannot be written on the label; however, the biologically obtained components can be specified in the list of ingredients on the pack).

Nowadays, the consumers are more and more attentive to the products they consume, thus working in the benefit of their health since ecological food products have a superior hygienic value, are highly innocuous and are richer in mineral salts and vitamins. The consumers want to "feel" the taste of the products. For example, the plants that are grown biologically respect the sequence of the seasons, are ingathered at their maturity, a thing which gives them a flavour that is impossible to obtain through any other type of bacteria. And last but not least, the consumers of biological products support the health of the planet and also our health, by demanding the respect for nature. Combining the ecological factors with the process of alimentation is a premise of the growth of alimentation safety and of durable development.

The status of the ecological food products is partially settled. From 2007, the producers from Romania must provide the tracing of the product according to the concept "*from farm to fork*" and the other way round "*from plate to source*".

The procedure of the study applied by the science of commodities is very important when dealing with these products. The rules stipulated in the current settlements are meant to guarantee the consumers that the ecological products have been obtained according to the legal dispositions and that they have obtained the compulsory certification.

The sixth generation of ecological food products can be characterized by:

- A highly nourishing value, at least regarding hygienic and biological factors;
- Chemical contents with no genetically modified organisms or any of their derivatives;
- The creation of new products;
- Post usage ecological values
- High level of satisfying the consumer's demand.

Moreover, the textile market has started to focus more and more on ecological products. The "smart" eco-textiles are both environmental and human "friendly".

The ecological management in the textile industry is pointing out the purpose of the natural raw materials, but also of the synthetic ones, as a source for supplementing the need for natural textile fibers.

In the past years, special attention has been given to the products that human skin tolerates: baby clothing, bedclothes, linen, table-cloths, feather-beds, blankets, bath towels, etc. when analyzing the toxicity of the textile products, four categories of toxic components that may cause allergies and even cancer have been discovered. These are found in the components used to dye the products (that is why , white products are recommended, especially for children), in the solution used for the anti-creasing treatment of the cloths (this substance is the formaldehyde, whose maximum content was established by "Eco-Tex Standard 100" to the maximum value of 1%) PCP (that is the pentachlorophenol encountered in the substances used for treating the cotton crops) heavy metals (lead, nickel, cadmium and mercury, often found in some accessories or finishing substances).In some countries the use of these products has already been limited.

The cloth that contains toxic chemical substances emits in the air particles that can cause serious skin and eyes irritations, breathing difficulties, and in some cases, formaldehyde is a cause for cancer. Even though there is no legislation regarding the use of chemicals in the textile industry, the ecologic labels (Eco-Tex 100) mention the maximum amount of formaldehyde that is permitted.

A direction which is hard to control is the one of the pack: packs as waste products (nowadays, over 50% of the waste products come from packages) and the ecologic pack. The development of the ecologic science of commodities, as part of the science of goods, shall lead to positive effects concerning:

- The improvement of the population's health
- The correction of the lack of balance in eating habits,
- The nutritional and ecologic analysis of the products
- Improving the relations *individual-product-environment, pack-environment*, in order to achieve environmental safety
- Developing ecologic products and logistics.

These characteristics can become advantages. However, some disadvantages will also show up: the inequity (not all the consumers can access the ecologic products or a culture of the ecologic products), high prices, increasing exigencies regarding certification near to the ones used for pharmaceutical products, the possibility of forging the products and tricking the consumers.

Certainly, the science of commodities shall not solve the situation regarding food products or the world's ecologic crisis, but we must emphasize the fact that these problems cannot be studied separately, and that the science of commodities is one of the sciences that shall get involved very seriously in this aspect.

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The Sustainable Management of the Renewable Resources

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Key words: *sustainable management, renewable resources, multiobjective, decision-making, fish stocks*

Abstract: This paper explores the traditional, economic definition of sustainable development along with a multiobjective framework for temporal decision-making. A simple, dynamic renewable resource allocation model is used to look at how resource management objectives and decisions change under varying definitions and problem scope. Impacts from temporal manipulation of how decision-time steps according to initial conditions and time-horizon.

Recent discussions have advocated the adoption of sustainable development policies to ensure that future generations will enjoy a standard of living at least as high as today's, including preservation of the productive capacity and resilience of ecosystems.

Economists have been studying this issue from their perspective since at least 1952 (Ciriacy-Wantrup, 1968), and have been developing definitions for optimal economic activity. Ciriacy-Wantrup defines the optimum state of conservation as: somewhere, in conservation, an economically optimum distribution of rates of use over time is reached. This distribution we call the „optimum state of conservation”.

More recently, Tietenberg (1992) described this definition as „dynamic efficiency”, standing that: an allocation across time-periods in dynamically efficient i fit maximizes the present value of net benefits that could be received from all the possible ways of allocating those resources over the n periods.

In addition to the above basic definitions, economists have been investigating the economic effects of implementation of environmental policy through the use of models (Xepapadeas, 1992).

Economic analysis

Resource-allocation models for continuous-time dynamic optimal management are familiar in resource economics. Analysis of market conditions and management strategy is made possible by formulating an optimization problem and considering maximization using a Lagrangian method.

A standard form of problem is to maximize the net present value flowing from the use of a resource for a given temporal domain, subject to a description of how the resource changes in time. The general case for a single-resource, and one-control variable in a free-state system, to be maximized for total net present value, is given as equation (1) for a discrete system,

$$\max z = \sum_{t=0}^T V_t p^t \quad (1)$$

where:

V_t is a value function at some time t which is dependent on both the state variable,

p – is the discount factor (2)

$$p = (1 - \delta)^{-t} \quad (2)$$

The maximum principle, comprised of necessary conditions for the present value Hamiltonian, is used to solve the problem given a convex decision space. A Lagrangian method can be used to examine conditions for economic efficiency through the use of the Hamiltonian function. This solution would involve a present value of shadow price for the state variable given by the Lagrange multiplier. Economists, in many cases, are more interested in the current value of the shadow price for the state variable, obtained by maximizing the current value Hamiltonian.

In this case:

- Pricing is not controlled within the scope of the model;
- There is a given wealth distribution, institutional arrangements, and property rights allocation that will be unaffected by changes in management of the state variable:
- There is free access to enter and exit the market, and effort can be adapted to different industries with no cost or time delay.

The example we will use is a simple model of a fishery resource where X_t is the state variable, a stock of fish subject to an amount of effort, in harvesting the fish

$$V_t = p H_t - C_E E_t \quad (3)$$

The value function we will use (3) defines p as price of fish, H_t as the harvest function for fish – defined for our example as (4) – resulting in an equation of motion (5). F is a natural growth function for the fish stock, q is a scalar coefficient, and C_E is the marginal cost of effort for catching the fish

$$H_t = qX_t E_t \quad (4)$$

$$X_{t+1} - X_t = f - H_t \quad (5)$$

Assuming that a steady state solution to this problem exists, the optimal policy for operating the fishery can be found to define a switching policy function for „bang-bang” control of E_t . This policy type acts towards pushing the stock level to an optimum as fast as possible. Transformation of the solution defines the analytical form for an efficient price

(6). F' is the partial derivate of F with respect to X . By evaluation model conditions, economic policy can be implemented to ensure efficient economic use of the resource.

$$p = \frac{C_E}{qX} \left[1 + \frac{F}{X(\delta - F')} \right] \quad (6)$$

Recent discussions by economists and non-economists alike have centred on expanding economic analysis to include an assessment of overall social welfare or standard of living that includes social values related to the environment. Non-economists do not centre on how to drive an advanced property rights structure, but discuss the policy framework for sustainable development application.

Sustainable Investment

An example of sustainable development paradigm can be found in Young (1992), which take an ecological viewpoint in defining the required model components in the calculation of a resource price. The assumption made is that all the perceived important non-market ecological factors can be internalized. In this paradigm, the method of internalization is similar to that discussed by Baumol and Oates (1988) in their theory of externalities.

Producers of negative externalities are required to pay to offset or alleviate effects. Beneficiaries of positive externalities must compensate for their use. Development of rules of use for open access or common property resources implies the identification of additional benefits to be realized from internalization.

Young does not discuss the issues involved in achieving this state, such as the transaction costs associated with the exchange of property rights. Negotiating the specifics of agreements may demand extensive costs in determining the types of mitigation and restoration measures required for externalities such as air pollution. The transaction costs of contacting the rights may be identified through the explicit definition of the necessary conditions for sustainable development. Finally, the monitoring networks required enforcing these new rules of use for common property resources needs to be implemented.

Economic market conditions to achieve sustainability are much more closely related to traditional economics than are discussions of decision making such as multiobjective frameworks. When economic market efficiency is the guiding principle, additional subsets of economic conditions can be added. One is intergenerational equity, another is ecological integrity. Economic efficiency, intergenerational equity, and ecological integrity are three objectives for a more complete paradigm for sustainable development. These conditions can be used to define an expanded market system in terms of market price for a sustainable resource, as described by Young (1992):

$$p = MC_s + MC_{LES} + MC_p + MC_{LFO} = MC_{LREV} + MC_A + MC_{CRD} \quad (7)$$

where:

MC_s is the marginal cost of supplying the resource;

MC_{LES} is the marginal cost of replacing lost ecosystem support;

MC_p is the marginal cost of any pollution that the resource use imposes on other people;

MC_{LFO} is the marginal cost of offsetting lost future options;

MC_{LREV} is the marginal cost of offsetting lost existence values;

MC_A is the marginal compensation for additional costs associated with the provision of positive non-market benefits.

MC_{CRD} is the marginal cost of capital associated with resource development.

Both MC_{LFO} and MC_{LREV} reflect social costs from losses in ecosystem diversity and resilience.

The Multiobjective Welfare Model

Non-economist perspectives may be moving away from traditional economic theory in circumstances where the market system fails to account for non-commensurate resources, and value system that are not explicitly defined within the property rights structure. For example, many temporal issues remain outside the market system, as long as perceived marginal benefits are insufficient to offset the marginal costs of bringing future social values to bear on our present economies. We can observe an example of this as the industrial world desperately attempts to reduce emissions that contribute to destruction of the ozone layer, invoking large added costs to the production of some goods and a heavy burden on some economies. The economic interpretation of how markets work, and how open access or common property resources are treated within our market system, is merely implied.

The inclusion of multiobjective analysis in decision making paradigms is not a new concept in sustainable development. Within these paradigms, the role of economics is viewed as one aspect of the problem. Systems approach interpretation envisions a holistic approach that includes multiobjective analysis, risk analysis, impact analysis, scope consideration for selection of multiple decision-makers, and including allowance for interaction among the various ecosystem components.

A multiobjective decision framework may discuss problems in terms of a welfare model that defines welfare efficiency as an equivalent to (1), substituting a welfare function, W for the summation of monetary benefits function, V . The model is dependent on the definition of welfare, which requires a relative valuation of social, and ecosystem components. The efficiency condition in the welfare model, the objective function, considers the practice of discounting future values. Normally, the discount rate in our model would be equivalent to some real cost of borrowing or using capital. An efficient policy is to maximize the value with regard to future values over the lifespan to be considered. In general, greater discount rates result in greater long-term degradation of the resource as policy is geared toward immediate returns. Smaller discount rates are generally associated with preservation of the resource.

Choosing a scalar value such that the discount rate reflects social values may not produce different results from discounts based on inflation. The optimal path may vary, but the inevitable and associated with the governing decision paradigm may be unaltered.

Of, course, considerable uncertainty exists in evaluating future values and in choosing the best option at some point in the future, assuming we are aware of future consequences. Uncertainty breed's risk-averse decision-making implies a practical or perceived cost of capital at a very high rate. In choosing a lower limit for the resource at the end state, we are selecting a level of conservation or safety factor, but in doing so we usually merely exploit the resource to the lower level.

To make operational decisions, we must also consider the time frame to restrict our analysis. The initial impulse is to extend the time –frame for sustainable development, but it can also be argued that a shorter time-frame may be more appropriate, depending on the price definition, because our social values may change over time as understanding of our surroundings improves. Our conscious analytical choice of the time frame defines the problem of intergenerational equity.

One of the possible ways for dealing with intergenerational equity issues is a multiobjective framework. The definition requires the objectives of future generations. Extension of the welfare model is required in order to adjust to the multiobjective structure. The fishery objective function can be expressed as the weighted combination of future values, such that the sum of the weights equals one:

$$\text{Max} \sum_{t=0}^T w_t V_t \rho^t \quad (8)$$

where

$$\sum_{t=0}^T w_t = 1$$

This is not a traditional form of showing a multiobjective model. The different objectives are related to time as opposed to physical objectives.

Application of (8) produces a set of optimum followed by a subjective process to select one of the non-dominated solutions, as a best compromise solution. Assigning the weights to define a system of likely scenarios may allow tracking of different policy perspectives within the dynamic model, although an analytical economic interpretation of this multiobjective paradigm is difficult.

Conclusions

Regardless of whether much is known quantitatively about the behaviour of the resource under either natural conditions and under human pressures, temporal manipulation of the way decisions are made may be powerful tool. The management alternatives spawned from this knowledge may turn out to be considerably cheaper and subtler in the control of individual action.

In terms of practical decision-making, policy measures may need to restrict increasing changes in effort. This serves not only to force a limitation on effort and stock effects but also to foster longer-term decision-making. A stable fishing community may actually learn to circumvent many property rights transfer costs by regulating themselves to preserve their heritage and solve problems associated with the use of the commons, which are no longer considered an open access resource. With reference to equation (7), the fishing community may push the price toward the optimal price based on. Young (1992) by restricting harvests once some of the added benefits of maintaining larger fish populations are appreciated.

Using a multiobjective framework, we were able to change the form of the question to be answered from "what physical aspects apply?" to "what temporal aspects apply?"

Developing policy measures demands creativity to prepare innovative measures to improve readily available alternatives. Unfortunately, bridging the gap between policy-making and securing a promising future for us is very difficult.

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Civil Liability for Oil Pollution Damage

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Key words: *civil liability, environment, oil pollution*

Abstract: Shipping is a significant contributor to marine pollution. The lessons learned from maritime disasters and the conclusions resulting from the investigations carried out have had a major impact on the improvement of maritime safety over the years. The international rules on civil liability for oil pollution make it possible to establish the fundamental principles governing the investigation of accidents in the maritime transport sector. The civil liability conventions were adopted to ensure that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships.

Marine transportation of oil represents a great risk of spills. Any major oil spill can have a serious impact on people's livelihoods and on the environment. Lighter oils are more likely to cause severe toxic effects. Heavy oils are generally less toxic but can contaminate surfaces over wide areas due to their greater persistence. The main industries affected by oil spills are the fishing, aquaculture and tourism industries. Increased levels of compensation must be available for victims of oil pollution from oil tanker accidents. It is necessary to establish if all forms of environmental damage caused by oil pollution can be remedied by means of the liability mechanism.

The International Maritime Organization (IMO), a specialized agency of the United Nations, is the international statutory body responsible for measures to improve the safety and security of international shipping and to prevent marine pollution from ships through International Conventions.

The international regime for the compensation of pollution damage caused by oil spills from tankers is based on treaties adopted under the auspices of IMO such as the 1992 International Convention on Civil Liability for Oil Pollution Damage (1992 Civil Liability Convention), and the 1992 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1992 Fund Convention). These Conventions replace two corresponding Conventions adopted in 1969 and 1971 respectively.

International Convention on Civil Liability for Oil Pollution Damage (CLC 1969) was adopted in the wake of the Torrey Canyon oil spill to ensure that adequate compensation

is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships. The purpose of the 1969 CLC is to provide uniform international rules and procedures for determining questions of liability.

Pollution damage includes damage to the environment (covering primarily the clean up costs) and also loss of profit.

The 1969 CLC entered into force in 1975 and lays down the principle of strict liability (liability even in the absence of fault) for tanker owners and creates a system of compulsory liability insurance. Claims for compensation for oil pollution damage (including clean-up costs) may be brought against the owner of the tanker which caused the damage or directly against the owner's insurer.

The shipowner cannot limit liability if it is proved that the pollution damage resulted from the shipowner's personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

The tanker owner is normally entitled to limit his liability to an amount which is linked to the tonnage of the tanker causing the pollution. No liability for pollution damage can be attach to the owner if he proves that the damages resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character. Also the shipowner can limit liability if the damage was caused by an act or omission done with intent by a third part or if was caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

When oil has escaped or has been discharged from two or more ships, and pollution damage results therefrom, the owners of all the ships concerned are jointly and severally liable for all such damage which is not reasonably separable.

Tanker owner's liability limit under the CLC depends on the size of the tanker. The owners of tankers carrying more than 2,000 tonnes of persistent oil as cargo are required to maintain insurance to cover their liabilities.

The 1969 Civil Liability Convention used the "Poincaré franc", based on the official value of gold, as the applicable unit of account. But the conversion of this gold-franc into national currencies was becoming increasingly difficult. The 1976 Protocol provided for provides for a new unit of account, based on the Special Drawing Rights (SDR) as used by the International Monetary Fund.

The Civil Liability Convention is implemented in Romanian domestic legislation by the Law no. 158/2000.

The compensation available from the tanker owner were insufficient to pay the full compensation costs. International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (IOPC Fund Convention 1971) signed at Bruxelles in 1971 enter into force on 16 October 1978.

The 1969 CLC and the 1971 IOPC Fund ensure that compensation is available for victims of oil pollution from ships. The CLC places liability on the shipowner up to a set limit and requires the shipowner to take out insurance against such claims. If an accident at sea results in pollution damage which exceeds the compensation available under the CLC, additional compensation is available through the IOPC Fund, which is financed by contributions by oil receivers. The compensation regime as a whole thereby ensures that the burden of compensation is spread between shipowner and cargo interests.

The 1971 Fund Convention provided for the payment of supplementary compensation to those who could not obtain full compensation for oil pollution damage under the 1969 CLC. The International Oil Pollution Compensation Fund (1971 IOPC Fund) was set up for the purpose of administering the regime of compensation created by the Fund Convention when it entered into force in 1978. By becoming party to the 1971 Fund Convention, a country became a Member of the 1971 IOPC Fund. Payments of compensation and the administrative expenses of the 1971 IOPC Fund were financed by

contributions levied on companies in Fund Convention countries that received crude oil and heavy fuel oil after sea transport.

The compensation limits of the 1971 Fund had become too low to cover the cost of oil spills. The 1969 CLC and the 1971 IOPC Fund were amended in 1992 by two protocols, which increased the compensation limits and broadened the scope of the original conventions. These 1992 Conventions, which provide higher limits of compensation and a wider scope of application than the original conventions, entered into force on 30th May 1996.

As in the case of the original conventions, the tanker owner and the insurer are liable for the payment of compensation under the 1992 CLC, and oil receivers in countries that are party to the 1992 Fund Convention are liable for the payment of supplementary compensation through the 1992 IOPC Fund.

The 1992 Fund is an intergovernmental organization governed by two bodies: the Assembly (representatives of the governments of all Member States) and the Executive Committee (a subsidiary body elected by the Assembly). The Executive Committee gives the Fund's Director the authority to approve and pay claims.

The 1992 Fund pays for what is defined as "pollution damage": loss or damage caused outside the ship by contamination resulting from the escape or the discharge of oil from the ship, where ever such discharge or escape may occur. Pollution damage includes preventive measures, defined as any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

This covers the cost of clean-up operations and property damage, as well as claims for consequential loss and "pure economic loss". For example, the fishermen or the hotel owners at seaside resorts are entitled to compensation.

Claimants can be private individuals, partnerships, companies, private organizations or public bodies, including States or local authorities, actually anyone who has suffered pollution damage in a State that is party to the 1992 Conventions.

Compensation is payable for the cost of reasonable clean-up measures, repairing or replacing property that has been contaminated by oil and for the costs of reasonable reinstatement measures aimed at accelerating natural recovery of environmental damage.

In the wake of the Nakhodka oil tanker incident in 1997 off Japan and the Erika oil tanker incident off the coast of France of December 1999, the IMO Legal Committee in October 2000 adopted an agreement which raise by 50 percent the limits of compensation payable to victims of pollution by oil from oil tankers with effect from 1st November 2003.

The total combined amount of compensation payable for one incident under the CLC and the Fund Convention is 203 million SDR (US\$311 million), up from 135 million SDR.

In 2003 a Protocol establishing an International Oil Pollution Compensation Supplementary Fund (the Supplementary Fund) was adopted by a diplomatic conference held in London. The aim of the established Fund is to supplement the compensation available under the 1992 CLC and Fund Conventions with an additional, thereby creating a third tier of compensation for pollution damage caused by oil spills at sea.

Participation in the Protocol is voluntary and, while it is open to all States Parties to the 1992 Fund Convention, claimants in those States which decide not to join it will continue to have their claims met, as they have been up to now, under the terms of the 1992 Civil Liability/Fund regime, which remains unaltered.

The new fund is a separate legal entity with its own Director and its own Assembly, but it is operating very closely with the existing IOPC Fund system. The information on oil receipts made to the Director of the 1992 IOPC Fund shall be deemed to be made also under the Protocol. Similarly, claims made against the 1992 Fund will be regarded as claims made against the supplementary Fund.

The new fund came into existence on 3 March 2005, three months after it had been ratified by eight states with a combined total of more than 450 million tons of contributing oil in a calendar year. The third tier applies where the total amount of compensation available from the ship's insurer and the 1992 Fund is insufficient to cover the total compensation costs.

The criteria under which compensation claims qualify for compensation from the Supplementary Fund are identical to those of the 1992 Fund.

The Supplementary Fund is financed in a similar way as the 1992 Fund, that is, by contributions levied on any entity or person who has received in a calendar year more than 150,000 tonnes of crude oil or heavy fuel oil after sea transport in a country that is Party to the Supplementary Fund Protocol. However, for the purposes of the Protocol, there is a minimum aggregate receipt of 1,000,000 tons of contributing oil in each contracting state.

The total amount of compensation payable for any one incident are limited to a combined total of 750 million SDR (US\$1 148 million) whatever the size of the ship, including the amount of compensation paid under the existing CLC/Fund Convention. The supplementary fund is applying to damage in the territory, including the territorial sea, of a contracting state and in the exclusive economic zone of a Contracting State.

There are 102 states parties to both the 1992 Civil Liability Convention and the 1992 Fund Convention, 38 states parties to the 1969 Civil Liability Convention and 21 Fund Member States which are Party to the 1992 Supplementary Fund Protocol.

The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention, 1996) establishes a system for compensation and liability covering in principle of all kinds of hazardous and noxious substances. It introduces strict liability for the ship owner, with higher upper limits than are available under existing general limitation regimes.

This Convention also introduces a system of compulsory insurance and insurance certificates. The ship owner's liability is supplemented by an HNS Fund, which is financed by cargo interests. Contributions to the HNS Fund will be levied on persons within the territory of contracting Parties who receive a certain minimum quantity of HNS cargo during a calendar year. The HNS Convention goes further in its scope than the oil pollution compensation regime in that it covers not only pollution damage but also the risks of fire and explosion.

The international liability and compensation regime covered only oil pollution damage caused by oil tankers. There was thus a need to bring the law on marine oil pollution responsive to oil pollution damage caused by non-tankers. In March 2001, the International Convention on Civil Liability for Bunker Oil Pollution Damage (the Bunkers Convention) was adopted following a diplomatic conference at the International Maritime Organization.

Pollution damage means:

(a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of bunker oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken;

(b) the costs of preventive measures and further loss or damage caused by preventive measures.

The aim of the Bunkers Convention is to ensure the availability of adequate, prompt and effective compensation to persons who suffer pollution damage caused by oil spills when the oil is carried as fuel in ships' bunkers.

The shipowner is liable for pollution damage caused by any bunker oil on board or originating from the ship, provided that, if an incident consists of a series of occurrences

having the same origin, the liability shall attach to the shipowner at the time of the first of such occurrences. Where more than one person is liable, their liability is joint and several.

The shipowner may be exonerated wholly or partially from liability if he proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person.

If there are incidents involving two or more ships, the shipowners of all the ships concerned shall be jointly and severally liable for all such damage which is not reasonably separable.

Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the registered owner's liability for pollution damage.

Not all forms of environmental damage can be remedied by means of the liability mechanism. For the latter to be effective, there need to be one or more identifiable polluters, the damage should be concrete and quantifiable, and a causal link should be established between the damage and the identified polluters.

Liability is not a suitable instrument for dealing with pollution of a widespread, diffuse character, where it is impossible to link the negative environmental effects with acts or failure to act of certain individual actors.

It is necessary to establish a common framework for the prevention and remedying of environmental damage at a reasonable cost to society. Also it is important that the international oil pollution compensation regime to respond and adapt to changing circumstances and the new political and social expectations. The policy on safety at sea must be a high priority on the political agenda.

Preventing pollution is the best way to protect the marine environment. Because pollution will never be totally eliminated, compensation for pollution damage is an important form of protection. Compensation is necessary for environmental restoration, but it also has a preventive effect.

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Performance Theory of Political Discourse

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Key words: *political discourse, success*

Abstract: This paper is proposing, first of all, to explain the success of political discourse. Secondly, this article tries to give several proofs from the performance theory of political discourse projected in this research.

1. Introduction

Any theory is, at first, a conjecture, a candidate to truth. The global explicative proposal regarding the performance of political discourse is part of this category, this paper trying to build a global explicative model of success and also to bring evidence that justifies the theory, through analyzing the discursive strategies used in the presidential elections from 1996 – 2004.

The observation of the politics is putting us in front of a discountenance diversity of facts: it coexists the conservative and modernist discourses, deceitful or true, attractive or fade, actual or retrograde. Some are succeeding on the political market, bringing the officials in first row, others are pushed back into the periphery, many politicians ending or living in anonymity. The problem is of explaining the success or the breakdown of these types of discourses.

The proposal that we made to be analyzed introduces interdisciplinary methods and needs prior fixing of the meaning and indicators for some basic notions: *transmitter, public, discursive strategy and success*. The terms will be fixed ostentatiously for defining the research hypothesis, because they are fundamental elements of the discourse, context component.

Through the term *transmitter* (E) we understand the author of the discourse, and the attached fundamental variables are *trust* (I) and *notoriety* (N) of the receivers. *Trust* means the credibility degree of a political individual in the public perception and it is measured sociological, in poles, through answers “very much” and “much” to the question: “Do you trust X?”. The other variable, *notoriety*, means the quality of being known, it measures

usually through the affirmative answer to the question: "Do you know X?". The table below is fixing two quantitative intervals for variation of the indicators, through calculation of the relative interval centre at the maximal values obtained constantly on that variable. In this matter, the trust in a political actor is reaching, in the case of the most performance, towards 60%, while the notoriety is getting towards 100%. The middle of the two intervals will be then 30% and 50%.

Possible combinations for the transmitter E (trust, notoriety) are:

| | | |
|-----------------------------|-------------------------------------|--|
| | With Credibility (C) ≥30% | Without Credibility (NC) 0 – 29,99% |
| Known (Ct) ≥50 | Known&With credibility Ct,C | Known& Without Credibility Ct,NC |
| Unknown (NCt) 0%- 49,99% | Unknown & With credibility NCt,C | Unknown& Without credibility NCt,NC |

The concept of *public* means the ensemble of citizens that represents the official of political power. So, for a presidential candidate, the public is composed from the totality of the citizens with the right to vote on the elections, and for a mayor candidate the totality of the citizens with voting rights from that locality. The first variable considered relevant for this concept is: "satisfied" which interprets the answer to the question: "In which direction the country is going to?". So, the "satisfaction" is not reported to subjective, particularly state of an individual, but to the satisfaction degree towards the political business direction in the country. In this way, the index of satisfaction (I_m) is represented by the report between the ones who consider that the country is going towards a good direction and the ones who consider this direction a wrong one.

Good direction

$$I_m = \frac{\text{Good direction}}{\text{Wrong direction}}$$

Wrong direction

The interpretation is the following:

| | |
|-------------|-----|
| Satisfied | ≥ 1 |
| Unsatisfied | 1 < |

When the report is equal to 1, it means equality between the number of the ones who consider that the direction is good and those who think that the direction is wrong. When the report is over 1, the majority of the public consider that the direction is good, so the public is satisfied in majority with the country administration, and the report below 1 discloses a public that consider that the direction is wrong. The interpretation of this indicator is the following: the satisfaction degree of the public is increasing together with the increase of the result, by reporting to 1; if the result is below 1, the public is unsatisfied; if the report is over 1, the public is satisfied.

The reason which led to preferring the indirect indicator "satisfaction" compared to the direct one "good direction/public x 100" is due to the fact that the existence of the undecided which, in the second alternative, should be included arbitrary, either to the "good direction" or to "wrong direction", in the conditions in which they belong sociological to the "public". This inclusion would swing the index, which interpretation would be more difficult. In this context we built the derivative indicator "satisfaction", which strictly reports to good direction and wrong direction.

The other variable is "informed" and it constitutes as an indicator built as sum of the persons percentages which are informed on political issues on available channels: television, radio, newspapers.

$$I_i = \sum (\% Tv + \% radio + \% newspapers)$$

Maximal, it can be 1, in case in which all citizens would consume an information means, at minimal accepted level. Minimum, it can be 0, in case which none would be informed. Both cases are only with referral value, without being possible in reality. Dividing

the interval of variations in two equal parts, we define the terms “informed” and “uninformed” by reporting to the average 50%:

| | |
|-----------------|------|
| Informed (I) | ≥50% |
| Uninformed (NI) | 50%< |

It results, through the combination of the two indicators of the public *P* (*informed, satisfied*), four variants:

| PUBLIC | Satisfied | Unsatisfied |
|------------|--------------------------------|------------------------------------|
| Informed | Satisfied & Informed M,I | Unsatisfied & Informed NM, I |
| Uninformed | Satisfied & Uninformed M,NI | Unsatisfied & Uninformed NM, NI |

Of course that on the intersection of the two variables, we find four possible variants, all pertinent. Unfortunately, the used research methods for the public opinion don't permit the clear separation between the social categories from the four variants, because they were not built especially for this purpose, being public poles. So, although we can not appreciate the percentages on each category, the analysis on the four categories of public is maintained, because in this paper, it is analyzed the global impact of the discourse and not the social categories.

By *strategy* we understand an ensemble of discursive actions, coordinated for achieving a goal. Jean Caron showed the fact that we “can speak of strategy only when the following conditions are fulfilled: there is a situation of incertitude, an aim, consciously followed by the subject, “rules of the game” and a regulated succession of things, that translate a general plan”¹. So, the determination of the fundamental strategies of the political discourse starts from two basic elements of the strategy: its *aim*, and the *intentional reporting to a set of discursive rules* that the speaker is using in a self favorable manner.

In what concerns the *aim* of the political discourse, this means, as we have shown, to *legitimate a political actor in view of gaining or keeping the power*. This can be made in two ways: directly, through the convincing of the public of the qualities and self determination in reaching the assumed goals; indirectly, by marking out the weaknesses of the adversaries, which in the end prove to be of less performance than the speaker. So, the aim of the political discourse is to legitimate a political actor and illegitimate the others.

The intentional reporting to a set of discursive rules that the speaker are using in a favorable manner for himself regards the modality of general utilization of the language, with its rules and components. In our case, we discuss about the decision of an actor to respect or not the maximum of cooperation. It results, at the intersection of the two components, a number of four fundamental strategies of the political discourse (strategy of cooperated legitimating, strategy of cooperated illegitimating, non – cooperated legitimating and non – cooperated illegitimating) synthesized in the following table:

| Aim of the discourse / Modality of language utilization | LEGITIMATING (L) | ILLEGITIMATING (DL) |
|---|-------------------------------------|--|
| COOPERATION (C) | Cooperated legitimating (LC) | Cooperated illegitimating (DLC) |
| NON COOPERATION (NC) | Non – cooperated legitimating (LNC) | Non – cooperated illegitimating (DLNC) |

¹ Jean CARON, *Les régulations du discours. Psycholinguistique et pragmatique du langage*, Presses Universitaires de France, Paris, 1983, pp. 155-156.

A discourse is *successful* if, after it, the author is reaching or closing on his intermediary goal (positioning on a favorable position) or final goal (gaining power). For example, the political discourse of Traian Basescu from the period of referendum for suspension is one of success because it allowed, after the voting, regaining his position of president. The meaning of success must be relative to the object of each politician: for the candidate of a small political party, the success can mean the surpassing the election threshold of 5% or entering in the second round of election. The *failure* means not achieving the proposed goals.

At the same time, for the methodological instrument that we will realize to be used also in a predictive manner, by reporting to the future events, the notion of success is gaining the meaning of probability of reaching the proposed objective, base on some factors that we will separate next. In this acceptance, the estimations can be made based on the probability of an event manifestation.

In contemporary societies, the legitimating of the leaders has a discursive character. In this situation, the success is based on the discourse, which is expressed in the next formula:

$$\text{Success} = f(D)$$

The discourses are differentiating based on the transmitter (E), public (P) and utilized strategy (S). The equation becomes:

$$\text{Success} = f(E, P, S)$$

Introducing the variables separated for each component, we obtain the following formula:

$$\text{Success} = f[E(\text{Notoriety, Trust}), P(\text{Satisfied, Informed}), S(\text{Legitimizing, Cooperation})]$$

It results a number of 64 possible combinations:

$$E [(Ct,C); (Ct,NC); (NCt,C); (NCt,NC)] \times \\ P [(M,I); (NM, I); (M,NI); (NM, NI)] \times \\ S [(L,C); (DLC); (LNC); (DLNC)]$$

That means:

$$4 \text{ (for E)} \times 4 \text{ (for P)} \times 4 \text{ (for S)} = 64$$

In these conditions, we can formulate the performance theory of political discourse. So, *the fundamental research hypothesis (IpF)* that needs to be validated is:

IpF: the political discourse is performing best when the transmitter is correlating the discursive strategy to the public characteristics, so, on one hand, as the public is more unsatisfied, the success of illegitimizing is observed and on the other hand, as the public is more uninformed, it can be observed the success of using the non cooperated strategies.

Turning operational the fundamental hypothesis, we obtain two complementary derived hypotheses (*IpD1, IpD2*):

IpD1: there are four and only four discursive modalities which insure a larger probability of success:

$$ES1. \text{Success} = E(Ct,C) + P(M,I) + S(L,C)$$

$$ES2. \text{Success} = E(Ct,C) + P(NM,I) + S(DL,C)$$

$$ES3. \text{Success} = E(Ct,C) + P(M,NI) + S(L,NC)$$

$$ES4. \text{Success} = E(Ct,C) + P(NM,NI) + S(DL,NC)$$

IpD2: the other 60 discursive modalities insure a larger probability of failure.

The hypothesis of the discursive performance theory tries to explain the correlations between transmitter, receiver and the discourse that binds them. The success is the result of aligning the discursive strategy of a transmitter to the state of the public. Yet, *not any transmitter obtains political legitimating, but only the one who owns resources of trust and notoriety in large values.* If a political actor is not known or credible, than his chances of success are close to none. Plus, it matters also the state of the public. A *satisfied public is*

more susceptible to validate a legitimating discourse, because it observes the real facts and achievements of the politician. Also, an unsatisfied public is more sensible to a illegitimizing discourse, because it focuses the energies in identifying different culpable politicians. Plus, the theory tries to verify if an uninformed public is more susceptible to be influenced by non cooperated strategies, because is doesn't have instruments at its disposal to deal with different mechanisms of non cooperation.

The equations of success from the first derived hypothesis, *IpD1*, express the idea of correlation between the discursive strategies of a transmitter with the state of the public. The prior condition for reaching success, valid for all formulas, is due to the perception of the transmitter in the power titular. The biggest chances appear when this is, simultaneous, known and credible. Once this condition is fulfilled, the equations of success are differentiating on public categories and types of used strategies.

So, ES1 sustain the idea that, in the case of a satisfied and informed public, P (M,I), the transmitter is known and credible, E (Ct, C), has the biggest chances of success when he is using the strategy of cooperated legitimating S(L,C).

ES2 express the fact that, for a unsatisfied and informed public, P(NM,I), the transmitter E (Ct,C), for maximize his chances, should offer a illegitimizing cooperated discourse S (DL,C).

ES3 correlates the satisfied and uninformed state of the public P(M,NI), with a legitimating non-cooperated discursive strategy S(L, NC), for a known and credible transmitter E(Ct,C).

Finally, ES4 assumes the fact that an unsatisfied and uninformed public P(NM, NI), is possible to be convinced, by a known and credible transmitter, E(Ct,C), through the illegitimizing non-cooperated strategy S(DL,NC).

The second derived hypothesis, *IpD2*, expresses the idea that all the other 60 discursive formulas, beside the ones called "equations of success", have smaller chances of success. They can be possible in a real world, meaning that they are not impossible, but their chances are minimal, because there are lacking important discursive resources, that are due to the correlation of the strategies to the public or perception of the transmitter (the transmitter can be or unknown or not credible, or both, which determines that the impact potential of the discourse to be very fade).

The testing of this hypothesis will be realized on the case of presidential election from Romania, campaigns from 1996, 2000 and 2004, the political strategies utilized by the main candidates being explained in the prior chapter.

2. The success and failure of the discursive strategies utilized in the presidential elections from Romania between years 1996-2004

This chapter starts from the identification of the types of strategies utilized in the discourses of the candidates to Romania Presidency and pursues the *testing of the fundamental research hypothesis and of the two global derived hypotheses* regarding the success or failure of a type of political discourse. So, after identifying a type of discursive strategy is following the analysis of the results obtained by the political actor, by reaching the assumed goal: gaining of power, by obtaining the presidency.

Because the observation of success or failure of a discursive strategy is made after the formula "Success = f [E(N,I), P(M,I), S(L,C)]", it results the necessity of fixating the state of the "transmitter" and the "public" before the elections, on coordinates "notoriety" and "trust" for the first and "satisfied" and "informed" for the second. This research is made through polls. For having simultaneous, a credible and unitary data base, there were observed these indicators by reporting to sociological researches, designed and ordered by the Foundation for an open society in Romania (Söroş), named "Barometre ale Opiniei Publice" (Barometer for Public Opinion). „Barometrul de Opinie Publică (BOP) is a

research and analysis program for the public opinion in Romania, which mission is to contribute to consolidating the relations between the structure of power and society, clarifying the key themes which must be founded on the agenda of NGOs and public institutions, by putting at the disposal of the persons interested the necessary data for professional elaboration of public politics and offering solid analysis of the results, in public benefice.”².

Because the first BOP was made in 1994, the analysis of the candidate’s discourses for presidency will regard such manifestations that happened prior to this instrument. The research is reporting to the period 1996 – 2004, containing the campaign from 1996, 2000 and 2004.

The advantages of utilizing the data from BOP depend on their credibility and on the utilization for all the reports of the same methodology. The BOP questionnaire contains the standard mode, the same every year, and one or more thematic modules, which are following the theme of interest for the current year”³. We will report to the standard module, in which we find information about different candidates and the state of the public.

2.1 The success and failure of the discursive strategies utilized in presidential elections in 1996.

Correlated hypothesis:

Ip1. *The failure of the cooperated legitimating strategy utilized in the political discourse of Ion Iliescu from 1996 is justifying through non correlation of the strategy to an unsatisfied and informed public.*

Ip2. *The success of cooperated illegitimizing strategy utilized in the political discourse of Emil Constantinescu is justifying through the correlation of the strategy to an unsatisfied and informed public.*

Methodology: induction (variation tables, differential technique), quantitative analysis, correlation of quantitative indicators regarding the transmitter and the public.

The presidential elections from 1996 brought to the attention two worlds, one of continuity and other of change, two representatives of these worlds, and two linguistic arsenals put into the service of discursive schemes over the world. One gained.

According the Permanent Electoral Authority, the final results were:

| Candidate/ | Percentage | Votes |
|---------------------|------------|---------|
| Emil Constantinescu | 54,41% | 7057906 |
| Ion Iliescu | 45,59% | 5914579 |

The Romanians have chosen change at that time. Why? What are the criteria of the success? Why did Ion Iliescu lose? The answer will try to point out the fact that the discursive success is an event that is produced on the intersection between perceived qualities of the candidate and the state of the public, discursive strategies and state of the public, according to the equation:

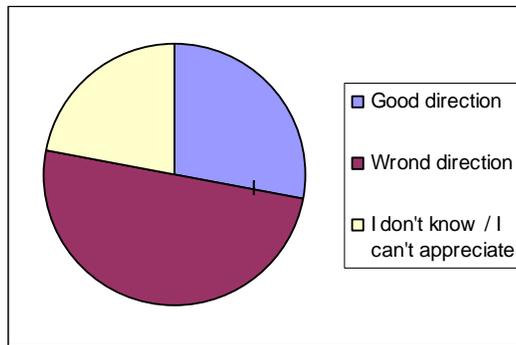
$$\text{Success} = f [E(Ct,C), P (M,I), S(L,C)]$$

By utilizing the date from BOP, we can identify the state of the population in one point. The indicator that reflects this is the *direction in which the country is going to*. So, in November 1996, before the elections, the number of the ones that considered that the direction is good was 28% of the population, while 50% considered it wrong. The rest are neutral or not responding to the question⁴.

² *Barometrul de Opinie Publică 1998-2007*, p. 5, Soros Foundation Romania, www.osf.ro.

³ *IBIDEM*, p. 5.

⁴ BOP October 2007, p. 99.



The graph regarding the distribution of the results on the indicator *the direction where the country is going to*

The indicator of satisfaction (Im) towards the direction where the country is going to:

$$I_m = \frac{\text{Good direction}}{\text{Wrong direction}} = \frac{28}{50} = 0,56$$

The interpretation of Im:

| | |
|-------------|----|
| Satisfied | ≥1 |
| Unsatisfied | 1< |

This means that we have an *unsatisfied public*, in a large proportion.

The public information is built from the dates regarding the audience of different form of mass communication (newspapers, radio, and television) and their percentage in the politic information. Thus, the dates regarding these indicators are on the table below:

| Information means | Newspaper | Radio | Television |
|------------------------|-----------|-------|------------|
| Access to ⁵ | 13% | 86% | 90% |

Data source: Barometrul de Opinie Publică (BOP), October 1996

By relating the data from the table, we can observe that 10% of the population doesn't have any access to mass information mean. The main information source remains the television, as we can see in the table below:

| Information mean | Newspaper | Radio | Television | Discussion among friends | Not interested in politics |
|-------------------------|-----------|-------|------------|--------------------------|----------------------------|
| Percentage ⁶ | 7% | 15% | 64% | 6% | 8% |

Data source: Barometrul de Opinie Publică (BOP), October 1996

Therefore, we deal mainly with an *informed public* in proportion of 86%, the rest are either not interested in politics or going on the unofficial information channels.

Regarding the credibility of the candidate Ion Iliescu, these were 55%, similar to those of his contra candidate Emil Constantinescu⁷. In condition which BOP from 1996 don't measure the notoriety of the principal candidates, this is assume by BOP from 1995⁸, where Ion Iliescu is known by 96% of citizens and the Emil Constantinescu by 91%.

⁵ Barometrul de Opinie Publică, October 1996, www.osf.ro. The data regarding the access are deriving from the information: the receivers that have subscriptions to newspapers and magazines, ppopulation with radio and population without television.

⁶ IBIDEM, regarding the answers at the question „Which is your main source of information regarding national politics?”

⁷ Barometrul de Opinie Publică, October 1996, www.osf.ro.

⁸ Barometrul de Opinie Publică, October 1995, www.osf.ro.

Replacing the data in the equation it results:

$$\begin{aligned} \text{Failure} &= f [\text{Ion Iliescu (Credibility 55\%, Notoriety 96\%)}, \\ &\quad \text{Public (unsatisfied 0,56, informed 86\%), LC}] \\ \text{Success} &= f [\text{Emil Constantinescu (Credibility 55\%, Notoriety 91\%)}, \\ &\quad \text{Public (unsatisfied 0,56, informed 86\%), DLC}] \end{aligned}$$

In situation where the indicators are equal, one being slightly favorable to Ion Iliescu, we notice that the only one difference is in the used discourse strategy. The utilization of cooperates legitimating strategy by Ion Iliescu, demonstrating, thus, the cause of his failure, in condition when we deal with unsatisfied public. Contrary the utilization of cooperate illegitimated strategy made from Emil Constantinescu the beneficiary of the explicit comparison with Ion Iliescu, which aim to legitimate the president in function. The discourse of Emil Constantinescu towards the country of those times proved to be more adequate to the electorate type and to its respective state.

In conclusion, we can say that the hypothesis Ip1 and Ip2 are certified. The success appears according to ES2, by the correlation of the cooperated illegitimated strategy with unsatisfied and informed public, by a known transmitter with credibility.

2.2. The success and failure of the discursive strategies utilized in presidential election in 2000

Correlative hypothesis:

Ip3. *The failure of the non-cooperated illegitimizing strategy used in the political discourse of Corneliu Vadim Tudor on 2000 is justified on an inadequate strategy on an unsatisfied and informed public.*

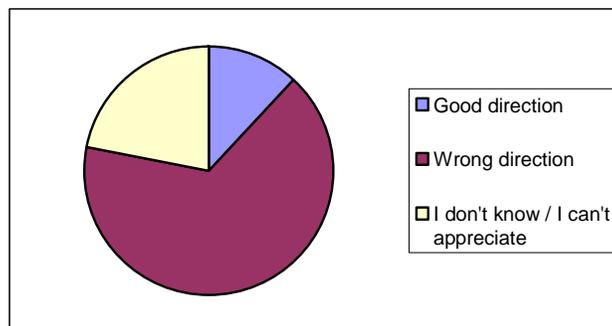
Ip4. *The success of the cooperated illegitimated strategy used in the political discourse of Ion Iliescu is justified on the adequate strategy on an unsatisfied and informed public.*

Methodology: *induction (table of variation, the technique of differences), quantitative analyze, the correlation of the indicators regarding the transmitter and the public.*

According to Permanent Electoral Authority, the final results of the presidential elections on 2000, second round of election were:

| Candidates/ | Percentage | Votes number |
|----------------------|------------|--------------|
| Ion Iliescu | 66,83% | 6696623 |
| Corneliu Vadim Tudor | 33,17% | 3324247 |

On November 2000, before the election, the numbers of those who considered that the direction is good were 12%, while 66% considered that the direction is wrong. The rest of 22% were neutral or don't know / don't want to answer⁹.



The graph regarding the distribution of the results on 2000 on the indicator *the direction where the country is going to*

⁹ BOP October 2007, p. 99.

The satisfaction index towards the direction where the country is going to:

$$I_m = \frac{\text{Good direction } 12}{\text{Wrong direction } 66} = 0,18$$

The I_m interpretation:

| | |
|-------------|----------|
| Satisfied | ≥ 1 |
| Unsatisfied | $1 <$ |

Results are that we have an *unsatisfied public*, placed to the extreme distance of variation.

The information of the public is built beginning with the data regarding different forms of mass communication audience (newspapers, radio, television). The main source of information remains the television, as we can see in the table below with answers at the question "How often...?" with reply "almost every day" which is corresponded to a high rate of information:

| How often | Read the newspapers | Listen the radio | Watch the TV | Discuss the politics with friends |
|----------------|---------------------|------------------|--------------|-----------------------------------|
| Percentage | 22% | 52% | 74% | 9% |

Data source: Barometrul de Opinie Publică, November 2000

Therefore, we have deal, in principal, with an informed public in proportion of 74%, because we can't establish the number of radio listeners or newspaper readers the number is added to the one of television users.

Replacing the data in equation, we have:

$$\text{Success} = f [\text{Ion Iliescu (Credibility 48\%, Notoriety 99\%), Public (unsatisfied 0,18, informed 74\%), DLC}]$$

$$\text{Success (positioning in de II round)} = f [\text{Corneliu Vadim Tudor (Credibility 34\%, Notoriety 95\%), Public (unsatisfied 0,18, informed 74\%), DLNC}]$$

Analyzing these two equations, we see several remarkable differences. Thus, Ion Iliescu enters into competition with two distinct advantages: a credibility with approximately 14% bigger than that of Vadim Tudor and with a notoriety with almost 4% bigger. The application of the illegitimizing strategies bring to both of them a relative success: the positioning on the first two places, only with difference of 8%, with a votes number of 4076273 and, respective, 3178293, the candidates of the alliances that had the power until 2000 having only the positions three and four¹⁰.

Being in the first time in the front of real possibility to win the presidential election, Corneliu Vadim Tudor is moderating his speech and is trying to built a legitimacy in front of the Romanian citizen, capable to rise him up to the highest position in the state. From this motive and because of the concentrated attacks of the other politic parties, the PRM leader is changing his discursive strategy, as we showed before, using the non-cooperated legitimating. In this condition, the equation for the second election round becomes:

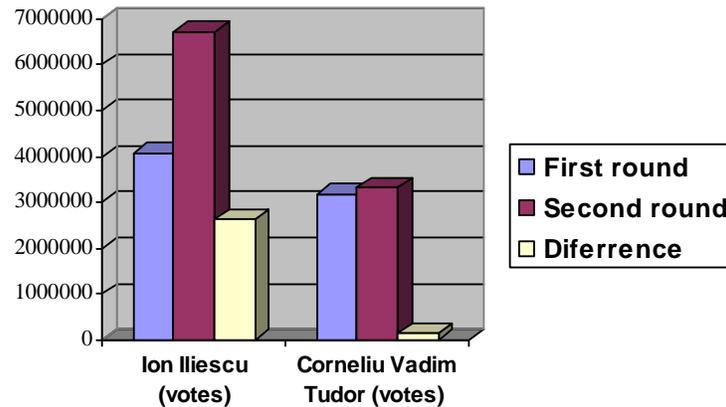
$$\text{Failure} = f [\text{Corneliu Vadim Tudor (Credibility 34\%, Notoriety 95\%), Public (unsatisfied 0,18, informed 74\%), LNC}]$$

The change of strategy doesn't have a correlation in the variable of number of votes. So, in the next table, we present the evolution of the number of votes in the two rounds of elections:

| | Ion Iliescu | Corneliu Vadim Tudor |
|-------------|-------------|----------------------|
| First round | 4076273 | 3178293 |

¹⁰ www.roaep.ro, The final results of the first round: Ion Iliescu - 36,35%, Corneliu Vadim Tudor - 28,34%, Theodor Stolojan - 11,78%, Constantin Mugur Isărescu - 9,54%

| | | |
|--------------|----------|----------|
| Second round | 6696623 | 3324247 |
| Difference | +2620350 | + 145954 |



Data source: www.roaep.ro, *Final results of the second round*

The difference of only 145954 votes obtained by Corneliu Vadim Tudor in the second round of elections, in the conditions in which were available at distribution a few millions, it is showing the effects of utilization of non cooperated strategies, when we are dealing with an informed public. The utilization of more risking strategies of non cooperation, doubled by a difference of credibility between the two candidates, led to the electoral success of Ion Iliescu and electoral failure of Corneliu Vadim Tudor.

In conclusion, we can state that the hypothesis Ip3 and Ip4 are confirmed. So, Ion Iliescu won utilizing ES2, correlating the cooperated legitimating strategy with an unsatisfied and informed public, in the condition where he was known and credible.

2.3. The success and failure of discursive strategies utilized in presidential elections from 2004

Correlated hypothesis:

Ip5. *The failure of cooperated legitimating strategy utilized in the political discourse of Adrian Năstase from 2004 is justified on the non correlation of the strategy to an unsatisfied and informed public.*

Ip6. *The success of the cooperated illegitimizing strategy utilized in the political discourse of Traian Băsescu is justified on the correlation of the strategy to an unsatisfied and informed public.*

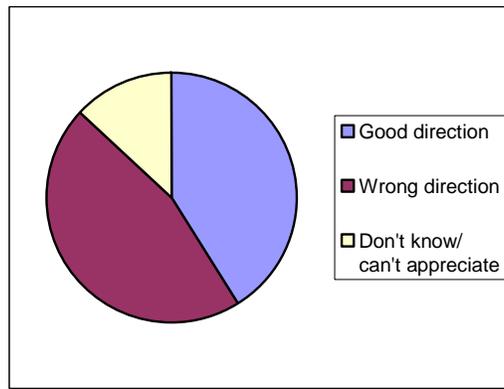
Methodology: *induction (variation tables, differential technique), quantitative analysis, correlation of quantitative indicators regarding the transmitter and the public.*

According to the Permanent Electoral Authority, the final results of the presidential elections in 2004, second round, are:

| Candidate/ | Percentage | Votes |
|----------------|------------|---------|
| Adrian Năstase | 51,23% | 5126794 |
| Traian Băsescu | 48,77% | 4881520 |

We analyze the *direction where the country is going to*, for the year 2004. So, in October 2004, before the elections, the number of people which considered a good direction was 41% from the population, while 46% considered it a wrong one. The rest of 13% were neutral or don't know the answer/ not answering the question¹¹.

¹¹ BOP October 2004, p. 11.



Graph regarding distribution of results in 2004 on the indicator “direction where the country is going to”

The index of satisfaction (Im) towards the direction where the country is going to is:

$$I_m = \frac{\text{Good direction } 41}{\text{Wrong direction } 46} = 0,89$$

The interpretation of Im is the following:

| | |
|-------------|----------|
| Satisfied | ≥ 1 |
| Unsatisfied | $1 <$ |

It results that we have an *unsatisfied public*, but at a small difference compared to the satisfied public.

Information of the public is build starting with the data regarding the audience of different mass communication forms (newspapers, radio, television). The main information source remains the television, like is shown in the next table with the answer to the question “How often..?” with the answer “almost every day” indicating a high information degree:

| How often | Do you read the newspapers | Do you listen to the radio | Do you watch TV | Do you read books |
|----------------|----------------------------|----------------------------|-----------------|-------------------|
| Percentage | 21% | 46% | 70% | 9% |

Data source: Barometrul de Opinie Publică (BOP), October 2004

So, we deal mainly with an informed public in percentage of 70%, because we can not establish the percentage of radio listeners or readers of newspapers adding to the ones which utilize television.

Replacing data in the equations we get:

$$\text{Failure} = f [\text{Adrian Năstase (Credibility 40\%, Notoriety 99\%)}, \text{Public (unsatisfied 0,89, informed 70\%)}, \text{LC}]$$

$$\text{Success} = f [\text{Traian Băsescu (Credibility 37\%, Notoriety 97\%)}, \text{Public (unsatisfied 0,89, informed 70\%)}, \text{DLC}]$$

Analyzing the two equations, we observe that the differences between the two candidates, in what concerns trust and notoriety, there are in favour of Adrian Năstase, but the percentages are relatives small, of 3% and, respectively, 2%. And yet, these advantages were not capitalized by Adrian Năstase. Traian Băsescu won because he had a correlated discourse with the state of the public.

So, Ip5 and Ip6 are confirmed. Traian Băsescu won utilizing ES2, through use of cooperated illegitimizing strategy for an unsatisfied and informed public.

3. Performance theory of the political discourse between crosscheck and falsification

This chapter tries to conclude, in the light of the evidences that were offered, the validity of the performance theory of political discourse. It is attempting to fixate the reports between theory, facts and instrumental value of this idea.

According to the derived hypothesis *IpD1*, there are four and only four discursive types that insure a larger probability of success:

$$ES1. \text{ Success} = E(Ct,C) + P(M,I) + S(L,C)$$

$$ES2. \text{ Success} = E(Ct,C) + P(NM,I) + S(DL,C)$$

$$ES3. \text{ Success} = E(Ct,C) + P(M,NI) + S(L,NC)$$

$$ES4. \text{ Success} = E(Ct,C) + P(NM,NI) + S(DL,NC)$$

The analysis of the three electoral campaign is leading us into the situation where are evidences, in this research, only for the second equation *ES2*, in conditions in which the cooperated illegitimizing strategy was utilized with success also in 1996 and 2000 and 2004. The explication is from general negative perceptions about the direction where the country is going to. The fact that *illegitimizing* varies together with *dissatisfaction* is shown also by the fact that in 2004 campaign when it was the smallest dissatisfaction degree from the analyzed campaigns (almost equal), the results on cooperated illegitimizing strategy applied by Traian Băsescu were almost equal to the results of cooperated legitimizing strategy.

At the same time, in the presidential elections in 2000, where the public was unsatisfied towards extreme, the illegitimizing strategies totalized (Ion Iliescu and Corneliu Vadim Tudor), in first round, 64,69% from votes.

The other three equations of success, even if they couldn't be illustrated in this research of Romanian political discourse, can be justified through some arguments.

So, the equation *ES1* is specific to elections in different communities in Romania, where for example, an efficient mayor succeeds to win another mandate through his deeds. The mayor in function, known and credible, applies the cooperated legitimizing strategy for a satisfied and informed public.

The equation *ES3* refers to the application of non cooperated legitimizing strategy to a satisfied and uninformed public by an actor known and credible, and the equation *ES4* explains the success of non cooperated illegitimizing strategy used by a character known and credible for a public unsatisfied and uninformed. This is the case of Jorg Heider from Austria in the year 2000, when different inefficient aspects of the country were blamed on the immigrants. One mention should be made here: in the states where freedom of mass media and public opinion is not respected, the indicator "uninformed" can be transformed into "disinformation". In this form *ES4* could explain the success in election of a leader like Adolf Hitler, which non cooperated illegitimizing discourse from the first period of years '40, preached through some forms of professional mass propaganda, applied to an unsatisfied and misinformed public, led to his success in elections. Ulterior, after the conquest of power, he initiated a non cooperated legitimizing discourse, from the second half of years '40, and to the initial faze of the Second World War, to a satisfied and misinformed public, utilizing in this manner *ES3*.

The characteristics of the transmitter, of the public and the utilized strategy by a political actor are not given once and for all, they can vary greatly form time to time. Discursive interventions can always change the course of the problem. So, an unknown transmitter and without credibility can bring something to the public at any time, and changing the equation data. The candidate Codruța Arvinte for presidency to Bacau County Council succeeded, with the slogan "Try with a woman", the breaking of the notoriety barrier. She had for several days an intense publicity. Unfortunately, the given chance was not capitalized by correlated discursive scheme by data and facts that would

convert the notoriety in trust: the political actor didn't have any public stature, nor the force to transform the ambiguity of a striking message in giving purpose of a second sense: a competent women in politics. All remained only on a literal sense.

If the equations of success are in a relatively small number (4), the multitude of failure equations is translating a tough reality of political discourse: many want, few succeed. The competition is without softness, rewards are many times great, so will win only the candidates that fulfill a large number of criteria from the equations of success. Yet, if the equations of success are translating an unitary class with a high probability of success, the ones of the failure can be differentiated on several degree of probability, from *impossible* to *possible*. *The impossible* must be moderated in this context: it doesn't send to a zero probability, according to the people that don't candidate to a certain position, but to a very small probability, near zero.

The smallest probability of success belongs to discursive events of candidates with zero notoriety and zero trust. The absence of any public image resource brings the maximum probability of failure. We identify here 16 possible combinations, which probability remains constant, regardless of discursive strategy and state of the public:

- E11. Failure = $E(NCt,NC) + P(M,I) + S(L,C)$
- E12. Failure = $E(NCt,NC) + P(M,I) + S(L,NC)$
- E13. Failure = $E(NCt,NC) + P(M,I) + S(DL,C)$
- E14. Failure = $E(NCt,NC) + P(M,I) + S(DL,NC)$
- E15. Failure = $E(NCt,NC) + P(M,NI) + S(L,C)$
- E16. Failure = $E(NCt,NC) + P(M,NI) + S(L,NC)$
- E17. Failure = $E(NCt,NC) + P(M,NI) + S(DL,C)$
- E18. Failure = $E(NCt,NC) + P(M,NI) + S(DL,NC)$
- E19. Failure = $E(NCt,NC) + P(NM,I) + S(L,C)$
- E110. Failure = $E(NCt,NC) + P(NM,I) + S(L,NC)$
- E111. Failure = $E(NCt,NC) + P(NM,I) + S(DL,C)$
- E112. Failure = $E(NCt,NC) + P(NM,I) + S(DL,NC)$
- E113. Failure = $E(NCt,NC) + P(NM,NI) + S(L,C)$
- E114. Failure = $E(NCt,NC) + P(NM,NI) + S(L,NC)$
- E115. Failure = $E(NCt,NC) + P(NM,NI) + S(DL,C)$
- E116. Failure = $E(NCt,NC) + P(NM,NI) + S(DL,NC)$

On a superior level of probability there are discursive aspects of unknown candidate, but with some degree of trust, meaning $E(NCt,C)$, the case of different specialists, technocrats, professionals, that are known only in their professional environment.

- E117. Failure = $E(NCt,C) + P(M,I) + S(L,C)$
- E118. Failure = $E(NCt,C) + P(M,I) + S(L,NC)$
- E119. Failure = $E(NCt,C) + P(M,I) + S(DL,C)$
- E120. Failure = $E(NCt,C) + P(M,I) + S(DL,NC)$
- E121. Failure = $E(NCt,C) + P(M,NI) + S(L,C)$
- E122. Failure = $E(NCt,C) + P(M,NI) + S(L,NC)$
- E123. Failure = $E(NCt,C) + P(M,NI) + S(DL,C)$
- E124. Failure = $E(NCt,C) + P(M,NI) + S(DL,NC)$
- E125. Failure = $E(NCt,C) + P(NM,I) + S(L,C)$
- E126. Failure = $E(NCt,C) + P(NM,I) + S(L,NC)$
- E127. Failure = $E(NCt,C) + P(NM,I) + S(DL,C)$
- E128. Failure = $E(NCt,C) + P(NM,I) + S(DL,NC)$
- E129. Failure = $E(NCt,C) + P(NM,NI) + S(L,C)$
- E130. Failure = $E(NCt,C) + P(NM,NI) + S(L,NC)$
- E131. Failure = $E(NCt,C) + P(NM,NI) + S(DL,C)$
- E132. Failure = $E(NCt,C) + P(NM,NI) + S(DL,NC)$

On the same level of probability is $E(Ct,NC)$, that means the known persons but without credibility. This is the case of many political actors which are known, but a doubtful reputation. For example, we can discuss here the case of Decebal Traian Remeș or Adrian Copilul-Minune. In marketing states: „Bad publicity its good publicity”, meaning that is harder to have notoriety than to transform over night a negative notoriety into a positive one. Of course, the efforts are big, and depend on the wearing out of the image: one is to be caught with black-pudding and alcohol, other is a moral debatable question like collaboration with ex Security police regarding foreigners.

- EI33. Failure = $E(NCt,C) + P(M,I) + S(L,C)$
- EI34. Failure = $E(NCt,C) + P(M,I) + S(L,NC)$
- EI35. Failure = $E(NCt,C) + P(M,I) + S(DL,C)$
- EI36. Failure = $E(NCt,C) + P(M,I) + S(DL,NC)$
- EI37. Failure = $E(NCt,C) + P(M,NI) + S(L,C)$
- EI38. Failure = $E(NCt,C) + P(M,NI) + S(L,NC)$
- EI39. Failure = $E(NCt,C) + P(M,NI) + S(DL,C)$
- EI40. Failure = $E(NCt,C) + P(M,NI) + S(DL,NC)$
- EI41. Failure = $E(NCt,C) + P(NM,I) + S(L,C)$
- EI42. Failure = $E(NCt,C) + P(NM,I) + S(L,NC)$
- EI43. Failure = $E(NCt,C) + P(NM,I) + S(DL,C)$
- EI44. Failure = $E(NCt,C) + P(NM,I) + S(DL,NC)$
- EI45. Failure = $E(NCt,C) + P(NM,NI) + S(L,C)$
- EI46. Failure = $E(NCt,C) + P(NM,NI) + S(L,NC)$
- EI47. Failure = $E(NCt,C) + P(NM,NI) + S(DL,C)$
- EI48. Failure = $E(NCt,C) + P(NM,NI) + S(DL,NC)$

The most interesting case is of differentiating, in $E(Ct,C)$ between the modules that offers a high probability and the ones with smaller probability. The ones with high probability had been exposed in the hypothesis IpD1, the other 12 being:

- ES1. Success = $E(Ct,C) + P(M,I) + S(L,C)$
- EI49. Failure = $E(Ct,C) + P(M,I) + S(L,NC)$
- EI50. Failure = $E(Ct,C) + P(M,I) + S(DL,C)$
- EI51. Failure = $E(Ct,C) + P(M,I) + S(DL,NC)$
- EI52. Failure = $E(Ct,C) + P(M,NI) + S(L,C)$
- ES3. Success = $E(Ct,C) + P(M,NI) + S(L,NC)$
- EI53. Failure = $E(Ct,C) + P(M,NI) + S(DL,C)$
- EI54. Failure = $E(Ct,C) + P(M,NI) + S(DL,NC)$
- EI55. Failure = $E(Ct,C) + P(NM,I) + S(L,C)$
- EI56. Failure = $E(Ct,C) + P(NM,I) + S(L,NC)$
- ES2. Success = $E(Ct,C) + P(NM,I) + S(DL,C)$
- EI57. Failure = $E(Ct,C) + P(NM,I) + S(DL,NC)$
- EI58. Failure = $E(Ct,C) + P(NM,NI) + S(L,C)$
- EI59. Failure = $E(Ct,C) + P(NM,NI) + S(L,NC)$
- EI60. Failure = $E(Ct,C) + P(NM,NI) + S(DL,C)$
- ES4. Success = $E(Ct,C) + P(NM,NI) + S(DL,NC)$

The common element of these 16 equations is the presence of a known and credible transmitter. What separates ES1-ES4 from the other 13 equations, so it can differentiate between success and failure?

We must observe the fact that, if we analyze the equations from a predictive point of view, the difference between the 16 discursive possibilities is one of probability. So, is more likely ES4 than EI60 (to an unsatisfied and uninformed public a cooperated illegitimizing strategy can appear too “soft”, too weak in report with the brute force of non cooperated illegitimizing strategy), but is not impossible that the second one to succeed. Than, the discursive conditions are rarely equal: there are among competitors degree of

notoriety, of credibility and of discursive possibilities that can balance the public in one way or the other.

When we look retrospectively, explanatory, the differences between equations are no longer of degree but in essence: one wins, the other lose. In the analyzed cases we have:

(1996)

EI55: Failure = f [Ion Iliescu (Credibility 55%, Notoriety 96%),

Public (unsatisfied 0,56, informed 86%), LC]

ES2: Success = f [Emil Constantinescu (Credibility 55%, Notoriety 91%),

Public (unsatisfied 0,56, informed 86%), DLC]

(2000)

ES2: Success = f [Ion Iliescu (Credibility 48%, Notoriety 99%),

Public (unsatisfied 0,18, informed 74%), DLC]

EI55: Failure = f [Corneliu Vadim Tudor (Credibility 34%, Notoriety 95%),

Public (unsatisfied 0,18, informed 74%), LNC]

(2004)

EI56: Failure = f [Adrian Năstase (Credibility 40%, Notoriety 99%),

Public (unsatisfied 0,89, informed 70%), LC]

ES2: Success = f [Traian Băsescu (Credibility 37%, Notoriety 97%),

Public (unsatisfied 0,89, informed 70%), DLC]

In all three election rounds, ES2 wins against EI55 in 1996, and respectively, in 2004, and also against EI56 in 2000. The fundamental hypothesis and the two complementary derived hypotheses are confirmed by these cases. Of course, that means only that the *performance theory of political discourse* passed a few tests.

We can not conclude that the *performance theory* was verified, but only that wasn't yet falsified. It can be utilized until new data, as an explicative, predictive and instrumental model of success in political discourse. Explicative, it offers a frame for understanding the complex reality of political discourse. Predictive, the theory can be used to estimate the chances of candidates to a public position. Instrumental, the theoretical ensemble realized in this thesis offers indications about what kind of discursive strategy should be used by a political actor for reaching his goals, in report with the state of the public.

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Realities and Perspectives of the Romanian System of Penitentiaries

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Key words: *penitentiary system, system of prisons*

Abstract: The National Administration of the Penitentiaries is part of Romania's system of public order and national safety. Regarding the penitentiary system applied to the caged persons, Romania is in the swim of alignment to the European standards. At present, The National Administration of the Penitentiaries has in custody 28455 prisoners. They are distributed in penitentiaries and 3 reformatory centers. Bearing in mind our integration in EU, The National Administration of the Penitentiaries unveils a series of collaborations for the development of the penitentiary units and for the improvement of the activity of the penitentiary system, having some well-established projects with Germany, Holland, Hungary and the Republic of Moldavia.

Due to the attention given more and more often both nationally and locally to the relationship between the civil society and the system of prisons, in the lines that follow we shall make a historical retrospect of the jailing system in our country. Thus:

In 1380 the first mentions about Ocna Trotusului are made, "ocna" being a salt mine where the labour force was usually constituted by the "gaol-birds" - usually the ones convicted for robberies, crimes, etc. The technique was simple: the convicted was sent in the "ocna" and left there until he finished his penalty.

For the boyars and noblemen, the punishment meant seclusion in the monastery. One of the oldest monasteries serving for this purpose is Snagov Monastery, built by Vlad Tepes somewhere near Bucharest, in the XIVth century, and was used for his political opponents.

1788- in Transilvania, a territory under Hungarian dominations, the stipulations of the 61st paragraph of the punitive procedure promulgated by the emperor Joseph the 2nd were applied, since they stipulated that " every cell should be clean, dry, have light from the sky and be built in such a way that it should not endanger the health of the prisoner".

Being under Hungarian rule, the cities from Transilvania – unlike the ones from Moldavia and Wallachia – could benefit of special buildings which served as prisons, and

had been mostly built during the rule of Mary Theresa (1740-1780) and of Joseph the 2nd, her son, whom joined her in the rule in 1765.

1790 - in the Romanian Countries, Nicolae Mavrogheni, the one who ruled between 1786 and 1790, ordered that women no longer be jailed together with men, specifying that when, due to the building, this would not be possible, they should be imprisoned at a decent, married man.

1802 - At the beginning of the XIXth century there is an increase in the interest shown by the rulers of that time to the problem of prisons. New buildings are being built and sick rooms are arranged next to all of them. Ruler Mihail Sutu, who ruled simultaneously in Wallachia and in Moldavia, during 1783-1802, demanded a weekly report of the prisoners, with a detailed presentation of the causes for which they had been convicted. Besides, he decided to use the prisoners for the public works, in order to increase the quality of food.

1831 – The appearance of the Organic Regulations in Wallachia and Moldavia meant a step forward towards the regime of executing the penalty, mentioning the fact that “the authorities will see to it that prisons be not only safe, but also clean, so that the convicts’ health wouldn’t be harmed in any way, while their food, clothes, lighting and fire wood would be bought with the sum decided for that purpose.”

1851 – The regulation for the Iasi prison is drawn up, stipulating the first provision in the Romanian legal system which puts a stop to the insults and beating of the arrested.

Also, Anastasie Panu, who was during that time the director of the Ministry of Justice, writes down the prison regulation of Targu Ocna. This one opens up the age of modern legislation in the question of executing the freedom deprivation penalties by putting into practice the “Auburian” detention regime and by introducing the first settlements regarding the moral education of convicts, which was to be made through religious education and by the obligation imposed on the arrested to learn a craft.

1874 – The Regulation for the prisons regime appeared, a regulation which governed the penalty execution regime until 1930, and instituted in penitentiaries the cell isolation regime for the night and team work during the day, thus taking over elements from the “Auburian” detention regime.

The general regulation for the central penitentiaries, of 24 May 1874 stipulates: “as elements of the social redemption action, the participation in labour without exception, proportionally to everyone’s age, strength and gender, the learning of a craft, the reading of religious books and the learning, reading of the primer”.

The idea of time, both at the European level as well as at our own, was that the harshness of the penalty was supposed to determine the punished one not to repeat the deed.

This regulation may be compared to the Belgian Law from 1870 and to the French Law from 1875, even with some advantages compared to those mentioned.

According to the 1874 law stipulations, prisons were divided into prevention prisons and punishment prisons, which, in their turn, were several categories, i.e. correctional, hard labour, seclusion and detention prisons.

Although penitentiaries should have been reorganized according to the legal stipulations, they actually stuck to the primitive regime of common imprisonment.

1930- on January the 1st, the penitentiaries and prevention institutions law adopted in 1929 becomes valid. Basically, the 1929 law maintains the stipulations of the 1874 law, improving them and instituting the English progressive system, by settling three phases in the convict’s preparation to be given back to free life, i.e.:

- *solitary isolation*, applied according to the conviction, without exceeding 3 years for the recidivists;

- *common imprisonment* during the day, and isolation during the night;

-the *working colony*, where the convicts used to work together and were housed during the night in common bedrooms.

1938 – on the 21st of April, the Regulation on the penalty execution regime was issued, being one of the most evolved European settlements on the subject, in that period. The idea of the social recovery of the convicts strongly took shape and was well stipulated under a separate title – “**Education measures**”. Having in mind the fact that this regulation took over and dwelt on the stipulations of the Law regarding the organization of the penitentiaries from 1929, we could say that, 25 years before the Minimal regulations for prisoners’ treatment was issued (ONU, August the 3rd, 1955), Romania had legislation regarding the penitentiary domain, containing stipulations for the social recovery at the level of these last international recommendations.

1944 – the victory of the allies determined Romania’s entering the war in stalinist Russia’s zone of influence, fact that constituted the departing point of a long term rip from the modern conceptions regarding the execution of the penalties. In that period, this thing materialized in changing the managing staff, corrupting the specialists as well as in an obvious regress in the applying of the penitentiary treatment.

1948 – the article “*The reeducation of the prisoners, one of the basic tasks of the penitentiaries*”, published in August 1948 in “**Penitentiary problems**” magazine mentioned the fact that reeducation cannot be done as long as “the political prisoners, the most fearful enemies of the working class and of the Republic shall not be treated with that fair class hatred and as long as the moral adaptation and the preparing of the common convicts – victims of the ex-bourgeois society based on exploitation – shall be neglected.

1952 – 1955 –The Regulation for the applying of the penitentiary regime and the Regulation regarding the receiving, jailing, guarding and regime of the convicts are issued, approved by the order of the ministry of interns, regulations by which the penitentiary was reserved, both conceptual as well as practical, the mission of constraint and even of physically removal of some categories of persons.

1962 – Preparing the great amnesty of the political convicts from 1964, The Regulations regarding the applying of the regime in the detention places, approved through the Order of the Ministry of Internal Affairs, no.4045/20.11.1962 states that, the freedom depriving punishments execution regime comprised: using them at work, respecting the discipline, cultural-educational actions, stimulations and rewarding. By organizing these activities the reaccommodation with the social pulse of the convicts benefiting from the amnesty in 1964 was achieved.

1969 – the projects of two governmental decrees are elaborated at the General Direction of the Penitentiaries, projects which will afterwards become the Law no.23-1969 and its Regulation of enforcement, approved by the Governments Decision (HCM no.2282/05.12.1969), which considered both the Romanian experience before World War II as well as the recommendations from the Minimal Regulations for Treating the Convicts enacted at ONU 1955, with only one exception, the moral and religious assistance. The governmental decrees developed a Romanian conception regarding the resocialization of the convicts, based on the participation at productive activities, in conditions similar to the ones from the economy, on completing the studies and alphabetizing the illiterates, on obtaining qualifications for a job, the continuous diversification of the cultural-educational activities regarding the direct access to social information and facilitating the family relations, as well as stimulating and rewarding the ones who are hard-working and show serious improvements. Moreover, the principle of knowing the personality of the convict and of applying the penitentiary treatment according to his psychological profile was applied, and in performing all the activities, a special attention was given to the respecting of the convicts’ dignity.

1990 – the breakage from the communist past allowed the breakage from the communist model of education, with all its implications. In order to ensure the continuity of the socialization process, but also its anchoring in the new socio-economic reality, simultaneous actions meant to avoid the tendencies of the convicts to assume their quality as political victims of the communist system were taken, especially around 1990, this meaning also organizing moral-christian assistance in the penitentiaries not only to the majoritary religions, but also to other religious cults, and the depolitization of all the cultural-educational activities.

2003- the Romanian Government wrote down and adopted the Emergency Ruling no.56 from 25.06.2003 concerning some rights of the people carrying out their freedom deprivation penalties, by which the Regulation for the carrying out of some penalties and for the preventive arrest measure from 1969 was annulled, and the penitentiary practice was updated within European standards.

2004 – on September 28, Law no.293/204 concerning the status of the magistrates from the National Penitentiary Administration became valid, this being a normative document which led to the demilitarization of the penitentiary staff. On that date, about 12.000 militaries were made reservists and acquired the quality of magistrates with special status.

2006 – Law no. 275/2006 concerning the carrying out of penalties and of measures ordered by the judicial authorities during the penal trial was adopted, a law which provides a modern development, being concordant with the European recommendations, of the activity of putting into practice the freedom deprivation penalties, thus updating Romanian penitentiary practice as the European one, and introducing new elements, such as the institution of the judge responsible for the carrying out of the penalties and for the personalization of the freedom deprivation penalties.

The normative framework

The normative framework that settles the activity of the National Administration of the Penitentiaries is the Government Decree no 1849 from October 28th, 2004, regarding the organization, functioning and attributions of the National Administration of the Penitentiaries.

The demilitarization of the Romanian Penitentiary system happened due to the publication, on June 28th, 2004, of Law no.293 concerning the status of the magistrates of the National Administration of the Penitentiaries.

The penitentiary administration system stays a component of the Romanian civil order and national security system. Thus, the 2nd, article of Law no.293/2007 concerning the status of the magistrates from the National Administration of the Penitentiaries stipulates that “National Administration of the Penitentiaries and subordinate units are part of the civil defense, civil order and national security institutions of the state.”

Regarding the “magistrate with a special status” quality, we mention that, according to article 3 (2)nd paragraph of the above mentioned law, this is given by the nature of the job attributions which implies duties and high risks. While performing attributions of guarding, escorting and surveillance, as well as in other clearly justified situations, the magistrate of the penitentiary administration system uses, under the law requirements, the technique, the means and the equipment he has been provided with”.

The activity of the penitentiary administration system regarding the penitentiary regime applied to freedom deprived individuals, is rounded up with other normative documents, laws, Government decrees, etc.

Legislation concerning the penitentiary regime applied to freedom deprived individuals will be modified once the new Penal Code becomes valid, but also the new law

for carrying out penalties, which will replace the current law regarding carrying out penalties, dated 1969.

The organizing of the Central Apparatus of the Romanian Penitentiary System

The new structure of the Central Apparatus of the Penitentiary administration system was approved due to the Order no.2906/C./20.11.2007 of the Ministry of Justice, and was modified by Order no. 753/C/14.03.2008.

The Romanian penitentiary administration system is run by a general director, who is assisted by three general assistant managers in exercising his managerial act.

According to the decisions made by the director of the National Administration of the Penitentiaries, no.398/07.04.2008 and 400/18.04.2008, there were established the competence and attributions of the (NAP) management board, such as follows:

The general director of the PNA coordinates the activity of the following directions and services:

1. The Human Resources Management Department
2. The Department for Preventing Delinquency in the Penitentiaries
3. The Penitentiary Inspection Department
4. The Office Service
5. The Juridical Service
6. The Department of Emergency Situations Management
7. Classified Information Office

The general assistant director of the PNA coordinates the activity of the following departments:

1. The Safety of the Detention and the Penitentiary Regime Department
2. The Psychosocial Intervention Department

The general assistant director of the PNA coordinates the activity of the following departments and services:

1. The Economic- Administrative Department;
2. The Programme and Cooperation Service

The general assistant director of the PNA coordinates the activity of the following departments and services:

1. The Medical Department
2. The Informational Technology and IT Communications Department
3. The General Registry and Archives Department

The general director and the assistant directors coordinate the activity of the services and of the departments above mentioned, as well as the services, compartments and the offices subordinated to the above mentioned ones.

The dynamic of the effectives

Nowadays, the National Administration of the Penitentiaries has in keeping 28455 persons that have been deprived of freedom. They have been assigned in penitentiary units, as it can be seen from the following table:

THE SITUATION

OF THE HOSTING CAPACITY OF THE UNITS AND THE NUMBER OF CONVICTS ON 13.05.2008

| No. | Unit | Existing numbers | | Legal capacity for 6 c.m. | Occupation index % from the no. of beds | Number of installed beds on 13 May 2008 | | | | | Where |
|-----|-----------------------|------------------|------------|---------------------------|---|---|-----------------|------------|--------|--------------|-----------------------|
| | | Total | Under aged | | | Total | Detention Place | Sick rooms | G.A.Z. | Other spaces | |
| 1 | AIUD | 882 | 7 | 1077 | 84,81 | 1040 | 1030 | 10 | 0 | 0 | |
| | - transit | 16 | | | | | | | | | |
| 2 | ARAD - Centre | 945 | 0 | 1578 | 59,89 | 1578 | 1492 | 86 | 0 | 0 | |
| | - R - 104 | 157 | 0 | 299 | 52,51 | 299 | 284 | 15 | 0 | 0 | |
| 3 | BACĂU | 957 | 11 | 892 | 78,57 | 1218 | 1102 | 30 | 86 | 0 | |
| 4 | BAIA MARE | 532 | 4 | 503 | 83,91 | 634 | 622 | 12 | 0 | 0 | |
| 5 | BISTRIȚA | 417 | 1 | 618 | 67,48 | 618 | 590 | 28 | 0 | 0 | |
| 6 | BOTOȘANI | 992 | 7 | 1178 | 81,11 | 1223 | 1211 | 12 | 0 | 0 | |
| 7 | BRĂILA | 520 | 0 | 573 | 89,19 | 583 | 571 | 12 | 0 | 0 | |
| | - G.A.Z. | 45 | 0 | 60 | 102,27 | 44 | 44 | 0 | 0 | 0 | |
| 8 | BUCHAREST | 1613 | 0 | 1426 | 87,47 | 1844 | 1822 | 22 | 0 | 0 | |
| | - tranzist | 6 | | | | | | | | | |
| 9 | CODLEA | 671 | 3 | 606 | 89,59 | 749 | 717 | 14 | 18 | 0 | |
| 10 | COLIBAȘI | 788 | 1 | 1097 | 71,83 | 1097 | 1060 | 14 | 23 | 0 | |
| 11 | CRAIOVA | 1064 | 0 | 1388 | 79,94 | 1331 | 1291 | 12 | 0 | 28 | |
| | - S 10 | 110 | 0 | 135 | 87,30 | 126 | 0 | 0 | 0 | 126 | |
| 12 | DEVA | 737 | 8 | 985 | 74,82 | 985 | 919 | 66 | 0 | 0 | |
| 13 | FOCȘANI | 624 | 2 | 641 | 77,32 | 807 | 728 | 11 | 68 | 0 | |
| 14 | GALAȚI | 799 | 0 | 756 | 86,01 | 929 | 899 | 30 | 0 | 0 | |
| | - transit | 0 | | | | | | | | | |
| 15 | GHERLA | 898 | 0 | 1225 | 73,31 | 1225 | 1225 | 0 | 0 | 0 | |
| | External section Cluj | 163 | 9 | 256 | 63,67 | 256 | 256 | 0 | 0 | 0 | |
| 16 | GIURGIU | 1242 | 7 | 1722 | 72,13 | 1722 | 1694 | 28 | 0 | 0 | |
| 17 | IAȘI | 1449 | 5 | 1416 | 94,09 | 1540 | 1540 | 0 | 0 | 0 | |
| 18 | MĂRGINENI | 1100 | 5 | 1185 | 70,60 | 1558 | 1543 | 15 | 0 | 0 | |
| 19 | MIERCUREA CIUC | 420 | 0 | 447 | 77,78 | 540 | 515 | 15 | 10 | 0 | |
| 20 | ORADEA | 621 | 4 | 732 | 84,84 | 732 | 717 | 15 | 0 | 0 | |
| 21 | PELENDAVA | 92 | 0 | 124 | 74,19 | 124 | 124 | 0 | 0 | 0 | |
| 22 | PLOIEȘTI | 417 | 5 | 537 | 73,67 | 566 | 534 | 26 | 6 | 0 | |
| | - Berceni | 48 | 0 | 61 | 51,61 | 93 | 93 | 0 | 0 | 0 | |
| | - Movila Vulpilor | 36 | 0 | 43 | 65,45 | 55 | 55 | 0 | 0 | 0 | |
| 23 | POARTA ALBĂ Centre | 818 | 9 | 1570 | 71,01 | 1152 | 1152 | 0 | 0 | 0 | |
| | - Valu lui Traian | 371 | 0 | 720 | 65,09 | 570 | 570 | 0 | 0 | 0 | |
| 24 | RAHOVA | 1421 | 20 | 1721 | 82,95 | 1713 | 1643 | 30 | 40 | 0 | |
| | - transit | 0 | | | | | | | | | |
| 25 | Ș.F.P.P.A. TG.OCNA | 170 | 0 | 268 | 64,15 | 265 | 254 | 3 | 8 | 0 | |
| 26 | SATU MARE | 515 | 3 | 490 | 84,29 | 611 | 581 | 30 | 0 | 0 | |
| 27 | SLOBOZIA | 594 | 4 | 674 | 74,53 | 797 | 738 | 0 | 20 | 39 | Deposit + Alexeni |
| 28 | TIMIȘOARA | 1093 | 12 | 1112 | 78,41 | 1394 | 1368 | 8 | 12 | 6 | Buziaș shooting range |
| 29 | TÂRGȘOR | 560 | 3 | 694 | 84,21 | 665 | 665 | 0 | 0 | 0 | |
| 30 | TG.JIU | 655 | 6 | 610 | 89,36 | 733 | 650 | 16 | 67 | 0 | |
| | Pojogeni section | 0 | 0 | 112 | 0,00 | 0 | 0 | 0 | 0 | 0 | |
| 31 | TG.MUREȘ | 511 | 0 | 559 | 76,96 | 664 | 660 | 4 | 0 | 0 | |
| 32 | TULCEA – Centre | 863 | 3 | 1056 | 70,45 | 1225 | 1171 | 30 | 20 | 4 | Sheepfold |
| | - Chilia Veche | 100 | 0 | 201 | 49,75 | 201 | 201 | 0 | 0 | 0 | Sheepfold |

| | | | | | | | | | | | |
|-----------------------------|-------------------|--------------|------------|--------------|--------------|--------------|--------------|------------|------------|------------|------------|
| 33 | TURNU SEVERIN | 288 | 0 | 309 | 93,20 | 309 | 270 | 15 | 24 | 0 | |
| | - Secția Vânjuleț | 102 | 0 | 334 | 30,54 | 334 | 334 | 0 | 0 | 0 | |
| 34 | VASLUI | 494 | 3 | 550 | 77,43 | 638 | 626 | 12 | 0 | 0 | |
| TOTAL PENITENTIARIES | | 26894 | 142 | 32540 | 77,31 | 34787 | 33561 | 621 | 402 | 203 | |
| | - transit | 22 | | | | | | | | | |
| 35 | P.M.T.CRAIOVA | 267 | 58 | 400 | 79,46 | 336 | 336 | 0 | 0 | 0 | |
| 36 | P.M.T.TICHILEȘTI | 218 | 83 | 434 | 88,98 | 245 | 211 | 0 | 30 | 4 | Sheepfold |
| TOTAL P.M.T. | | 485 | 141 | 834 | 83,48 | 581 | 547 | 0 | 30 | 4 | |
| 37 | SP. COLIBAȘI | 165 | 0 | 300 | 55,00 | 300 | 300 | 0 | 0 | 0 | |
| 38 | SP. DEJ | 109 | 0 | 246 | 58,92 | 185 | 27 | 158 | 0 | 0 | |
| 39 | SP. JILAVA | 286 | 1 | 440 | 65,00 | 440 | 440 | 0 | 0 | 0 | Attendance |
| | - transit | 0 | | | | | | | | | |
| 40 | SP. P. ALBĂ | 149 | 1 | 287 | 52,65 | 283 | 283 | 0 | 0 | 0 | |
| 41 | SP. RAHOVA | 47 | 2 | 108 | 43,52 | 108 | 108 | 0 | 0 | 0 | |
| 42 | SP. TG.OCNA | 129 | 2 | 405 | 45,42 | 284 | 284 | 0 | 0 | 0 | |
| TOTAL OF HOSPITALS | | 885 | 6 | 1786 | 55,31 | 1600 | 1442 | 158 | 0 | 0 | |
| | - transit | 0 | | | | | | | | | |
| 43 | C.R.BUZIAȘ | 63 | 63 | 117 | 55,26 | 114 | 109 | 5 | 0 | 0 | |
| 44 | C.R.TG.OCNA | 73 | 73 | 203 | 63,48 | 115 | 108 | 7 | 0 | 0 | |
| 45 | C.R.GĂEȘTI | 55 | 55 | 153 | 35,95 | 153 | 138 | 15 | 0 | 0 | |
| TOTAL C.R. | | 191 | 191 | 473 | 50,00 | 382 | 355 | 27 | 0 | 0 | |
| | - TRANZST | 22 | | | | | | | | | |
| Grand total | | 28455 | 480 | 35633 | 76,18 | 37350 | 35905 | 806 | 432 | 207 | |

NOTE

1. The following number of persons are found in the re-education centre, with the educational order of confidence

| | | | | |
|---|----------------|---|----|--------------------------|
| 1 | C.R.Buziaș | = | 63 | (boys) |
| 2 | C.R.Găești | = | 55 | (44 boys and 11 girls) |
| 3 | C.R.Târgu Ocna | = | 73 | (all boys) |

2. The persons in transit are part of the total number.

Considering our country's integration in the European Union, the National Administration of the Penitentiaries develops collaboration projects regarding the development of the penitentiary units and the improvement of the activity of the penitentiary system. Thus, we have some long-term collaborations:

Collaboration with Germany

The cooperation protocol between Aichach (Germany – Bavaria) and Codlea, signed on the 20 September 2005, stipulating reciprocal exchange of relevant information, common organization of reunions and symposiums, consultancy and even material help.

Collaboration with Holland

The collateral agreement of collaboration between the Ministry of Justice, the Romanian National Administration of the Penitentiaries and the Ministry of External Affairs from Holland, signed on the 30 of August 2005, through which the National Administration of the Penitentiaries benefits of a 2.000.000 € grant from the Ministry of External affairs from Holland, in the project „The Allignment of the Romanian Penitentiary System to the European Standards”.

Collaboration with Hungary

The cooperation agreement between the Hungarian National Penitentiary Administration and the General Direction of the Penitentiaries, signed in May 1998. Until

now, the cooperation has been realized not only at the level of the administrations but also between the penitentiary units from Hungary and Romania and meant reciprocal visits in order to consolidate the relations, exchange of professional information, consultancy but also material help.

Nowadays, there are “twinned” penitentiary programmes between:

- Tg Mureş Penitentiary and the Kecskemet, Veszprem and Debrecen Penitentiaries;
- Gherla Penitentiary and Veszprem Penitentiary;
- Aiud Penitentiary and Szekszard Penitentiary;
- Miercurea Ciuc Penitentiary and Naghyfa Penitentiary.

Collaboration with The Republic of Moldavia

The protocol of cooperation with the Republic of Moldavia Penitentiaries Institutions Department, signed on the 15.02.2000 by the managers of two institutions.

According to this protocol, the cooperation is in the legislative domain, the penitentiary management domain, through experience changes and documentation visits. Also, according to the protocol's stipulations as well as to those of Training and Perfectioning Programme for the Penitentiary System staff from the Republic of Moldavia, signed along with the Protocol, each year there are schooled, at the expense of the Romanian state, 10 non-commissioned officers of penitentiaries from the Republic of Moldavia in the „Tg. Ocna” Agents Forming and Professional Training School.

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Law no. 293 from 2004 regarding the position of the clerks from the National Administration of the Penitentiaries

Government's Decision no 1849 from 2004 regarding the organizing, the functioning and the responsibilities of the National Administration of the Penitentiaries

Ordinance no.64 from the 30th of August 2006 regarding the salaries and other rights of the clerks with a special status, from the system of the administration of the penitentiaries

Government's Decision no.1996 from 2004 regarding the conditions imposed for providing free medical and psychological care, medicines and prosthesis for the special status clerks from the system of the administration of the penitentiaries

The Order of the Ministry of Justice no.2854/C from 2004 for the approving of the Regulations regarding the participating, organizing and unfolding of the contests for occupying the openings and promotions, as well as the conditions to modify and stop the work reports of the clerks from the administration the penitentiaries

The Order of the Ministry of Justice no.2790/C from 2004 regarding the approving of the Competences to Administrate the human resources of the Ministry of Justice, the general manager of the National Administration of Penitentiaries and the managers of subordinate units

The Order of the Ministry of Justice no. 2856/C from 2004 for approving the Regulations regarding the participating, organizing and unfolding the activities of the discipline boards from the National Administration of the Penitentiaries and from the subordinate units

The Order of the Ministry of Justice no.2794/C for approving the Ethics Code of the staff from the system of the administration of the penitentiaries

Webography:

www.just.ro

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Opinions Regarding the Relationship Between Capitalism and Ethics

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Key words: *capitalism, ethics, globalization process*

Abstract: The study wants to propose a theoretical objective outlining in what extent the opinions of great thinkers, starting with Adam Smith to Max Weber and ending with Milton Friedman could still be actual, having in mind the compatibility between capitalism and ethics. The importance of this problem results from the large variety of mutations witnessed in the field during the last decades, under the pressure of the globalization process. The more important is this matter for Romania, where the political and juridical institutions can not succeed to stop the unfair competition and corruption. The difficulties of this endeavor are major, and the results of the research can not be but reasonable. We have started from the hypotheses in which the moral norms assure an organizational framework proper to each type of society. The debates are becoming contradictory when referring to what is happening in capitalistic free market, under the circumstances in which the role of state is being restricted. This diversity of options makes it necessary a permanent research upon the fundamental values of the contemporary capitalism. This study pleads against the false representations, deforming the correct understanding of the private initiatives. The conclusion is that nobody can be moral, more over in the case of the businessman, without having a clear and responsible assumed set of values. In order to do that, the debate should become permanent.

Even if, for the moment, in Romanian society debate over moral problems produce few practical effects, it is important that such debates take place and that they prepare an evolution towards normality. The idea is that no community can stay in a permanent state of confusion of values, which means that we have to expect essential axiologic clarifications, with sure extensions in politics, economy and administration. As I constantly find myself in such a state of waiting, I point out that in the year 2006, the Polirom publishing house in Iassy came published the book "Ethical frontiers of capitalism", under the coordination of economists Daniel Daianu and Radu Vranceanu. It is a volume of studies (13, to be more precise) written by Romanian and foreign authors, dedicated to ethics in general and the ethics of capitalist societies in particular.

Regarded as a whole, the book manages to combine philosophical reflections on the matter of moral with so-called case studies. It investigates the value system and moral standards which should define the economical and social activity. Actually, the volume is structured in three parts, respectively: 1. "Programmed ethics", 2. "Spontaneous ethics" and 3. "Ethical dilemmas in practice".

In the first part of the book, we start from the finding that no society, including the capitalist one, has the capacity to offer optional solutions to the problem of ethics for the investigation of the possibility of improving the situation with the help of the government. Here, the French researcher Laurent Billeart, in the study "Capitalism and its ethics" tackles the main dilemma of capitalist society and reaches the conclusion that true ethics is between western "modern" ethics of complete human control of the world and the ethics of old or traditional civilizations, which sometimes become very reluctant to modern western ethics. In essence, this intermediary ethics needs a constant reinvention to the present, the unforeseen happenings whose consequences are always uncertain and risky, between an imperfect past which, whether we like it or not, defines us, and a future we try to direct towards the perfection we dream of¹. Also of some interest are the studies proposed by Michel Keren (Israel), Marie-Laure Dijelic (France), Daniel Daianu (Romania) and Nicoletta Ferro (Italy).

The second part of the book analyses ethical virtues of capitalist society and formulates favourable conclusions regarding the capacity of the market economy to cultivate universal human values. In this sense, Mircea Boari (Romania), for example, in the study "Capitalism. The Foundation of Ethical Behaviour", formulates the following ending: "The bond between capitalism and ethics can be tackled from numerous directions. Irrespective of perspective, whether it is either predominantly philosophical, economical or sociological, an adequate understanding of human behaviour is essential. Otherwise, we run the risk of statements without proof and of recommendations which do not reach their aim"². Supporting arguments are numerous in following analyses, owing to the research by Sorin Cucera (Romania), Armand Pellissier-Tanon (France) and Antonio Argandona (Spain).

In the third part, the book contains several case studies where real issues are analysed, such as the way companies are run in the context of major corporate scandals. For example, in the study "Ethical marketing, a myth?", the French researcher Rene Y. Darmon concludes: "Although laws, regulations and professional ethics codes contain useful suggestions, these are insufficient. Many of the actions they have to do have ethical aspects stipulated by professional standards, but others, don't. In these cases, only the spirit of moral values and high professional ethics standards can show the direction to follow. The answer to the question whether ethical marketing remains a myth or will become reality depends on how much we consider that such kind of ethical conscience will become current in this profession"³.

The book's conclusions are formulated by the volume's coordinator. In short, this is what the two economists say; the present volume suggests that a decentralized economy can better function only if the society becomes more aware of the importance of the ethics side of the economical operations. Ethical conflicts can and should be anticipated, not only at individual level, but also at company level. Judging by what some of the authors have shown, the business sector especially, would function better if the ethical dimension became a fully recognized part of the corporate management systems, and the global

¹ Laurent Bibard, *Capitalism and its Ethics*, in "Ethical Frontiers of Capitalism", coordinated by Daniel Daianu, Radu Vranceanu, Polirom, Iasi, 2006, p.38

² Mircea Boari, *Capitalism. The Foundation of Ethical Behaviour*, in the same volume, p.148

³ Rene Y. Darmon, *Ethical Marketing, a Myth?*, in the same book, p.228.

quality of social analysis would certainly improve if more attention were paid to the ethical aspects.”⁴

After having read it, I am positive that this work can be appreciated as a remarkable achievement in a field of prime concern for the Romanian society. Because we have to develop learning skills regarding behaviour from the experience of the more civilized, who tell us that business ethics is characteristic to a mature market, in which companies have grown to understand their cultural and civilizing role in society. This knowledge, however, firstly has to be built centrally, starting from the truth that ethics in business, in civilized societies with mature markets, is an independent discipline of high stateliness, destined to direct economic and social management and marketing around a system of values. We find ourselves in a pioneering state and we have to hurry so as not to remain without competition partners. With these thoughts in mind, I bring in discussion some authorised opinions regarding the relationship between capitalism and ethics.

Selfishness as a way to do collective good (according to Adam Smith)

The debate about the relationship between capitalism and ethics resorts, naturally, to the position of Adam Smith, known as the father of the theory of liberalism. Firstly, because he was seriously preoccupied with ethics problems, expressed in the volume “The Theory of Moral Sentiments”, published for the first time in 1759. Then, as he is the author of “An Inquiry into the Nature and Cause of the Wealth of Nations”, published in 1776, book of major importance for the ideology and institutional organisation of modern capitalism.

Starting from the theory of the natural right, as an extension from John Locke’s idea, who stated that the natural form was not a chaotic one, but settled by the law of nature, Adam Smith strongly gives priority to the autonomy of economics. According to his conception, the activity of independent economy is a stable reality, governed by natural laws, such as the laws of competition and work division, which he calls “the invisible hand” that assures the social order. The “natural” man, before politics, is, first of all, an “economic” man, and tends to exchange with the others the products of his individual work. As a consequence of this tendency of the “natural” man, the market appeared as a natural and essential reality of the human and social life. Being inclined to trade, the individual could satisfy his personal wide variety of necessities, through the market, even though his abilities helped him to produce a narrow variety of products. By the multitude of individual trade relationship, he obtains even an improvement of his welfare. But, for the work division, as well as the “invisible hand”, to take effect, the mechanism of competitiveness must be free to act. In this way, in “The Wealth of the Nations”, Smith says: “The food on the table is not the fruit of the goodwillness of the butcherr, the brewer or the baker, but the fruit of their preoccupation for their own interest. We do not resort to their kindness, but their instinct of self-preservation and we will never talk to them about our needs, but rather about their advantage”.⁵

Therefore, in Adam Smith’s vision, the moral imperative of capitalism seems to be the one that individuals must be selfish and greedy, in order to maximize their profit. And still, the thinker goes on with the demonstration and shows that, through the market, the selfishness of the individual leads to the greater, collective good. The hypothesis that derives from “The wealth of Nations” is that the market, because it assures the wellbeing of the collective, satisfying from an ethical point of view, is a moral structure, even though it combines the moral and even immoral actions of the people. As a result, capitalism

⁴ Daniel Daianu, Radu Vranceanu, *Conclusions*, in the same book, p.229.

⁵ Adam Smith, *An Inquiry into the Nature and Cause of the Wealth of Nations*, ed. A. Skinner, Penguin Books, London-New York, 1999, p.II9.

works at optimum parameters when individuals are allowed to explore freely the ways in which they might maximize their gain.

This explanation, that Smith offers in "The Wealth of Nations", becomes debatable if we bear in mind the work "The Theory of Moral Sentiments", previously published. Here, he writes: "As selfish as man is considered to be, there certainly are some principles in his nature according to which he shows interest for the wellbeing of the others, conveying the wellbeing of his kind as a necessity, even though he gains nothing from it -except maybe, a selfless happiness."⁶ Therefore we see, according to the English thinker's conception, that man is ruled by two categories of orientations. On the one hand, the instinct of self-preservation, manifested in the maximization of his own interest and, on the other hand, the feeling "love your close one". From the above results, at least at a hypothetical level, that in the work "The Theory of Moral Sentiments", Smith bore in mind that the "theological" man, ruled by the feeling "love your close one", and in "The Wealth of Nations" he narrows the analysis to the economic man, pre-social, inclined to win from commerce. The idea is that, in the same proportion as the feeling "love your close one", the instinct of self-preservation is a technique of survival given on a divine plan. In other words, both the instinct of self-preservation, that claims the actions to maximize interest, and the love for the close one, that requires compassion and empathy, are part of a divine project. Also in the work "The Theory of Moral Sentiments", Smith says: "The desideratum of approval and this aversion toward the disapproval of others couldn't make him adequate to society he was formed for. Therefore, nature gifted him with not only the will to enjoy the approval of his kind, but also the will to earn or to be what he himself sees good in those around him. This means tht the individual has a natural tendency to morally judge. However, this tendency does not make for sufficient sorce of control. This is why, the natural tendency towards morality must be supported by stability, at a social level, through inductive generalisations, of some rules regarding the fairness of behaviour, starting from the divine commands. This supported code of morality seems to be the prerequisites on which Adam Smith relies when he states, in "The Wealth of Nations" that through the gathering of interested actions a greater good is achieved, acceptable under moral aspect. In other words, it is about an ethic fundament stamped in the individual consciousness ,that would create the premises of collective self-constraint capable of ensuring a relative harmony, a correct functioning of the market.

Of course, at an abstract level, Adam Smith's ideas still seem to be of topical interest, but with a partial applicability and not only in the economic area. The promotion of individual interest doesn ot always mean the promotion of collective interest, not even in the economic activity. The argumentation becomes even morer debatable when these ideas are explained beyond the area of economics. Anyway, the pragmatic ideal of the compatibility of selfishness with morality, under the ruling of the principle of "invisible hand", seems more of a tale, almost incredible to Romanians.

Religion and Economic Activity

(Max Weber's explanation regarding the relation between the protestant ethics and the modern rational capitalism)

In trying to explain the organisation and functioning of the modern and rational capitalism, the German sociologist Max Weber's conception seems to be of a great importance. In his thesis "The Protestant Ethics and The Capitalist Spirit" (1905), he defended the idea of theinfluence of religion in a Protestantism form on the economic aspect, expressing a spiritualistic thesis on the capitalism's genesis and its becoming through history. Within the given circumstances, the Marxist explanation had already established the idea according to which at the basis of economy only the materialistic

⁶ Adam Smith, *The Theory of Moral Sentiments*, Liberty press, Indianapolis, 1982, p.I.i.1.1.

factor and the traditional striving for money would have mattered though they stopped any of the spirit's requests. Weber's point of view suggests that things are not as clear as they might seem, however in certain conditions the spirit's virtues could be felt present despite existing in such a fair economic jungle. This is the thinker's statement: "It is necessary to point out the way in which religion's supremacy has influenced the mind's qualitative achievement and quantitative expansion and what culture based factual aspects does it refer to. Taking into consideration the endless labyrinth of the reciprocal influencing among the materialistic origins, the organisation and political forms as well the spiritual content of reformed culture times, there is no way out but firstly identifying the points of "elective resemblance" between the forms of religious faith and professional ones. All at once the "general orientations" due to which the religious movement exercise the great power on the development of this materialistic culture will be possibly highlighted."⁷

As it can easily be observed, Weber's ability arises from his attempt to spiritualise the notion of "homo economicus" by promoting the idea that in man's nature the religious constituent has always been active alongside the money thirst characterising other periods throughout the Economy' history, too. Thus, the German thinker connects the origins of capitalism to the existence of certain moral traits. Weber's opinion highlights that the appearance of the personally and professionally dynamic and enterprising man was not strictly determined by either economic factors or a specific psychology of profit-orientated men.

This audacious attitude apparently functions as a characteristic of a mass of people the moment something historically great might take place, respectively the spirit of capitalism. It is the same spirit that against tradition may also impose an ethical intrinsic meaning on the economic behaviour. Weber's way of thinking suggests that "the spirit of capitalism" should be perceived as different from the "traditional spirit". The difference between the two types of acting lies both in the work-attitude and profit-attitude. Consequently, while in the traditional perception work has been perceived as a burden, offering pleasing incomes that should provide a secure and comfortable life, in modern man's new work has become a sign of superiority and a source of personal satisfactions, thus man focusing on the rational benefit. As Ioan Mihailescu states in the already above mentioned book, according to Weber's conception: "Capitalism is a rational economic organisation involving enterprises based on long-term investments, on the juridical liberty of labour, on the planned division of labour of each institution, and on an equilibrium between the production factors and the market demands."

Max Weber's attitude registers the beginning of a new justifying form of human action. If previously the enterprising and daring being could only be identified beyond religion, his theory opposes the idea according to which the spirit of capitalism could be immoral but it pleads for its justification within christianism. Weber's outlook points out that the economic conduct possesses an ethical intrinsic essence of a transcendent origin that distinguishes itself by means of religion. But obviously not any kind of religion could activate the proper behaviour. The German sociologist observed that the capitalist economic system has emerged in Western Europe and then it differently extended from one region to another.

From this realisation, the scientist naturally asks himself: "How can the fact that this organisation appeared in an area and succeeded in certain places while in others it failed, be explained?" The marxist doctrine according to which economic development is possible only if one ensures the necessary material factors (modern, technical basics, a sufficient volume of capital, a qualified workforce and management competence) could not offer an answer to this question. This implies that in the development of capitalism there are more intervening factors than those suggested by Marxist doctrine. The extra factor identified by

⁷ Max Weber, *The Protestant Ethics and The Capitalist Spirit*, Humanitas, Bucharest, 1993, p.70

Max Weber, on his explanation, is the correlation between religious ethics and economic behaviour. Basically, in his explanation, there is a difference between the way in which capitalist spirit was met by Catholicism on one side, and by Protestantism on the other side. In other words, the sociologist investigated which of the two religions can accept the compatibility between “ascension”, as a necessity of medieval christianity and “rational action serving to accomplish a goal”, as a necessity of productive life. Weber’s argument stems from the idea that “The Reform didn’t just mean the «removal» of religious dominance over life, but mainly the replacing of an old form of domination with newer one. That means the replacing of a form of dominance that was extremely tolerable, at that time, almost formal, with a code of organisation that was much more oppressive and intrusive for human life as a whole.”⁸

In his analysis, Weber used a study conducted by Offenbacher, about the career choices made by catholics and protestants. The conclusion of this study showed that while the sons of catholics were interested in propagating the old craftsmanship culture, which had been adopted for hundreds of years, the sons of protestants were oriented towards the new capitalist professions, and enjoyed several advantages with regards to their economic positioning. Protestant doctrine, agreed Max Weber, responds in a better way to the needs of capitalism, which brought about a rejection of traditionalism. “In other words among journeymen, catholics are those who are more inclined to choose a craftsmanship activity, which means that relatively fewer become “master craftsmen”, while protestants are more inclined towards factories, in order to reach the higher echelons of workmanship society and industrial bureaucracy.”⁹ Even if there is nothing but an incidental link between Protestantism and the spirit of capitalism, the idea of spiritual determination in the early stages of capitalism development constitutes the point made by Weber’s explanation.

In order to make his theory credible, Max Weber uses the distinction between the different forms of capitalism that have marked human history, neglected to mention war capitalism, capitalist theft, and commercial capitalism, but carefully stopped to analyse modern rational capitalism, because he considered that this economic model is capable of dampening the irrational impulses of the enterprisers. The scientist observed that the appearance of rational capitalism can be correlated with the apparently perplexing phenomena, when, against tradition, the intensification of religious activity become compatible with the increase in economic activity. In trying to explain this exception from regular history, he came to the conclusion that this phenomenon characterises societies that have embraced Protestantism. This leads to the conclusion that Protestantism produces an essential mutilation in the behaviour of its adepts, in comparison with capitalism.

So Weber comes to the conclusion that the novelty of Protestantism is in the way in which it solves the problem of destiny. Unlike catholic doctrine, where being saved or damned depends on one’s action, on the sinner admitting his sins, in the protestant doctrine, one cannot know whether he is chosen or damned, as this is chosen by God forever. In other words, in the catholic doctrine, God is good, and merciful, and allows the sinner to choose his destiny, while the protestant God is unrelenting. In commenting about Jean Calvin’s doctrine, Max Weber says that: “It’s not that God exists for people, it’s the people that exist for God and everything that happens – I mean the unquestionable fact for Calvin that only a small number of people are called to be saved – can have a meaning only as a means to worship God’s grandeur. To apply the standards of mundane “justice” to his sovereign decisions is useless, because He and only He is free, meaning that He doesn’t obey any rule, and His decisions can become understandable and known to us only if He considers it’s good to communicate them to us. We know only fragments from

⁸ Max Weber, op.cit,p.24

⁹ Max Weber, op.cit,p.26

this eternal truth, everything else – the meaning of our individual destiny – is a mystery and every attempt to decipher it is impossible. If the damned cried their destiny is undeserved, it would be as if animals showed this content that day weren't borne people. Every human being is separated from God by a precipice which can't be crossed and man deserves in front of Him, if He hasn't decided something else, just eternal death. We know that only part of people will be saved, and the other part will be damned. To consider that a merit or a human guilt would contribute to his destiny, would mean that God's absolutely free decisions, which are unflinching in eternity, could be regarded as changeable through human action, which is an impossible idea."¹⁰

At the beginning, faced with his extremely rigid doctrine, the individual is aware that he can't cooperate with God anymore to make his own destiny and he lives a dramatic state of permanent uncertainty and restlessness. But, as we will see, the doctrine of predestination issued by Calvin offers the solution to overcome this restlessness.

To sum up, Max Weber considered that, at the bottom of modern capitalism, an important spiritual phenomenon lay, which, though it was partly invisible, impelled the early development and expansion of this kind of society. Thus, in the German sociologist's opinion, the structural and material premises of society were necessary, but not enough to explain the development of rational capitalism. The idea was that, for modern capitalism expansion, material conditions had to benefit by the contribution of a spiritual factor, that is, by the meeting with the doctrine of Calvinist Puritanism. The novelty of Calvinist doctrine is predestination theory according to which the condition of grace or damnation is decided by God from the beginning of the world and forever. In other words, according to this theory, man can't cooperate with God to make his own destiny. Being aware of this truth, man feels lonely, he lives a dramatical state of permanent uncertainty and helplessness.

Man's big problem is that he doesn't know if he is predestined to be saved or damned. Moreover, he doesn't have any magical means to gain divine grace. Not even the priest, the sacraments, Church or God can help him. At first, being aware of this truth man lives a dramatical state, feels lonely and without any support. Faced with divine decision, man is helpless. The solution offered by Calvinism in order to overcome this condition was man to behave as if he were chosen by God and to reject any doubt as if it were's devils's temptation. Man has to be permanently in God's service and to behave as a chosen one. Man has to lead an ascetic life. He has to have an active life, yet an abstinent one. Weber sees the connection between Calvinism and the spirit of capitalism in this attitude. Using the sociologist's words, we find out: "On one hand, it is compulsory for the believer to consider himself chosen and to reject any doubt on this fact as if it were devil's temptation because a deficit of self-confidence is a consequence of fragile faith, that is, an insufficient fact of grace... On the other hand, a great emphasis was put on tireless professional work as excellent means to acquire self-confidence. It, and only it drives away religious doubt and offers certainty for the state of grace."¹¹

Commenting on Weber's text, Ioan Mihailescu in the postface of the text sums up: "The puritan doctrine arguments to the religious people that work is the only defence against temptations and doubts. The faithful man should use each moment of his life in order to serve God's glory and obtain confidence in his "choice". Using life for useless conventions, such as parties in society, sleeping more than is needed to maintain your health, even living in prayers is bad because man isolates himself from an active life, which is the only one that meets God's demands. Continuous labour is the life style ordered by God to whom every man should conform. The work's utility is judged by obtaining good results, which, in their turn, represent signs of divine grace. Profit and wealth are to be

¹⁰ Max Weber, op. cit, pp.114-115.

¹¹ Max Weber, op. cit, pp.114-122.

blamed, only if they lead to laziness and neglect. On the contrary, if they are the result of fulfilling obligations, they are appreciated as gifts of God that man can not refuse. As long as is the result of a permanent effort, obtaining profit is an obligation, a duty for the entrepreneurial.

It is remarkable that even though formulated like a regional and historical explanation, Marx Weber's theory was a success among researchers. It can be still used as working hypothesis, even though many of the coordinates of capitalism have been modified. Still, the problem of morality remains of topical interest, be it religious or not, of social relationships. The opinions on the relationship between capitalism and ethics are different. Although the idea that the project constituted initially a catalyser for the ethic development seems plausible, the fact that between economic logic of earning money and the rules of ethics, there are often incompatible relationships that can not be avoided. This does not mean that the debate is senseless. Gain is obtained with difficulty, but the desideratum must guide the strategies of social development.

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Romanian Commercial Companies and their Employees

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Key words: *company, employees, employer, crisis, low-incomings, poverty*

Abstract: In this article I'm referring to commercial companies from Romania and their moral dimension of business. I analyze the relation between employer and employees, the conditions that employees have at work, their obligations and rights and the fact that we assist to a crisis of personal in our country. In conclusion I suggest solutions to the problems that persist in romanian commercial companies.

Introduction

After the Romanian Revolution from 1989 we can see that democracy started to develop. A lot of commercial companies appeared and until now in 2008 a part of them managed to develop in difficult context of the romanian economy and the other part disappeared or had a difficult existence. The problem that persists until now is that a part of commercial companies don't respect the rights of employees which is not moral for a democracy where employees need to be respected and protected .

Chapter 1 - Definition of commercial company

Firstly we have to clarify the notion of commercial company.

A commercial company has its own judicial personality, it represents a contract, as well as a subject of autonomous law, and in the same time it has a lucrative purpose, because it wants to have material benefits, and benefits of another nature.¹

In the Romanian Civil Code is stipulated that a commercial company is a contract by which two or more persons agree to put something in common with the purpose to share the profit that may derive from it. The company has to have a lawful object that has to be made for the common benefit of the parties (art.1491 and art.1492).

¹ C.Hamangiu, I.Rosetti-Balanescu, Al.Baicoianu, Tratat de drept civil roman, vol II, Ed.Nationala, Bucuresti, 1929, p.994 si urm; Fr. Deak, Tratat de drept civil. Contracte speciale, Ed Actami, Bucuresti, 1996, p.356 si urm.

The notion of commercial company is used in the legislations of the states in which the commercial law has an independent existence. The appreciation of the commercial character of a company is made after two criteria. In connection to the admitted solution one can use the criterion of the social object or the criterion of the way of establishing.

The social object which is the first criterion, was consecrated by the French Commercial Code from 1807. This social object is a classical criterion, and it is an objective one. A company is commercial if it has been established with the purpose of making acts of commerce, acts that are stipulated as such in the Commercial Code.²

The criterion of the form of establishing is adopted by the French Law nr.537 from July, 24th, 1966 on commercial companies. This criterion is a modern and a formal one. A company is commercial if it was established under the form of a company in common name, company with a limited responsibility or as an anonymous company with stock.³

So a commercial company that was made in a legal manner, with the fulfillment of all the established conditions of content and form, gets a judicial personality. From that moment on, the commercial company has its own name that is mentioned on the social firm, the name of the company permits the individualization of the social activity, a social environment, a nationality and patrimony. The company can participate in its own name in the commercial circuit, it has the capacity to stand in court and it has its own patrimonial responsibility.⁴

The commercial company has its own domicile that becomes its social headquarters.

The establishing of the company's headquarter has important consequences. In connection to the social headquarters one appreciates: the nationality of the commercial company, the place where the procedure documents are communicated, the abilitated court to judge the litigation in which the company is a part of, the place where some publicity measures are taken, the place where the company can be executed.

In the Romanian law, in order to determine the nationality of a commercial company, we use the criterion of the social headquarters. Thus a company that has its headquarters in Romania has the Romanian nationality, is subjected to the Romanian laws, this criterion is applied also to the companies that have foreign participation⁵.

The commercial company has its own patrimony, that is distinct from the one of its associates and in the same time it has an autonomous character that is very important (I. Macovei, 2006, p.107).

The commercial company has its own nationality that is distinct from the one of its members. The notion of nationality expresses the affiliation of the company to a certain state and law system. The affiliation of the company can be determined after several criteria: the criterion of the registration, the criterion of the social headquarter and the criterion of control.

Now that the notion of commercial company was clarified let's see other important aspects: *moral dimension of business, company, employees, employer, crisis, low-incomings of employees, poverty. I will take in discussion these aspects in the next chapter.*

Chapter 2 - Employees, employers and their problems

Nowadays in Romania we assist to a large phenomenon which is the exploitation of employees at work. So what is the problem and why this situation that is not moral exists.

²A se vedea art.1.alin.(1) al Legii din 1990 privind societatile comerciale si art.3.C.com.rom.

³ I.Macovei, Institutii in dreptul comertului international, Ed. Junimea, Iasi, 1987, p.102

⁴ Pentru detalii, I.Macovei, Dreptul comertului interabntional, vol I, Ed.C.H.Beck, Bucuresti 2006, p.105 si urm.

⁵ Art.1 align.(2) si art.280 din Legea 31/1990

We can see that employers want to get rich very fast. So they use employees in this purpose. How? Employers don't respect the rights that employees have and don't offer conditions at work.

Firstly I will say that the first right that is not respected is the right to have a salary that assures a good life. Not all employers respect the disposition from article 154 alin.(2) from labour code which stipulates that every salaried has the right to a salary expressed in money. Are many situations when salaried persons have not taken the salary in time or they haven't got the salary at all. Because of this appeared work litigations which are stipulated in labour code in articles 248 and 249 .Article 249 stipulates that the procedure of solving work litigations is established in special law.

Employees have to work a lot and are many situations when they are not paid for working more than 8 hours a day. So another major problem is the time of work and rest that is not respected.

In this sense article 108 from labour code stipulates that time of work represents the period where salaried persons work, are at disposition of the employer and accomplishes his obligations according to stipulations from individual contract of work, collective contract of work that can be applied and or the legislation in force. The big problem is the employers don't pay employees for supplementary work and salaries are insignificant in comparison to work that is done. Because of this low-incomings of employees we assist to a social crisis where people don't have enough money for food and a decent life. The result is that we will see more poverty and people will have to make more credits at banks for surviving.

Another major problem refers to conditions that employees have at work. A lot of commercial companies in Romania don't offer good conditions at work. The result of this problem is that at the end salaried people will have problems with their health and security at work.

Articles 171-181 from labour code stipulates general rules for health and security at work. The most important article is 171 :

- the employer has the obligation to take all the necessary measures for the protection of life and health of employees;
- the employer has the obligation to assure security and health of employees in all aspects according to work.

Another aspect that is present in Romania in commercial companies is the relation between employer and employees. This relation is not to good because nowadays persists the communist ideas .The result is a negative and destructive relation between employer and employees .There is no place for a good communication, an order is an order and needs to be accomplished. But not all companies confront with this problem. Companies that have good relation exists and the result is positive for both sides. Exists a good communication and collaboration between employer and employees. So at the end the result is positive and other companies will learn that they have to do the same so they can have a positive result.

Because of the conditions at work, low-incomings and negative relation between employer and employees romanians go to other countries to work where they have good conditions at work and salaries that permits a good life for their families. So nowadays we assist to a crisis of working places in Romania and the reasons for this crisis I have presented already.

Conclusion

In these conditions what do we have to do? What is the solution to solve these real problems for commercial companies in Romania?

Well the answer is complicated but not impossible.

Firstly the legislation needs to be changed in sense of being more severe to employers that don't respect legislation.

Secondly employers have to see that is very important to offer good conditions and security at work.

Finally employers have to offer good salaries to employee's .By taking this measures romanian workers will stay and work in our country.

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Brief History of Legitimate Defense

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Key words: *legitimate defense, penal responsibility, Criminal Code*

Abstract: Within our criminal law, committing an offence constitutes a basis for the criminal responsibility (article 17, paragraph 2, from the Criminal Code). Taking into consideration the fact that the general notion of offence, as a fundamental juridical institution of the criminal law, is characterized by three essential characteristics listed within the article 17, paragraph 1 from the Criminal Code (social danger, guilt and the provision in the criminal law), the criminal responsibility will necessarily have as a theme the conjugate existence of these essential characteristics.

1. General aspects on penal responsibility

In our penal law, only one crime represents the grounds for penal responsibility (Penal Code, art. 17, paragraph 2). There are three main characteristics of what we call crime: social danger, guilt and the stipulations in the Penal Code. There are circumstances or states-such as injuries within sport contests, or the case when somebody is forced to commit a crime- which simply removes the penal nature of these offences. That is why in the general part of Penal Code the legislators mention the causes which prevent the identification of the main characteristics of crime. These causes have to be permanent during the crime, although the court identifies them subsequently.

The Penal code-chapter V-general part-art 44-51 calls these circumstances or states causes which remove the penal nature of the offence. We think that it would have been better to call them causes which make the offence not be a crime, because the verb to remove means that there already is a penal nature and something removes it, although we are not dealing with crimes at all.

2. The history of self defense

The analysis above helps us go deeper in studying self defense since ancient times in several areas around the world.

Protecting one's own life within unfair aggression has not been punished since slavery system. The laws in the Old India stipulated that "he who kills for his safety or to protect a woman or a Braham shall not be guilty of murder". Also, the Talmud stipulated that "if someone is trying to kill you, be quicker and eliminate him."

The slavery law of Athens stipulated rules which permitted self defense. Speaking of correctness, we mean that the benefit of defense is allowed only for free people, because "if a slave kills a free man to protect himself, he shall be punished as a killer"

In the Roman law, the principle to use violence against violence has a more precise meaning.. Cicerus invokes the benefit of self defense and supports Milone who was accused for killing Clodius, proving that "there are several circumstances when killing is legitimate, it becomes necessary when violence is rejected through violence" It is, of course, about an unwritten law, but innate. This law stipulates that any mean to save our lives is an honest one, when attacked by the highwaymen. The law of the 12 Tables contained stipulations on the limits of self defense. The simple nocturnal circumstance was enough to be pardoned for killing the thief, no matter the reason of killing. In fact, the real reason is protecting the fortune. In Judeea, killing a thief during night was well justified considering that he could also kill, not only steal.

The stipulations during Justinian's times refer to the subjective consideration of deeds which claim murder. In this case, killing was accepted if the red-handed thief was signaled by the screams of the catcher or if the victim was afraid of death.

Both ancient Rome and the Roma law considered self defense a law of nature with no roots in the civil law.

The German law considered self defense a right with a special nature, the roots of it coming from "a right to immediate and anticipated revenge of the victim" and, on the other hand, stipulates the action of the aggressor outside law. The German law agrees more freely on the violent response to protect life, property, or honor. With no precise notion of self defense, this was considered "against the peace of the aggressor".

The canonical law stipulated self defense for saving lives and fortune, though there was a great Christian influence. Self defense was closely related to natural law and force was due to the need to defense, not to revenge.. There was a difference between "homicidium necessitatis" and "evitabilitis", that is if there had been other ways to defend except for killing, the killer was considered guilty.

The Feudal law tried a conciliation with Christian moral, self defense was considered a necessity and not a right, without being punished.

This concept can be found during the developed feudalism within the French law.

There were also some tax benefits. The self defendant was considered guilty as if he had murdered in any circumstances, because no one is allowed to make justice for self. But considering the circumstances, the accused could ask for pardoning using the so-called "letters de remissions", waiting for the king's verdict in prison. The pardoning came from the king and not from the judge, after he paid the civil part.

The doctrinarians from natural law school considered that the positive law allows the individual to defend when in danger, even sacrificing others' right, in order that his action could be outside the rules of law.

In modern penal law, not to punish when self defending comes into subjective theories. We can mention "the instinct of self-preservation", "the moral forcing theory". These two theories base on the power of the human instinct to self defend against an attack. The doctrinarians criticize these theories as they allow cold blood killing, even when the attack caused no serious emotion. These critics confuse the voluntary with the free will. So, it must be established if the act was done with free will.

The objective theories contain the theory of reward through evil, the theory of social use, the theory of exercising the public position and others.

Self defense is considered by the objective theories as "in rem", defending is according to the law. In this respect we can mention George Vidal and Giuseppe Penso.

In western law, the theories which treat self defense reject the idea of psychological forcing. It is not the emotion that authorizes the attacked to kill. This would give the murder an honorable nature, it is "a right".

Scientifically speaking, there is no right to self defense. It is about circumstances which remove the penal nature, it is not a right but a state which produces legal consequences.

It follows that self defense is a cause. It removes the moral nature of the crime. Authors who agree on that only mention this right without proving it.

The first writings about self defense on our territory have existed since the 16th century. A paragraph from a treaty between Sigismund 1st King of Poland and Stefan cel Mareșel mentions that "if a ravisher is killed during his crime, no accusation shall be made."

Self defense comes in a more precise form and meaning in the later stipulations made by Matei Basarab and Vasile Lupu. Caragea's stipulations, as well as Calimah code contain stipulations on self defense. In Calimah Code we can find references to over reacting.. "he who will step beyond his defense shall be punished."

In transylvania we can find self defense mentioned in Tripartitum- Werboczi, it is applied to "protect body as well as the unmovable things or offsprings."

The class characteristic of feudal law can be noticed in stipulations on self defense.

Any person with a position or lands who has been deprived from his fortune had the right to defend by any means. This was not considered self defense.

In the latter penal codes, both in Ardeal and Bucovina, self defense is stipulated as a cause for removing penal responsibility. The same situation can be found in Penal code in 1937. This one established clear boundaries undertaken by Penal Code in 1969 which has been revised on self defense.

The current Penal Code defines self defense (art.44) as follows: "the act stipulated by the penal law when self defending is not a crime;(2) a self defender is he who acts to reject an attack, direct, sudden and unjust, against him or another, or a public interest; it is assumed that self defendant is the one who acts to reject a break in or entrance using sly means in a room, dwelling or dependency; there is self defense when the limits of a proportional self defense have been passed because of excitement."

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The Procedure in the Administrative Legal Department

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Key words: *law, legal proceedings, administrative solicitor's office*

Abstract: Law doctrine raised the question if such reference stipulation may or may not affect the self-judicial identity of the institution it completes. As concerning us, we agree on professor Iorgovan's theory according to which "the reference to Civil Proceedings Code does not change the judicial characteristic of administrative solicitor's office and consequently of the procedure applicable. This institution remains one of the public law, administrative law precisely in which additional proceeding stipulations can be found."

1. Characteristics of applicable legal proceedings

The law from 1925, as well as the current stipulation, contained not only well-grounded legal proceedings, but also legal proceedings stipulations, their reasons being due to the specific characteristics of litigation, which triggers a special procedure to notice the courts, to give the verdict, which is mainly different from the regular civil proceedings. Neither this law, nor the current one, has covered all the proceeding aspects.

Questions appeared on the fact if common law stipulations may be applicable to administrative solicitor's office within the lack of contrary special stipulations. This was due to the fact that the inter-war law stipulated no solution for this situation and did not mention Civil Proceedings Code either, as the current regulation does. The answer was positive, both doctrine and jurisprudence agree that "the solicitor's office law completes with common law proceedings"

The current regulation stipulates (art. 18) that "the regulations of this law complete with Civil Proceedings Code stipulations". Otherwise, this is not a singular situation for the Romanian legislation and Law 47/1992 -Constitutional Court makes reference to the Civil Proceedings Code. Labour Code has similar stipulations, too.

Analyzing the proceeding aspects applicable to the solicitor's office, we will start from two categories of applicable proceeding stipulations:

- a. specific proceeding stipulations established by Law 554/2004;

b. general proceeding stipulations, common to regular proceeding, which is derived from Civil Proceeding Code.

As we are concerned, we will analyze some aspects of specific proceeding stipulations, while the second category is treated by civil proceeding.

2. Litigious sides for the administrative solicitor's office

A prejudiced person-Law 29/1990 mentions „natural or conventional person" can hold the claimer status and Constitution (revised in 2003) uses the term "prejudiced person", while Law 554/2004 undertakes the constitutional term.

The jurisprudence of administrative solicitor's office courts has the same concept which we do not share and we think is against the free spirit of Constitution , the free access to justice granted by art. 21- Fundamental Law.

As regarding the holders of right to appeal in administrative solicitor's office, Law 554/2004 recognizes this quality to the following law categories:

a. the claimer-the prejudiced person according to art. 1, art. 2(1) a) mentions "natural or conventional person or groups of conventional persons, holders of subjective rights or private legitimate interests prejudiced through administrative instruments.

b. The prefect's office may appeal the court on the basis of art. 123 paragraph 5- Constitution and the stipulations of Law 69/1991 on local public administration republished in 1996

c. Some public authorities, as: Romanian Ombudsman, National Agency of Civil Servants, Ministry of Public who protect citizens' rights and liberties.

Thus, Romanian ombudsman, according to art.5-Constitution, must protect "people's right and liberties". Law 554/2004 art. 1(3) stresses "on the basis of a natural person claim if he considers that the illegal act or the abuse of power of the administrative authority can be removed only by justice, he can appeal the solicitor's office from the claimer's address."

The Ministry of Public has a similar duty according to art. 130, but also to "represent the general interests of society and the order rule."

The National Agency of Civil Servants may appeal within administrative solicitor's office against the stipulations of local public authorities which break the law on civil positions stipulated by L 188/1999 on Civil Servants Rules, republished.

It follows that these two public authorities may appeal the solicitor's office courts to accomplish their constitutional regulations.

The quality of accused belongs (according to art. 1 L554/2004), to a public authority, meaning one of the three established authorities of states or others (as stipulated in Constitution).

As we have already showed, administrative stipulations may be appeal against in court, no matter which authority issued them.

According to art 16 (1), the jury admits that that appeal should be made either personally against the public official who conceived the stipulation or who has not issued it, only if damages are claimed. The public official acts as independent side during the trial (accused) and may subpoena his superior who ordered him to sign the stipulation of which lawfulness is trialed.

3.Types of appeals within solicitor's office depending on the previous administrative proceeding

L 554/2004 stipulates the proceeding rule according to which the appeal within administrative solicitor's office is preceded by the previous administrative proceeding.

It follows that, depending on the conditions of this procedure, the appeals within the administrative solicitor's office are classified in:

- a. appeals which oblige the claimer to be a subject of previous administrative proceeding before addressing the administrative solicitor's office court, these being called rule
- b. appeals which do not oblige to such proceedings, e.g. appeals which deal with jurisdictional administrative stipulations, categories of appeals mentioned by special stipulations , eg L 69/1991, revised in 1996 and republished which prescribes that appealing against a government law regarding the dissolution of a local council does not require the previous proceedings.
- c. Appeals in which an unlike previous proceeding is met, triggered not by the reason of protecting a subjective right, but by the condition of the appeal holder. It is about the prefect's office which in the original condition of law they were absolved by a previous proceeding, but when speaking of the current stipulations we can refer to what we call an unlike form of previous administrative proceeding.

Thus, art. 111(2) oblige the prefect's office to request the local and county administrative authorities ten days before to reconsider the illegal fact in order to change it or to abolish it, as necessary.

4. Types of appeals within administrative solicitor's office

The stipulations of L 554/2004, related to Constitution, lead us to the following classes of appeals, depending on the object of claim:

- a. appeals demanding the abolishment of the stipulation (partial or total)
- b. appeals demanding the abolishment of the stipulation, accompanied by claiming financial or moral damages
- c. appeals which determine the issue of administrative stipulation
- d. appeals which oblige the accused when issuing the stipulation accompanied by the claim of financial and/or moral damages.

5. Papers that must accompany the claim

According to L 554/2004, art. 12, 'The claimer shall attach to the appeal the copy of the administrative stipulations he appeals against, the response of the public authority consisting in the refusal to solve the request. When the claimer has received no answer to his request, he will submit the copy of the written claim, the date and record number from the public authority, as well as any written proof of accomplishing the previous proceeding.'

It follows that the papers which must be submitted differ depending on the type of administrative Judicial act-regular or assimilated.

- a. when appealing against a regular administrative act, the claim shall be accompanied by the prejudicing administrative act, of which total /partial abrogation is requested;
- b. when appealing against assimilated administrative act, at the same time with the claim (depending on whether the authority issued a response or not) the following shall be attached:
 - response of the public authority on the refusal to solve the claim (if there is such response)
 - the copy of the claim demanding the act (certified for conformity with the original) if there is no response from the authority;
 - the document which proves the accomplishment of the previous administrative proceeding.

Depending on the situation this document may decide:

- if only the pardoning appeal has been accomplished and the issuing authority responded, its response will be submitted .If this authority has not responded, the copy of the claim proving this procedure will be submitted;

-if both the pardoning and the hierarchical appeals were accomplished, both solutions will be submitted (if they exist), otherwise the claims proving the accomplishment of the procedure will be submitted.

-the proof of paying the stamp tax

Within the administrative solicitor's office, the stamp tax is a slender one, stipulated by L147/1997, the reason of it consisting of" the legislator's intention on making the administrative solicitor's office appeals accessible for the citizen to protect his rights."

-additional papers which the claimer consider necessary in his favor.

Art. 12 L 554/2004 enumerates the papers needed to submit with the claim of action in court and art. 13 (2) tells about the binding of" the issuing public authority to inform the court immediately on the act in question together with the papers which supported the issue of the act, as well as other papers needed".

6. The competent courts

This topic was discussed on previously together with the fundamental characteristics of the administrative solicitor's office regulation and the double degree of jurisdiction, the ground and the appeal.

We have already mentioned that this matter had been revised in comparison with the stipulation from L29/1990, which founded departments of administrative solicitor's office in county courts (and Bucharest) and in The High Court of Justice (art.17). L554/2004 art 10(1) stipulates that the litigations on the administrative acts or those issued by the county and local public authorities as well as those regarding local taxes, contributions, customs debts and additional expenses up to 5 billion lei (ROL) are solved by the tax courts, and those regarding taxes, contributions and additional expenses exceeding 5 billion lei (ROL) by the administrative and tax solicitor's office departments, if not stipulated by special law.

L 554/2004 art. 13(2) stipulate that the appeal against the verdicts issued by the tax courts is held in administrative solicitor's office department. Such departments were founded within appeals courts providing the stipulations of L 92/1992 on the court organization and L 59/1993 on revising the Civil Proceedings Code and additional stipulations.

Currently, the administrative solicitor's office litigations are solved by county the tax courts and in Bucharest, the administrative solicitor's office departments and tax departments of Territorial Courts and The High Court of Cassation and Justice.

6.1. The rationae materiae

According to the original L 29/1990, the administrative solicitor's office litigations were being held Within the court (ground) and The High court of justice (appeal).

Art. 6 L 29/1990 stipulated that the appeals made on the grounds of art. 1 is the court responsibility or Appeal court within the claimer's address area, according to the material competence stipulated by art. 2 and 3 from Civil Proceeding Code.

But, according to L 554/2004, art 10 (1) and 10 (2), the administrative solicitor's office litigations and held (ground) within the county tax courts and Bucharest and the appeal within the tax and administrative solicitor's office departments of the Territorial appeal courts and Bucharest or The High Court Of Cassation And Justice.

Art. 10 (3) from L 554/2004 stipulates that "the claimer may address the court from his address or the address of the accused. If the claimer chose the accused address, the exception of the lack of the territorial competency." Thus, the material competency stipulated by art. 2 and 3 -Civil Proceedings Code is ambiguous, though it is being currently used within administrative solicitor's office litigations.

Art. 2 -c from Civil Proceedings Code stipulates that "Courts deals chiefly with trials and claims regarding administrative solicitor's office, except for those belonging to the

appeal courts" According to art.3, which is not appropriate and doctrine characterizes it as "critical", the material competence of appeal courts is the following:

1. During first trials, suits and claims regarding administrative solicitor's office dealing with acts within the competency of central public authorities, prefect's office, decentralized public service on county level, ministries and the other central bodies, county public authorities and Bucharest. As appeal courts, the appeals against verdicts issued by courts during first trial
2. As appeal courts, against stipulations issued by the courts, as well as other causes stipulated
3. in other matters stipulated by law as under their competence.

Analyzing these rules, as regarding the material competency of administrative solicitor's office courts, it follows that:

- ground trials may be done by the administrative solicitor's office departments of county courts
- for the acts issued by the public authorities up to county level, that is village and town (except for Bucharest) as well as those belonging to appeal courts, in litigations on acts issued by county authorities-Bucharest and central authorities
- appeal trial may belong either to appeal courts or to The High Court of cassation and justice

6.2 Territorial competency (rationae loci)

As it follows from art. 6 above, the administrative solicitor's office departs from the rule of territorial competency in common law, where the trial belongs to the court in the area of the accused, mentioning the competency of court from the claimer's address

This is just a special solution for the claimer's benefit who can leave it whenever necessary. Thus, the idea of the alternative nature of territorial competency regarding the administrative solicitor's office, the claimer can choose between the court within his area or the area of the accused.

The important fact is that any of the two courts has been appealed, they cannot pass the notice to each other, but they are obliged to keep and develop the trial.

7. Proceedings before ground court and appeal court

Such stipulations can be found in many paragraphs of L 554/2004, Chapter II- Proceedings to solve the claims within the administrative solicitor's office, art 7-Previous proceedings, art. 12, art. 13-16, art. 18, art.20 and 21.

It is worth mentioning that law refers to the tax court as ground court and to administrative solicitor's office within Appeal court, as well as the high Court of cassation and justice, as appeal court.

We consequently understand that in the current situation, the departments of administrative solicitor's office at appeal court level lead to stipulations and the current system of administrative solicitor's office courts must be taken into consideration.

L 29/1990 Art. 6 paragraph 2 established the emergency nature of the trial developed by the ground courts-" courts develop appeals in case of emergency within open trials, as stipulated by law". The same emergency shade accompanies the verdict which has to be given in a maximum of 5 days since the verdict".L 554/2004 mentions this emergency case only in art. 14 (2) "the court will solve the suspended sentence claim in emergency, both sides notice".

Art. 14 (1) stipulates the suspension of the act by the court. Thus, the claimer may request and the court may decide the suspension of the act till the final decision, on solid grounds in order to prevent from serious damage. The claim for suspension is submitted together with the main appeal and the court shall judge it in emergency even without sides citation, the verdict being executory. There is no separate record to suspend the act

both claims shall be recorded with the same registration number and the court will pronounce on the suspension claim first.

According to L 554/2004, art 13 when receiving the appeal the court shall proceed to both sides citation and shall request the act and all the papers/works which represent its grounds from the institution which issued it. The same procedure shall be applied in case of unjustified refusal to solve the claim.

The law agrees on the ability of the court to fine the accused with 10% of gross salary when delays the submission of the requested papers by the court.

The verdict shall be closely related to the claim and the court may agree entirely/partially with the appeal or may reject it entirely/ partially. In this respect, art 18 mentions: -partial/entire abolishment of the act; -to oblige to the issue of another document, certificate

-the court may decide on the papers and the administrative procedures which supported the act at the same time with one of the two solutions, only if they have been appeal against, -if the appeal has been approved, the court may decide both on material and moral damages claimed.

The appeal within the administrative solicitor's office may be developed by tax and solicitor's office of Courts (if the tax court has pronounced) or by The High Court of cassation and Justice.

The appeal period is 15 days since notice and may be suspended. Art 20 (l).Art. 20 (2) stipulates the same emergency nature of appeal.

When the appeal is approved, the sentence is abolished and the litigation is trialed again, according to 20 (3) L 554/2004. This stipulation is helpless, it does not stipulates the possibility of cassation when it is considered that the court has not analyzed the matter in its essence This drawback was replaced by practice as courts apply the cassation when necessary.

8 Execution of decisions

The procedures can be found in art. 22-24 L554/2004, chapter III-execution procedures. According to art 22. after closing the action, the public authority is obliged to issue, finish, replace or change the administrative act and the execution of sentence shall be accomplished in the period provided or 30 days since decision.

The head of the public authority can be fined with 20 % of gross salary per every day of unjustified delay, stipulated by art. 24. paragraph 3. If the decision of court is not followed , the accused will be imprisoned for a period between 6 months-3 years or shall be fined with an amount between 25,000,000-100,000,000 ROL.

The claimer shall be rewarded for damages for the delay. The court shall decide in emergency at claimer's request with no stamp tax, both sides cited.

Art. 26 allows the accused to appeal those who prevented him from not accomplishing the decision.

9. Law control of administrative acts (illegality exception of act)

It is a direct control, specific to the administrative solicitors' office, the lawfulness of both the regular administrative act and the assimilated administrative act is checked.

The illegality of the act can be mentioned on exception rule, in litigations which refer to other subject than what the administrative solicitor's office refers to.

The post-war doctrine defined the illegality of act as" a mean to defend during a trial based on other grounds than the currency of the administrative law document, one of the sides can defend invoking this drawback and demands that the document shall not be considered for the solution.

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Recenzie

Dumitru Moldovanu, *Curs de Teorie Economică*, Ed II-a, Editura ARC, Chișinău, 2007, 428 pagini

Este o plăcere pentru mine să citesc (și să recomand și altora să facă acest lucru) cartea unui pasionat de cunoaștere și de studenți, de dialog și de continuă perfecționare didactică și științifică. Mă refer la profesorul Dumitru Moldovanu de la Academia de Studii Economice a Moldovei, mai exact decanul Facultății de Relații Internaționale pe care a întemeiat-o în anul 1994. Cartea este intitulată „Curs de teorie economică” și este structurată pe cele trei paliere fundamentale de existență a socio-umanului: micro, macro și mondo, deși preferatul nostru comun într-ale economiei, laureatul Nobel Joseph Stiglitz precizează că „Microeconomia studiază economia de jos în sus, iar macroeconomia de sus în jos. Comportamentul economiei în ansamblu depinde de comportamentul unităților din care se constituie acesta” (citată de DM din Joseph Stiglitz, *Principes d'économie moderne*, De Boek Universite, Bruxelles, 2003, la p. 16).

Pentru studentul care dorește obținerea, în România, a unei licențe într-una dintre ramurile economiei, ar putea apărea ciudată menționarea de mai multe ori pe parcursul acestui Curs a numelui lui Marx, a marxismului ca teorie economică și a doctrinei socialiste a economiei politice ca viziune teoretică alternativă la capitalismul clasic. Desigur, amintirea acestor realități istorice este benefică în planul cunoașterii și corectă din punctul de vedere al cercetătorului onest. Fără a face prozelitism, apologetică sau propagandă pentru ideologia radicalului Marx, autorul Dumitru Moldovanu probează onestitate și respect față de adevăr, amintindu-l în mai multe rânduri (pp. 17 și 24). Amintesc aici gestul reprobabil și anticognitiv pe care l-au făcut mulți autori din România care au ignorat o contribuție reală și importantă a gândirii umane la studierea realităților capitaliste din perioada de apropiere de apogeu a acestei etape istorice: contribuția lui Marx. Speriați de cuvinte sau de posibilele acuzații ale trepădușilor de tip nou, unii au renunțat complet la numele și contribuția lui Marx, lăsând studenții în ignoranță sau într-o critică indecentă la adresa unui mare gânditor, fără a-i cunoaște cât de cât opera și ideile principale. Confuzia dintre marxism și bolșevism, dintre dictatura

proletară și analiza economică persistă încă, dar existența unor cercetători probi și onești poate face ca adevărul să învingă impostura. Pentru a nu crea confuzii de ordin ideologic și, eventual, partinic, îmi declar preferința ideologică în materie de politici economice: doctrina libertară, respectiv curentul libertarian de gândire, aflat ceva mai la dreapta curentului liberal. Desigur, una este preferința ideologică și doctrinară și altele pot fi politicile economice concrete derulate de un guvern sau altul. Afirm acest lucru în contextul în care presupusa „moarte a ideologiilor” lansată la finele anilor 80 ai secolului trecut avea semnificația, în opinia unora, de dispariție doar a ideologiei totalitar comuniste și de victorie deplină și definitivă a gândirii (de fapt a ideologiei) neolibérale. Profit de acest context pentru a reitera ideea că termenul de ideologie nu are în sine nimic malefic sau subversiv. Dimpotrivă, orice gândire, ajunsă la un anumit grad de cristalizare și sistematizare se concretizează într-o ideologie distinctă, generatoare de adepți și adversari sau, eventual, de indiferenți. Ideologia neoliberală a ajuns și ea, se pare, la un apogeu, iar intervenționismul statal manifest în zilele declanșării crizei financiare în octombrie 2008 marchează, în bună măsură, și atenuarea triumfului nelimitat al ideologiei neolibérale.

Și sub acest aspect al aderării necondiționate la o ideologie sau alta, cartea profesorului Dumitru Moldovanu poate primi o bila albă în sensul promovării unui echilibru ideatic și ideologic, fapt care conferă cărții un pronunțat caracter tehnic. Pot spune că acest manual reușește să sintetizeze datele esențiale necesare unui cetățean bine informat în probleme economice de ordin general. Aceasta cu atât mai mult cu cât, după mărturisirea autorului, în Republica Moldova, economia (politică) nu se mai studiază în liceu!

Cartea se recomandă de la sine, dar îmi permit și eu o recomandare făcută bibliotecilor și celor doritori de corectă și echilibrată informare: să o achiziționeze și să o parcurgă în întregime.

Profesor universitar doctor,
Liviu Druguș

Journal Review

Review of Economic & Business Studies

I am greeting a new born from Alexandru Ioan Cuza University from IASI and its Faculty of Economics and Business Administration. It is already baptized as “Review of Economic & Business Studies” reflecting the name of the faculty. The father of this new born seems to be (Pater incertus est!) prof. Ion Pohoată, Editor in Chief. Its program looks very ambitious: a lot of great personalities all over the world (Romania included) show to any reader the editors desire to be a well known and recognized journal. It seems to me that I know a mother of the journal (Mater certus est!) as professor Adriana Zaiț (Assistant Editor in Chief), and this two names are a proof of good quality of the journal. As an older brother of this new born, ETC journal wishes to REBS journal a long life, good papers and real contribution to the field of economics, management and neighbor fields. It is to be mentioned the book review section (with only two reviews, for the beginning) and also case studies section. After saying Welcome in the big family of economic journals, we try to have a reciprocal attention of our journals, exchanging not only the journal, but also contributions to a real dialogue of ideas in to the field of economics and related disciplines. The financial economic crises of October 2008 may indicate new directions for research such as: business ethics, risk management, financial tools, optimum monetary areas etc. Also we suggest that econometric studies are, sometimes, very risky for management and decision makers. On the other hand I think that more trust is to be shown to computer programs that may offer, more rapidly and transparently, the state of the art. I think that economic “sciences” need to be transformed into a larger and transdisciplinary economic knowledge.

Although we are competitors on the market of journals I see there is a lot of collaborative field and work to be done and to implement the new concept of co-opetition. As a first sign of friendly competition but of real cooperation I indicate the web address of the young journal from Iasi – written entirely in English - : www.rebs.ro

Professor Liviu Druguș Ph. D.

Recenzie

Lexus si Măslinul, Thomas L. Friedman

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Ca ziarist la departamentul Afaceri externe al ziarului The New York Times, Thomas Friedman a călătorit în toată lumea având contacte cu oameni din toate categoriile sociale. În urma experienței căpătate el a creat o teorie cu privire la noul sistem internațional de relații care există astăzi.

Teza esențială a cărții o reprezintă globalizarea și faptul că ea nu este o simplă tendință sau un capriciu, ci este mai degrabă un sistem internațional. Acest sistem a luat locul vechiului sistem al Războiului rece și, la fel ca acesta, are propriile legi și propria logică de natură să influențeze direct și indirect politica, mediul înconjurător, geopolitica și economia oricărei țări.

Friedman consideră că era globalizării a început acum 10 ani odată cu căderea Zidului Berlinului, încetarea Războiului rece și expansiunea Internetului. Barierele dintre țări au dispărut și au apărut suprapiețele. Autorul nu consideră globalizarea ca fiind un lucru pozitiv în totalitate, iar aceasta reiese din prezentarea pericolelor acestui sistem. Unul dintre pericolele majore al globalizării este sugerat chiar de titlul cărții. Măslinul reprezintă rădăcinile noastre, identitatea, apartenența la o anumită cultură, comunitate, națiune, cu alte cuvinte locul pe care îl numim „acasă”. Pericolul pentru măslin vine de la forțele globale de piață, de la tendințele de omogenizare, standardizare și tehnologizare care caracterizează sistemul economic actual și care este reprezentat de Lexus

Evoluția de la era Războiului rece la era globalizării este caracterizată de Friedman prin termenii de democratizarea tehnologiei, democratizarea finanțelor și democratizarea informației. Aceste evenimente au modificat modul în care comunicăm, investim și învățăm despre lume. Din punctul de vedere al lui Friedman țările nu mai sunt clasificate în țări din lumea a III-a, a II-a și a I-a, ci în țări rapide și țări lente.

Democratizarea tehnologiei se referă la inovațiile în domeniul computerizării, miniaturizării, telecomunicațiilor și digitalizării și a făcut posibil ca sute de milioane de oameni din toate colțurile lumii să intre în legătură și să facă schimb de informații, știri, cunoștințe, bani, fotografii, să facă afaceri la un nivel nemaiîntâlnit vreodată. Friedman sintetizează cel mai bine democratizarea tehnologiei citându-l pe Lawrence Grossman, fostul președinte al NBC: „Tipăritul ne-a făcut pe toți cititori, xeroxatul multiplicarea electronică ne-a făcut pe toți editori. Televiziunea ne-a făcut pe toți spectatori. Digitalizarea ne face pe toți emițători și receptori.”

Democratizarea finanțelor este influențată de democratizarea tehnologiei care a dus la schimbarea comportamentului investițional. Lumea investițiilor s-a transformat

dintr-o lume rezervată unui număr limitat de bancheri într-una în care oricine poate investi dacă are informații și resurse suficiente.

Democratizarea informației se referă la faptul că oamenii din toate colțurile lumii au acces la informații. Timpurile în care guvernele își puteau izola complet popoarele, privându-le de informațiile referitoare la viața care se desfășura dincolo de granițe sau chiar dincolo de marginea satului lor au trecut. Democratizarea tehnologiei a fost catalizatorul pentru democratizarea informației, iar informația determină oamenii din toată lumea să își dorească o viață mai bună.

A doua parte a cărții prezintă condițiile pe care trebuie să le îndeplinească țările pentru a avea succes în noua eră a globalizării precum și factorii care le influențează direct. Friedman povestește despre „cămașa de forță de aur” și despre „turma electronică”.

Pentru a intra în „satul global” o țară trebuie să îmbrace „cămașa de forță de aur” cea ce implică dezvoltarea proprietății private, inflație scăzută, comerț liber, buget echilibrat, piețe deschise etc.

Odată ce ai intrat în sistem este indicat să respecti regulile și să păstrezi cât mai aproape cămașa de forță. Conform opiniei lui Friedman aceasta are o singură mărime și depinde de fiecare țară cum i se potrivește. Dacă apar semne de slăbiciune atunci turma electronică își face simțită prezența.

Turma electronică este formată din toți agenții fără chip care tranzacționează acțiuni, obligațiuni și devize stând în spatele ecranului calculatorului, aflați pretutindeni în lume, mutând, cu un click, banii de la fondurile mutuale la fondurile de pensii, de acolo mai departe la fondurile piețelor emergente, sau negociind de acasă prin Internet. Din turma electronică fac parte însă și marile corporații multinaționale. Această turmă electronică are puterea de a distruge sau de a ridica o țară prin acțiunile sale impersonale. Friedman subliniază că națiunile care se adaptează regulilor turmei electronice au de câștigat și vor supraviețui globalizării.

Însă respectarea regulilor de bază ale „turmei electronice” nu reprezintă o garanție că țările vor prospera egal în interiorul sistemului. Friedman a elaborat mai multe întrebări-test pentru a evalua puterea economică și potențialul unei țări.

Prima întrebare este „Cât de conectată este țara dumneavoastră?”. Managerii companiilor IT stabileau potențialul unei țări în 1995 după numărul de calculatoare pe cap de locuitor în timp ce în 1998 criteriul era „gradul de conectare”. Gradul de conectare reflectă cât de vast și de profund își leagă o țară computerele în rețele și la Internet. Gradul de conectare este măsurat, de regulă, prin extensia lățimii de bandă a unei țări.

A doua întrebare este „Cât de rapidă este țara dumneavoastră?” Datorită celor trei democratizări barierele de intrare în orice sferă de afaceri s-au diminuat. Friedman este interesat de modul în care o țară și-a restructurat economia, cât de rapid evaluează, inovează, ia decizii, liberalizează și se adaptează. Țările trebuie să fie pregătite să renunțe fără regrete la companiile care nu sunt eficiente și să dezvolte activitățile care vor avea succes.

A treia întrebare a lui Friedman este „Cum își valorifică țara dumneavoastră cunoștințele?” Aceasta reflectă măsura în care o țară și companiile ei folosesc rețelele. Conectarea este necesară dar nu suficientă. O țară are nevoie și să acumuleze și să folosească efectiv cunoștințele. Țările și companiile care vor folosi eficient aceste cunoștințe vor progresa.

A patra întrebare este „Cât cântărește țara dumneavoastră?” Aici Friedman se referă la exporturile unei țări. El consideră că țările care exportă materii prime și produse finite cântăresc mai mult decât țările care exportă tehnologii și servicii, însă acestea din urmă asigură un nivel de trai mai ridicat cetățenilor săi.

Următoarele întrebări se referă la deschiderea manifestată de țară (deschiderea față de exterior și față de interior), la relațiile cu alte țări, la stilul de conducere și la valoarea mărcii de țară.

Un capitol interesant îl reprezintă capitolul DOSCapital 6.0. Friedman compară țările cu un calculator. Țările comuniste rulează varianta cea mai slabă a sistemului DOSCapital 0.0, unele țări au avansat la DOSCapital 1.0 în timp ce țările dezvoltate rulează DOSCapital 6.0. Cu cât este mai liberă piața cu atât sistemul de operare este mai avansat.

Friedman consideră că globalizarea este o forță care acționează impersonal în toată lumea. În timp ce majoritatea țărilor dezvoltate au acceptat globalizarea ca o nouă ordine mondială, unele țări cred că este o altă metodă dezvoltată de SUA și alte țări pentru a împiedica dezvoltarea lor. Autorul consideră că multă lume nu înțelege că globalizarea este un fenomen influențat de tehnologie și nu de comerț sau de relațiile politice.

În ultima parte a cărții Friedman încearcă să descrie sistemul care va triumfa în era globalizării. Nu în mod surprinzător el consideră că sistemul american va fi un model pentru celelalte țări. Aici el expune beneficiile modelului american și faptul că puterea economică și militară a SUA asigură stabilitatea în lume.

Utilizând exemple din experiența anterioară și introducând o serie de termeni noi Friedman ne învață cum să privim noul sistem. El exploatează conflictul dintre „Lexus și măslin” care este de fapt tensiunea dintre sistemul de globalizare și vechile sisteme care implică tradiția, comunitatea, cultura locală și prezintă marea dramă a globalizării - găsirea unui echilibru între cele două. La o privire de ansamblu citim despre călătoriile lui Friedman și încercările lui de a înțelege lumea care s-a schimbat fundamental în ultimul deceniu. Din această cauză cartea are, pe alocuri, un stil anecdotic și este plină de povestioare din care se pot trage multe învățăminte, care însă nu lasă cititorului o imagine puternică de ansamblu cu privire la transformările din societatea de astăzi, însă ea poate fi un punct de plecare în înțelegerea noilor reguli care guvernează lumea.

Economist doctorand Angela Mihaela Mastacan

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