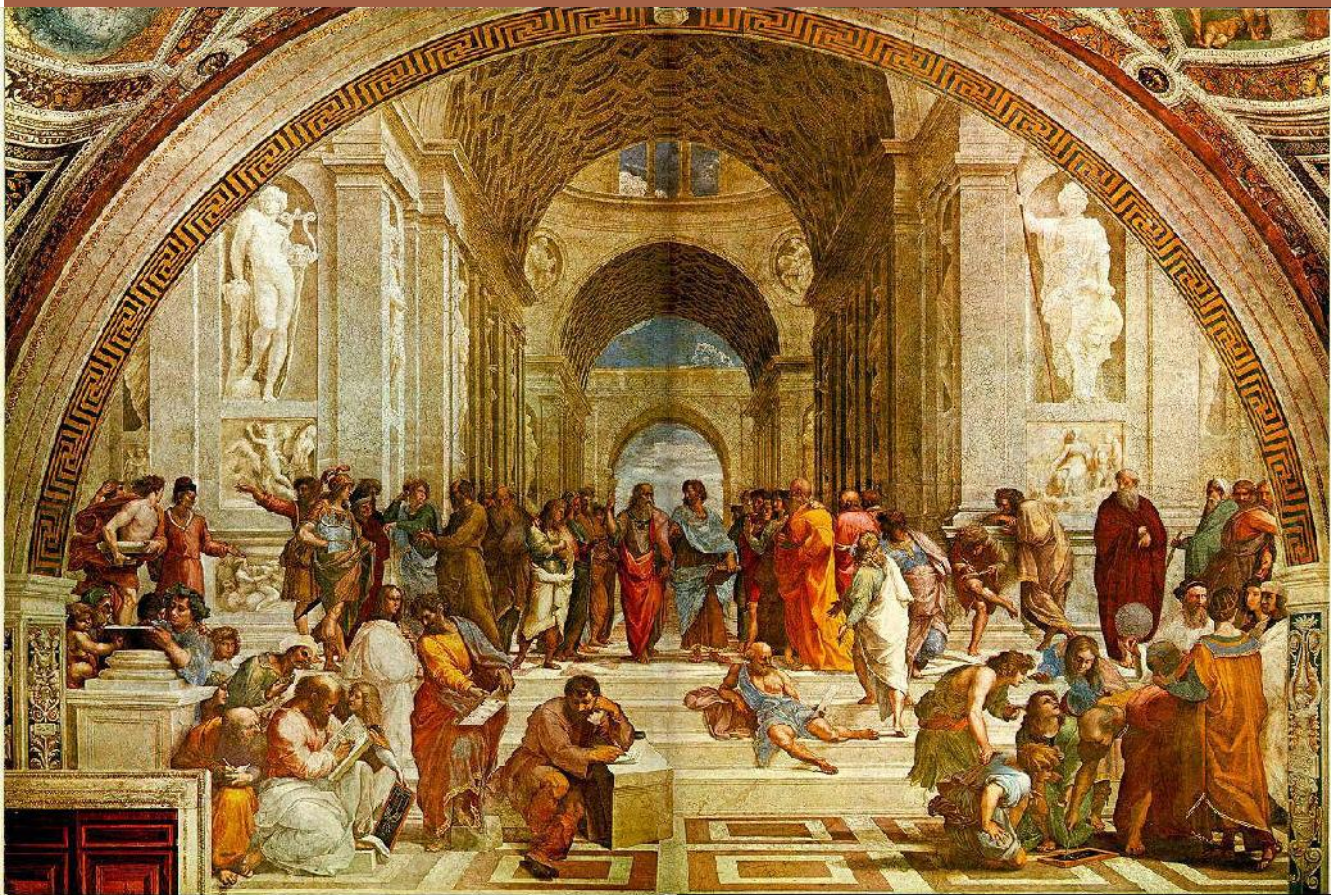


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2015

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RULES AND LAW



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PHILOSOPHY, SOCIAL AND HUMAN DISCIPLINES SERIES

Semiotics of Culture, Rules and Law

2015

Volume I

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RESEARCH PAPERS

Daniel Dennett: intentionality system.

An interpretation of intentional strategy

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Abstract

In this article, we show some of the meanings in which Daniel Dennett uses the term intentionality, in an attempt to establish to it the quality of key concept for understanding the mind, namely consciousness. By analyzing the American thinker's ideas, we consider that in all of them an intentionality system can be identified, which includes the approaches and different names that he dedicates to this concept. Qualitative differences in the discourse about intentionality can open the way of the approach of intentionality from an evolutionary perspective, indicating the changes over time. The intentionality system is a proposal for understanding Dennett's thinking in a coherent paradigm.

Keywords: *intentionality, intentional attitude, intentional strategy, intentional system, intentionality system, consciousness, mind, mind development.*

Introduction

We show in this article some of the meanings in which Daniel Dennett uses the term *intentionality*, in the attempt of establishing it the quality key concept for understanding the mind, namely consciousness. Reported to the American thinker, we believe that a intentionality system can be identified, which includes the approaches and different names that he dedicates to this concept.

From our point of view, the essential contribution of the American thinker was a proposal for a solution to explain the appearance of mind in the context of evolutionary theory. For a better understanding of this perspective we need an evolutionary model of intentionality, indicating the manner of transition from one level to another on the way to its most complex form: the structure of human intentionality.

The critical manner in which we address the concepts of the American philosopher derive primarily from assuming an essential purpose of intentionality in explaining consciousness, the starting point of this way of seeing being represented by the ways in which the concept of *intentionality* underwent specifications of its meaning in phenomenology. Thereby we assume some differences of perspective as compared to Dennett, which is the main source of the different ways to understand some concepts. For example, we suggest a different interpretation of the intentional strategy proposed by Dennett, set on purely intentional coordinated, excluding references to rationality in the current meaning of this term.

The definition of intentionality

In this section we shall use some provisional definitions of the meanings that Daniel Dennett gives to intentionality, having the character of a starting point, as these are to be completed in the following sections, including in response to several critical approaches of several authors.

Compared to its original form, the concept of *intentionality* has undergone numerous meaning landslides and reinterpretations. Its removal from the context of the phenomenological discourse has led to adaptation forms, one of them being the interpretation granted by Dennett.

American thinker proposes the following definition “Intentionality in the philosophical sense is just aboutness.”¹ We believe that this definition is incomplete in case of the humane, lacking in one of its essential components: attitude. In a strong sense, intentionality involves the state of mind / consciousness to be oriented towards something while opening the (limited) possibilities when that something occurs (intentionality includes “intention” to make sense of that something in a certain context of signification). In other words, intentionality is the state of orientation towards something in a certain way. One of the consequences of this definition is the use of the *intentionality* concept in a two-fold manner: a *weak* one (one proposed by the American thinker) and a *strong* one, which we have previously proposed. The latter definition includes the former, adding it an additional feature. However, both definitions are useful: the definition given by D. Dennett allows the evolutionary analysis of intentionality, while the definition we suggest opens the possibility of the specific difference between human

¹ Daniel C. Dennett, *Kinds of minds. Toward an Understanding of Consciousness* (New York: BasicBooks, 1996), 35.

intentionality and what preceded it. We shall further clarify in this article, but without reaching a final definition in the rigorous meaning of the term. Because we are in a situation of a topic which is still researched the proviso of definition it can be considered natural.

From the perspective of the strong sense of intentionality, orientation towards something is one of the conditions. The idea seems to be uttered, implicitly, by the American thinker with a sentence which is in continuation of the one previously cited: “Something exhibits intentionality if its competence is in some way about something else.”² In support of our argument, we retain the general formulation, which suggests the possibility (maybe even the need) of certain qualitative clarifications.

Intentionality is an environment in which the birth of meaning arises. The fact that we talk both of intentionality of consciousness and about intentional strategies, deliberate attitudes or intentional systems, namely, in the classical epistemological paradigm, that we use the concept of intentionality with respect to both the subject and the object, is an argument on that status. Intentionality is simultaneously the way of being of consciousness and a way to understand the world. The understanding of the world takes place within the limits of relating to it, namely within intentionality limits.

Perfectly integrated in the Anglo-Saxon thinking, Dennett builds his approaches on the everyday way of being of the mind that exists under the form of what he calls folk psychology.³ Accordingly, intentional attitude is a way of mind of being from the perspective of individual and a fundamental mentality from the perspective of society.

The complex meaning that Dennett grants to intentionality can be understood by addressing the various ways in which the American thinker refers to it. We will further show concepts that we consider essential, initially indicating their general meanings.

² Dennett, *Kinds of minds*, 35.

³ The close connection which we establish between the areas of consciousness and the areas of social life is rooted in a similar interpretation, based on the idea of social formatting of the mind. See Rotilă Viorel, “Structura conștiinței: conceptul de domeniu al conștiinței” (The structure of consciousness: the concept of the area of consciousness), in *Restructurări dilematice* (Dilemmatic Restructuring) (Cluj-Napoca: Argonaut, 2013), 54-69.

Intentional attitude, intentional strategy of intentional systems

Intentional attitude is one of the ways of intentionality used in relating human mind to other intentional systems, based on an identical presumption of being:

“The intentional stance is the attitude or perspective we routinely adopt toward one another, so adopting the intentional stance toward something else seems to be deliberately anthropomorphizing it.”⁴ As we can see, the reference point is the intentional attitude is the humane, assuming the awareness of their own way of being, without which the intentional attitude is impossible. Dennett suggests even more than that, indicating that within approach called *intentional attitude*⁵ the human mind presumes the existence of other “minds”: “... adopting the intentional stance is not just a good idea but the key to unraveling the mysteries of the mind – all kinds of minds.”⁶

As we will see later in this article, much of the criticism addressed to the intentional strategy proposed by D. Dennett is related to the interpretation of rationality, taking place in the horizon of a definition of man centred on rationality. This leads to a relatively incoherent meaning of rationality with intentional approach.

The clarification of the meaning that Dennett provides to intentionality and reason is provided by the author’s text: “The intentional stance is the strategy of interpreting the behaviour of an entity (person, animal, artefact, whatever) by treating it *as if* it were a rational agent who governed its “choice” of “action” by a “consideration” of its “beliefs” and “desires.”⁷ We can see that, from Dennett’s perspective, we treat an entity *as if it was a rational agent*, which means to behave *as if* that entity chooses its actions on the basis of certain beliefs and desires. At issue is a human behaviour, described in terms of what the author calls *folk psychology*. It derives from the current way in which people relate to one another: “The intentional stance is the attitude or perspective we routinely adopt toward one another, so adopting the intentional stance toward something else seems to be deliberately *anthropomorphizing* it.”⁸ One of the effects of that interpretation on

⁴ Dennett, *Kinds of minds*, 27.

⁵ The formula *intentional stance* is basically tautological because intentionality involves a relations, an orientation towards, namely an attitude.

⁶ Dennett, *Kinds of minds*, 27. We note that the expansion of certain concepts applicable to human is a common practice used by the American thinker, its critical analysis being carried out later in this article.

⁷ *Ibidem*.

⁸ *Ibidem*.

the main topic of this article is to establish a sequence essential to the development of intentionality, intentional attitude being conditional on the society existence.⁹

From another perspective, we retain for the moment the relative identity that Dennett seems to establish in the quoted text between *intentional attitude* and *intentional strategy*, the latter being only a methodical explanation of the former. In the final section, relating to intentionality system postulated by the American thinker, we shall try to point out some differences between the two.

The intentional attitude is simultaneously a way of being of the human, a way of relating to the environment and to itself and a form of existence presumed in other entities, in an attempt to understand them. The attempt to understand another entity based on intentional attitude is a form of anthropomorphizing, relying on a specific form of empathy, which employs the assumption that the entity is an *intentional system*.¹⁰ Which is why the discourse based on this interpretation using terms specific to be human way of being. The check of intentional strategy efficiency is a pragmatic one, based on the ability to predict the behaviour of an intentional system. In a summary form, we believe that the relationship between intentional strategy and intentional systems can be summarized as one-way-of-being-of-the-mind-of-which-presumes-identical-ways-of-existence.

From our point of view, intentional strategy must relate only to intentional coordinated without overcoming its own discursive framework by adopting foreign concepts to define it, such as rationality. Intentional strategy is not a theoretical model that can be adopted in knowing the environment, but a way of being of consciousness. However, based on the definition given by Dennett to intentional strategy, we believe that it should be remembered not that we can make predictions based on intentionality, but the fact that our entire thinking is intentional, one of the features being an allocation of intentions to what it knows. In other words, intentionality is not only one of our cognitive possibilities, but the very medium of knowledge.

⁹ The consequences are wider, opening the direction of the research of the relationship between *social intentionality* and the occurrence of *intentional attitude*.

¹⁰ The concept *intentional system* is simultaneously an epistemological meaning, describing the horizon of meaning in which the behaviour of an entity can be understood, a scientific meaning, indicating the belongingness to a particular class of entities (biology is the science that deals with the study thereof) and an ontological meaning, indicating the existence of a category of being in the existentialist sense of the term, as a being-for-man (the only affordable way from a cognitive perspective).

Intentional systems are the existences organized on multiple intentional coordinates. For the discovery of intentional systems the intentional attitude is essential: "I call all these entities, from the simplest to the most complex, intentional systems, and I call the perspective from which their agenthood (pseudo or genuine) is made visible, the intentional stance."¹¹ We believe that intentional systems can be presented from two different perspectives: "the subjective perspective" (it is presumed to be an intentional system any entity over which is intentional attitude is directed or the intentional strategy is applied) and the "objective perspective" (any entity that reveals intentionality can be considered intentional system). The separation is largely just a methodical role as intentionality can be "read" only by the intentional attitude.

In Dennett's defense. About the intentionality of natural selection

Mark Pharoah criticizes Dennett's lack of consistency resorting to two different texts from *The intentional stance*:¹²

With regard to purpose, one may note that Dennett stipulates, "it can never be stressed enough that natural selection operates with no foresight and no purpose"¹³ but that, "we are really well design by evolution";¹⁴ that "we may call our own intentionality real, but we must recognize that it is derived from the intentionality of natural selection."^{15 16}

The main problem seems to be the answer to the question: Is there an (overall) intentionality of natural selection? The answer depends on the definition that we give to intentionality. At first glance, a definition based on *beliefs, desires and goals*, as given by Dennett in the cited work does not seem to be applicable. But in a certain sense, even this definition satisfies the possibility to talk about an intentionality of evolution, the best evidence being *animism* or *religion*. In other words, *evolution* in the face of nature, has already suffered a whole set of interpretations based on beliefs, desires and goals, providing us with evidence of a history of culture.

The second category of evidence on the relevance of a discourse about the intentionality of evolution is provided by evolutionist principles or laws of *nature* (as medium of evolution). Pharoah misses that intentionality in its essential form it

¹¹ Dennet, *Kinds of minds*, 26.

¹² Daniel C. Dennett, *The intentional Stance* (Cambridge, Massachusetts: The MIT Press, 1987).

¹³ *Ibidem*, 299.

¹⁴ *Ibidem*, 51.

¹⁵ *Ibidem*, 318.

¹⁶ Mark Pharoah, "Intentionality: Dennett's vital error is Searle's critical omission," accessed July 3, 2015, <http://www.mind-phronesis.co.uk/Intentionality.pdf>.

is human, having as main characteristic the fact of being a way to understand gradually the existence. From Dennett's economy of thinking emerges the central idea that evolution theory is the result of the human intentional attitude or of intentional strategy that presumes a whole series of intentional systems increasingly more complex, which take place in temporal coordinates, constituting what we could call "a history of intentionality."

This "history of intentionality" can go through a reading in the light of progress, the central point of reference ("final goal") being represented by human's intentional structure. We can even force a resemblance with the Hegelian dialectics at this point, thinking evolutionary theory from the perspective of intentionality: the human intentional structure is the moment when intentionality begins to understand itself, on the two essential coordinates, diachronic and synchronic. Diachronically, intentionality is understood from the history of its becoming, of occurrence and transition from simple to complex; this way of understanding coincides with the theory of evolution. The diachronic understanding is currently inserted, as a starting point; a present the main feature of which is the understanding of the intentional structure of the human mind and of its relations with other intentional systems that actually correspond the diachronic understanding of intentionality.

Pharoah changes Dennett's sense of idea by extracting it from context, reading the entire paragraph and the following revealing the author's intention to show that natural selection does not operate on purpose or based on a project, which does not prevent us to observe the "choices," "reasons," etc. in the process. In other words, natural selection supports such explanations as part of the human way of seeing things, as they are at least derived from the intentionality of the one who sees it. The problem lies largely between a possible difference between the objective and the subjective sense of *evolution intentionality*. The partial answer to this problem can be given in terms of phenomenology: any intentional system exists only to the extent to which it can be observed by the intentional structure that man establishes. The universe of discourse of intentionality is unavoidable humane as a means of reporting and interpretation / signification of the existence by the consciousness.

The meaning of the term rational within intentionality

The use of the term *rational* in the context of intentionality may give rise to inappropriate meanings. The goal of prediction is to anticipate behaviours. At this point we tend to be in disagreement with some kind of interpretations given to

Dennett's thinking, anticipating the "object" as a rational, assignment of certain beliefs and desires, constituting a form of retrospective rationalization in the order of evolution, with an explanatory role for the cultural way of knowledge. Obviously, cultural transmission of knowledge is part of the picture of intentional relation to the environment. It is late, as research must be focused first on those aspects identified as instinctual. In this regard, we believe that the analysis of the affective structure reveals the important role of emotions and feelings in intentionality dialectics.¹⁷ Additionally, beliefs and desires are intentional fundamental relations to the world, they are ways of orientation of consciousness. While by *beliefs* we understand the common meaning of the term, defined by reference to religious belief, it is clear that reason has a relatively small role in generating such an approach to the world, a form of "choice" of one or another of the cultural models which tries to explain its structure in a coherent way being dominant. Predictions based on these guidelines are intended to reasonably predict the behaviours of intentional systems, not to prescribe operating laws. An example of belief in an explanatory model is the astrology chart, generating an alleged capacity of anticipation of others on the basis based on information which, in fact, does not provide a sufficient explanatory basis of behaviour. But common orientation towards this interpretative model generates reality, following the model set by Robert Merton in *The Self-Fulfilling Prophecy*.¹⁸ In other words, the common belief in the cognitive model of the astrology chart, even if it is false in terms of scientific knowledge, is a form of relation to reality, as the predictions made based on it have as correspondents behaviours that were induced by means of the common belief in this cognitive paradigm.

If by *reason* we mean the ability to identify and use opportunities than the use of this concept could be accepted, although it is already covered by the significance of intentionality.

Intentionality is opportunistic

Intentional strategy is opportunistic, taking advantage of opportunities being essential. Prediction resulting from intentional strategy application must be interpreted in terms of the ability to discover opportunities and possibilities of taking advantage of it. From this perspective, rationality is just one method, one of several possible to which man has access. It involves conducting a conscious

¹⁷ We addressed this problem in a first variant in the article "A critical approach of emotional intelligence", Viorel Rotilă, in *Restructurări dilematice*, 69-86.

¹⁸ Robert K. Merton, "The Self-Fulfilling Prophecy," *The Antioch Review* 8, 2 (1948): 193-210.

process of identifying opportunities, relative to one's own desires and beliefs, and using it in meeting personal and collective interests.

For the most part, however, the identification and selection of survival and perpetuation opportunities are placed outside the conscious analysis, namely, based on conscious processes¹⁹ unconsciously. Opportunism defines the essential rule of evolutionary selection. The fact that the intentional systems are opportunistic is suggested by Dennett as well: "But no way is ever foolproof. There is no taking without the possibility of mistaking. That's why it's so important for us as theorists to be able to identify and distinguish the different varieties of taking (and mistaking) that can occur in intentional systems."²⁰

To say that *intentionality is opportunistic* attracts the risk to understand that all guidelines of consciousness aim directly at opportunities. However, this is not the meaning that we have in mind, as the intentionality structure admits derived intentionality, which are not directly linked with aiming at opportunities, but only mediated by the whole of which it is part. For clarity, at a certain level of the discourse about intentionality, we believe that opportunism is one of the fundamental intentionalities, a vector which contributes to shaping the consciousness (being part of the axiomatic structure).

Criticism made by John Searle

John Searle's places Dennett's perspective on intentionality in an area of tools useful to prediction, which can only be seen in this way:

...there is the eliminativist view of intentionality; there really are no intentional states. The belief that there are such things is just a residue of a primitive folk psychology, one that a mature science of the brain will enable us to overcome. A variant of the eliminativism is what we might call interpretativism. The idea here is that attributions on intentionality are always forms of interpretations made by outside observer. An extreme version of this view is Daniel Dennett's conceptions that we sometimes adopt the 'intentional stance' and that we should not think of people as literally having beliefs and desires, but rather that is a useful stance to adopt about them for the purpose of predicting their behavior.²¹

In other words, in Searle's sense, the way in which we must understand intentionality in Dennett's writings should be reduced to the strict methodical

¹⁹ The need to relate to the conscious processes for defining the unconscious ones shows that the unconscious is the result of a cataphatic definition, by negation, indicating what we cannot identify in the area of *consciousness*.

²⁰ Dennett, *Kinds of minds*, 37.

²¹ John Searle, *Mind, A Brief Introduction* (Oxford: University Press, 2004), 163.

sense that he would give to intentional attitude. Searle operates here with a simplified vision on Dennett's thinking, missing the meaning that the latter gives to intentionality. The following passage from a work of Dennett proves this:

*...the intentionality that allows us to speak and write and wonder all manner of wonders is undeniably a late and complex product of an evolutionary process that has the cruder sorts of intentionality – disparaged by Searle and others as mere as if intentionality – as both its ancestors and its contemporary components. We are descended from robots, and composed of robots, and all the intentionality we enjoy is derived from the more fundamental intentionality of these billions of crude intentional systems.*²²

We may remark in Dennett's text that talking about intentionality in his thinking, quite close to the meaning that phenomenology establishes to this term is not wrong, and thus the distinctions we make between the correlative concepts of intentionality are entitled.

International strategy is part of the intentionality system

Searle is not the only author who is interprets improperly Dennett's thinking. In this regard, we will use another example, namely the article *Dennett's Intentional Strategy Applied to Animals*, written by Melanie Stankus,²³ its election demonstrating the persistence of a disagreement so far. The author mentions: "Roughly speaking, the intentional strategy involves attributing beliefs and desires, that a reason using object ought to have given the circumstances, to an object; with those beliefs and desires, one should be able to predict the object's behaviour."²⁴ From the beginning, our attention is drawn by the slippage of meaning that suffers Dennett's thinking interpreting. We believe that intentional strategy demonstrates the status of fundamental element of reality that intentionality has, the prediction of behaviour constituting evidence, not an end, of the definition of Dennett. Intentional strategy shows the way of cognitive adaptation to the environment of consciousness based on its fundamental way of being, that is geared to... (intentional), and on the practical success of the projection of this way of being in other structures of existence: an intentionality (intentional strategy) that presupposes the existence of intentional environments in the environments on which it is focused, attributing beliefs, desires and goals in order to make useful predictions for one's own existence. The only form of confirmation of the practical

²² Dennett, *Kinds of minds*, 55.

²³ Melanie Stankus, "Dennett's Intentional Strategy Applied to Animals," *Res Cogitans* 6 (2015): 29-35, accessed July 10, 2015, doi: 10.7710/2155-4838.1122.

²⁴ *Ibidem*, 29.

validity of these predictions is survival. In other words, intentional strategies are survival strategies. Predictions resulted in the application of intentional strategy on intentional systems serve primarily in the shaping of behaviour.

In a paper which deals with risk analysis, Nassim Taleb believes that from an evolutionary perspective it is preferable to mistake a rock for a bear, than to mistake a bear for a rock;²⁵ long before Taleb, Dennett uttered this idea in a simplified formula: “but better safe than sorry.”²⁶ We can mistake a rock for a bear because consciousness is oriented towards perceiving intentional systems in certain circumstances (in the sample analyzed: forest, night) as they could be a threat to one’s own existence. The rock mistaken for a bear²⁷ indicates both the existence of a horizon of expectation, that is a way of orientation to the environment and that the significance that we attach to those encountered is ordered by certain priorities, intentional systems coming first.

This kind of confusion is carried out most often unconsciously. This is demonstrated by the fact that we have a reaction such as *fight or run* before realizing what was happening. This shows the existence of an unconscious intentional lecturing of the environment, held simultaneously with the conscious one. In other words, evolution has selected this intentional survival strategy oriented towards the identification of intentional systems. Within it, there is an anticipatory set of predictions, associated with some predefined categories of reactions that relate to different generic types of intentional systems.

Returning to the problem of prediction it is obvious that intentional strategy does not result in scientific predictions that can be contained in a system of scientific laws, as the usefulness of these predictions should be analyzed in terms of survival strategies. The route of human evolution demonstrates the statistical validity of this “predictive system” based on intentional strategy oriented towards intentional systems. Prediction must be understood here in evolutionary context, not in the scientific context of the term. The goal of prediction is the transformation of the environment in the world, having an ordering role for human existence.

The misunderstanding of intentionality system which Dennett considers is visible in Stankus’ attempt to demonstrate that intentional strategy is applicable to

²⁵ Nassim Nicholas Taleb, *Antifragile: Things That Gain from Disorder* (Random House Publishing Group, 2012), 391.

²⁶ Dennett, *Kinds of minds*, 91.

²⁷ Examples of this kind can be verified by personal experiences, walking at night in a forest where we know there is wildlife

animals rather than humans: “I will argue that the intentional strategy works better on nonhuman animals than humans.”²⁸ In the methodological notes of intentional strategy application Stankus notes analytically:

*There are four steps to the intentional strategy. First, whatever the intentional strategy is being used on must be treated as an ideally rational object, a reason-using object. Second, one must figure out what beliefs that rational object should have given the circumstances of its existence. Third, given the same circumstances, one must figure out the desires of this rational object. And finally, by this point, it should be predictable how this rational object will behave.*²⁹

First, comparing this text with the one in which Dennett defines intentional attitude shows the disappearance of the formula “*as if* it were a rational,” which is a form of placing into brackets, of removing that entity from the classic cognitive context. Then, we see the elimination of quotation marks, marking the figurative meaning of words: in the intentional attitude we do not assume that an entity is rational (except peers) has beliefs and desires, but we behave as if they have all these human characteristics to they can make predictions on its behaviour. Given that our predictions are correct (from a statistical perspective, confirmed by evolution) we are entitled to discuss the possibility of rationality, if we refer to an intentional structure specific to the humane or of the various “forms of rationality” that the discourse analyzes from the perspective of evolutionary precursors of human rationality.

We can accept it only if its use relates to a metaphorical meaning of the term. If the use of the concept wishes may be identified by identifying a reviewer, we cannot say the same about the term beliefs. We are obviously in the presence of anthropomorphizing of animals that are given as examples, as this is the only interpretation in which the discourse makes sense. In other words, examples given say, simultaneously, something about the human way of understanding, about human intentionality and about animals’ intentionality.

The difference between the rabbit given as an example by the author³⁰ and human is the fact that the rabbit is guided by a set of intentionalities, while man is inserted into an intentional complex structure. Like the rabbit, man is afraid of a noise that genetic heritage and experience associate with danger. It is enough it to build a counter-example equivalent in terms of risk (earthquake, shooters, etc.) to

²⁸ Stankus, “Dennett’s Intentional Strategy Applied to Animals,” 29.

²⁹ *Ibidem*, 30.

³⁰ The example chosen is in itself problematic from the perspective of intentional strategy, given two atypical characteristics of mammals, *cecotrophy* and *superfetation* (in the case of females, inducing effects on males’ behaviour), which creates difficulties in anthropomorphizing.

identify the behaviours such as *fight or run* established by fractions of a second before man is aware of what is happening. In case of humans the layer complex of intentionality taken over by cultural way is added, that can generate inhibiting guidelines on instinctual reactions. But if we consider the previous counter-example, cultural inhibition either interferes after the establishment of the adaptive behaviour (the crack was from a car, not from a bullet fired) or creates a specific context of different meanings of signals (we are not frightened by each shot in a film because we are already oriented to interpret the signals as pertaining to fiction).³¹

In an interim conclusion of the mental experiment the author says: “It’s pretty clear that it is far easier to attribute beliefs and desires to animals than humans simply because animals are simple-minded creatures,”³² citing the higher complexity of the human mind as the reason of the impossibility of predicting human behaviour. As a general observation, we believe that the general view is wrong: people have beliefs and desires because of the complexity of the mind, contributing to the specific difference as compared to animals. The assignment of these characteristics in animals, within intentional strategy, refers to the complexity of the human mind.

We will try to show that this conclusion is wrong. At first glance, the author’s conclusion seems valid, and we can also bring an argument in this respect by using the civilization history: the domestication of animals, namely their enslaving in people’s interest, demonstrates the effectiveness of intentional strategy applied to animals. Humanity has intuited their “beliefs” and “desires” so good, understood their “rationality” so clearly and predicted their behaviour so well that he managed to master them. But this success applies in case of all animals? Ernest Hemingway’s novel *The Old Man and the Sea*, may be relevant to our approach: the old fisherman managed to achieve the intentional strategy applied to the giant fish, but failed in predicting the behaviour of sharks.

The domestication of animals shows the success of anticipatory strategy on some animals, missing the utensil references to the existent fauna, namely to all non-domesticated animals. We could believe that humanity was not interested in domesticating other animals because they did not find purposes in the ensemble of its goals. *The fear of wild animals* occupies a significant space in the area of

³¹ However, horror movies continue to have an audience, relying on the ambiguity they manage to generate between reality and fiction, namely the fact that our fundamental orientation to avoid hazards prefers to be cheated than risk (see N. Taleb’s example described above).

³² Stankus, “Dennett’s Intentional Strategy Applied to Animals,” 33.

human fear. The fear that we feel by entering a wild forest at night indicates the intentional strategy limits imposed on animals. Sure we can predict the behaviour of rabbits in front of the noise. However, does our ability to predict their behaviour help us catch the wild? If we change the analysis parameter using the rabbit catching as an indicator of the predictive capacity, it would seem that “the greyhound intentional strategy” is more appropriate than that of most people.

From another perspective, we are entitled to believe that intentional strategy does not work in humans? What should the results be to consider it works? What indicators we mean? What are our legitimate expectations in this respect? Teleologically, we believe that the proactive strategy has proved effective, as demonstrated by the present situation of human civilization: we are at this point in progress because of the success of this strategy. Obviously, a glance at history reveals that this journey can be described by a continuous series of conflicts. The synchronic perspective can reveal the present misunderstandings at both the macro level in the guise of conflicts between states and at the basic level, in the guise of family conflicts. The final judgment is conditioned by the prospect that we assume.

To say that intentional strategy works better for animals than humans is erroneous, given that intentional attitude is based on a form of relating to people, to predict behaviours that is applied (in a derived form) on other entities. The inability of intentional strategy to correctly predict human behaviour every time does not derive from its error, but from the characteristics of the human way of being: the most complex intentional system.³³ The knowledge provided by intentional attitude is a statistic one, having as an essential characteristic the ability to predict the behaviour in a reasonable number of cases. Predictions generate opportunities while errors have costs; all expressed in terms of evolution. We thus suggest that intentional strategy does not generate knowledge in the sense that this term has in the area of exact sciences, but rather in the sense that knowledge has in the area of social and human sciences. Intentional strategy is a strategy for analyzing risks and opportunities, being thus defining for the evolutionary dimension of existence.

Humanity has recognized the limits of intentional strategy, trying to remedy the situation through various solutions. To increase the predictive capacity in certain contexts, the society invented roles and associated distinct markings. For example, the uniform is the way in which society labelled certain categories of

³³ We called it intentional structure to mark an essential specific difference from other intentional systems. This specific difference remains to be defined.

intentional systems called people for all others to be able to predict their behaviour in a margin of error as reduced as possible. The ensemble of social roles can be understood from the perspective of approaches for adapting society to intentional strategies of its members.

About Dennett's "ambiguities"

Sometimes Dennett uses the terms ambiguously, thus creating confusion. For example, the phrase:

Any intentional system is dependent on its particular ways of thinking about – perceiving, searching for, identifying, fearing, recalling – whatever it is that its “thoughts” are about. It is this dependency that creates all the opportunities for confusion, both practical and theoretical.³⁴

induces the idea that any intentional system has thinking in the human sense of the term. Moreover, the formulation tends to generate the idea of a reflexive thinking (to think about their own thinking), an attribute that we can consider only in case of humans, being defining for consciousness.

We can further observe that the author contradicts himself in this regard:

An animal might well be capable of such sophistication, modulating its locomotion to keep itself hidden in shadows from its prey, or even anticipating where to stretch out in the sun for a long nap, appreciating (dimly and unthinkingly) that the tree's shadow will soon lengthen.³⁵

Explorations in evolutionary key that the American thinker makes in the analysis on intentionality impose the use of the concept of *thinking* in poor shape thereof, derived from the hard definition, suitable only for the human. The main argument is the fact that we do not have conclusive evidence of the existence of reflective thinking, namely of consciousness in case of animals. Moreover, it would be difficult to obtain such evidence as long as we do not have a common understanding of consciousness. An additional argument is provided by the fundamental link that appears to exist between the existence of language and reflective thinking.³⁶

The situation is applicable to the mind, the use of the formula “all kinds of minds”³⁷ suggesting the extension of concepts the use of which is considered appropriate only in case of the humane. The main explanation for these landslides

³⁴ Dennett, *Kinds of minds*, 37.

³⁵ *Ibidem*, 43.

³⁶ The argument is the main counter-argument of the theory of existence of a language of thought.

³⁷ *Ibidem*, 27.

of meanings is anthropomorphizing, explicitly assumed by Dennett as part of the intentional strategy. The author implies that we are entitled to speak of the mind as in the case of creatures other than humans. But, as we mentioned in case of thinking this is a weak sense of the term, Dennett stressing, by referring to the “old minds”: “Their intentionality is short-range and easily tricked.”³⁸ The effect of this formulation is clearly a qualitative (natural) differentiation in the evolution of each of the three elements: mind, thought, intentionality.

Clearly, Dennett considers the possibility to talk about thinking in a hard sense only under specific significant differences (between intentionality), such as language “perhaps language is not so peripheral to minds after all. Perhaps the kind of mind you get when you add language to it is so different from the kind of mind you can have without language that calling them both minds is a mistake.”³⁹ What we believe justifies, the clarifications we make, indicating the provisional nature (and relatively imprecise) of the use of certain terms, such as thinking.

From another perspective, ambiguities are inevitable as long as speech is held in common parlance, largely avoiding its specialization. However, the approach assumed by the American thinker, namely the foundation of research in everyday life (folk psychology) considerably limits the possibility of language specialization.

Intentional attitude and utensil orientation

Dennett believes that intentional attitude is one of the human ways of knowledge, along with physical attitude and the attitude of the project. From the perspective of the relationship between social attitudes and attitudes of mind, we consider that there is a close connection between the intentional attitude postulated by the American thinker and Heidegger’s utensil orientation, at first glance the latter being part of the former. The attempt of trying to make a comparative analysis between the two clashes, however, with the concept of *physical attitude* that the American thinker proposes, alongside the *attitude of the project* in an attempt to complete a picture of attitudes of mind.

The utensil orientation shows a collective mentality (let’s call it intentional collective attitude) for which utility is a key driver, applying it both to physical or crafted objects and to entities defined as intentional systems. Based on the principle of social formatting of mind, the collective mentality translates into

³⁸ *Ibidem*, 80.

³⁹ *Ibidem*, 17.

individually intentional attitudes. In other words, the pragmatic orientation of society, based on scientific knowledge and technological manipulation that characterizes the utensil orientation, can be found at the individual level, as a specific intentional attitude. This means that the three types of attitudes proposed by the American thinker correspond to a scientific perspective rather than to folk psychology.

The problem can be overcome by considering that intentional attitude does not correspond to intentional systems univocally, orienting it towards other types of entities. However, that would imply to reshape the definition given by the American thinker to intentional attitude.

An attempt in this direction would lead us to the following interim results: intentional attitude is not the same with intentional strategy, as only the latter has as univocal correspondent entities likely to be intentional systems, while the former maintains to an essential definition of mind, that of being oriented towards... (in this context the formula intentional attitude is tautological: intentionality implies *ab initio*, an attitude). The understanding that we have on intentionality means implicitly the rejection of another an interpretation that William Bechtel gives to the system of the three intentional attitudes that Dennett suggests: "His goal is not to reduce intentionality to something non-intentional by identifying intentional descriptions with non-intentional ones."⁴⁰

The problem we believe may be clarified by the different meanings in which Dennett uses the concept of intentionality, namely by what we call "intentionality system" existing in the American thinker.

The existing intentionality system in Dennett's thinking

We have shown before the different meanings that Dennett grants to intentionality and some of the erroneous interpretations generated by the relatively ambiguous way in which the American thinker uses this concept and the ones correlative to it. We further propose a system of intentionality that can be deduced from Dennett's thinking, as this is an approach that can bring a better understanding of the American thinker ideas. Please note that we are not clear to what extent in this scheme we are talking about a systematization of Dennett's thought or a system that we create for harmonizing his thinking with our assumptions.

⁴⁰ William Bechtel, "Realism, instrumentalism, and the Intentional Stance," *Cognitive Science* 9, (1985): 473-497, 475.

We will address the issue at two different levels that can be considered, first, epistemic and ontic.

I. Epistemic level: the construction of an intentionality system based on the definitions given by Dennett.

Demonstration of the existence of “a system of intentionality” in Dennett’s thinking is the main focus of this article. We believe that this system coordinates are:

1. *Intentionality* is a feature of the living world, giving account of its “rationality” and characterized by the orientation towards... Within it one can distinguish two main categories:

i. Human intentionality. Simplistically, we can consider that it consists of:

a) *Biological intentionality*

b) *Intentional attitude* (based largely on social intentionality).

*ii. Intentionality of various creatures (for simplicity, we will say biological intentionality)*⁴¹

2. *Intentional systems* intentionality are the entities characterized by multiple entities.⁴²

3. *Intentional attitude* – is the orientation of the human mind (we can consider, under the benefit of inventory, of consciousness) towards the discovery of intentional systems. As previously mentioned, it is more appropriate to understand the intentional attitude as specific difference of the intentional structure that characterizes the man as compared to intentional systems.

4. *Intentional strategy* – is the way of orientation of the human mind towards a way of “understanding” of intentional systems presuming them with “thinking”, understanding capable of generating predictions on their behaviour. The way of understanding is a form of man’s orientation towards man, assuming their reporting to any intentional system *as* it would have “beliefs” and “desires” to predict the behaviour.

⁴¹ The term *biological intentionality* must be understood in the context of the article. Clearly, it has no pejorative connotation, and through it we want to indicate a class of intent simpler than that of man. This intentionality refers to the whole world of the living. Also, it has both numerous distinctions within it (that we put between brackets along with the use of this formula) and forms of integration in human intentionality.

⁴² We can consider that Dennett includes human intentionality here. For clarity and out of the desire of consistency with the prospect that we consider regarding the consciousness (the concept the structure of consciousness being defining), we used the formula *intentional structure* to refer to human intentionality.

II. *Ontological level: identifying “different types of intent” that precede human intentionality system, while making part of it.*

In Chapter *How intentionality came into focus* of his book *Kinds of minds. Toward an Understanding of Consciousness*,⁴³ Dennett presents an interesting evolutionary picture of the evolution of the mind, identifying four mental types preceding the development of the human mind.

What is curious, however, is that despite the title chosen for this chapter, the explicit approach of intentionality is missing. Given the intention suggested by the author, we consider ourselves entitled to treat mental types as intentional systems. Thinking it as a failure to be covered, we will try to propose some intentional coordinates corresponding to intentional systems presented as mental types. In other words, we shall present mental categories as intentional systems, suggesting specific differences. To the extent that our approach can be considered successful, we believe that we can get a first outline of the evolution of intentionality.

Mental type	Intentionality type / intentional system
<p><i>Darwinian beings</i> – candidates to the status of organisms generated blindly through recombination processes and gene mutation, only best models surviving. Survival is based on inherited behaviour.</p>	<p>The simplest form of intent, characterized by the presence of two vectors: the survival and perpetuation / multiplying. Orientation towards “itself” and (relative) indifference to the environment. We cannot yet speak of an intentional system. We tend consider it a form of pre-intentionality.</p>
<p><i>Skinnerian beings</i> – elements capable of being altered by surrounding environment events. Their adaptation is based on the generation of a variety of actions, which they tried one by one until they found the right one; signals from the environment, positive or negative, adjusted the probability that the action be produced on another occasion. To the behaviour inherited the capacity (inherited) amending adaptation processes is added. It reshapes its behaviour in the right directions. The check is made on the principle of generation and error.</p>	<p>Fundamental vectors are reinforced, the orientation towards survival benefiting of primary forms of adaptation, namely changes in behaviour depending on the environment. To the orientation to “itself” the one to the environment is added, jutting out a first form of coordination of the two. The coordinates of a system arise. From this point we can certainly speak of intentionality and of an intentional system design.</p>

⁴³ Dennett, *Kinds of minds. Toward an Understanding of Consciousness*, 81-110.

<p><i>Popperian beings</i> – have an internal environment that acts as a filter, which tests the options for action on the actions substituents. Preselect behaviours and possible actions before actually testing them.</p>	<p>The orientation towards “itself” and towards the environment is consolidated. Orientation towards “itself” is accompanied by the orientation towards “itself in different contexts” (an anticipation of the “self”). Orientation towards the environment is accompanied by a form of orientation “internal environment”. It emerges first form of temporal orientation, in the guise of anticipation of the future, and a first face of orientation towards others. The intentional system arises.</p>
<p><i>Gregorian beings</i> – are characterized by the use of tools, proving intelligence in their construction and benefiting from inherent intelligence (in J. Searle’s terms) incorporated therein. They have the ability to think better about what they should think in the next period. They benefit from the experience of other beings</p>	<p>Orientation to others is included in the intentional system as one of the fundamentals. To the intentionality acquired by inheritance and “personal experience” that taken over through socialization, namely of the contact with other “experiences” is added. A first form of communication. The temporal horizon acquires structure, to the future face that of the past can be added.</p>

We believe that this approach opens a line of research of the development of intentionality that may prove useful in understanding the structure of human intentionality and explaining its occurrence. So far we have presented only a sketch project. The picture must be completed by the structure of human intentionality, and according to it intentional systems can gain more substance. A bold and difficult step also because it coincides with the attempt to present the structure of consciousness. We suggest some of the rules that must be respected in this process: the structure of human intentionality includes some intentional system components. Which means that not all dimensions intentional systems will be reflected in the structure of human intentionality. At the same time, the structure of human intentionality includes specific differences as compared to the ensemble of intentional systems. The most important source of these specific differences is generated by social existence.

Evolution is a macro-intentional system because it is an explanatory theory that presumes intentionality throughout its course. All theories are based on man’s intentional attitude. Their understanding would be impossible outside

intentionality. Intentionality can “understand” only within the limits of intentionality, that is attributing in turn *intentionality*. In this way of reporting itself the ways of developing what is aimed are prescribed.

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Pleading for Culture

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Abstract

Culture designates “the tools through which the human polishes himself and develops his multiple spiritual and physical gifts.”² The humans interact and change opinions and become conscious that they belong to a global cultural space and are also “authors of the culture of their own community.”³ Through these tools human “exerts to disobey the world, humanizes social, family and physical life, through progress of mores and institutions, in the end human, expresses, communicates and keeps in its operas, during the times, its great major experiences, because them to serve the progress... of whole human people.”⁴ The human valorizes itself but also contributes to the progress of society. Today we talk about the plurality of culture through which is opened the path to the cultural dissemination and perfection. In this way, the humans get a responsibility towards the cultural progress of their community which is anchored in global community, and then appears the question: “what must be done so that all the humans of the world to participate to cultural gods?”⁵ It is observed here a “spiritual and moral maturity of humans,”⁶ defined as “new humanism”.⁷ This new type of humanism is not a simple talk, but it represents a new “type of responsibility towards human and towards history.”⁸ In this way, it appears the need of a new type of education because the nowadays human must be prepared to become creator and responsible to integrate in a global culture based on values as “intelligence, will, conscience and human fraternity.”⁹

Keywords: culture, diversity, humanism, responsibility, education.

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² “Gaudim et Spes” (Joy and Hope), in *Conciliul Vatican II* (Vatican II Council) (Bucharest: Arhiepiscopia Romano-Catolică Publishing House, 1999), 53.

³ “Gaudim et Spes,” 55.

⁴ *Ibidem.*

⁵ “Gaudim et Spes,” 56.

⁶ Vladimir Petercă, *Calea spre oameni* (Iași: Sapiența, 2011), 734.

⁷ “Gaudim et Spes,” 55.

⁸ Petercă, *loc. cit.*, 734.

⁹ *Ibidem.*

The Definition of Culture

The human who is taken out of the cultural society where he is anchored loses his significance, and then it becomes necessary the study of the concrete and alive human reported to “personality and culture”¹⁰ beginning from “all the sufferings, all the strivings and all the limits”¹¹ which are capable to offer “the measure of human.”¹² Thence the human belongs to a cultural space,¹³ he is anchored in a cultural history and then he is “in a way a human of his time.”¹⁴ The human cannot live without the culture of his time, from which he “takes his sap from his actual existence”¹⁵ and pleads for the culture of his time.

Nowadays the humanity passes through deep changes as consequence of the intensification of creative human activity. As consequence the conditions of life have improved and it can be talked about technological explosion but also of a culture specific to this time. The type writer was replaced by computers which became more and more advanced and it is put the problem if the human will be overdraw by computer. The actual time is characterized by an acceleration of different (economical, social, political) aspects of human life, and human does not have time to adapt to this global culture that suffocates him.¹⁶ Under these circumstances it is reached to the difficult definition of actual culture because the word is in this context about “distinctive notes: the so called exact sciences develop... the critic sense; recent psychology researches explain... the human activity; the historical disciplines contributes... to the approach of things under their changing and evolutionary aspect; the life styles and customs become

¹⁰ Gheorghită Geană, *Antropologie Culturală*, ed. G. Stănescu (Bucharest: Criterion, 2005), 67.

¹¹ *Ibidem*.

¹² *Ibidem*.

¹³ The cultural space is described in the acceptance of C. Mesaroş. To be seen Claudiu Mesaroş, “Prefață,” in *Filosofia Sfântului Gerard în context cultural și biografic*, coord. Claudiu Mesaroş (Szeged: Jate Press, 2014), 7.

¹⁴ Wilhelm Dancă, *Și cred și gândesc* (Bucharest: Arhiepiscopia Romano-Catolică Publishing House, 2013), 153.

¹⁵ M. A. Raschini, “Premessa”, in A. Rosmini, *L'introduzione del Vangelo secondo Giovanni comentata* (Roma: a cura di Annalisa Capuzzi, Città Nuova Editrice, 2002), 2.

¹⁶ Adriana M. Macsut, “Consumism și anticonsumism, Platon și Prozac,” in *Virtual Philo Café 2013*, Ștefan Grosu, Adriana M. Macsut, Stănculescu Daniela, Ana Maria Gajdo, Lesenciuc Ioan (Bačau: Rovimed, 2013), 226. “The modernism brought industrialization, and then came the postmodernism with automatization, robotisation and of two decades the computational explosion. There is not now as example the typing, but a pompousness term called desktop publishing. The old typewriter stays sad in a drawer, because its place was taken by the more and more performance computer. The actual characteristic of lived time is the acceleration of social, political and economical culture, and thus human becomes more alone if front of avalanche of information”.

uniform.”¹⁷ The technological progress determines the industrialization and urbanization and leads to new forms of culture from which result “new ways of feeling, of acting.”¹⁸ In this way it is reached the cultural diversity, but this diversity needs also a pleading for universal human culture which “promotes and expresses the unity of the nation”¹⁹ and “respects the particularities of different cultures.”²⁰ It is reached to formative cultural idea such a fixed idea ”so it is told by Berlioz until the end in the Fantastic Symphony.”²¹

Overall, the culture designates “the tools through which the human polishes and develops his multiples spiritual and physical gifts.”²² The culture follows the obeying of the world “through knowledge and work”²³ and has in view the humanization of life in “social, family... and civic acceptance through the progress of customs and institutions.”²⁴ It represents “a social and historical aspect,”²⁵ but it does not lose the view of “sociological and even ethnological sense.”²⁶ Then it is reached to the debate about plurality and diversity of cultures, specifically to a historical and social environment and also to each human in part. From this diversity results different styles of life and a classification of values. From this diversity of values and styles it must result a cultural formative idea (previously mentioned). It must be vast because it contains close and far approaches so to be “a distinguished sign... a style that keeps together the most different themes of the world.”²⁷ Also it must prove to have a deep sense which overdraws the restricted frame marked by a passed fashion. Culture succeeds, in this way, to bring apologetics into attention in an actual form: “it right who sees more, who is capable to contain more, even contradictory things which in other part appears as isolated.”²⁸ The word here is about a unity and also about a cultural polyphony which results from the modern cultural life and which “in Christian conscience... is translated as dichotomy between pneuma and institution.”²⁹ To be specified that

¹⁷ “Gaudim et Spes,” 54.

¹⁸ *Ibidem*.

¹⁹ *Ibidem*.

²⁰ *Ibidem*.

²¹ Hans Urs Von Balthasar, *Despre opera sa*, trans. W. Tauwinkl, ed. S. Hodiş (Târgu Lăpuş: Galaxia Gutenberg, 2005), 80.

²² “Gaudim et Spes,” 53.

²³ *Ibidem*.

²⁴ *Ibidem*.

²⁵ *Ibidem*.

²⁶ *Ibidem*.

²⁷ Von Balthasar, *loc. cit.*, 80.

²⁸ *Ibidem*, 86.

²⁹ *Ibidem*, 87.

this paper “starts from the power to unite that to humans could appear as hopeless or fragmentary.”³⁰ The word is about an art of integration through catholicity which is different of integralism. It results a catholic culture throw which it is in view the whole humanity, but also divine immensity which is “bigger than our power of expression, given that scarcely this Bigger, animates our entire Christian life.”³¹

About Diversity, Anthropology and Humanism in Cultural Approach

1. CULTURAL DIVERSITY

We can talk about cultural diversity in the sense of “the ways of using things, of working, of expressing, of practicing religion, of constituting customs, of legislating, of creating juridical institutions, of developing sciences and handicrafts and cultivating the beauty.”³²

In the Occidental sense, based on Greek-Roman culture, this cultural diversity is represented through “the intension of enrolling the *alteration* of Nature which, outside and prior surprises, the direct identity that the Identical represents from the human self.”³³ The human identity must take into account the opinion of the partner of dialogue in the sense that it is teathed “the alteration of the partner of dialogue, what he affirms.”³⁴ It is imposed a qualitative thinking but also quantitative. It results that there is a cultural formative idea based on the global spiritual culture, and also approach based on “the relation with what unites us and what separates us.”³⁵ It is not anyway exaggerate, in this context, the reporting to a cultural ecumenism, and Catholic Church being anchored in actuality becomes conscious about the launched challenge of the modern frame and “enters in dialogue with the world, with other Churches, and *ecclesial* communities”³⁶ reaching to an interrogation on the principle “rather challengers than irrelevant.”³⁷ The word is not in any case about relativism, but of a religious and spiritual cultural global level. The invocation of Church must not be seen as “a group of

³⁰ *Ibidem*, 86.

³¹ *Ibidem*.

³² “Gaudim et Spes,” 53.

³³ Emmanuel Levinas, *Între noi. Încercare de a-l gândi pe celălalt*, trans. Ioan Petru Deac (Bucharest: Bic All, 2000), 180.

³⁴ Dancă, *Și cred și gândesc*, 41.

³⁵ *Ibidem*.

³⁶ *Ibidem*, 33.

³⁷ Camillo Ruini, *Chiesa contestata. 10 tesi a sostegno del cattolicesimo* (Edizioni Piemme, Casale Monferrato, 2007), 6.

power”³⁸ that follows to build a reality. Through the invocation of relativism it is forgotten that the religion has as goal the humanization of the human culture. The humans come to be afraid to talk in public about religious culture because they are afraid that such discussion attacks the freedom of another. The actual world is characterized by the quickly challenges and it is imposed the condition that the human doesn’t fail into “an individualistic ethics”³⁹ and goes to a culture of autonomy which is “a profound atheist culture”⁴⁰ and selfish. The human history and implicitly this atheist culture, and in this acceptance, “God who transcends creation itself, He is voided.”⁴¹

2. ABOUT CULTURAL ANTHROPOLOGY

The social and historical environment is inserted in the human “of every kind and epoch... who wins his values”⁴² through which he promotes the civilization and the culture where he is anchored. It goes then to the cultural anthropology which is a “study of human – in some fundamental hypostasis... – such as could be... community – through his behavior in standardized forms, even these have some cultural patterns, customs and institutions.”⁴³

Anthropology does not refer to study of the societies being in the primitive stage, but focuses on the research of human condition. Referring to the sense of the term, we use “the etymological cleavage – *anthropos* = *human*, *logos* = *science*, tells everything.”⁴⁴ This science appeared later because human his object of study was difficult to be analyzed. In this difficult context the report is to “individual (as personality) and anthroposphere (as a planetary projection of the species).”⁴⁵ These constitute “human-existential unities, hypostasis of human gender”⁴⁶ which are inserted in human culture and are not anyway “static, inert... empty forms.”⁴⁷ The human, anchored in a global culture, is integrated as individual in “family, community, nation, anthroposphere.”⁴⁸ In this point it becomes necessary the approach of the concept of *corporate personality*, an illustrated objective reality in

³⁸ Dancă, *Și cred și gândesc*, 33.

³⁹ “Gaudim et Spes,” 30.

⁴⁰ Levinas, *Între noi*, 182.

⁴¹ *Idem*, *Dificila libertate. Eseuri despre iudaism*, trans., notes and postface of T. Goldstein (Bucharest: Hasefer, 2000), 180.

⁴² “Gaudim et Spes,” 53

⁴³ Geană, *Antropologie Culturală*, 39.

⁴⁴ *Ibidem*, 66.

⁴⁵ *Ibidem*, 71.

⁴⁶ *Ibidem*.

⁴⁷ *Ibidem*.

⁴⁸ *Ibidem*.

the human that composes it.⁴⁹ The human generations reported to *corporate personality* from a global culture “are inherited in a perfect unity, those far gone are found in the present ones, due to an alive relation between them, that is the past and the future are superimposed in an organic way.”⁵⁰ Cultural anthropology about human takes into account the human corporate personality. Culture has in this acceptance a significance that is related to human existence. Under these circumstances, the cultural anthropology is defined as “human behavior based on norms, on the scale of existential-human unities where human incarnates concrete.”⁵¹ The norms refer to pleading for culture and their role is to show that a human cultural behavior becomes normative. In this sense, an individual who is part of a group is not allowed to disobey the culture arisen from custom. Certainly not any manifestation or gesture has a cultural significance, but only “the entities... in which are incarnated the hypostasis of the human reality.”⁵² In the cultural acceptance it is reached, in this way, to the forming of a “pattern, that is a configuration, a system.”⁵³ The modification of life condition led to intellectual and anthropological transformations which, at their turn, moderate culture. But, at its turn, the human culture cannot exist without a culture of life. The humans of the whole world who are anchored in global culture have the mission to plead for culture in general, but this at its turn cannot exist without a culture of life. So pleading for this culture of life is the charge of the whole humans and also of every human. The word is about a proclamation and celebration of *The Gospel of Life*.⁵⁴

Celebrating of *The Gospel of Life*, the human is called to look contemplatively at the fullness of life that gives life. In this way are appreciated and valued the gestures and customs of different traditions of different people, but is also built a community culture which pleads for unity in diversity. The human nation is today attracted into a global culture that brings accelerated challenges. The anthropologic frame, marked of expectations, strivings caused by the creative

⁴⁹ H. Wheeler Robinson, “The Hebrew Conception of Corporate Personality,” in *Werden und Wesen des Alten Testaments*, ed. Johannes Hempel, *Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft*, vol. 66 (Berlin: Töpelmann Verlag, 1936), 46-62.

⁵⁰ Vladimir Petercă, *Regele Solomon în Biblia ebraică și cea grecească*, preface of F. Băltăceanu (Iași: Polirom, 1999), 16.

⁵¹ Geană, *Antropologie culturală*, 74.

⁵² *Ibidem*, 74.

⁵³ *Ibidem*.

⁵⁴ *Evangelium vitae*, 110. “Sent to life as a people for life, our annunciation must become also a celebration of The Gospel of Life. Scarcely this celebration, through the evocated power of its gestures, symbols and rite, must become a precious and significance place of transmission the beauty and greatness of this Gospel.”

human activity, leads to “a true social and cultural transformation, which is reflected also in the religious life.”⁵⁵

3. THE HUMAN BECOMING

It was previously mentioned that the human is related to historical environment. Thence the human is not alone, but has a history of his becoming through which he obtains the cultural values which define him. So it is reached to “the explanations of nature in the becoming of human.”⁵⁶ The culture cannot exist without reporting to the becoming of human because only human has a history of his becoming: “human is not human, but becomes human.”⁵⁷ In this human becoming can intercede a dramatic moment of suicide when human cut, in a voluntary manner, the way of his becoming. It is observed that humans tend to put too much accent only on material goods and appreciates “only meant objects to procure material goods which put us into evidence, most of the times, not for meritorious facts.”⁵⁸ It could be told that there is a philosophical confrontation between “the philosophy of life”⁵⁹ and “the philosophy of muscles.”⁶⁰ The quotation of consumerist society is: *live a full life*. Thus everything must be lived and experienced because “over life cannot be anything, life can only be understood only through life.”⁶¹ The philosophy dedicated to life appears in this case of consumerist society and could be characterized by a formalist character, and “the philosophy of muscles” is subordinated to practical interest and gives birth to a philosophy that pretends to have the “phobia of intelligence,”⁶² but in reality is “sceptical, dilettante, emotional, in a word a genuine philosophical *dandyism*.”⁶³ The word is about a pragmatic thought through which it is intended to set criteria for human to feel comfortable in life. But can happiness be really ordered? Under these circumstances, the philosopher must create “only such concepts that satisfy our inward, they tickle our little interests of life.”⁶⁴ It is intended to reach to a kind of objective conscience through which are established comfortable life criteria but in reality it is suppressed the sensibility of human self. Certainly the philosophy

⁵⁵ “Gaudim et Spes,” 4.

⁵⁶ Mircea Florian, *Introducere în filosofia istoriei* (Bucharest: Garamond, 1997), 33.

⁵⁷ *Ibidem*.

⁵⁸ Emil I.V. Socec, “Forewords,” in Mircea Florian, *Rostul și utilitatea filosofiei* (Bucharest: Fundațiunea I.V. Socec Publishing House, 1935), 5.

⁵⁹ Florian, *Rostul și utilitatea filosofiei*, 105.

⁶⁰ *Ibidem*.

⁶¹ *Ibidem*.

⁶² *Ibidem*.

⁶³ *Ibidem*.

⁶⁴ *Ibidem*, 116.

cannot take the place of human life, it must “only light it, guide it in the chaos of the heart.”⁶⁵ On the other hand nor “the philosophy of muscles”⁶⁶ or precisely pragmatic must not believe that it could transform the world “into a society insuring and satisfying all earthly needs.”⁶⁷ The philosophy must not turn its back to life, because a historical analysis shows that decadent philosophy finds itself in relation with “the partition of human interests, too human.”⁶⁸ The philosophical sense must not be tempted by “the blinding chaff of facts,”⁶⁹ but to search for an ideal, “a peak of thought... from where human can look right and left, forth and back, up and down.”⁷⁰

Usually in life it is talked in a pragmatic way about “the elevating with the lift and the airplane,”⁷¹ but in a spiritual way is only a temporary elevation because the spirit needs “a psychic elevation... seen spiritually.”⁷² Under these circumstances, the philosophy has the vocation to plead for the culture of life. The philosophical research cannot limit to “the reflection on itself and on existence.”⁷³ The simple reflection on personal self is “the story of a personal adventure, of a private soul, coming incessantly back to itself.”⁷⁴ It is inexcusable the indifference related to suffering, because the mission of a civilization anchored in a culture of life is “to feed humans and to relieve their sufferings.”⁷⁵

The human becoming and the culture of life report to the fact of being and taking care of being. It’s about of being human without hurting other human being because even “nature teaches you what to do... because it accompanies you in ministry.”⁷⁶ The dialogue, the collaboration, the charity and the solidarity must not be simple words from the global cultural inheritance because “only a harmonious collaboration can avoid the defeat of the civilization.”⁷⁷

⁶⁵ *Ibidem*, 119.

⁶⁶ *Ibidem*, 105.

⁶⁷ *Ibidem*, 109.

⁶⁸ *Ibidem*.

⁶⁹ *Ibidem*.

⁷⁰ *Ibidem*, 114.

⁷¹ *Ibidem*.

⁷² *Ibidem*, 116.

⁷³ Levinas, *Între noi*, 19. To be seen also Ștefan Grosu, “Despre scopul vieții în sens filosofic,” *Cronica de Fălticeni*, October 2, 2014.

⁷⁴ Levinas, *Între noi*, 19.

⁷⁵ *Ibidem*, 100.

⁷⁶ Anselm de Canterbury, *De ce s-a făcut Dumnezeu om*, translations, introductory study and notes of E. Grosu (Iași: Polirom, 1997), 153. To be seen also moral aspects in human life, presented by M. Sinaci, *Normativitate și bioetică. Aspecte filosofice contemporane* (Cluj Napoca: Presa Universitară Clujeană, 2014), 38.

⁷⁷ *Evangelium vitae*, 121.

4. THE HUMAN AND ITS CULTURE

Through the act of becoming, human comes to understanding, knowing and promoting the cultural values of the historic environment where he is inserted. Nowadays we talk about the plurality of cultures through which is opened the path to cultural spreading and perfection. The humans interact, change opinions and become aware that they belong to a global cultural space, but are also “the authors of the culture of their own community.”⁷⁸

Every human is developing in a cultural space, so it can be talked about a human and his formative culture. It’s about the culture transmitted through “the language of... the social interactions”⁷⁹ which are reflected in the human personality. In social interaction, cultural human affirms only through a non-violence ethics. The humans who do not have enough cultural formation tend to appeal to custom based only on “particular examples transmitted through myths, habits, traditions,”⁸⁰ and in this way they motivate their “aggressive manifestations in every context and level of social organizations.”⁸¹ So, the reflection shows that it’s about infiltration of the selfish poison of subjectivity.

The recessivity of Mircea Florian points out that the life which is reported to “the ethical recessive dualisms, has proper characters, irreducible, brings into the world something new, but not a novelty created out of nothing, but a novelty with prevital prefigurations through which is facilitated the recessive passing to conscience, an original essence, irreducible, «an eternal possibility» of the existence.”⁸² The idea of recessivity is new in the philosophical field, being introduced by Mircea Florian and the goal of the exegesis is to show “now it can think... with the idea of recessivity.”⁸³ The research establishes, in this sense, that the recessivity constitutes an ethical approach is established “the report between life and moral, from instinct and reason.”⁸⁴ The ethics becomes a recessive

⁷⁸ “Gaudim et Spes,” 55.

⁷⁹ Oana Lența, “Dezirabilul reafirmării eticii non-violenței. Rolul poveștilor identitare în descoperirea de sine,” in *Paradigme Umaniste. Explorări în tradiție și actualitate*, coord. Marius Cucu (Suceava: Universitatea Ștefan cel Mare Publishing House, 2013), 166.

⁸⁰ *Ibidem*, 168.

⁸¹ *Ibidem*.

⁸² Mircea Florian, *Recesivitatea ca structură a lumii*, vol. II (Bucharest: Eminescu, 1987), 202, 204. To be seen also Ștefan Grosu, “De la acțiunea morală la etica prospectivă - rolul eticianului,” in *Repere ale gândirii în filosofia lui Mircea Florian*, Marius Eși, A. M. Gajdo, Ștefan Grosu, Adriana M. Macsut, Narcisa Posteuță (Bacău: Rovimed, 2014), 53-101; Ștefan Grosu, *etică și recesivitate în concepția lui Mircea Florian*, PHD Thesis, *manuscript*.

⁸³ Gheorghe Vlăduțescu, *Neconvențional, despre filosofia românească* (Bucharest: Paideia, 2003), 83.

⁸⁴ *Ibidem*, 9.

counterweight to violence, and the human life is a demarche through which love puts brakes to violence. This violence is related with disequilibrium which is “embedded in the human heart,”⁸⁵ in the sense that inside the human being is a fight. The human is tempted to surpass his limits and to feel unlimited through his wishes. Along his life human is forced to give up to his unlimited wishes. Inside the human being feels torn apart, and then “appear... great disruptions in society.”⁸⁶ Scarcely the human must be aware that he is the one who orders the cultural reality where he lives and depends of him “the good orientation of the forces that he himself has put in motion and can crunch him or serve him.”⁸⁷

5. THE NEW HUMANISM

The humans, men and women, have the conscience that they are the founders of their own culture. They have to discover that through culture is understood the totality of spiritual goods of a nation and of the whole world. Then, “in the whole world grows... the sense... of responsibility, thing... of great... importance for the spiritual maturity of humankind.”⁸⁸

The human is reported to humanism, a term that designates “at day break of Middle Age, the great perspective of renewal the vision about human, starting from the discovery of the antic human model through the Italian Renaissance.”⁸⁹ Anyway here is not about the break of the divine model, but about the highlight of the divine in the human.⁹⁰ But nowadays it is needed “the new humanism through which the human is defined through... the responsibility toward his brothers in history.”⁹¹

The Need of Responsibility and Education in Cultural Domain

1. THE CULTURAL RESPONSIBILITY

The human has a responsibility towards the cultural progress of their community which is anchored in the global community, and then appears the question: “what must be done so the whole human of the world to participate to cultural goods?”⁹² They must be educated “in the view of an integral culture and

⁸⁵ “Gaudim et Spes,” 9.

⁸⁶ *Ibidem.*

⁸⁷ *Ibidem.*

⁸⁸ “Gaudim et Spes,” 55.

⁸⁹ Cucu, “Cuvânt înainte,” in *Paradigme Umaniste*, 1.

⁹⁰ *Ibidem.*

⁹¹ “Gaudim et Spes,” 55.

⁹² “Gaudim et Spes,” 56.

get “the capacity and responsibility to assimilate in a creator and responsibility way”⁹³ the cultural values.

2. THE RESPONSIBILITY TOWARDS HUMANS AND HISTORY

Mircea Florian is an optimistic ethicist who concludes that the happy future “of the humanity is ensured through the flourish of an authentic moral of love”⁹⁴ which is not *a utopia*, but a main “condition of a «progress».”⁹⁵ So, the recessive ethics of Mircea Florian promotes the victory of good and it is reached to “*the prospective ethics* which... foreshadows the ideal world of «what that might be»”.⁹⁶ The *recessive ethics* and *prospective ethics* become paths through which human brakes the violent impetus in the world through reason and love, and so, the *future* becomes responsible through claiming responsibility because human being “moral *being*... cannot abdicate from the claiming of the responsibility.”⁹⁷

Every human has a history and he is anchored in the historical environment of his epoch.

It appears the question what has human to do in this moment when he is confronting with complicate problems of modern world. There is “industrialization, urbanization and other causes that... create new forms of culture.”⁹⁸ It is imposed “a fruitful and an authentic dialogue”⁹⁹ but also responsible for the whole human family.¹⁰⁰ It is not a simple word, but it represents a new type “responsibility face to human and history.”¹⁰¹

3. THE NEED OF EDUCATION

It appears the need of a new kind of education because the human from nowadays must be prepared to become creator and responsible toward to integrate in a global culture based on values as “able-minded, will, conscience and human fraternity.”¹⁰²

⁹³ *Ibidem*.

⁹⁴ Florian, *Recesivitatea*, vol. II, 202, 204.

⁹⁵ *Ibidem*.

⁹⁶ Sorin T. Maxim, *Peripathetice* (Iași: Pim, 2010), 23. To specify that prospective ethics is an original concept introduced by Sorin T. Maxim.

⁹⁷ *Ibidem*, 179.

⁹⁸ “Gaudim et Spes,” 54.

⁹⁹ “Gaudim et Spes,” 54.

¹⁰⁰ “Gaudim et Spes,” 56.

¹⁰¹ Petercă, *Calea spre oameni*, 734.

¹⁰² *Ibidem*. Spiritual aspects of teaching can be seen in Adriana M. Macsut, “Aspecte ale teologiei spirituale în concepția Sfântului Gerard de Cenad,” in Mesaroș, *Filosofia Sfântului Gerard*, 107.

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Legal Order Founded on Human Wisdom

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*The ideal of law is nothing but an aspect of the ideal of good,
and the good cannot be separated from human wisdom.*

Abstract

In the present work I approach a topic of great complexity, always anchored in social actuality because it addresses to an extremely sensitive area in which law is intertwined with the human wisdom.

I start from the reality that human spiritual balance as an obvious sign of human wisdom can be maintained in a secured social balance of the social order, as a manifestation of this virtue at a community level.

I insist on the interferences between universal and social order in which is enrolled as an individual component the legal order. The specificity of this latter form of the inter-human relations is ensured by the peculiar physiognomy of law rules. There are rules of human behaviour which although present some own features to other social norms (generality, impersonality, typicality), these stand out by their obligation which allows, when necessary, to be done using coercive state power. Both creation and especially interpretation and application of the law rules, involves the legislature wisdom, to impose people legal orders which to order and discipline their relations with the environment in which they live and other members of human community so as to make possible a social balance and harmonious coexistence of humans.

Legal order gives concreteness and expression to some fundamental valences of law: justice, equity and righteousness. Therefore, in the vast majority of live situations, especially in cases in which norms of law express “the will of the many”, they convince through their correctness and validity, harmonizing with the interests and aspirations of those whom are addressed, which exclude the intervention of human coercive force. Here, is a sign of human wisdom. But also as a sign of human wisdom can be considered appropriate and necessary the coercive intervention of the state, when the violation of a right occurred, the social order (also the legal one) being more or less disturbed. In these situations, law intervention is justified to re-establish the disturbed order and grant appropriate compensation. In this way, the rules of law which underlies the broken legal order are restored to their social role and functions. And the mission of law, to regulate

and direct human behaviour, in the required way of solving necessary social problems can find fulfilment.

Keywords: *law, legal order, wisdom, political power, social order, legal philosophy, social balance, strength, universal order.*

Human Relations with Nature and The Collectivity It Belongs

If the balance of the human soul is an obvious sign of human wisdom, the social balance ensured by the social order is a confirmation of this virtue inside the human community.

The social order falls within a universal order and includes in its turn among other components the legal order with a physiognomy and a very special support, given by the legal rules under which it is organized and maintained.

Regarding the “unity, integrity, harmony, dynamic balance which characterizes the universe, science, philosophy and religion, they share a common vision.”¹ There is a natural, social and universal order² which “must be carefully discovered, explored and used by man to satisfy its material and spiritual life needs,³ without affecting its existence (irreparably sometimes). Subordinated to universal order, it appears as the most important component, the social order is inextricably linked to the appearance of man and human society.

The man appeared and evolved in a natural environment (environment consisting of ground and its complicated forms of life), between the man and natural environment being established certain reports, long before the emergence of states and law. The interaction between man and the natural environment created a regulatory code for the first rules of human behavior, which in the ancient times did not have a legal nature. The oldest rules of human behavior aiming human relations with nature gave shape and value to a religious, moral and political conscience (rudimentary, of course). In the absence of some reliable information we can assume that the first rules of social conduct regarded the primary occupations of the human, covering his needs such as: harvesting, fishing, hunting, fire protection, collective defense against wild animals or natural

¹ Elena Iftime, *Teoria generală a dreptului* (Bucharest: Didactică și Pedagogică, 2013), 8.

² In the legal doctrine, the order is defined either “as a necessary repeatability, uniformity and natural-logical regularity or as a law like uniformity and regularity. The society is in a teleological order, namely established through a broad set of legal, political, economic and moral rules.” George C. Mihai, *Inevitabilul drept* (Bucharest: Lumina Lex, 2002), 120.

³ Papa Ioan-Paul II, *Planul lui Dumnezeu* (Bucharest: Enciclopedică, 1999), 56.

phenomena. Therefore gradually have been crystallized the norms of human behavior in the natural environment which being repeated and transmitted from generation to generation have become habits (old habits).

But man is a natural and social being at the same time, so that interpersonal relationships were not reduced to its interaction with the natural environment. Based on a natural existence has been developed social reports (within the family firstly and then in other areas of social life), so in a slow evolution, specific to the dawn of humanity, would expand increasingly in the area related to the human life and occupations. Of course the idea of primitive human solidarity had as a drawback a collective disapproval of the violation acts and facts, or disregarding the social norms of life. Much later when the humanity was engaged in the transition from the primitive forms of community to state organization, the collective disapproval started to be accompanied by a collective constraint.

The state appeared as a form of collective organization of the society which through its authority gave to collective constraint a special character of a force organized to develop social norms and ensure compliance. Since then, social norms were addressed to humans not as recommendations, life suggestions but as an order, as a command whose failure was drawing state's compulsion.

Since then until now the law (as an expression of the state will and legislature's wisdom), was and is the most important factor of ordering human relationships with other people regarding the natural, social and private environment.

The Social and Legal Order

1. GENERAL CONSIDERATIONS

As shown, order implies the existence of some conduct rules which indicate to each man the prohibitions and permissions, in other words, how to behave, what conduct to adopt in his life. The implementation of social order is made using the conduct rules. To the ordering of inter-human relationships and social order competed throughout the ages, the habits, religion, moral and political precepts and also law rules under which a legal order has been coagulated.

The social order is inextricably linked to the appearance of man and human society. The two processes (man formation and human society) have a correlative nature and community life was imposed since ancient times. Isolated, the man could not survive. Obtaining in common of the basic needs (food, shelter, clothes) by labor division and use of objects as tools, then their production, facilitated by articulated speech have led to social sense and then of the behavior rules among

which in ancient times we don't find it as a rule of law. Life and work of the archaic man were imposing gradually an ordering of the inter-human relationships using normative rules to ensure cohesion in the primitive community.

For the start, such norms had a ban character with a strong mystical mark. These were not based on a normative mature thinking. Later, towards the end of the ancient age, human communities manage to configure a minimum of social rules focused on the idea of social, political and religious obligation. While the tribal organization is replaced with an organization of power (that of the state) many of the old tribal rules acquire a legal form constituting customary law of whose observance is based on coercion, applying some ecstatic sanctions. These rules were completed and corrected if necessary by creating some new written rules. It emerges therefore a new component of social order – legal order – established and maintained by mandatory legal norms which govern the inter-human relations in the sphere of domestic or international life.⁴

Legal order appears as a component of social order, because as a social phenomenon represents one of the regulatory aspects of social order both regarding consciousness and the rules. Legal order reflects therefore the structure of society with a “corpus” of regulations. It should be noted that the doctrine and legal practice operates regarding the topic, with three terms: rule of law, public order, and legal order. Legal order is installed and maintained by structuring society, by means of some law norms which compelling the people and organizing them make possible to balance the individual interest with the general one (public).

Public order is ensured by a complex of public and private law rules which protect the general interests, personal and financial of the persons (natural or legal), institutions and values of a particular society.

It should be added that the notion of legal order cannot be analyzed and understood only as a human activity. Natural phenomena subjected to natural laws

⁴ Regarding the issue in question, there are a few clarifications to be made to: domestic law, international law and Community law. Domestic law regulates the relations between public and private power (public law) and between individuals (private law). The international law regulates the relations between the international actors: states, international organizations (between sovereign entities). Distinct from the two legal arrangements, is looming a legal form “sui generis”, Community law. Although similar to domestic legal system, the Community law is triggered by an international legal technique based on a treaty, which assumes the sharing of some sovereignty segments with Community methods and the respect of some specific principles: the primacy of Community law over national law of member states; principle of subsidiarity; direct effect principle of Community law, principle of state's solidarity regarding the rights and their obligations. For details see Gyula Fabian, *Drept institutional al Uniunii Europene* (Bucharest: Hamangiu, 2012), 53 and next; Damian Chalmers, Gareth Davies and Giorgio Monti, *European Union Law* (Cambridge University Press, 2010), 32 and next.

don't have these attributes, being foreign to the law which addresses only to human behavior. Regarding human action, it should be mentioned that this should be seen from a double angle. "Being an objective manifestation which belongs to the physical world (objective) the action is a mental entity an intention a mood, an affirmation of the will."⁵ So, a fact of life is action if it belongs to a subject and expresses an attitude of its will, a way of manifesting.

As for the law, this must be examined first as an evaluation criterion of human action. Since it appreciates the actions, the law must necessarily take into account the reasons which cause and shape the actions. Finding the reasons which contribute to the determining an action, assessing the degree of conscience and will to which it is accomplished, is of a great significance to law. It is being shaped otherwise an internal side of the human action which is linked to the sphere of thinking, having a psychic aspect.

But every act of thinking has a relation to the outside world and a material substrate, leading to an external side of human action. Very important are also the internal feelings which give expression and shape to the legal will and which seen a separately evolution. In the early life of the state and therefore legal, the motivation of human actions was briefly studied. With the development and clarification of several aspects regarding legal construction, the motivation of human actions is thoroughly considered. In civil law for example, one of the fundamental principles of contract interpretation is formulated as⁶: "Contracts shall be construed as a consensus between the parties and not by the literal meaning of terms." In determining the concurrence of wills, it will be taken into account among others the purpose of the contract, the negotiations between the parties, the practices established among them and the later behavior after the conclusion of the contract.⁷

2. HUMAN WISDOM AND LEGAL ORDER

In the light of the proposed objectives, we shall insist in the followings upon the correlation between human wisdom and the legal order based on the specific nature of law rules. It is a relationship which forms a topic of investigation and debate with a multidisciplinary nature. It is located at the crossroad between law science and law philosophy seen as a "branch" or a component of the general

⁵ Giorgio Del Vecchio, *Leții de filosofie juridică* (Bucharest: Europa Nova, 1983), 189.

⁶ The rule was consecrated by the art. 977 of Civil Code of 1864 and was reiterated by the art. 1266 al. 1 of the new Civil Code. For details, see Liviu Pop, Ionuț Florin Popa, Stelian Ioan Vidu, *Tratat elementar de drept civil. Obligații* (Bucharest: Universul Juridic, 2012), 132.

⁷ See the art. 1266. al .2 of the new Civil Code.

philosophy which study law in terms of universality, as a general human phenomenon. It is illustrative in this respect, the statement of the prestigious jurist and philosopher Giorgio Del Vecchio according to which “law philosophy is the discipline which defines law in its universal logic, researching the origins and the general characteristics of its historical development, and cherishes it as the ideal of justice stated on pure reason.”⁸ Equally, the relationship under discussion concerns the general theory of law, of which some authors confuse it to a point with law philosophy, a questionable aspect if we consider the object and ration of the two disciplines. It is true that both discipline call into question common problems such as: determining the concept of law, fundamental legal concepts, types of legal norms which constitute the legal system.

But the general theory of law is the “starting point in the study of particular legal disciplines, giving a definition to the common concepts of the existing different legal systems, to bind to each other after a typology or another, inside a legal system.”⁹ On the contrary “law philosophy is placed above positive law and seeks to explain its orientation relative to scale of values. Law Philosophy develops a unique reflection upon the scientific theories of law and seeks to highlight the relative and contingent character.”¹⁰

Both disciplines analyze law problems in its essence and also in the various forms that is presented for an age or a specific people.

But what is the Law? This is a question that still concerns the theory and practice of law, which could not provide a unitary explanation.¹¹

The Romans define Law as being “an art of good and justice” (*jus est ars bonni et aegui*), having as basis the precepts: “*honeste vivere, alterum non laedere, suum cuique tribuere*”. And the science of Law had in the Roman view, the purpose to discover human and divine things, of wisdom to distinguish what is right from what is unjust. In the same conception, justice represents the stable will and generally valid to give everyone what is his. The law that every people appointed himself is his own and is called civil law, being a proper right of the

⁸ Del Vecchio, *Lecții de filosofie juridică*, 120.

⁹ Bruno Oppetit, *Philosophie du droit* (Paris: Dalloz, 1998), 19; see Iftime, *Teoria generală a dreptului*, 41.

¹⁰ *Ibidem*.

¹¹ In his time, the German philosopher Immanuel Kant warned that “even today the jurists are still looking for a definition of law” and perhaps the claim keeps its validity (s.n.). Cf. Del Vecchio, *Lecții de filosofie juridică*, 179.

community. “What the nature of things arranged for everyone is guarded by every people and is called the law of nations.”¹²

Also the Romans, through the contribution of jurist Ulpian tried a definition of natural law, considered as a complex of behavior rules that all the beings have learned it from nature, because this right is not specific only to humanity but is common to all animals. “From this comes the connection between man and woman that we call marriage, raising the children, and their education. We see in fact that the animals, even the wild ones are considered acquainted with this right.”¹³ The natural law is always fair and good, because after all people are equal (and free) from the nature.

The Law definition made by the Romans is questionable. The law is not “an art” in the philosophical meaning of the word, an art of its social consciousness distinct from the legal one. But we can talk among others, about the “art of the Law” to establish and maintain the social balance needed for survival. Also should be brought in question the social character of law rules, so that the prescribed behaviors which cannot be addressed only to the man gifted with conscience, in other words, with power and wisdom to react towards the imposed command.

Closer to our days, Immanuel Kant defined the Law as being “the set of conditions which limits the freedoms to make possible their agreement.”¹⁴ In the German philosopher’s conception, the law reflects the set of conditions in which everyone’s free will can coexist with the free will of all, in accordance with a universal law of freedom.

From the formal-normative perspective J.L Bergel stated that the Law “is the set of conduct rules, in a society more or less organized, which regulates social relations and whose compliance is ensure, if necessary by public coercion.”¹⁵

Nowadays, in a suggestive expression, the French author Jean-Luc Aubert¹⁶ defines law as a “rule of the game’ life conceived on a national scale”.

The definitions mentioned above confirm the social character of the law rule, in other words,¹⁷ the correlation between human wisdom and law.

¹² Mihail Vasile Jakotă, *Dreptul roman*, vol. I. (Iași: Fundației Chemarea, 1993), 121.

¹³ Del Vecchio, *Leții de filosofie juridică*, 189.

¹⁴ Cf. Louis Josserand, *Cours de Droit Civil Francais* (Paris, 1930), 2.

¹⁵ J.L. Bergel, *Théorie générale du droit* (Paris: Dalloz, 1989), 118.

¹⁶ Jean Luc Aubert, *Introduction au droit et themes fondamentaux du droit civil* (Paris, 1984), 5.

¹⁷ At this point of our approach we mention that the definitions to which we referred, largely capture the character of legal norms; social, abstract, impersonality, generality. Seen like this, the rule of law may be confused with any other social norms (moral, religious, political, of courtesy) which also have the vocation to govern the social life. Therefore to the generality and impersonality

But whatever would be the starting point in deciphering the relationship between human wisdom and the legal phenomenon, one thing is certain. The Law (analyzed in a broad sense of the term) is an act of human creation, I would say one of the fundamental human creations whose social purpose is “to ensure the necessary conditions for human survival, a normal course of life, by respecting the rights and human freedoms.” This is, according to the Italian journalist Giorgio Del Vecchio a necessary product of human nature or as it was defined by the Romans “the duty to recognize and to give everyone what deserves.”

The social mission of the Law is to coordinate the inter-human relations to harmonize their interests and aspirations in order to achieve a social balance, a general state of well.

It appeared from the human need for fairness, justice; the Law orders and conducts human behavior towards achieving their aspirations and wishes that is why it passes through the filter of consciousness and human will. As long as the law does not interfere with the other social norms to regulate the relations between people, the society remains a simple collectivity of individuals. Transforming this group into a civil society is ensured primarily by the order established by the legal rules.

As a mean to express social reports, the law supports the influences of the social environment and of human wisdom. As is known, the social organization requires (from a point of its evolution) the right as a coordinator of the inter-human relationships and the law at its turn cannot achieve its normatively valences only in a society. Moreover, the law must reflect (cover) all the compartments of social life and the relationships between them, because are linked to all parts of the social system.

But the idea on which are based the valences of law is that of: justice, equity, righteousness, does not belong only to the Law. Also other social components (moral, religion, politics) are based among others on these concepts.

What is specific to the field of legal life, customizing it from other normative components of the social life, is the fact that the idea of justice, the guarantee of its implementation is given by the rule of law. This rule governs the relations between people in social life and is sanctioned by the political authority, so if is necessary is imposed by coercion.

The use of force to achieve the rule of law appears as a last solution (*ultima ratio*), because the most rules of law especially in the societies in which these

of the social norm we must add the coercive character of law rule, derived from the fact that is sanctioned by public authority.

express “the will of the many” convince through their merits and justice, harmonizing with the interests and aspirations to whom are addressed, thing which exclude the coercive force. In situations like this, respecting the rules of law is ensured by human convince that these are developed by a legitimate government. And the aim is the regulating and directing the human behavior in the sense required by solving the general problems of human community, without which social life would not have the necessary harmony and balance for a normal life.

At the same time, through the preventive and educational function that performs it, the rule of law warns on the exposed danger of the offenders, so that for fear of constraint many people will adapt their behavior, eliminating the intervention of coercive force. When however the infringement occurred, use of force appears as the only way to reinstate the legal norm and its social role and functions. Therefore it is claimed for a justified reason that “the justice without force is powerless as power without justice is tyrannical.”¹⁸

In conclusion, in a synthetic form the interface between human society and law, human wisdom and legal order, can be expressed by an old and common Latin adage:” ubi societas ibi jus”, true not only for the present society but also for the perspective of its historical evolution. At the same time, human wisdom confirms the meaning of another Latin adage “ubi jus, ibi societas”.

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¹⁸ Blaise Pascal, *Cugetări* (Bucharest: Științifică, 1992), 63.

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The Awakening within “New Woman” Fiction *

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Abstract

*The purpose of this article is to analyze the modernist and feminist aspects of “New Woman” identity and thought entailed by the portrayal of one of Kate Chopin’s female protagonists: Edna Pontellier. Chopin’s *The Awakening* (1899) reflects the authoress’ regional flavored writing style and her preference for local-color fiction. Kate Chopin was a modernist before her time, but, apart from being a proto-modernist, she is also appreciated for being a proto-feminist. The climax of her female character’s feminist awakening and self-liberation is marked by the feast which she prepares in order to celebrate becoming separated from her husband. Within the article, the focus is on critical reception and placing the novel within literary context. Despite the fact that most of her contemporary reviewers accused Chopin of crimes against society, many did have some appreciation for the brilliant and flawless writing that was materialized in an unconventional story which seemed to overshadow the well-governed style of the authoress.*

Keywords: *modernist, feminist, awakening.*

The “New Woman” movement began in the 1890’s U.S.A. and was a cultural and literary arm of feminist activism according to which literature was to be used mainly as a political tool for social change.¹ Kate Chopin used themes of New Woman fiction in the novel *The Awakening*: marriage, motherhood and the typically female desire for a separate identity and for freedom and control over

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¹ Cf. Ann Heilmann, “*The Awakening* and New Woman Fiction,” in *The Cambridge Companion to Kate Chopin*, ed. Janet Beer, Kindle Locations 2695-2708 (Cambridge University Press, Kindle Edition) and G. Egerton, “A Keynote to Keynotes,” in *Ten Contemporaries*, ed. John Gawsworth (Ernest Benn, 1932), 57-60, reprinted in *The Late-Victorian Marriage Question*, ed. Ann Heilmann (Routledge Thoemmes, 1998), vol. V *apud* Heilmann, “*The Awakening* and New Woman Fiction,” Kindle Locations 2695-2708.

one's own body. These themes are conceptualized through metaphors of awakening and spiritual awareness.²

In Chopin's *The Awakening*, the scene which becomes an epitome of the female protagonist's emancipation is the one in which she learns how to swim. Swimming becomes a metaphor for "the awakening" – the realization of a female person's identity as a woman and not a mother or a wife:³

Edna had attempted all summer to learn to swim. A certain ungovernable dread hung about her when in the water, unless there was a hand near by that might reach out and reassure her. [...] But that night she was like the little tottering, stumbling, clutching child, who of a sudden realizes its powers, and walks for the first time alone, boldly and with over-confidence. She could have shouted for joy. She did shout for joy, as with a sweeping stroke or two she lifted her body to the surface of the water.

The moment when Edna learns how to swim almost coincides with the moment when she discovers her needs and aspirations as a woman. The summer when she becomes a swimmer is also the summer in which she learns that her identity is not reduced to being somebody's mother or wife. Her beginning as a different type of person resembles her beginning as a swimmer: she is bold and over-confident, but also full of joy for her newly-discovered nature.

The description of the way Edna handles and perceives swimming is an allusion to the epiphany that she is undergoing, as well as to her new ability of taking control of her own destiny and becoming independent and self-sufficient:⁴

A feeling of exultation overtook her, as if some power of significant import had been given her to control the working of her body and her soul. She grew daring and reckless, overestimating her strength. She wanted to swim far out, where no woman had swum before. Her unlooked-for achievement was the subject of wonder, applause, and admiration. [...] "How easy it is!" she thought. "It is nothing," she said aloud; "why did I not discover before that it was nothing. Think of the time I have lost splashing about like a baby!" She would not join the groups in their sports and bouts, but intoxicated with her newly conquered power, she swam out alone. She turned her face seaward to gather in an impression of space and solitude, which the vast expanse of water, meeting and melting with the moonlit sky, conveyed to her excited fancy. As she swam she seemed to be reaching out for the unlimited in which to lose herself. Once she turned and looked toward the shore, toward the people she had left there. She had not gone any great distance— that is, what would have been a great distance for an experienced swimmer. But to her unaccustomed vision the stretch of water behind her assumed the aspect of a barrier which her unaided strength would never be able to overcome. A quick vision of death smote her soul, and for a second of time appalled

² Cf. Heilmann, "The Awakening and New Woman Fiction," Kindle Locations 2717-45.

³ Kate Chopin, *The Awakening and Selected Short Stories* (Kindle Edition), 42-3.

⁴ *Ibidem*, 43-4.

and enfeebled her senses. But by an effort she rallied her staggering faculties and managed to regain the land. She made no mention of her encounter with death and her flash of terror, except to say to her husband, "I thought I should have perished out there alone." "You were not so very far, my dear; I was watching you," he told her.

A feeling of exultation overtakes Edna as she becomes empowered by the chance of being in control of her own body and soul. She herself confesses that her newly-found strength confuses her to the point of becoming reckless with her own life, which can also be an allusion to the ending of the novel: once she gains absolute control over her own life, Edna loses the will to live and finds no purpose or meaning in her existence, thus, choosing to put an end to it during the very act of swimming. Other clues to her yet unexpressed desire of living a type of life that no woman was allowed to at the time can be found in her ambition to swim far out, where no woman has swum before. The moment she realizes that something (swimming) which she thought was out of reach for her is, actually, quite easy, she confesses her regret of not having tried it earlier. She becomes aware of the time lost – an awareness which also seems to transpire to her personal life which she can now view as lost time in terms of living freely and boldly.

Becoming intoxicated with her newly conquered power (both in her private life as well as in her swimming activities), Edna decides to swim on her own and, conversely, to live on her own. However, at one point in the process, she understands that she would never be able to overcome certain barriers in life as well as in swimming, which is why she is overwhelmed by a quick vision of death which takes control of her senses. After the flash of terror, she tells her husband that she felt she would die alone swimming, which again anticipates the way she would choose to end her life in her quest for ultimate freedom and fulfillment which seem unattainable in life.

Edna Pontellier's joy of learning how to swim (and be in control of her body and soul through physical exercise) is a metaphor for woman's "awakening" to her right and capacity of controlling the "working of her body and her soul."⁵ The entire scene in which Edna learns how to swim pinpoints the conceptual and feminist dimensions of the act of swimming in the novel – an act which parallels the female protagonist's first steps towards evolving into an independent and self-sufficient person (not only woman). Therefore, for Edna, learning how to swim is not a victory of self-coordination. It is actually the victory of gaining self-ownership.⁶

⁵ Chopin, *loc. cit.*

⁶ Cf. Heilmann, "The Awakening and New Woman Fiction," Kindle Location 2567.

Edna evolves into an autonomous subject who is in control of her body and mind and, thus, empowerment becomes a source of pleasure for the female protagonist who will continue to search for it from the minute she learns about it (when she begins to swim). Her need to search for new sources of power helps her develop a new trait: active self-determination.⁷ The novel begins with Mr. Pontellier's assertion of his rights over his wife who is reduced to "a valuable piece of personal property which has suffered some damage" from too much exposure to the sun.⁸ But, it ends with Edna's declaration of independence which parallels Chopin's proclamation of the right to choose the theme for her own writings and of swimming "where no woman had swum before" in terms of literary choices. *The Awakening* is, thus, part of the nineteenth-century endeavors of self-determination on behalf of female writers whose works align with the Anglo-American fiction of the New Woman. In *The Awakening*, the female sexuality of a married woman is boldly treated even in comparison with other well-known female or feminist writers at the time. Women writers were careful about touching upon female sexuality by always writing within certain pre-established boundaries. As a result, many contemporary reviewers asserted that Chopin violated the codes of morality to the same extent as her female protagonist.⁹

Kate Chopin within Social Context

Kate O'Flaherty (born on the 8th of February, 1850 in St. Louis, Missouri) was perceived differently by those who had the privilege to know her personally. She was, at times, seen as an opinionated writer, or a wise and cosmopolitan woman.¹⁰

Kate and her grandmother and great-grandmother made three generations of women who were widowed young and never remarried.¹¹ Therefore, Kate O'Flaherty grew up in a matriarchy, witnessing the ability of women to handle their own money and make their own decisions. As a result, she did not have the

⁷ Cf. *ibidem*, Kindle Locations 2559-2568.

⁸ Chopin, *The Awakening and Selected Short Stories*, 8.

⁹ Cf. *op. cit.*, Kindle Location 2568.

¹⁰ Emily Toth, *Unveiling Kate Chopin* (University Press of Mississippi, 1999), 162, 197 *apud* E. Toth, "What We Do and Don't Know about Kate Chopin's Life," in *The Cambridge Companion to Kate Chopin*, ed. Janet Beer, Kindle Locations 669 (Cambridge University Press, Kindle Edition).

¹¹ *Ibidem*, Kindle Locations 683.

opportunity to comprehend traditional concepts of marriage and female submissiveness.¹²

So, when she married Oscar Chopin (a cotton factor owner) on the 9th of June 1870, Kate entered the marriage with an open mind. On the 10th of December 1882, Oscar died of malaria and left his wife with debts and no social protection.¹³ Moreover, in 1885, Kate Chopin’s mother died of cancer and, as a result of her deep grief, Chopin started writing and became St. Louis’ first female professional writer. She published two novels (*At Fault* and *The Awakening*), short stories, essays, poems, translations, one play and one polka. At the time when *The Awakening* had just been published, Kate Chopin’s health and her eldest son’s mental state were deteriorating as he was suffering from a nervous breakdown caused by his wife dying at childbirth.¹⁴

On the 22nd of August 1904, Chopin died of cerebral hemorrhage and was forgotten as a writer until a Norwegian graduate student studying in the U.S.A. rediscovered her works.¹⁵

Kate Chopin used her own independence to become an active writer whose model was Guy de Maupassant – a racy French author who was known for writing erotic and bizarre tales that Chopin herself translated but did not dare to publish. Through the mid 1890’s, Chopin drew away from local-color Louisiana stories and moved towards taboo subjects such as pregnancy and domestic oppression and, therefore, she outrageously crossed boundaries set for female as well as male writers. *The Awakening* itself is a novel combining local color with bold statements on marital rights of women and their need for independence. Unaware of the daring statements that she was making by means of *The Awakening*, Kate Chopin did not expect powerful reactions to the novel when it came out in April 1899. The only one to appreciate Chopin’s efforts seemed to be the “New Women” reviewer – Lucy Monroe. The rest of the reviews consisted of negative comments and overall disapproval of the innovative and controversial treatment of marital life. Edna is portrayed as a neglectful mother and as a wife who strays, which is why the character was criticized for being dependent on romantic love and failing at finding her own purpose in life. Very few critics, however, took time to notice that the female protagonist is an artist insightful enough to engage in clever conversations with her lady friends. They also did not notice that most male

¹² *Ibidem*, Kindle Locations 688.

¹³ *Ibidem*, Kindle Locations 694.

¹⁴ *Ibidem*, Kindle Locations 699-705.

¹⁵ *Ibidem*, Kindle Locations 705.

characters seem incapable of producing anything else but unjustified demands or flirtatious comments.¹⁶

It was even rumored that *The Awakening* had been banned in St. Louis but there is no clear evidence to that. However, despite all of the negative reactions that Chopin received from literary critics, there were many female supporters that wrote letters of praise and invited her to speak at various gatherings. Kate Chopin's life made a lasting impression on her lady friends and admirers, but also had a great influence on those who, later on, became inspired by her writings and independent lifestyle. Her interesting women friends praised Chopin and viewed her as a role model. Moreover, they were rebellious and independent themselves: Sue V. Moore became separated from her husband, Carrie Blackman – a regular visitor to Chopin's salon – was infamous for her unconventional behavior and Rosa Sonneschein was a cigar smoker dressed in extravagant theatrical costumes who founded *The American Jewess* and left her rabbi spouse after being accused of committing adultery. Besides Chopin's friendship with assertive women who supported her, there were other relationships in her life that allowed her to be inspired and write about meaningful life experiences and ways of relating to others: the love affair with Albert and the marriage with Oscar.¹⁷

Kate Chopin was animated to write not only by the relationships that she enjoyed during her entire lifetime, but also by her need to satisfy her writing standards and establish herself as a well-respected authoress. She proved to have a great commercial instinct and a flare for writing about subjects that women would find appealing at that time as well as in the distant future. Despite all the biographical facts that have been made available to the general public, many aspects of Kate Chopin's life remain a mystery and the true nature of this authoress can only be comprehended by analyzing her work, especially her two novels among which *The Awakening* is the best choice to highlight the writer's avant-garde mentalities and ideas that are recurrent throughout all of her writings.¹⁸

¹⁶ Toth, "What We Do and Don't Know about Kate Chopin's Life," Kindle Locations 914-33.

¹⁷ *Ibidem*, Kindle Locations 933-54, and Emily Toth, *Kate Chopin: A Life of the Author of "The Awakening"* (Morrow, 1990), 422-5 *apud* Toth, "What We Do and Don't Know about Kate Chopin's Life," in *ibidem*, Kindle Locations 933.

¹⁸ Cf. Toth, *op. cit.*, Kindle Locations 963.

The Awakening within Literary Context

Most reviewers accused Chopin of crimes against society, although many did have some appreciation for brilliant and flawless writing that was materialized in an unpleasant and unconventional story that seemed to overshadow the well-governed style of the authoress. Therefore, literary critics labeled the daring novel as vulgar, morbid and repellent on account of the choice of theme. Under the influence of European movements in art (such as the English decadence of Aubrey Beardsley and the French naturalism of Zola), Chopin became cleverly dismissive of censorship codes and wrote in imitation of strong-minded heroines of Madame de Staël's and George Sand's early nineteenth-century novels.¹⁹

The strongest European influence was that of Guy Maupassant's literary endeavors of which Chopin translated eight turn-of-the century stories. Two of them ("Solitude" and "Suicide") are directly related to the themes (solitude and suicide) explored in *The Awakening* which was, initially, entitled *A Solitary Soul*. Among other European influences are: Gustave Flaubert's *Madame Bovary* (1857) and Lev Tolstoy's *Anna Karenina* (1877). The former tells the story of a wife who is involved in two love affairs and becomes bankrupt on account of her uncontrolled spending and, finally, decides to take her own life. Although there are certain similarities between the two novels, Emma Bovary is not as introspective or independent and self-sufficient as Edna Pontellier is. Therefore, *The Awakening* can be viewed in relationship to *Madame Bovary* only in terms of a late-century feminist response to Flaubert's European adultery novel.²⁰

"New Woman" Identity in The Awakening

The climax of Edna's feminist awakening and self-liberation is marked by the feast which she prepares and enjoys in the name of her separation from Léonce. "Edna celebrates her freedom on her twenty-ninth birthday." She

¹⁹ Cf. "Review in the St Louis Republic," 20 May 1899, quoted in L. Huf, *A Portrait of the Artist as a Young Woman* (Frederick Ungar, 1983), 59; C.L. Deyo, "The Newest Books," St Louis Post-Dispatch, 20 May 1899, in *Kate Chopin's The Awakening*, ed. Janet Beer and Elizabeth Nolan (Routledge, 2004), 56; "Literature," *Congregationalist*, 24 August 1899, in *Kate Chopin: The Awakening*, ed. Margo Culley (Norton Critical Edition, Norton, 1994), 173; "Books of the Day," *Chicago Times-Herald*, 1 June 1899, in *Kate Chopin: The Awakening*, ed. M. Culley, 166; "Notes from Bookland," *St Louis Daily Globe-Democrat*, 13 May 1899, in *Kate Chopin: The Awakening*, ed. Margo Culley, 163; W.M. Payne, "Recent Fiction," *Dial* 37, 1 August 1899, in *Kate Chopin: The Awakening*, ed. M. Culley, 172; "Fresh Literature," *Los Angeles Sunday Times*, 25 June 1899, in *Kate Chopin: The Awakening*, ed. M. Culley, 169; "Books of the Week," *Providence Sunday Journal*, 58 *apud* Heilmann, "The Awakening and New Woman Fiction," Kindle Location 2567.

²⁰ Cf. Heilmann, "The Awakening and New Woman Fiction," Kindle Location 2595-611.

decorates the dinner table with candles and candelabras and she dresses herself with a golden satin gown with which she seems to celebrate her beauty and youth. The feast description is filled with aural and olfactory effects and Edna's physical appearance marked by long and clean symmetrical lines point to "New Woman", "decadent" and "androgynous" aspects of her new identity and lifestyle. At the feast, Edna is androgynous in appearance, which alludes to typical "New Woman" physical and psychological traits.²¹

Moreover, contemporary debates often associate the "New Woman" with sexual anarchists and literary degenerates that challenged marriage, gender boundaries and sexual identities and politics in their personal lives as well as by means of literature. New Woman and the decadent man (as identified and perceived at the time) posed great threats to bourgeois society and any woman adopting "New Woman" and decadent ideas or an androgynous physical appearance was perceived as a fierce opponent of standard morals and romantic relationships (that were believed to be destined to develop only within marital life).²²

Therefore, Edna's appearance at the feast is a hint to her aligning herself with the "New Woman" profile that was well-defined and often criticized at the turn of the century. However, Edna is more drawn to romantic sentimentality rather than decadence throughout the whole novel, her quest for identity being a solitary one. She does not truly adopt the "New Woman" identity and she struggles until the end to discover her true identity as a woman as well as a person. Although she realizes that she needs to renounce her old self, she becomes unable to replace her old identity with a new one, which, ultimately, leads to the suicide act that becomes a metaphor for freedom of choice.²³

The Modernist Aspects of "New Woman" Identity and Feminist Thought in The Awakening

Kate Chopin was a modernist before her time, but, apart from being a proto-modernist, she is also appreciated for being a proto-feminist. Many critics have analyzed her works by placing them in the social and literary contexts of the nineteenth century and by focusing on the great influence of French nineteenth century authors such as Maupassant and Flaubert. Critics have also analyzed her writing style in relation to the New Woman ideology, the figure of the female

²¹ *Ibidem*, Kindle Locations 2776-89.

²² *Ibidem*, Kindle Locations 2776-89.

²³ *Ibidem*, Kindle Location 2776-800.

flâneur and other turn-of-the-century women authors such as Willa Cather and Edith Wharton. Although most studies have focused on Chopin’s work as part of the nineteenth-century American literary tradition, publications on the connections between her work and modernism are just as enlightening and well-written as the others. Such publications do not deal with the relation between *The Awakening* and New Woman sexuality and feminist thought in itself, but rather with the modernist aspects entailed by this connection.²⁴

In the essay entitled “Gendered Doubleness and the «Origins» of Modernist Form”, Marianne DeKoven points out the formal experimental qualities of *The Awakening* and argues that ambivalence and contradiction in the novel are typical of early modernist writing. This inherent doubleness of modernist form also indicates ambivalence about the feminist content in *The Awakening* since the expression of the fear of punishment for female rebellion and assertion is precisely what the feminist content in the novel consists of. Similarly, in her article on *The Awakening*, gender and modernism, Sarah Klein asserts that the novel explores modernism from a gendered point of view. Alongside Klein, Emily Smith-Riser highlighted the fact that Chopin expresses a modernist type of disillusionment with social conventions by means of her treatment of norms and religion as well as by making use of ambiguous juxtaposition and ambivalence which are known to invariably anticipate modernism.²⁵

The Deconstruction of Stereotypes in The Awakening

Kate Chopin’s *The Awakening* (1899) reflects the authoress’ regional flavored writing style and her preference for local-color fiction. Writing in *St. Louis Post-Dispatch*, C. L. Deyo points out the unusual and unique qualities of Chopin’s writings that oppose the constraints of literary tradition from her earliest compositions. Chopin opposed tradition not only as a writer, but also as a literary critic as she lamented the work of the Western Association of Writers who failed to engage with human existence in a subtle, complex and meaningful way. She asserted that a writer could achieve that only by defying ethical and conventional standards, which is why she often criticized the lack of artistic boldness and originality that most authors displayed at the time. Her opposition to artistic conventions is even reflected by her female characters who struggle to achieve creative expression by challenging and becoming dissatisfied with standard /

²⁴ Avril Horner, “Kate Chopin, Choice and Modernism,” in *The Cambridge Companion to Kate Chopin*, Kindle Locations 3818-22.

²⁵ *Ibidem*, Kindle Locations 3822-40.

traditional modes made available to them.²⁶ For instance, Edna Pontellier dislikes realistic representation and chooses to paint spontaneously with sureness and ease:²⁷

She had reached a stage when she seemed to be no longer feeling her way, working, when in the humor, with sureness and ease. And being devoid of ambition, and striving not toward accomplishment, she drew satisfaction from the work in itself.

Since the critical reappraisal of Kate Chopin (in the 1960's), literary critics have referred to Chopin as to a ground-breaking artist that anticipated the concerns of feminism and literary modernism and engaged with romanticism, transcendentalism, literary realism, naturalism and New Woman fiction. Elaine Showalter views the female characters (Adèle Ratignolle and Mademoiselle Reisz) in *The Awakening* as proto-heroines of sentimental and local color fiction generally portrayed by American women writers who articulated their artistic vision in a conventional style. Therefore, according to Showalter, Edna's failure to follow in the footsteps of her lady friends symbolizes Chopin's rejection of the conventions of women's writing. As a result, Chopin's two novels and Louisiana stories are not simply rich in the culture of their specific locale, but also rich in feminist and innovative content.²⁸

In terms of innovative and anti-stereotypical literary influences, Chopin translated many of Maupassant's stories of which "Solitude" caught her attention in particular due to the focus on the isolation of the individual and the existence of an essential self that is always alone even in the formal company of others. *The Awakening* was originally titled "A Solitary Soul" and, towards the end of the novel, Edna Pontellier acknowledges the precarious nature of human relationships that offer human beings no permanent or complete satisfaction, which alludes to Maupassant's own meditations on individual solitude.²⁹

Chopin adopted Maupassant's focus on the inner consciousness in order to achieve the subversion of genre. In *The Awakening*, the authoress placed emphasis on the psyche of the protagonist in order to portray a distinctly female selfhood. Chopin's attempt is subscribed to a tradition of such attempts that were recorded in 1990 by Anne Cranny Francis (in *Feminist Fiction*) who dealt with the means by which feminist writers of the late twentieth century took over and then subverted

²⁶ Cf. Elizabeth Nolan, "The Awakening as Literary Innovation: Chopin, Maupassant and the Evolution of Genre," in *The Cambridge Companion to Kate Chopin*, Kindle Locations 3440-470.

²⁷ Chopin, *The Awakening and Selected Short Stories*, Kindle Edition, 110.

²⁸ Nolan, *op. cit.*, Kindle Locations 3476-86.

²⁹ *Ibidem*, Kindle Locations 3543-3550.

literary genres by opposing the gender (patriarchal) ideology of western society through themes and literary techniques. Although Chopin wrote a century earlier, she is still part of this tradition, being regarded as one of its pioneers. She was highly interested in themes such as domesticity and maternal responsibility and she subverted genre (both formally and thematically) by placing experiences typical only of women at the core of her literary endeavors.³⁰

Although Maupassant’s technique and style inspired Chopin to transcend traditional literary forms, the authoress did not imitate his model but rather attempted to revise it. In his writings, Maupassant expressed male fears and desires, portraying only the physical beauty of women and disregarding their identities (their female selves). Therefore, in his works, women are presented only as a source of pleasure for the men that “possess” their bodies which they almost view as property. As opposed to this portrayal of women, the soul-searching Edna Pontellier is presented as a complex and intriguing female figure throughout the entire novel. Although Chopin employs techniques used by Maupassant in the portrayal of her female protagonist, she revises, develops and extends those techniques so that they would fit her own purpose and vision. For instance, Maupassant equates aquatic imagery with female traits and characters, thus, hinting at a woman-nature prototype, which suggests that he perceives and, therefore, also portrays women as seducing and corrupting beings that overpower the hero just as a force of nature would. Chopin used this particular technique for the symbolism in *The Awakening*, but she transformed Maupassant’s sexual symbolism of the woman-water combination (that leads to corruption and death) into imagery that would best suit her unconsciously feminist purposes.³¹

The eroticizing effects are, thus, transferred from a hero to a heroine that is seduced by the sensuous touch of the sea which she experiences while swimming.³² Her experience becomes a source of deep-felt desire which marks the beginning of her spiritual awakening that consists of the assertion of an independent female identity:³³

A feeling of exultation overtook her, as if some power of significant import had been given her to control the working of her body and her soul. She grew daring and reckless, overestimating her strength. She wanted to swim far out, where no woman had swum before. Her unlooked-for achievement was the subject of wonder, applause, and admiration. [...] “How easy it is!” she thought. “It is nothing,” she said aloud; “why

³⁰ *Ibidem*, Kindle Locations 3554-3578.

³¹ *Ibidem*, Kindle Locations 3578-602.

³² Cf. *ibidem*, Kindle Location 3602.

³³ Chopin, *The Awakening and Selected Short Stories*, 42.

did I not discover before that it was nothing. Think of the time I have lost splashing about like a baby!” She would not join the groups in their sports and bouts, but intoxicated with her newly conquered power, she swam out alone. She turned her face seaward to gather in an impression of space and solitude, which the vast expanse of water, meeting and melting with the moonlit sky, conveyed to her excited fancy. As she swam she seemed to be reaching out for the unlimited in which to lose herself.

The joy and exultation that she finds in swimming become emotions that she seeks in everyday life as well, which leads to her rebellion and dramatic change from submissive wife to independent artist. With Chopin, the water imagery differs (from Maupassant’s symbolism) even in the way that the sea is associated with death. Although a medium of death in *The Awakening*, the water symbolizes defiance rather than defeat.³⁴

Conclusions

The novel *The Awakening* can be viewed as part of the feminist stage due to the character of Edna that can be best understood in the context of “New Woman” debates over the limited rights of married women to property, financial security and gain and sexual fulfillment.³⁵ Moreover, the character’s progressive gain of female independence appears as a reaction to domestic confinement as the female protagonist strives to earn her right to a private space which, in Virginia Woolf’s terms, could be referred to as “a room of her own” – a notion by which the “female stage” is often identified and characterized.³⁶ As a result, to a certain extent, *The Awakening* can be said to also belong to the last phase identified in the evolution of female literary tradition theorized by Elaine Showalter.³⁷

A major influence on Kate Chopin’s writing is the feminine and feminist tradition of women’s writing to which *The Awakening* also belongs.³⁸ In 1792, Mary Wollstonecraft demanded a ‘revolution in female manners’ which was then brought about by George Sand and Margaret Fuller and adopted by the Brontë sisters during the Victorian age when a new type of heroine was born in English literature:³⁹ Jane Eyre – the embodiment of female passion, sensuality, self-

³⁴ Cf. Nolan, *op. cit.*, Kindle Locations 3602-17.

³⁵ Cf. Heilmann, “*The Awakening* and New Woman Fiction,” Kindle Location 2736.

³⁶ Virginia Woolf, *A Room of One’s Own* (Hogarth, 1929) *apud ibidem*, Kindle Location 2736.

³⁷ Elaine Showalter, “Toward a Feminist Poetics (Feminine, Feminist, Female),” in *Critical Theory Since Plato*, ed. Hazard Adams (Harcourt Brace Jovanovich College Publishers, 1992), 1231.

³⁸ Cf. Heilmann, “*The Awakening* and New Woman Fiction,” Kindle Location 2626.

³⁹ Mary Wollstonecraft, *Vindication of the Rights of Woman* (Penguin, 1985), 132 *apud* Heilmann, “*The Awakening* and New Woman Fiction,” Kindle Location 2626.

assertiveness and female self-determination. This new type of female character replaced the previous angelic female protagonists in English literature and became the cornerstone of what would be known as the 1890’s New Woman movement.⁴⁰ The Anglo-American New Woman debates of the 1890’s revolved around the idea of Jane Eyre being the model for contemporary heroines hallmarked by well-defined individuality and unique temperaments.⁴¹ However, critics did not favor the modern erotic-sensational novels of female sex-writers that were viewed with the same type of contempt with which Charlotte Brontë had been treated by Victorian literary critics.⁴²

This rejection of “New Woman” novels that were meant to subscribe to the tradition initiated by the Brontë sisters was partially owed to the association with the earlier genre of sensation fiction.⁴³ “New Woman writers frequently employed sensational plot elements (cross-dressing, prostitution and madness) in exploring feminist themes (the social construction of gender, the sexual exploitation of women, the perils of marriage).”⁴⁴ Although there were also many sensation writers (Louisa May Alcott, Mary Braddon and Wilkie Collins) who created strong-willed and self-determined female protagonists and addressed delicate subject matters (such as adultery, bigamy and domestic violence) in a refined and decent manner, the majority of female-authored genres that caused literary sensations explored unconventional gender identities by touching upon the immorality of marriage, motherhood and sexuality – themes which were believed to have a corrupting influence on female readership.⁴⁵

These female authors often created heroines filled with sex antagonism (hostility towards men), sexual knowledge and intolerance. It was in this context of overworked field of sex fiction that Chopin’s novel was perceived as distorted by the depiction of immoral sensuality. However, a few contemporary reviewers did manage to see beyond this layer of the novel and, therefore, they could admire the unique treatment of a woman’s awakening to her genuine needs and aspirations

⁴⁰ Cf. Heilmann, *op. cit.*, Kindle Location 2626.

⁴¹ Cf. “The New Heroines of Fiction”, *Harper’s Bazaar*, 1 January 1898, in Nolan Beer, *The Awakening*, 23 *apud* Heilmann, “*The Awakening and New Woman Fiction*,” Kindle Location 2626.

⁴² Heilmann, *op. cit.*, Kindle Location 2626.

⁴³ *Ibidem*, Kindle Location 2626-34.

⁴⁴ Heilmann, *loc. cit.*

⁴⁵ *Ibidem*, Kindle Location 2634-43, and L. Pykett, *The “Improper” Feminine* (Routledge, 1992); E. Showalter, *A Literature of Their Own* (Virago, 1984), 153-215, *apud* Heilmann, “*The Awakening and New Woman Fiction*,” Kindle Location 2643.

as a person who will not be reduced to a social status (being somebody's wife or mother).⁴⁶

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⁴⁶ Cf. "Books of the Day," *Chicago Times – Herald*, 166, "Fresh Literature," *Los Angeles Sunday Times*, 169, "Books and Authors," *Boston Beacon*, 24 June 1899, 4, *apud* Toth, *Kate Chopin*, 348, *apud ibidem*, Kindle Location 2643.

The Inter-Semiotic Negotiation between the Literary and the Cinematographic Image

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Abstract

Considering the postmodern perspective, a text or a discourse never ends, but continues in other texts and discourses. Besides the physical limits, any literary text or discourse develops in a literary system of references belonging to other texts or discourses. The concept of inter-semiotic negotiation describes the process of inter-action realized between two semiotic systems and shows that the meaning generated from one system can be transposed into another semiotic system and, even more, from the writer to the reader, and even further, from the director to the spectator, but mediated through different types of codes. Transferring the aesthetic meaning from one form of art (literature) to another (cinematography), there are specific changes for the artistic manner of performance and reception but the common element that may link both arts is represented by the image: literary and cinematographic.

Keywords: *artistic representation, imaginary, negotiation, semiotic codes.*

Introductory Unit

The article “The Inter-Semiotic Negotiation between the Literary and the Cinematographic Image” intends to analyze the inter-semiotic relationship that was established between a narrative text and its cinematographic representation. Both were considered discursive forms of artistic representation which are involved in the process of meaning transfer from one semiotic system to another. The study is a comparative analysis based on the relationship established between literature and cinematography. The link between the two forms of representation is represented by the literary text transposed into the film adaptation. Applied on Andrei Tarkowsky’s *The Stalker*, the interdisciplinary analysis will try to emphasize the connection between the two artistic forms of representation which are interrelated in order to create new artistic meanings. Being narrative

discourses, the literary text and its cinematographic representation are both put in relation with the reader / audience discourses. In order to transform a narrative text into a moving picture, the director has to connect his artistic discourse as a reader to the discourse of the text, even if the text is only a pretext for the film. That is why the theory of literary reception is taken into consideration when referring to the literary and cinematographic imaginary found in a narrative text and also in a cinematographic performance. Even if it is differently exposed, using distinct codes that belong to different semiotic systems, the *image* represents the element that makes the connection between the two forms of artistic representation.

1. THE THEORETICAL FRAMEWORK

The starting point is represented by the narrative text. As it is known, any literary text may be seen as a virtual space where specific ideas, paragraphs, characters, plots, mix together, generating other literary discourses. There is no literary text that was not inspired by other literary text, or any artistic form of representation or performance that was not inspired by other artistic form of expression. This process was defined by Roland Barthes as the possibility of continuing a finite text into another text and further on into another type of discourse or another kind of artistic representation.¹ A literary text is only the starting point for the process of reading, interpretation and inspiration for other artistic discourses. Considering Julia Kristeva's point of view, any narrative text may be taken into consideration only in the eyes of the reader. It is the reader who gives meaning to the text, and not only the author. The two perspectives, the reader's and the authors, collide and generate the galaxy of the multiple meanings of the same narrative text.² In order to analyze the relationships between the author's perspective and the reader's perspective, it is necessary to see the author's function inside the text. Each narrative text is a form of a discourse representation, and each discourse is bi-vocal expressing two different intentions at the same time: the speaking characters' intentions and the author's intentions. The character is a locator of the narrative text and, thus, his / her words may function as "ideo-logemes."³ The function of an ideo-logeme is to link a concrete narrative structure

¹ Roland Barthes, *Romanul scriiturii*, trad. Adriana Babeți and Delia Șepețean-Vasilii (Bucharest: Univers, 1987), 206.

² The meaning of a narrative text, as well as the meaning of any literary text, is transferred not only from the author to the reader, but it is also created by the reader, or at least mediated through.

³ Mikhail Bakhtin, *Probleme de literatură și estetică*, trad. Nicolae Iliescu (Bucharest: Univers, 1982), 194. An ideo-logeme represents the particular type of language used only by a single character. It has the function to individualize the character through his / hers discourse.

(the narrative text) with other narrative structures (the discourses). This kind of function may be noticed only at an inter-textual level of a narrative text.⁴ Each character uses a specific language in order to create his / her discourse (different from the others) and to represent a certain and unique point of view regarding the world.⁵ His / her actions are sustained ideo-logically.⁶ But the characters are not the only forms of the locator. There are also impersonal discourses or different literary genders intercalated in the narrative text. All these personal and impersonal discourses are directly connected to the reader, who, in his or her turn, will transform them into his or her own discourses.

Generally speaking, the discourse represents the emitter, but it also represents itself, in other words, the discourse becomes the object of the narrative discourse. The character who speaks and his / her discourses require special formal procedures when extended to other forms of representation. The narrative text becomes more than an artistic representation of a single discourse, of a single linguistic conscience, the author's or the characters', it connects all the discourses placing them in an inter-relation network, each one lighting up the other ones. This network of discourses will later be used by the reader as his / her individual response to the literary text.

2. THE READER RESPONSE THEORY

The reading experience is mainly a subjective and communicative one. A literary text is understood as a response generating structure which is meant to promote the meaning within the text. Thus reading a narrative text becomes responding and interpreting the same text, finding new artistic values. This is the point where the inter-semiotic negotiation between any literary text and other artistic representation of the same text is made possible. Interpreting the literary text, the reader transposes its artistic meanings into other forms of representation, giving other new artistic values or even new artistic meanings.

Extending the analysis outside the narrative text, the network of the discourses that function within the narrative text is put into a discursive relationship with the reader in the process of reading. In his turn, the reader first assumes the discourses of the narrative text and, secondly, he creates his own discourse as forms of artistic response and artistic interpretation. The new

⁴ Julia Kristeva, "Problemele structurării textului," in *Pentru o teorie a textului*, trad. Adriana Babeți and Delia Șepețean-Vasilu (Bucharest: Univers, 1980), 268.

⁵ In fact, all the discourses in a narrative text are distant forms of the author's discourse.

⁶ The characters act according to the purpose of their discourses, which may be rendered as such or not.

discourse does not function in a written form as the others do. It is imagined by the reader while he is reading the text. It could be said that he is imagining the discourse.⁷ Thus, the narrative texts could generate other type of discourses outside the written form. But each narrative text generates a theoretical pattern that function only inside the text.⁸ Summing up these patterns there could be established many narrative structures and a lot of narrative strategies that are to be used in writing other narrative texts or in analyzing them. But this is an impossible theoretical strategy as well, because each narrative text must be different from other narratives texts.⁹ The difference is not an irreducible quality of the narrative text itself, but it is a progressive difference created by the infinite literary space that gravitates around the finite narrative text.¹⁰ This is the place where the discourses from inside the narrative text inter-act with the discourses from outside the text (the readers' discourses). This particular space is also the place where the meaning generated by the discourses of the narrative text, so unfinished and incomplete, mingles with other meanings created by the reader/s' discourses. The process of reading becomes a creative one, producing imaginative texts.¹¹ In this type of text, the meanings create a huge network of meanings never superposing one another, but giving different perspectives of understanding and interpretation to the finite text. The imaginative text could be seen as a panoramic view over the meanings that a finite narrative text is capable to generate. This process never ends and it does not have a specific starting point, it configures the plurality of meanings of a narrative text. In the moment of reading, the reader becomes an author functioning in the imaginary context that he creates. Thus, between the two authors there could be developed a literary dialogue, investing each other's discourse with meaning. But meaning is not transferred directly from the author to the reader. It is expressed by the author in the form of a literary text unveiled by

⁷ This particular discourse, the reader's, functions only in relation to a specific narrative text. The reader may imagine a personal and individualized discourse to each narrative text that he reads. It is not the same distinctive discourse that relates the reader to the narratives texts that he reads.

⁸ The same narrative pattern could be applied to most of the narrative texts, but this does not mean that it generates other narrative texts. Besides, it does not influence the reader and it also does not extend its function outside the narrative text, generating the reader's discourse.

⁹ Barthes, *Romanul scriiturii*, 160.

¹⁰ The meaning of the term "difference" does not refer to "otherness", but it expresses the relationship between the meaning of a narrative text and its literary representation, the relationship between what is expressed and how it is expressed. Paraphrasing Jacques Derrida's point of view, Christopher Norris considers that "meaning is never finished or completed, but it keeps on moving to encompass other, additional, supplementary meanings, which «disturb» the classical economy of language and representation." Christopher Norris, *Jacques Derrida* (London: Routledge, 1987), 15.

¹¹ These texts do not exist as such, because they are writable forms of narration.

the reader in the process of reading. A narrative text does not exhibit only one meaning, but an infinite number of meanings, according to Umberto Eco. The actual meaning of a narrative text is mediated through the reader's perspective. Following Roland Barthes' theory, the meaning of a narrative text does not reside only in the text itself, promoting the author's discursive perspective, but it is also created by the reader in relation to that particular narrative text.¹²

The Inter-Semiotic Negotiation

In the process of writing a narrative text, the author inserts in the text a meta-fictional perspective upon the past that it is related. Each narrative text includes a "histoire" that is to be literarily developed and turned into fiction. The textual incorporation of the past triggers the author's perspective, because it was he who selected the facts, who arranged them in a logical form, who completed the puzzle, who created the plot and who started to write the text in his own individualized style. On the other side, there is the reader, who understands and interprets the content of the narrative text, who places himself in the process of communication with that particular text, who speaks not only about what he reads, but also about the notices beyond the text, in the imaginative space around the text.

Extending this analysis to the next level, there could be noticed that the same process takes place when the narrative text is turned into a cinematographic representation, replacing the narrative discourses with the cinematographic one. It was already mentioned that the narrative text is a discursive form of artistic representation, just as the cinematographic representation. As a discourse, the narrative text is made of other individualized discourses that interact defining the narrative reality. This reality is created by the verbal manifestation of all the discourses that are connected to one another. The hermeneutics of the verbal text is able to analyse the inter-relationships between the discourses at a linguistic and literary level. Besides the communicative intentions that any discourse may presuppose, the narrative discourse exceeds the linguistic level of representation.¹³ It may become the object of the cinematographic representation.¹⁴ It presumes the

¹² Barthes, *Romanul scriiturii*, 161. Continuing this analysis, the reader actualizes the entire network of literary texts, not only the narrative ones, in the process of reading.

¹³ Wallace Chafe, "The Analysis of Discourse Flow," in *The Handbook of Discourse Analysis*, eds. Deborah Schiffrin, Deborah Tannen, Heidi E. Hamilton (Oxford: Blackwell, 2001), 86.

¹⁴ Each character uses a specific language in order to represent a certain and unique point of view regarding reality, defining his / her discourse. The characters' discourses function as references for their acts and reactions. Being textually expressed, they create an inter-textual cinematographic discourse which was depicted and made of other discourses.

intention of influencing and modifying the receiver.¹⁵ The cinematographic representation is linked to the imaginative discourses of the audience. Thus, the film becomes the place where the past is turned into present, where *histoire* is watched just in front of the audience, because of the author, who proposed the narrative text, then the director, the actors, the sound engineer, the light engineer, and all the people involved in the process of making a film.

The cinematographic representation becomes the place of convergence of all verbal and non-verbal semiotic forms of artistic performance and reception. The general meaning of the cinematographic discourse is rendered in connection with other semiotic systems: music, mimicry, gestural language and proximity, etc. The inter-relation among all these semiotic cods of performance is possible because of their syncretism. The cinematographic discourse as a performative artistic representation becomes possible and functions as a materialized form of the narrative text. It is received by the audience as an artistic act generated by the superposition of the significant heterogeneous structures which perform simultaneously generating a bi-dimension perspective. The new dimension focuses on creating the illusion of reality. The audience functions as a reader, just as in the case of the narrative text. The audience generates its own cinematographic imaginative discourse. It is not quite the same as in the process of reading. While watching a film, the audience may respond or not to the illusion of reality that they are confronting, but the discourse that is imagined, this time, is less imaginative, because the audience has the purpose of recognizing, accepting the reality that is presented, and not to imagine one. The audience discourse is somehow altered by the reality that is watched, but, even so, the discourse of reception manifests itself as a form of acceptance, of believing in the reality performed on film.

The Literary and the Cinematographic Image

Most of the theories concerning the artistic image developed different types of aesthetic discourses on the basis of the notion of representation. The word *image* was used to express a copy, and any artistic act became an act of mimetic representation. There are also many other possibilities of framing a new perspective of interpreting the *image*, separated from the representational practices. The new ontology considers the *image* as a synthesis of affects and not representations according to the perspective proposed by Deleuze and Gattari. Any act of creating an *artistic image* is based on the confrontation between the forces

¹⁵ Sara Mills, *Discourse* (London: Routledge, 1997), 5.

that are directly involved in the process: the author's and the receiver's. Continuing the theory presented before, it could be said that the *literary image* is in fact the artistic meeting between reader and the literary text, and in extension, between the film and the spectator. The *image* merges into sensation, providing vitality for any work of art and, more than that, turning art itself into an element of sensorial development specific for *homo faber*.¹⁶ The visible and the invisible, the real and the imaginary are melt into each other.¹⁷ *Image* does not stand anymore for the mediation between the author and the receiver on the grounds of representation, but for the emotions that the work of art is able to generate through it.¹⁸

Extending the philosophical perspective, *image* may interfere in different other activities such as thinking and understanding. Far from being placed beyond reason, the figurative manner of thinking develops a poetic intellect¹⁹ which becomes the basis for understanding not only the visual images but also the verbal ones (the literary images).²⁰ There are two types of artistic image, according to Wunenburger: the literary and the cinematographic. The most realistic one is the cinematographic image. It implies the cutting of a shred out of reality, disconnecting it from its sensitive coordinates and re-creating it on the screen. On the other hand, the literary image is the less realistic image because it is not set up according to the simultaneity and appearances of reality, but it is developed in the moment when the reader is facing the literary text.

The process of shaping the cinematographic image is based on the subtle differences between temporal and action shots. That is why the film is not a simple projection, an act of representation, but it has its own potential of creating time and action. The post-war cinematography cannot be related to the possibilities of action-and-reaction upon different situations, but to the process of turning the logical progression of the cinematographic images into the possibility of experiencing the images as such. The spectator is facing the absolute optical and sound images unaltered by the narrative development.²¹

¹⁶ Herbert Read, *Imagine și idee*, trad. Herdan Ion (Bucharest: Univers, 1970), 10-11.

¹⁷ The shape, the colour, the line, the outline, the perspective, the movement are linked together in order to give a meaning for the vivid image. Maurice Merleau-Ponty, *The Merleau-Ponty Reader*, ed. Ted Toadvine, Leonard Lawlor (Evanstone, Illinois: Northwest University Press, 2007), 359-360.

¹⁸ Jean Jacques Wunenburger, *Filosofia imaginilor*, trans. Muguraș Constantinescu (Iași: Polirom, 2004), 226.

¹⁹ The human thinking is not possible in the absence of an image of thinking.

²⁰ Wunenburger, *Filosofia imaginilor*, 248.

²¹ Gilles Deleuze, *Diferență și repetiție*, trans. Toader Saulea (Bucharest: Babel, 2005), 48.

The transition from action to perception destroys any type of chronology, and introduces a series of present moments generating the direct time-images of a film.²² The temporal constituency could be defined as the rhythmic intensity of any shot. Thus, time may materialize when there is an emotion that goes beyond the optical and sound situations on screen. The rhythm itself is determined by the pressure of the time and not by the length of the shot. In the contemporary cinema theories, the rhythm is the dominant element and not the montage, which remains only an important feature of the style.²³ Because the cinematographic transposition of any literary text involves an aesthetic perception which is different from the aesthetic perception necessary for understanding a narrative text and for managing the literary images, there could be said that the receiver, meaning the audience, needs to develop specific abilities in order to decrypt the cinematographic images which suppose optical and sound situations at the same time. The following chapter will present two strategies used for encouraging the spectator's active recognition of the sound and optical motifs.

The Stalker

Andrei Tarkowsky's film, *The Stalker*, released in 1976, represents an ambiguous allegory of decay, being one of those works of art that both prompts and eludes interpretation at the same time. The story of the film is about a Writer and a scientist, the Professor, guided by a man called Stalker, on a journey through a wasteland referred to as the *Zone*. The aim of their journey is to reach the *Room*, a place where all wishes are granted. At the end, they fail in their quest because of their lack of will. The logical development of the poetic approach to a narrative composition represents one of the main important characteristics of this film. The conventional narrative structure has been abandoned and then replaced with an alternative way of creating a cinematographic composition. The dramatic events of the film are unfolded in a logical chronological order and the original style becomes a presentation of these events in a straightforward manner.²⁴ In the case of *The Stalker*, the cinematographic image is not composed of different shots arranged in a specific structure within a sequence that is meant to develop in time,

²² According to Bakhtin's theory of the chronotope, the same specific interrelationship of time and space may be used to describe the time-image interconnection in a film.

²³ Ian Christie, "Formalism and Neo-Formalism," in *The Oxford Guide to Film Studies*, ed. John Hill, Pamela Church Gibson (Oxford: Oxford University Press, 1998), 62.

The modern tendency of the cinematographic art is to emphasize the importance of time inside a shot. This tendency was called *slow cinema*.

²⁴ Maya Turovskaya, *Tarkowsky: Cinema as Poetry* (London: Faber and Faber, 1989), 118.

but it is given as the expression of the matter world. The time inside the shot generates the emotions that go beyond the events on the screen. The act of experiencing such cinematographic images mediates for the direct perception of time, whose rhythm illustrates a new way of seeing the essence of life. In order to develop this new manner of perceiving the cinematographic images, Tarkovsky introduces certain devices in his work to cue the audience's familiarization with this new manner of transposing the cinematographic images on screen.

As an example of this strategy is the introduction of the musical fragments that accompany the train wheels' rhythmic pulse. In the opening scene, this device appears in the opening scene – shots 2 and 8 – and it recurs three times later. In the scene 6, the sound of the trolley cart is accompanied by electronic music composed by Eduard Artemiev and later, in the scene 15, the train is heard within a fragment from Ravel's *Bolero*, and also in the scene 17, the train is again accompanied with a fragment from Beethoven's 9th Symphony. The aim of the musical accompaniments to the train's rumble is to cue the spectator to recognise a "background diegetic sound" which is the train as an important and deliberately introduced device.²⁵ At this moment, Tarkovsky's intention was to encourage the audience to perceive the film sound in the same way as they perceive music, mainly as an aesthetic and potentially cinematographic element.²⁶

Another strategy that was used in the same film is the emphasis that the director gave to Stalker's role as an auditor. This strategy could be easily identified in the scene 3 which represents the moment when Stalker introduces Writer to Professor in the bar. The two intellectuals become more and more engaged in the first of their aggressive conversations. In the scene there could be noticed the gradation of their interaction: Writer dominates the proceedings, denigrating both his and the scientist's professions as "inane searches for an unattainable truth" while the Professor tries to give his own point of view.²⁷ The whole conversation is represented in a single take, framing the three men in a long-shot composition standing around a tall bar table.

²⁵ Thomas Readwood, *Andrei Tarkovsky's Poetics of Cinema* (Cambridge: Cambridge Scholars Publishing, 2010), 280.

²⁶ The Romantic (Beethoven) and Modern (Ravel and Artemiev) musical elements that were introduced represent an attempt to emphasize this principle.

²⁷ Readwood, *Andrei Tarkovsky's Poetics of Cinema*, 211.



The Stalker (photography from the film)²⁸

Professor is on the left, Writer is on the right and Stalker is in the middle. While Professor and Writer bicker, the camera tracks slowly forwards, directing the audience's attention to Stalker, who remains quiet during the whole conversation. The centred character, Stalker, does not speak nor seem to register the chatter of the other two characters but it could be notice his reaction to the off-screen sounds: the train whistle, the boat horn and the train coming to a halt. Only after all these sounds "interruptions" he dares to speak to his clients: "Do you hear it, our train?"²⁹ This scene represents an example of a direct perception of a cinematographic image. It is the moment when the audience see and hear beyond the idle banter between the writer and the professor and is cued to pay attention to the introduction of the off-screen sound motifs. The optical and the sound motifs stand for a cinematographic imaginary which interconnects the spectator to a stylistically driven film.

The two strategies that were used for exemplifying the manner in which the sound motif sustains the optical motif and vice-versa, in order to obtain a complete cinematographic image, may seem extraneous in a conventional narrative film, but in this case, they become relevant. Tarkovsky's purpose was to *decentre* the film's human elements.³⁰

Even if they are used for establishing the narrative information in a conventional film, the characters' actions and their dialogues were developed off-set by the Russian director's stylistic strategies. Any form of anthropocentric manifestation was blocked, engaging the audience to recognise other elements in mise-en-scene and to consider the narrative functions these elements perform

²⁸ *The Society for Film*, accessed on June 10, 2015, <http://thesocietyforfilm.com/?s=stalker>.

²⁹ Readwood, *Andrei Tarkovsky's Poetics of Cinema*, 123.

³⁰ *Ibidem*, 136.

within the cinematographic image. That is why the spectator needs to develop the abilities of viewing and listening activities away from the conventions of classical cinema and also to engage with the film on its own terms.³¹

Conclusion

Analyzing the film *The Stalker*, there could be said that the literary text is only a pretext for re-creating a different universe, a real cinematographic parable. In this case, the director eliminates all the collateral narrative elements from the script because the focus needs to be on the fantastic essence of the cinematographic discourse and not on the action or on the realism of the plot. The literary discourse becomes a cinematographic metaphor. In order to expose the cinematographic imaginary, the director uses other forms of artistic representation except the verbal discourse. It is the sound and the image as the two semiotic codes involved. The visual code contains different cinematographic elements that belong to other semiotic systems: the colour, the light, the perspective, the angles, the camera moving, the background, etc. Each specific element or technique transfers a structural characteristic that, in its turn, gives a specific meaning. For example the transition between the urban area and the rural area is based on the mixture between the colours: the sepia for the urban background and the powerful colours, such as green, for the rural zone. As the characters are getting closer to the centre of the zone, the colours become more intensified too. The meaning besides this colour changing is that as the characters are leaving a dystopian universe, filmed in sepia, a colour of disintegration, they are approaching the zone of hope and desire and the colours are meant to express the contrast between the two universes. The sound is sustained by the sound track, the noise and the sound effects. At the beginning the sound track is monotonous and it becomes more vivid as the characters enter the zone. The sound of the train or the wheels is changed into the sound of the leaves and birds. The characters themselves are changed into symbols. They become more abstract, any particular feature is eliminated in order to maintain the concept within the symbol: the professor, showing discipline and obedience, and the writer, showing rebellion and caprice. The reality rendered in the cinematographic image and discourse suggests the illusion of reality, but in the case of *The Stalker* the cinematographic metaphor becomes the main means of artistic communication based on the cinematographic imaginary that could be recognised in the superposition of all the cinematographic structures and codes

³¹ Readwood, *Andrei Tarkovsky's Poetics of Cinema*, 137.

involved in (re)creating the bi-dimensional illusion, the most important function of the cinematographic art.

The study “The Inter-Semiotic Negotiation of the Inter-Textual Imaginary” links two artistic perspectives: literature and cinematography. Both are semiotic system of artistic representation. They carry on a discursive form of expression. Considering that the cinematographic representation is the place where the narrative text reveals its qualities and turns into an act of artistic performance, the literary images become more sensitive being directly perceived by the spectator. This transposition from the literary imaginary into the cinematographic one is made possible in the process of an inter-semiotic negotiation. As a performance, the cinematographic representation of the literary images uses other semiotic systems in order to create the illusion of reality. All the sensations, the affects and the emotions that are given by the literary imaginary and could be developed in the moment the reader meets the literary text, are turned into cinematographic images perceived as expressions of the matter of the world. But the cinematographic representation may also be the place where the time of the past events, in other words the *histoire*, becomes the present of the performance and of the reception, with the only purpose of becoming reality or parable. In order to perform or to understand the artistic process, the events must be inter-connected with the previous events, the narrative discourses with previous discourses, the literary images with the cinematographic images. The reader who has experienced the literary adventure becomes the spectator who receives the cinematographic representation in his / her own manner. No one is fully innocent in this matter. The illusion of reality that comes from the cinematographic images and discourse is turned into reality or metaphor. This new type of reality could be accessed by all the people involved.

Analyzing the syncretism of both aesthetic form of manifestation – literature and cinematography – the conclusion is that each one is meant to highlight the other in a continuous inter-systemic, inter-semiotic and inter-discursive dialogue in order to create new artistic meanings and new manners of artistic perception.

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The hand behind the handwrite: The Notary Public of Porto from the 13th to the 15th centuries

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Abstract

The present article presents some results of an ongoing research on the medieval notary public of Porto, Portugal, from the 13th to the 15th century. We begin by drawing a theoretical framework, including an approach to medieval legislation about the notarial activity, focusing not only on the juridical acts written by these notaries public, but also on their cultural background, language, clientele, juridical techniques and jurisdiction. The information extracted from the notarial acta drawn up, the diverse typology of documents and commercial references, helps us to understand a little more about this particular group of individuals: our intention is to know who were the notaries public in Porto and their socio-professional status, their kinship and the extension of their assets, identify their clientele networks and connections to the royal and city council power, and determine their role in the urban hierarchy.

Keywords: *notary public, porto, medieval history, diplomatic, manuscript.*

1. Michel Zimmerman's statement: *Le respect de la Loi nourrit le prestige de l'écrit*¹ seems to be fitting the Middle Ages, in the aspect that in the medieval period the importance of the written testimony and of the excellence of documental memory, appears as fundamental features of society. Any written transaction confers a lasting reality: it is not only a valuable support of a failing memory but also, from the beginning of the 10th century, it stands as a constitutive necessity of the *actum* itself, a requirement which is rooted in a distant past when men endeavored and organized the conditions of their collective life by laws. But, alongside the importance of the document, matters the importance of the responsible for its writing, or in other words, the notary. This article aims to

¹ Michel Zimmermann, *Écrire et lire en Catalogne (IXe – XIIIe siècle)* (Madrid: Casa de Velazquez, 2003), 11.

present some preliminary results of an ongoing research focusing on medieval notary public between 1242 and 1495 in Porto, Portugal. The analysis of this particular group of men, in a city of high political and economic importance in the Portuguese kingdom, aims to identify notaries public and to establish a relationship between their profession and the history of the city, establishing a chronology of their notarial activity, and to analyse the development of notarial practices, such as organization, articulation, hierarchy and succession, as well as to uncover their socio-economic position.

The basis of work consisted mainly in primary sources such as *Livros dos Originais* deposited in the Porto Distrital Archive, several monastic funds deposited in the Torre do Tombo National Archive, Censual do Cabido da Sé do Porto, and also in the *Corpus Codicum Latinorum eorum qui in archivo municipalis portugalensi asseverantur antiquissimorum*.² Besides these volumes we consulted other documental collections and searched for information about the notary public in general in several published and unpublished chanceries and courts.

The chronological spectrum of our research focuses between 1242, first reference of a notary public of Porto, and 1495, date of the death of King João II (1481-1495). To that end, we study the figure of the notary public from a juridical point of view, in order to understand their legal position, using the Regiments of 1305, 1340 and 1379³ as well as the *Ordenações Afonsinas*⁴ which show us some of the limitations of the notarial activity, such as the income for each *actum* written, their dress code, and travel expenses.

The first approach on the topic of the Portuguese notaries public dates back to the 1700's, although João Pedro Ribeiro's (1758-1839) study⁵ had no immediate successor. José Leite de Vasconcelos (1858-1941)⁶ and Henrique da Gama Barros⁷ (1833-1925) continued this subject of research. Until the mid-twentieth century,

² *Corpus codicum latinorum eorum qui in archivo municipalis portugalensi asservantur antiquissimorum* (Porto: Curiae Municipalis editum. Vols. I, II, IV, VI. (1891-1917).

³ The *Regimentos* of 1305, 1340 and 1379 is specific royal legislation concerning the exercise of the notarial practice.

⁴ *Ordenações Afonsinas* is a juridical compilation of Canon and Roman Law for the Portuguese kingdom.

⁵ João Pedro Ribeiro, *Dissertações Chronologicas e Críticas sobre a história e jurisprudência eclesiástica e civil de Portugal* (Lisboa: Academia Real das Ciências 1860-1896).

⁶ José Leite de Vasconcelos, *O Archeologo Português: Sinais medievais de tabelião: séculos XI-XIII* (Lisboa: Imprensa Nacional, 1920).

⁷ Henrique da Gama Barros, *História da Administração Pública em Portugal nos séculos XIII-XV* (Lisboa: Sá e Costa, 1945).

only the work of Jorge Alarcão⁸ stands out. From 1980 onwards, scientific knowledge on notaries public increased fuelled by the research done by Eduardo Borges Nunes,⁹ Isaiás da Rosa Pereira,¹⁰ and Maria Cristina Almeida e Cunha.¹¹ The works of Maria Helena da Cruz Coelho,¹² Maria do Rosário Barbosa Morujão,¹³ and Saúl Gomes¹⁴ in the following decade have also contributed to the further development of this field. However, the main input came from Bernardo Sá Nogueira in his doctoral thesis,¹⁵ and other work undertaken or supervised by him, such as the presentation of a case study on the activity of a Lisbon notary public, in a primarily diplomatic critique, by João Paulo Oliveira Fresco.¹⁶

The topic of notaries public of Braga,¹⁷ Bragança,¹⁸ Lamego¹⁹ and Coimbra²⁰ in the fourteenth and fifteenth centuries was also subject of analysis. The town of

⁸ Jorge de Alarcão, “Emolumentos do tabelionato medieval português: uma tabela inédita,” *Revista Portuguesa de História* 8 (1959), 299-305.

⁹ Eduardo Borges Nunes, “Martim Martins, primeiro tabelião de Guimarães,” *Actas do Congresso Histórico de Guimarães e sua Colegiada* 4 (1981), 25-30.

¹⁰ Isaiás da Rosa Pereira, “O tabelionato em Portugal,” *Notariado Público y Documento Privado: de los orígenes al siglo XIV*. In *Actas del VII Congreso Internacional de Diplomática* (Valencia, 1986), 615-690.

¹¹ Maria Cristina de Almeida e Cunha, “Alguns tabeliões do Algarve durante a Idade Média,” *Revista de História* 4 (1987), 151-157.

¹² Maria Helena da Cruz Coelho, “Os tabeliões em Portugal. Perfil sócio-económico (séculos XIV-XV),” in *Estudios sobre el Notariado Europeo (siglos XIV-XV)*, ed. Pilar Ostos and María Luísa Pardo (Sevilla: Secretariado de publicaciones de Sevilla, 1997). There are few references to Portuguese notarial registries. Only recently has a portuguese notarial registry been published for the first time: *Livro de Notas de Lopo Vasques, Tabelião do Julgado de Refojos de Riba de Ave (1458-1459, 1469)*. Org. João José Alves Dias e Pedro Pinto (Lisboa: Centro de Estudos Históricos, 2014).

¹³ Maria do Rosário Barbosa Morujão, *A Sé de Coimbra: a instituição e a chancelaria (1080-1318)* (Lisboa: Fundação Calouste Gulbenkian, 2010).

¹⁴ Saul António Gomes, “O Notariado Medieval Português. Algumas notas de investigação,” *Humanitas* 52 (2000), 241-286.

¹⁵ Bernardo de Sá Nogueira, “Tabelionato e instrumento público em Portugal: génese e implantação: (1212-1279),” PhD diss. (University of Lisbon, 1998). First edition Bernardo de Sá Nogueira, *Tabelionato e instrumento público em Portugal: génese e implantação: (1212-1279)* (Lisboa: Imprensa Nacional Casa da Moeda., 2008)

¹⁶ João Paulo Oliveira Fresco, “O tabelião lisboeta Afonso Guterres: reconstituição e análise diplomática da sua actividade de escrituração (1400-1441)” (Master diss., University of Lisbon, 2006).

¹⁷ Maria Cristina de Almeida e Cunha, “Tabeliões bracarenses no século XIII,” in *IX Centenário da Dedicção da Sé de Braga. Congresso Internacional Comemorativo Actas* (1990): 249-65.

¹⁸ Maria Cristina de Almeida e Cunha, “Tabeliões de Bragança no século XIV,” *Revista de História* 7 (2006): 313-324.

¹⁹ Anísio Miguel de Sousa Saraiva, “Tabeliões e notários de Lamego na primeira metade do séc. XIV,” *Humanitas* 50 (1998): 588-624.

²⁰ Maria José Azevedo dos Santos, *Alguns aspectos do tabelionato em Coimbra (séculos XIV-XV)* (Coimbra: Coimbra Editora, 1993).

Santarém was first explored by Luís António Mata²¹ and, more recently, in a Master thesis on Diplomats carried out by Maria Leonor Dias Antunes Barata Garcia.²²

Concerning Porto, a study by Maria João Silva on the episcopal chancery of Porto up to the fifteenth century,²³ and the dissertation by Adelaide Pereira Millán Costa on the political relationship between different population groups in the city in the Late Middle Ages²⁴ provide some additional insights into the study of the royal notaries, albeit not referring to it in a systematic way. There is only one article²⁵ concerning the notaries public of Porto in the 14th century, followed by a broader approach to the subject.²⁶ The relevance of these officials and their relations with Porto's society in the Late Middle Ages, is though still unknown.

2. Notaries public were first introduced in Portugal during the reign of Afonso II of Portugal (1211-1222),²⁷ although more recently, Gomes suggested that the Portuguese medieval notaries appeared before. In fact, in the first quarter of the thirteenth century some notaries were identified through an ordinal number immediately after the designation (e.g. "primus tabellio"), that, according to this author, is not indicative of precedence in office, but rather of how the service was organised, the geographic distribution of notaries, and the number of scribes dependent to them in hierarchy, relating to the responsibility of authorised and legal notary services.²⁸ Nevertheless the fact is that the reign of Afonso II marked the beginning of the Crown's active role in social and institutional life, which had to be regulated and organised. Moreover, it is generally accepted that, after the death of the king, the notaries public entered a period referred by Sá Nogueira as "eclipse".²⁹ The notary public reappeared during the reign of Afonso III (1248-

²¹ Luís António Mata, "Alguns profissionais da escrita na Santarém de quatrocentos," *Revista Portuguesa de História* 32 (1) (1997): 149-182.

²² Maria Leonor Antunes Barata Garcia, "O Tabelionato escalabatino na transição do século XIV para o século XV: estudo diplomático" (Master diss., University of Lisbon, 2011).

²³ Maria João Oliveira e Silva, "A escrita na Catedral: A Chancelaria Episcopal do Porto na Idade Média (Estudo Diplomático e Paleográfico)" (PhD diss., University of Porto, 2010).

²⁴ Adelaide Pereira Millán Costa, "Projeção espacial de domínios das relações de poder ao burgo portuense (1385-1502)". (PhD diss., University Aberta of Lisbon, 1999).

²⁵ Joaquim Lopes and Ricardo Seabra, "Documentação Notarial e Tabeliães Públicos no Porto na centúria de Trezentos," *CEM/cultura, espaço & memória* 3 (2012): 209-226.

²⁶ Ricardo Seabra, "Publicis tabellio in civitatis portugalensis: estudo sobre o tabelionato no Porto medieval (1242-1383)," (Master diss., University of Porto, 2012).

²⁷ Nunes, "Martim Martins," 25.

²⁸ Saúl António Gomes, "Percepções em torno da história do tabelionato medieval português," *Revista de História da Sociedade e da Cultura* 5, (2005): 85-86

²⁹ Nogueira, *Tabelionato e instrumento público em Portugal*, 231-311.

1279), when a certain organisation and its final implementation is evident,³⁰ although the first document drawn up by a notary public in Porto, Martim Eanes, is dated 1242.³¹ There is some evidence that notaries public also (re)appear in other Portuguese towns by that time (e.g. Trancoso, 1238, Bragança, 1242, and Leiria, 1246), being Braga the only one where the public notary actually kept their function in the period of “eclipse”.³²

Notary-specific legislation would only be implemented by King Dinis (1279-1325), namely the “*Regimento de 1305*”. Throughout the fourteenth century legislation with the same purpose appeared in Portugal: the Regiment of 1340³³ and the Regiment of 1379. Other regulations and royal provisions define the evolution of notaries public, serving as regulatory instruments issued by the crown.³⁴

Conditions were set for a process of centralisation during the reign of Afonso III (1248-1279): only then the Crown had again political strength to take a leading role in the political, legal and institutional aspects, both within and outside the kingdom. Accordingly, notaries public began to be officials belonging to the local and regional administrative structures of the Crown, doing essential work as administration staff and effectively contributing to the king’s political strategy.

3. Porto, had an inland and sea port, navigable over a stretch of more than one hundred kilometres, enabling the transportation of people and goods, and the communication with other rivers in the north region of Portugal, from the Minho River to the Vouga River. Porto was, thus, a natural inlet/outlet for national and foreign surplus goods, concentrating trade potential for fishing, shipbuilding and crafts.³⁵ In the thirteenth century, the city clearly needed to “exit” its old walls. In the first quarter of the following century, the necessity of building a new wall became clear, allowing the enlargement of the city twelve or thirteen fold.³⁶

Concerning the appearance of *publicus tabellio* at Porto, in 1242, it is not yet known whether it was an episcopal initiative, or a royal one, created *ex novo* by the

³⁰ *Ibidem*, 507-513.

³¹ Seabra, *Publicus tabellio*, 28 and 85.

³² Nogueira, *Tabelionado e instrumento público em Portugal*, 235-263.

³³ Barros, *História da Administração Pública*, 733; COELHO, “Os Tabeliães em Portugal,” 12, and Pereira, “O tabelionado em Portugal,” 615-701.

³⁴ Duarte Gonçalves, “O Tabelionado no Portugal Moderno: uma Perspectiva sobre o Tabelionado através das Ordenações Filipinas e outras Considerações,” *Sapiens: Património, História e Arqueologia* 3/4 (2010): 28.

³⁵ Iria Gonçalves, *Um olhar sobre a cidade medieval* (Cascais: Patrimonia Historica, 1996), 145.

³⁶ From 3.5 to 44.5 hectares. Armindo Sousa. “Os tempos medievais,” in *História do Porto*, dir. Luís A. De Oliveira Ramos (Porto: Porto Editora, 2000), 136, 154.

king, although the bishop was responsible for the civil jurisdiction of the city.³⁷ In fact, as in 1120 countess Teresa, mother of Afonso Henriques, first king of Portugal, granted the bishop the *cautum* of Porto, it was this one who could nominate all the town's officials, notaries included. Being so, it is possible that Martim Eanes, first notary public of Porto, had been nominated by the bishop to draw notarial *instrumenta* of the town.

Until the 15th century the documents of Porto were drawn up by different officials that entitle themselves as *episcopus tabellio*, *notarius*, *scriptor iurati episcopi* and *publicus tabellio*.

During D. Vicente Mendes episcopate (1260-96) one can find a greater concentration of *notarii publicii*, both at the curia and at the city. This is related to the purpose of the above mentioned bishop to reaffirm the ecclesiastical and civil lordship of the city. The entitlement of his scribes also served this objective.³⁸ Between 1300 and 1320, only at the Episcopal Curia of Porto, the terminology used by the scribes of the chancery gradually loses the adjective “*publicus*”, and “*iuratus*” becomes more and more usual.

Listing these notaries public was very difficult due to homonym and unclear references between those who write, appear as witnesses or are only mentioned. We observed the same name for more than one individual, or even different spellings that may indicate the same person. For example, there are at least three men who shared the name of João Domingues, two that of Estêvão Eanes, Fernão Peres, Nicolau Esteves, etc... We also listed scribes, although they do not possess *fides publica*. Nevertheless, it is quite relevant that they appear in a chronological sequence, and that they use permanently the *signum tabelionis* from the notary that they were bound to.

We compared the frequency of these notaries' working timelines, as well as the number of officials per year, with the history of the city. The result is a shifting number which can be related with the city's political and economic life since the king tried gradually to enlarge his influence in the episcopal city by all means possible, and to this purpose the notaries public played an important role in the Crown's pretensions. In the fourth decade of the thirteenth century there were only two notaries public in the city of Porto – precisely during the period that these officials were implemented locally – and in the second half of the fourteenth century that number increased coinciding with the souring of political relations between the See and the City Council, and subsequently the Bishop and the King.

³⁷ Nogueira, *Tabelionado e instrumento público em Portugal*, 312-313.

³⁸ Silva, “A escrita na Catedral,” 101-102.

For the typological study of the 560 notarial documents that constitute the *corpus* of this research we classified them according to a specific criterion, which reflects the distinction of contractual formulas, depending on the judicial type of each document. The results were that juridical *negotia*, such as “emprazamentos” (tenancy / emphyteusis contracts), and *publicae formae*, were the most common documents drawn up by Porto’s notaries public. We cannot clearly point to a specialization of a certain type of act for each notary. It seems, however, that for the cases that we have a larger number of documents, the acts presented are of a very diverse typology.

The vast majority of these documents were drawn up in the city of Porto. Nevertheless, there is an undoubtful mobility of the notaries public: until the first half of the 14th century the documents were written mainly inside or near the Cathedral See. Since the Regiment of 1305 clearly forbid clergymen to draw documents, and since the notary public surfaced as a social and professional group, the cathedral canons all over the Portuguese dioceses turned at these public officials in order to produce several types of documentation.³⁹ Thereafter, the notarial acts are drawn up primarily in the city council, but also in the most important streets of the city: the notaries visit the houses of clergymen and laics, including city council’s officials. The intersection of these people with the various actors of the economic and social life of the city is clear.

In the fifteenth century the tendency to draw up documents in the town council persisted, but there are more references to acts drawn at the houses of the notaries themselves. Pedro Fernandes, notary public and Queen’s squire, lived in *Rua Nova*, which was by then one of the most important streets of Porto.⁴⁰ Fernão Pires and Rui Gonçalves Barbosinho, also draw up documents at their houses, although it is not clear where they were located. On the other hand, *Rua Chã das Eiras* seems to be a particularly interesting place as it was where some notaries chose to live: at least three of them, Afonso Domingues, João do Porto, and Martim Gonçalves, lived in this same street.

³⁹ In Lisbon, the connection between the cathedral chapter and notaires public such as Lourenço Eanes and Domingos Martins is evident, and has already been demonstrated by Mário Farelo in Mário Farelo “O Cabido da Sé de Lisboa e os seus cónegos (1277-1377)” (Master diss., University of Lisbon, 2003), 42-43. Specifically on Lourenço Eanes, Bernardo Sá Nogueira, “Lourenço Eanes, tabelião de Lisboa (1301-1332): reconstituição e análise do seu cartório” (Master diss., University of Lisbon, 1988).

⁴⁰ Luís Carlos Amaral and Luís Miguel Duarte, “Os homens que pagaram a Rua Nova: Fiscalização, Sociedade e Ordenamento territorial no Porto Quatrocentista,” *Revista de História da Faculdade de Letras da Universidade do Porto* 6 (1985): 7-96.

The activity of the notarial practice is also demonstrated in the monasteries, and references of this continuous exercise from one notary in several monastic institutions might indicate a wider client network. Indeed, since juridical negotia began to be drawn up, almost exclusively, by notaries public, monastic institutions were forced to address these public officials in order to draw up their deeds. In fact, at this period, monasteries start simply to file documentation: monastic writing is confined to private documents and literary texts.

The organization, hierarchy and succession of these notaries can be observed in the “oficinas” to which they seemed to belong. There are several examples that testify to a relationship of generational succession (*magister / discipulus*) embodied in the use of the similar *signum tabellioni*. The bonds that we observed between these individuals, mainly through the study of references and testimony subscription, allowed us to demonstrate possible notarial networks. In some cases there is a sequence of activity: the last reference of each notary corresponds to the first of each scribe, which allowed us to proceed with the assumption that these can be examples of direct succession in the notarial craft. In others cases there is a chronological continuum of notarial functions, combined with the continuity of affixing a similar *signum* by different notaries. We also observed the functioning of these “oficinas” simultaneously or in very close periods. Thus, it seems likely that some officials were in a learning stage and would later seek the notarial office simultaneously or in replacement of their “master”.

Little can we know about the careers of these individuals, as the longevity of their activity is not proportional to the documentation raised for each notary. Notwithstanding, the most typical course of these men seems to be the beginning of their practice as scribes, then as notaries public, and in some cases *tabelião geral* or *tabelião do bispado*.

The participation of notaries public in the maritime commercial life of several European port cities is evident. Vicente Eanes was involved with chartering of ships from Flanders and Normandy, traded wine, olive oil and bread, as well as being involved in building construction and debt collection. He also had a wider jurisdiction than other notaries, because he was also a bishopric notary, which would enlarge considerably his income. Amândio Barros has illustrated a fiscal fraud that involved notaries public of Porto and a Portuguese commercial company that used the port of Tenerife as a trampoline to commercialize Spanish

colonial goods in Amsterdam, using its resources to exchange dyer's, shipbuilding materials, pepper and salt via Porto.⁴¹

Nevertheless we also took note of the participation of notaries in the commercial and economic life of the city: the king granted land to Martim Quaresma, notary public of the city of Porto, in Francos and Ramalde, alongside with Domingos do Freixo, merchant from Porto. Therefore, this particular notary held property rights, from which he could probably extract some income, and a relationship with a city's merchant. Thus we can assume that he would be linked to the business world from which he certainly took profit.

Sancho Pires, bishop of Porto, donated 50 pounds to João Colaço, notary public, who drew up his will. Although he did not specify the reason for the donation, it might be a reward for his services.

We also took note of their social arise in the 15th century: the connections that notaries public had established with Porto's merchants contributed greatly to their social advancement. In 1453 the sailors of the *Confraria* of S. Pedro de Miragaia started an aggressive confrontation with notaries public about the position that each of them should occupy in the *Corpus Christi* celebration.⁴²

4. In this article we briefly demonstrate some results of an ongoing study about a very specific social and professional group. It was our intention to display a general idea of how these men seemed to work, to organize, to articulate, and to succeed each other in their craft, in a specific town of Portugal. By the end of this research we hope to be able to elaborate even more on this subject: to analyze the role of the notary public in the Portuguese urban world, to relate their activity and respective impact in the administrative, economic and social structures of the city and of the kingdom. The research will go beyond the documents drawn up by the public notaries; it will also focus on family and professional connections, training, language, social environment, clientele, "oficinas", as well as legal and technical jurisdiction.

⁴¹ Amândio Jorge Morais Barros, *Em busca de um mercado integrado: redes comerciais portuenses e trato internacional* (Santiago de Compostela: Universidade de Santiago de Compostela, 2005), 14.

⁴² Amândio Jorge Morais Barros, "A Confraria de S. Pedro de Miragaia do Porto no século XV" (Master diss., University of Porto 1991), 28.

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Teaching micro skills Through Communicative Activities in EFL Classes in Albania

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Abstract

In English language teaching and learning, an essential role is played by grammar and vocabulary. The main question stated in the study lays on how grammar is taught in our English classes, inductively or deductively? In EFL classes, it is thought that grammar is not particularly special, but studies show that teaching it communicatively enables student to improve communicative ability in foreign language.

This paper focuses on: How grammar and vocabulary are taught? What is their importance in language learning? What kind of strategies and activities may be used to facilitate teaching in English classes? What is the perception of students about communicative activities used in class? This paper is based on theoretical analysis and practical analyses. When the purpose of learning is to achieve communication, skills and microskills are learned in meaningful contexts.

Keywords: *communicative competence, vocabulary activities, communicative grammar activities.*

New approaches of teaching in EFL classes in Albania

As English has become a global language and one of the most important ones, even in Albania it is part of the school curriculum. Students begin to study foreign languages at an early age. In public schools children begin to study at the 3rd grade, while in non- public schools it may begin since the 1st grade (age 6-7). But what is the most important thing is the changing view of perception “*Why people study a foreign language?*” During communism period foreign language was studied mainly for cultural background. Nowadays we find a shift from “*cultural knowledge*” to the perception of “*learning to use the language for communication and for different purposes.*” The same happened even with the methods and the textbooks used to learn foreign languages. They changed rapidly.

The method used was Grammar Translation Method while the foreign language curricula today focus in Communicative Language Teaching. Through this method learners learn the language in meaningful context, in a communicative way through interaction. Students should be able to speak fluently and to use English outside the classroom. Learning grammar it's not the primarily focus as it is speaking, but it is not said that it should be neglected as it is the core of each language. It's also important to practice and to distinguish linguistic skills, their role in language acquisition and reinforcement of communicative ability.

According to the *Curriculum of Foreign Languages*¹ used in Albania a special importance in foreign language acquisition is played by language skills. Communicative ability is increased through teaching and learning the four language skills which must be integrated in their use. *Common European Framework of Reference for Languages*² describes each level of language skills according to the type and level. Students must practice different communicative and functional examples of language.

To enhance students' communicative abilities, skills play a key role, so teaching language skills in a practical way is of a great importance. It is noted that to achieve communicative ability, users must participate in communicative language activities and in this case the four skills are practiced. Successful acquisition and learning depends on the teacher and student at the same time, environment, and motivation, learning styles, teacher's strategies and goals.

About the importance of integration of language skills we can mention a statement of Mohan, according to whom acquisition of language skills such as reading and speaking are a key to a successful learning.³ Teaching and learning require that listening, speaking, reading and writing should be respected used and placed on the balance between them to help students use all skills and communicative expressions.⁴ Students are taught how to listen effectively, how to read quickly and efficiently, how to speak and write fluently specific types of texts.⁵ So the role that these skills play in acquisition of communicative ability is great.

¹ *Kurrikula Kombëtare e Gjuhëve moderne për Arsimin Parauniversitar*, Ministria e Arsimit dhe Shkencës, Grup Autorësh (Tirane, 2000), 11-15.

² *Kuadri i Përbashkët Evropian i Referencave për Gjuhët*, Ministria e Arsimit dhe Shkencës, Grup Autorësh (Tirane, 2001).

³ Bernard Mohan, *Language and content* (Reading, MA: Addison Wesley, 1986).

⁴ Bardhyl Musai, *Koncepti për mësimdhënien me në qendër nxënësin* (Tirane, 2003), 15.

⁵ Jill Hadfield and Charles Hadfield, *Introduction to Teaching English* (Oxford: University Press, 2008), 72.

Grammar and teaching activities

When studying a language, teachers focus on structural part of it. Harmer states that the purpose of studying a language is to increase the learner's knowledge about acquisition of language skills.⁶ In today's teaching, grammar and vocabulary are as important as the other skills, that is why they should be explained and checked through communicative or task based activities. Instructional materials intend to promote learning in communication, by establishing linguistic and interactive means.⁷ Even lexicon and phonology should be integrated through communicative techniques of teaching.

By teaching grammar and vocabulary even the other skills are practiced as well. It is important to teach grammar inductively through different techniques such as language games. Interactive games help students practice grammar, vocabulary, spelling and help passive students being active ones. Wilkins, in his study on the CLT emphasizes that grammar plays an important role. He states that the notion that a person can develop the ability to communicate without extensive knowledge of grammar system is absurd.⁸ In teaching English, teachers focus on teaching language skills, as well as grammar and vocabulary which are called micro- skills. In the *Framework of the Common European Reference for Languages* it is given this explanation about grammar skill: "*The grammatical skill is the ability to organize sentences to convey meaning, which is the core of communicative competence.*"⁹ So if grammatical competence is taught in a communicative way, it plays a major role in language acquisition. The main purpose of CLT is to enable students to learn the language structures without making mistakes. The study of language in this way, increases knowledge of the language system, in a broader sense, students are trained in both language skills, receptive and productive.¹⁰

Teaching grammar in CLT is done inductively and not deductively like GTM because grammar should be used as a tool to achieve communication. If students learn just the rules, they will not be able to communicate efficiently. If the

⁶ Jeremy Harmer, *The Practice of English Language Teaching* (Harlow: Pearson Education Limited, 2008), p. 271.

⁷ *Kurrikula Kombëtare e Gjuhëve moderne për Arsimin Parauniversitar*, Ministria e Arsimit dhe Shkencës, Grup Autorësh (Tirane, 2000), 15.

⁸ David Wilkins, "Notional Syllabuses Revisited," *Journal of Applied Linguistics* 2(1) (1981): 83-89.

⁹ *Kuadri i Përbashkët Evropian i Referencave për Gjuhët*, Ministria e Arsimit dhe Shkencës, Grup Autorësh (Tirane, 2006), 112.

¹⁰ Harmer, *The Practice of English Language Teaching*, 200.

rules are understood through practical exercises they reinforce grammar through language uses and vice-versa. What is stressed nowadays a lot is the fact that every foreign language should be taught by implementing CLT, because language is for communication and students should make use of it in the real life.

When the purpose of education is to achieve communication, then grammar and vocabulary that students learn begin from the function, contextual situations and roles of interlocutors.¹¹ Learning grammar is done through speaking, reading, writing and listening exercises. Teachers and learners must have clear ideas of what is understood by grammatical competence and its role in communication. For this reason grammar should be taught inductively through a variety of communicative exercises. We can take in consideration and summarize some types of grammatical communicative exercises that Littlewoods proposes such as:

- *Practicing communicative language* through information gap exercise (talking about a picture) using pair or whole class-work.¹²

As we can see what Littlewood proposes it's not difficult for teachers. Teachers must be aware that by using communicative tasks will help students acquire language and be fluent. If we use authentic materials, the tasks would provide students with authentic language. By practicing they will activate what they know and also learn new things. Another effective way to practice language is to bring in English classes films, documentaries, songs. If they are adapted to student's language level and age they are a very good source of authentic language.

The importance of vocabulary

When we speak about learning a foreign language, vocabulary plays a major and important part. More words we learn more possibilities are given to use them in communication. With the development of different methods of teaching, vocabulary is taught in different ways. Techniques used by teachers vary according to age, language level, expectancies. Sometimes learning new words becomes a routine and for this reason may be neglected. *Then what to do with it?* Our students encounter many problems in relation to grammar and vocabulary. To overcome such problems teachers should teach it in a natural way. Teaching vocabulary aims to expose students to clarify meaning of the words or expressions,

¹¹ Freeman D. Larsen, *Techniques and principles in language teaching* (OUP, 2008), 131-136.

¹² William Littlewood, *Grammar in a communicative approach* (English Centre, University of Hong Kong, 1992), 1-6.

so it is important for students to deal with listening and reading assignments to illustrate the meaning of new vocabulary in context.¹³

Richards¹⁴ states that words are contained in a closed system so that they can not be taught in isolation without taking in consideration the meaning in the context in which they are used. Vocabulary can be learned best through reading assignments, or listening ones. When words or phrases are communicative in meaningful contexts, integration of skills through communicative activities and tasks increases students' ability to communicate. In a reading task students can practice listening, speaking, writing. In this way students can practice all language skills in a simple, practical and communicative way.

Teaching based on communicative tasks is appropriate for all language levels, but the nature of the tasks varies according to the language proficiency. Tasks should be presented from the simple to the more difficult, adapted to language level of learners. For example: Students work together to write and edit a newspaper, make an advertisement est. Elementary students may introduce themselves, may make questions and answers, interview other class-mates, while the advanced can do most difficult tasks such as preparing surveys on various issues at school.

Teaching language skills together exposes English language learners to authentic language and encourages them to interact in a natural way. Learners create clear ideas that language has its own difficulties when used for and in communication. Students learn that English is not simply the object of study, but a means to interact and communicate with others.

Methodology

The study is based on researches how CLT is implemented in English classes. Part of this study are questionnaires about how skills and micro skills are taught, what activities are used. There are stated some questions about this problem: *What problems do our students encounter? What about teachers? What strategies, techniques, communicative activities and tasks are used to teach skills and micro skills?* We will have a look at how students and teachers responded to such problems. Participants of this study are students and teachers of elementary and high school. The age varies from 10- 18, Grades from 5-12, about 250 students and 30 teachers in elementary and high schools.

¹³ Harmer, *The Practice of English Language Teaching*, 229.

¹⁴ Jack C. Richards, *The context of language teaching* (New York: Cambridge University Press, 1985).

Uses of different techniques for important teaching and learning processes

There are stated some research questions to teachers and there are presented some techniques. Teachers should define which do they use. Teachers stated that they are limited in usage somehow because of large classes, limited time, structural texts which do not leave too much space to variety in teaching.

<i>Teaching techniques used for these processes</i>	
- Critical thinking	✓ Brainstorming Discussion
- Speaking	✓ Conversation practise Role-play discussion
- Reading	✓ Discussion Read and Look up
- Listening	✓ Information-gap
- Writting	✓ Information-gap
- Explaining	✓ Map drawing /Charts / Brainstorming
- Teaching vocabulary	✓ Perifrazing/ Charts
- Teaching grammar	
Deductive	60% 18 teachers
Inductive	40% 12 teachers

The second question concentrates on vocabulary teaching and how it is checked. 76 % of students admitt that vocabulary is explained in native language and written in the blackboard. In the third and second grade, especially in non-public schools teachers explained and checked vocabulary through games, while at other levels in schools teachers continue to check vocabulary through translation. As for the concept of using language games to teach skills and micro skills, still teachers limit their teaching.

Language games and role plays are limited to what the text offers. The tasks offered in texts are merely a mechanical repetition, which offers limited communication. If students are limited in such a way it does not help. If grammar is taught deductively students will not be able to speak and use English as in the real life. The same fact stands even for teaching and checking vocabulary. If language games and communicative tasks are used than students will be motivated and more involved in the learning process.

Conclusion

Traditional methods of teaching a foreign language do not help students acquire and use language. Grammar is as important as other skills. Teaching it inductively through and in a communicative way help students communicate in a conscious way, taking into account their real experiences.

If teachers make use of communicative activities for teaching and checking grammar and vocabulary will help students to understand the purpose of learning. If grammar is explained in an inductive way through language games, role plays, it will not be boring but funny and attractive. Through such tasks and activities students will interact and use the language as in the real life.

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Psychological Recovery in the Metabolic Syndrome in the Context of Antioxidant Therapy -Case Presentation

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Abstract

Representing a major medical issue, especially in industrialized countries, the metabolic syndrome (MetS) consists of a complex association of the most dangerous metabolic and cardiovascular risk factors according to the International Diabetes Federation: diabetes and prediabetes, abdominal obesity, high cholesterol and high blood pressure. The oxidative stress has as cause the existence of free radicals or radical-forming agents in higher concentrations than what it would be possible to cope with for the natural radical-blocking or scavenging systems. The effects of the antioxidant therapy in the metabolic syndrome and the psychological component involved are studied through a case presentation correlated, as well, with data from literature.

Keywords: *MetS, cardiovascular risk, antioxidant therapy, psychological.*

Introduction

1. DEFINITION AND DIAGNOSIS OF THE METABOLIC SYNDROME

Representing a major medical issue, especially in industrialized countries, the metabolic syndrome (MetS) consists of a complex association of the most dangerous metabolic and cardiovascular risk factors according to the International Diabetes Federation guidelines: diabetes and prediabetes, abdominal obesity, high

cholesterol and high blood pressure and is characterized by the 2013 Guide of the European Society of Cardiology (ESC guidelines) through a variable combination among visceral obesity and alterations of the glucose metabolism, lipid metabolism and blood pressure, having a higher prevalence within the middle aged and the elderly populations.¹ Proinflammatory and prothrombotic states have also been correlated with the MetS. The American Heart Association highlights the fact that diagnosing the metabolic syndrome involves three or more of the following: waist circumference over 40 inches in men, and over 35 inches in women, thus meaning abdominal obesity, triglyceride level of 150 mg/dl of blood (mg/dL) or higher, HDL cholesterol – less than 40 mg/dL in men or less than 50 mg/dL in women, systolic blood pressure over or equal to 130 mm Hg or diastolic blood pressure over or equal to 85 mm Hg, fasting glucose over or equal to 100 mg/dL.²

2. ENVIRONMENTAL AND ENDOGENOUS RISK FACTORS FOR THE METS IN THE CONTEXT OF THE OXIDATIVE STRESS

The oxidative stress has as cause the existence of free radicals or radical-forming agents in higher concentrations than what it would be possible to cope with for the natural radical-blocking or scavenging systems. The oxidative stress can have both external and internal causes of appearance. The exogenous sources include cigarette smoking, air pollution, dietary habits, UV radiation, heat exposure, certain drugs like antibiotics, exposure to chemical substances like toxic metal nanoparticles or pesticides, that have become unavoidable in today's modern society, whereas the endogenous sources consist of alterations of certain specific genes and antioxidant enzymes, the hyperactivation of macrophages, immunosuppression, disorders of the lipid and protein metabolisms.³

Therefore, as external trigger factors, both cigarette smoke and environmental pollution play a central position in developing the oxidative stress, causing as well, high rates of morbidity and mortality, according to epidemiological studies. The main mechanism through which the oxidative stress develops and effects healthy components of the organism is the production of reactive oxygen species (ROS) that also damages the cell - DNA, RNA, and

¹ K. George Alberti, P. Zimmet and Jonathan Shaw, "Metabolic syndrome – A new world-wide definition. A Consensus Statement from the International Diabetes Federation," *Diabetic Medicine* 23(5) (2006): 469-80; Carmen Gînghină, Călin Cosmin and Cornelia Călinescu, *Compendiu de ghiduri ESC prescurtate* (Bucharest: Media Med Publicis, 2013).

² <http://www.heart.org/HEARTORG/>, website of the American Heart Association.

³ Rebecca Hutcheson and Petra Rocic, "The Metabolic Syndrome, Oxidative Stress, Environment, and Cardiovascular Disease: The Great Exploration," *Experimental Diabetes Research* 2012 (2012).

proteins, contributing as well to the process of ageing. Regarding the endogenous sources, the genetic component plays an important role in the development of the oxidative stress endogenously both through direct transmission of altered genes and diverse complex processes of gene alteration.⁴

3. THE IMPLICATIONS OF THE ANTIOXIDANT THERAPY IN THE METABOLIC SYNDROME AND ITS COMPONENTS:

a) The antioxidant treatment and the metabolic syndrome-general issues

Recently, antioxidants have been used in an extensive manner to overcome the effects of excess ROS in several pathologies. Some of the commonly used antioxidants are vitamins E and C, coenzyme Q 10, α -lipoic acid, lycopenes, and polyphenols. Vitamin E is most commonly found in the form of α -tocopherol, being most abundant in dark chocolate, nuts and berries, and also as a supplement. After the complete usage of vitamin E within the free radical reaction, it requires vitamin C or coenzyme Q to regenerate, studies often taking into consideration the effects of vitamin C and E together. Vitamin C is a powerful antioxidant by itself and can be found mainly in fruits, broccoli, bell peppers, and also as a supplement. α -Lipoic acid, being a powerful antioxidant, can recycle both vitamins E and C, repair oxidized proteins and directly scavenge ROS. Representing a class of antioxidants widely found in common foods, polyphenols are: catechins, anthocyanins, procyanidins, resveratrol, and curcumin.⁵

b) The antioxidant treatment and Obesity

Obesity, a central component of the MetS, produces within this complex pathology systematic oxidative stress. Its raised values accumulated within fat tissue represent the generator cause of the deregulation of adipocytes with the development of the MetS, thus creating a vicious circle. Being an incipient factor for the development of the MetS, the raised values of oxidative stress accumulated in the fat tissue has to represent an important target for the instigation of new therapeutic methods.⁶

⁴ Hutcheson and Rocic, "The Metabolic Syndrome."

⁵ Gladys Block, Marion Dietrich, Edward P. Norkus, Jason D. Morrow, Mark Hudes, Bette Caan and Lester Packer, "Factors Associated with Oxidative Stress in Human Populations," *American Journal of Epidemiology* 156, 3 (2002).

⁶ *Ibidem*.

In a recent study on the antioxidant supplementation in the management of obesity⁷ there are stated some major classes of antioxidants to be considered in the case of this pathology :vitamins and cofactors, polyphenoles and carotenoids. The vitamins and cofactors consist of: vitamins C and E, zinc, lipoic acid, l-carnitine, polyunsaturated fatty acids, coenzyme Q10. The polyphenols and carotenoids are as follows: procyanidins and cinnamon, catechins and green tea, chlorogenic acid green coffee extract, resveratrol, lycopene.⁸

c) The antioxidant therapy and hypertension in the metabolic syndrome

Representing another major component of the metabolic syndrome, hypertension is correlated in an individual manner with increased cardiovascular risk. The interconnection between high levels of free radicals and hypertension is still unclear-whether free radicals start the development of hypertension or vice-versa or both. The oxidative stress may produce hypertension through several mechanisms-quenching of the vasodilator nitric oxide by ROS, depletion of tetrahydrobiopterin, formation of vasoconstrictor lipid peroxidation products (F2-isoprostanes), vascular structural and functional alterations.

The possible causes of free radical production within vasculature include: NADPH-oxidase, nitric oxide synthase, cyclo-oxygenases. There are several studies indicating that exogenous angiotensin II has an important role in forming free radicals in hypertension. Evidence from several clinical studies on antioxidant supplementation for lowering blood pressure highlighted the uses of: vitamins E, C, beta-carotene, selenium, zinc and glutathione.⁹

d) The implications of antioxidant therapy in diabetes mellitus

The antioxidant treatment strategy in the case of diabetes mellitus has as purpose the control of ROS production and the modulation of mitochondrial activity. According to Abdali et al.¹⁰ some of the main classes of antioxidants used in the prevention and treatment of diabetes mellitus are: vitamins C and E, lipoic acid, zinc, selenium, l-carnitine, coenzyme Q10, procyanidine, resveratrol. Vitamins C and E are cofactors in the case of many enzymatic reactions and also antioxidants. The lipoic acid has been clinically tested as a food supplement,

⁷ Daniyal Abdali, Sue E. Samson, A. Kumar Grover, "How Effective Are Antioxidant Supplements in Obesity and Diabetes?" *Medical Principles and Practice* 24, 3 (2015).

⁸ Block *et al.*, "Factors Associated with Oxidative Stress."

⁹ Block *et al.*, "Factors Associated with Oxidative Stress"; Abdali, Samson and Grover, "How Effective Are Antioxidant Supplements"

¹⁰ Abdali, Samson and Grover, "How Effective Are Antioxidant Supplements."

having benefits in both diabetes and obesity. L-carnitine found in red meat, dairy products, soy, nuts and seeds is involved in the conversion of free fatty acids into usable energy, lowering the oxidative stress, proven to have benefits extensively in the case of type 2 diabetes. Coenzyme Q10 has an important role in the mitochondrial electron transport chain, essential for the production of energy. Procyanidine is found in aliments such as cinnamon, apple, cranberries, red beans, peanuts, almonds and has been studied as well for the improvement of diabetics' health. Resveratrol, apolyphenolic compound that is found in red grapes, berries, pomegranates, red wine has also been investigated for positive effects in diabetes.¹¹

e) The antioxidant treatment and dyslipidemia

Characterised by elevated LDL-cholesterol and triglycerides and decreased level of HDL, dyslipidemia is also an often seen component of the MetS. The oxidative stress represents a consequence of dyslipidemia, as well, in the MetS. Exposing cells to high levels of fatty acids cause oxidative damage of mitochondrial DNA. The free fatty acids have a proapoptotic effect on various cells, fact that can be stopped by antioxidants and ROS scavengers like: alpha-tocopherol, alpha-lipoid acid, alpha-carnitine, Trolex – a potent antioxidant soluble water – derivate of tocopherol and fish oil.¹²

f) The interrelation between antioxidants insulin resistance

The insulin resistance is defined as an attenuated or inadequate response to a given quantity of insulin, associating pathologies such as: diabetes type 2, hypertension, metabolic syndrome, polycystic ovary syndrome, cardiovascular diseases, non-alcoholic fatty liver, breast cancer and acquired immune deficiency (AIDS). It has a genetic component, but can also be caused by acquired pathologies like: obesity, sedentary lifestyle, pregnancy and hormone excess. The antioxidants mainly used for treating insulin resistance are, according to several clinical trials in which antioxidants were tested: alpha-lipoic acid, N-acetylcysteine, flavonols, glutathione, vitamins C, E.¹³

¹¹ Block *et al.*, "Factors Associated with Oxidative Stress."

¹² Block *et al.*, "Factors Associated with Oxidative Stress"; Abdali, Samson, Grover, "How Effective Are Antioxidant Supplements"; Isaias Dichi, José Wander Breganó, Andréa Name Colado Simão, Rubens Cecchini, *Role of Oxidative Stress in Chronic Diseases* (U.S., CRC Press, 2014), 246-260.

¹³ Block *et al.*, "Factors Associated with Oxidative Stress"; Abdali, Samson, Grover, "How Effective Are Antioxidant Supplements"; Joseph L. Evans, "Antioxidants: Do they have a role in the treatment of insulin resistance?" *The Indian Journal of Medical Research* 125 (2007), 355-372.

g) The effects of the antioxidants on atherosclerosis

Resulting from the imbalance between an exacerbation of reactive oxygen / nitrogen species and not enough antioxidant defences, the oxidative stress can also be analysed in the context of atherosclerosis, that is supposed to be a direct cause of endothelial dysfunction. There has been highlighted in several recent studies that the oxidative stress has a major contribution to the development of cardiovascular disease that often result in complications of atherosclerosis. The enzymes NADH/NADPH oxidases play the most important role in creating ROS in the vasculature and its reactivation contributes to positive changes in atherosclerosis. Several evidence lines attest the fact that there is a vicious circle between endothelial dysfunction and oxidative stress. The therapeutical classes of antioxidants used for treating atherosclerosis are mainly polyphenoles with their most important subclass: the flavonoids, the latter having effects on blood pressure reduction, platelet reactivity reduction, enzymatic modulation, endothelial function improvement and anti-inflammation. Some example of flavonoids would be: cocoa, red wine, tea, epigallocatechin gallate, resveratrol.¹⁴

4. PSYCHO-SOCIAL AND BIOETHICAL ASPECTS

The psycho-social intervention, through the doctor-social worker-psychotherapist relationship plays an important role in coping with all these negative psychological changes that appear in complex diseases such as the metabolic syndrome. Individualized or group therapy is indicated if the patient presents pathological psychological states like: anxiety, depression, panick attacks, confusion, that appear in the metabolic syndrome, both because the metabolic changes that take place, but also because of the often episodes of insomnia and poor quality of nocturnal sleep that could establish once with the obesity hypoventilation syndrome, regarding the case.¹⁵ Once with the mentioned psychological issues, memory also gets deteriorated and in some cases the metabolic syndrome is associated with dementia. This later issue involves the inability to perform simple tasks, difficulty with finding the names for familiar objects, changes of mood, loss of social integration, changes in personality.¹⁶ Confidentiality plays a major part in the pluri-inter-disciplinary relationship mentioned. Patients with such complex both clinical and psychological

¹⁴ Block *et al.*, "Factors Associated with Oxidative Stress"; Dichi, José Wander Breganó, Andréa Name Colado Simão, Rubens Cecchini, *Role of Oxidative Stress in Chronic Diseases*, 137-160.

¹⁵ Scott D. Mendelson, *Metabolic Syndrome and Psychiatric Illness: Interactions, Pathophysiology* (London: Academic Press, 2008).

¹⁶ *Ibidem.*

frameworks are vulnerable persons that might want to maintain certain discretion in the relationship with their families, friends and acquaintances. They become vulnerable within society, as well, both by direct discrimination and personal stigmatization. In what matters clinical psychology, the code of ethics establishes in two sections: the general principles specific to the profession of psychotherapist and the ethical standards involved by it. The general principles to be followed by psychotherapists are : beneficence and nonmaleficence , fidelity and responsibility, integrity, justice, respect for people's rights and dignity.¹⁷

Material and Method

We present the case of a 72-year old woman, associate professor, admitted in the Vth Medical and Geriatric-Gerontology Clinic of the Universitary Clinical Hospital of the *Romanian Railroad Company*, Iași, Romania for: persistent headaches, phosphenes, tinnitus, non-proceeded by nausea vomiting and retrosternal pain, sollicitating specialized clinical and biological examination and reevaluation of her treatment scheme. Her medical records revealed her past medical history and observations upon the administration of drugs and therapies in her last submissions in the clinic.

Results

There is stated in her family history the presence of hypertension and diabetes type II in the case of the patient's father, deceased at 56 years old and of MetS in the case of her elderly sister. From the history of present illness we found that she had been having repeated episodes of hypertension in the last three years, once with the development of the metabolic syndrome. Her social history revealed personal social status-associate professor in a postgraduate sanitary school, with poor social relations she had been having lately since the onset of disease. There was also mentioned the fact that she was divorced, living together with her two daughters, one of them being also divorced and consumer of alcohol (information stated in the parallel anamnesis files). There was also mentioned in the parallel sheets the fact that her relationship with her daughters is not very satisfying for her and that is what usually raises her blood pressure (maximal values between 170/100mmHg-180/110mmHg), creating her anger and frustration. As habits, she was a chronic smoker in most of her adult life, presently smoking only around 10

¹⁷ Mendelson, *Metabolic Syndrome and Psychiatric Illness; Ethical Principles of Psychologists and Code of Conduct*, accessed on June 19, 2015, www.apa.org/ethics.

cigarettes per day. She occasionally consumes alcohol (2 glasses/week or at special occasions), doesn't do much physical activity, with a diet high in fats and sugar, mentions no sexual activity. In the parallel anamnesis files there were also specified the environmental conditions in which she had been spending most of her daily activity-an industrial area where the sanitary school was located with chemical and physical pollution coming from fabrics and traffic.

Within the physical examination more useful medical data were gathered about the patient's pathology in order to orientate the diagnosis: weight of 100 Kg, height=1,67cm, BMI=35,9 and waist circumference=101 cm (indicators for obesity class II), generally altered state, afebrile, the presence of ronflant rales on both pulmonary areas in the case of the respiratory system clinical investigation, tachyarrhythmic cardiac noises, in spaces III-IV, left parasternal, without irradiation, arterial blood pressure of 170/100mmHg.

The paraclinical investigations were correlated with the anamnesis and physical examination in order to state the final diagnosis of metabolic syndrome. Her EKG in parallel with the ecocardiographic findings revealed left ventricular hypertrophy. The hepatic echocardiography revealed steatotic lesions and the laboratory investigations highlighted a dyslipidemic syndrome with triglycerides =187 mg/dl and a hepatic cytolysis syndrome (SGOT=121 IU/L, SGPT=180 IU/L), affections that often appear in the metabolic syndrome. Blood glucose level was increased, the fasting blood sugar being 130mg/dl. The tryglicerides level was 170mg/dl, total cholesterol was 242 mg /dl, LDL-cholesterol =160mg/dl, VLDL-cholesterol=162 mg/dl, HDL-cholesterol=44mg/dl, thus being indicated insulin resistance and the risk for atherosclerosis.

The treatment scheme consisted of a complex antioxidant therapy: 1. allopathic treatment: metformin 1 tablet/day – in the morning for treating diabetes, enalapril maleate – 1 tablet of 40 mg/day for hypertension, atorvastatine –1 tablet – 10 mg/day for lowering high cholesterol levels; 2. hypolipidic and hypoproteic diet of a Mediterranean type; 3. alimentary supplements: Zeolit 3 capsules/day, Chlorella 2 capsules/day, Glutathione 2 capsules /day, Coenzime Q10 1 capsule/day, Vitamax 1 capsules /day; 4. exercise programme with walks for half an hour every day after dinner.

The patient followed the recommended treatment scheme addressed to the metabolic syndrome, also with antioxidant effect. But once with the onset of several depressive-anxious manifestations the patient decided to ask for supplementary support to a specialized psychotherapist. After following a few sessions of psychotherapy and discussing about her medical and social issues, the

patient decides to improve her former prescribed treatment scheme with some diverse methods from alternative medicine: massage therapy – lymphatic and reflexive massage 2 times/week, homeopathic treatment – Ignatia 15 CH (5 granules/day for 2 weeks alternating with 3 days/week, another 3 weeks for growing self-esteem and treating anxiety and Sedatif PC 2 comprimates/day) and phytotherapy with antioxidant herbal mixes of basil tea, rosemary tea, jasmine tea – 1 little spoon of each in 2 liters of water/day. She also started a new fibrate therapy that would activate receptors that affect triglycerides and HDL-cholesterol.

Her evolution was favorable. After respecting both the medical prescription and using antioxidants from alternative medicine, at a 90 day-follow up she had lost 5 Kg and the laboratory investigations improved. The triglyceride level reduced by 10 %, the HDL-cholesterol value increased by 10 %, while LDL-cholesterol decreased by 15 % and blood pressure got to 160/90mm Hg. She also reduced considerably smoking to only 3 cigarettes per day.

Discussion

As external triggers for the metabolic syndrome, the patient investigated had been exposed to several exogenous risk factors like smoking (10 cigarettes/day), abundant environmental pollution-chemical (hydrocarbon pollution coming from both traffic and fabrics in the area where she was teaching) and physical (UV radiation, heat), a non-specific diet with the gradual development of her pathology. Regarding the genetic involvement in the metabolic syndrome, the patient investigated had predisposition for the development of MetS on her father's side that had both hypertension and diabetes and her elderly sister that developed metabolic syndrome, as well. No genetic readings were effectuated to see the gene alterations that appear in the metabolic syndrome.

Reactive oxygen species (ROS) are a byproduct of the normal metabolism of oxygen and have important roles in cell signalling and homeostasis. An imbalance between ROS production and the cellular antioxidant defense system leads to oxidative stress. Environmental factors and genetic interactions play key roles in oxidative stress mediated pathologies. In the cardiovascular diseases and obesity, disorders strongly related to each other; the oxidative stress plays a fundamental role. There is evidence of the key role played by protein and protein kinase C (PKC) in these pathologies by their intracellular regulation of redox balance and oxidative stress levels. According to Rebecca Hutcheson *et al.*¹⁸ the increased

¹⁸ Hutcheson and Rocic, "The Metabolic Syndrome."

oxidative stress that appears in conditions of short exposure to air pollution-aromatic hydrocarbon and metal nanoparticles, with the penetration of the alveolar walls and activation of alveolar macrophages and NAD(P)H, mitochondrial oxidases and xanthine oxidases.¹⁹ The ROS generated by polluted air initiates the increasing of oxidants and decreasing of antioxidants, the response to nanoparticles exposure consisting in cellular destruction. The oxidative stress has as effect as well the giving of inflammatory mediators off that have negative impact on endothelial cells, especially, this being a trigger event for the development of several cardiovascular diseases.²⁰

A survey made by the Third National Health and Nutrition Examination, mentioned in *Diabetes* medical journal in 2003, compares several antioxidants in the case of participants with and without metabolic syndrome, in the context of exogenous risk factors: vitamins A, C, and E in matters of circulating concentrations; retinyl esters; five carotenoids; and selenium. The study showed that there were lower concentrations of retinyl esters, vitamin C, and carotenoids in the case of patients with metabolic syndrome, comparatively with the ones without the pathology.²¹ Excluding diabetes of the framework, there was similar result, still. Patients with metabolic syndrome were also consuming less fruits and vegetables than the other group. The explanation for these results is that in the metabolic syndrome, patients do not have enough concentrations of necessary antioxidants, fact which increases the risk for associated diabetes and cardiovascular pathologies. In diabetes mellitus the oxidative stress reduces the uptake of glucose at muscular and lipid levels and decreases insulin secretion from Beta pancreatic cells. The high level of oxidative stress indicates the pathophysiology of hypertension and atherosclerosis, directly affecting the vascular walls. Recently, there has been defined in several studies the involvement of the individual components of the metabolic syndrome, taken separately, in creating oxidative stress.²²

In the presented case, the patient was not involved in any physical exercising program and wasn't doing much physical activity, before her visit to the psychotherapist and doctor's recommendations by changing her lifestyle, having a

¹⁹ Block *et al.*, "Factors Associated with Oxidative Stress."

²⁰ Block *et al.*, "Factors Associated with Oxidative Stress."

²¹ Earl S. Ford, Ali H. Mokdad, Wayne H. Giles and David W. Brown, "The Metabolic Syndrome and Antioxidant Concentrations-Findings From the Third National Health and Nutrition Examination Survey," *Diabetes* 52, 9, September 2003.

²² Hutcheson and Rocic, "The Metabolic Syndrome"; Block *et al.*, "Factors Associated with Oxidative Stress"; Ford *et al.*, "The Metabolic Syndrome and Antioxidant Concentrations."

diet high in fats and sugars, mentioning no sexual activity. According to World Heart Federation, diets high in sugars, saturated and trans fats, low fibre foods and high-sugar drinks contribute to non-communicable diseases (NCDs) and other health issues.²³ According to updated studies from literature, weight loss (10% of body weight) by moderate diet and moderate-intensity physical exercise in metabolic syndrome has been shown improvement of markers of oxidative stress.²⁴ Oppositely, data from a 21-day residential diet and exercise program in overweight or obese patients showed a decrease in oxidative stress and improvement in other cardiovascular risk factors related to metabolic syndrome before the loss of weight, even.²⁵ This effect could have been mediated by a reduction in oxidative stress through an improvement in endothelial function and nitric oxide (NO) production or up regulation of antioxidant defenses, in the context of physical exercise.²⁶

The interrelation between the antioxidant therapy, metabolic syndrome and its individual components: obesity, diabetes mellitus, hypertension, dyslipidemia, insulin resistance, atherosclerosis has been studied in literature in both intervention studies and clinical trials showing the importance and necessity of lowering the antioxidative stress and chronic inflammation at cellular and biomolecular level, with the purpose of preventing ageing, heart disease, cancer, immune deficiencies and improving the overall health. Our study showed the benefic impact of several antioxidant medication used for treating some of the major pathologies involved in the development of the MetS: metformin (for diabetes), angiotensin converting enzyme inhibitors (ACE inhibitor) (for regulating blood pressure), enalapril maleate (for hypertension) in association with several antioxidant supplements: Clorella, Zeolit, glutathione, coenzyme Q10, vitamins on a relatively short period of time (90 days). Our results are similar to the ones found by Rebecca Hutcheson *et al.*²⁷ who also identified that the benefits of lowering the oxidative stress at a cardiovascular level within the metabolic syndrome can be also sustained by even the effects that specific drugs used for the treatment of MetS and its components have: metformin, statins, ACE inhibitors, angiotensin II receptor blocker (ARBs). These pharmacological agents that were found to have beneficial cardiovascular effects, independently of their initial function: glycemic control (metformin), lipid

²³ "Unhealthy Diet," accessed on June 16, 2015, www.worldheart.org.

²⁴ Hutcheson and Rocic, "The Metabolic Syndrome."

²⁵ Block *et al.*, "Factors Associated with Oxidative Stress."

²⁶ Block *et al.*, "Factors Associated with Oxidative Stress."

²⁷ Hutcheson and Rocic, "The Metabolic Syndrome."

lowering (statins), regulation of arterial blood pressure (ACE inhibitors and ARBs).²⁸

We also showed that methods of alternative medicine like homeopathic antioxidant treatment in combination with phitotherapeutic therapy and massage therapy can have positive effects in case of patients with metabolic syndrome with a psychological component as well (in this case, the depression and anxiety disorders). Hollander *et al.*²⁹ also accepted alternative medicine methods of treatment in the metabolic syndrome, as ways to reduce oxidative stress and rehabilitate patients with this pathology.

In the presented case, psychotherapy had a decisive role in helping the patient understand the importance of her pathology and the associated psychological disorders like anxiety, depression, panic attacks, becoming able to follow correctly her treatment scheme with positive results: growth of self esteem and coping with various implications of the disease. The role of the psychotherapy is therefore to reintegrate the patient in society, by discussing more about how they see their own personal pathology in changes of behavior, analyzing together the entire psychological framework and coming with solutions. The existent psychotherapies are verbal-individual, action-based on psychotherapies, corporal psychotherapies, group psychotherapies, conscience level-psychotherapies. The psychotherapist needs to develop practical wisdom, thing which engages: the ability of correctly rationing and knowing the way in which the world functions, the capacity of having attention and moral percept, the capacity of autoreflexion, the existence of a practical imagination and emotional intelligence.³⁰ There are also risk factors like transfer, countertransference and dependence in psychotherapy, but there are special techniques to avoid these aspects, taking into account also the ethical limits, as to respect the patient's autonomy based on moral and emotional-cognitive development. A short analysis of the main five concepts used in psychotherapy such as the etiological concept, the health concept, the therapeutical concept, the temporal perspective and the role of the psychotherapist, show us the necessity of an actualized deontology in the field of psychosocial

²⁸ Block *et al.*, "Factors Associated with Oxidative Stress."

²⁹ Jason Hollander and Jeffrey I. Mechanick, "Complementary and alternative medicine and the management of the metabolic syndrome," *Journal of the American Diet Association* 108(3) (2008): 495-509.

³⁰ Hamidreza Roohafza Masoumeh Sadeghi, Mohammad Talaei, Pourmoghaddas Zahra and Nizal Sarrafzadegan, "Psychological Status and Quality of Life in relation to the Metabolic Syndrome: Isfahan Cohort Study," *International Journal of Endocrinology* 2012 (2012).

intervention.³¹ Recent studies have shown that depression connected with stress, inflammation and anxiety leads to cardiac pathophysiology like: arrhythmias, heart failure, ischemic heart disease. According to Hamidreza Roohafza *et al.*³² in a study about the psychological status and life quality in MetS, it is also highlighted the relationship of depression, anxiety and psychological distress with the metabolic disease, taking into consideration, as well, the poor socio-economic situation and demographic changes.

Conclusions

In conclusion, maintaining adequate antioxidant status may provide a useful approach in attenuating ROS – mediated cell injury and dysfunction observed in some inflammatory / autoimmune disorders and chronic pathophysiological oxidative stress factors. In the case of patients with metabolic syndrome-a constellation of individual pathologies, both external and endogenous risk factors play a major role in the development of the oxidative stress and its control through antioxidant therapy is a matter of improving the quality of life and prolonging the life span. The complex classes of antioxidants used for the treatment of the metabolic syndrome consisting not only in the drugs used for treating the individual components of the metabolic syndrome, but also in natural extracts, vitamins and minerals that could be obtained from the field of alternative medicine are still to be investigated and developed more in the near future. Additionally, patients with metabolic syndrome understand more about how to respect their medical prescriptions and recommendations by visits to the personal psychotherapist. The use of psychotherapy is seen not only at a mental and spiritual level, but also at a physical one. Through psychotherapy, patients learn how to cope with their own disease, improve their state of health, solve personal conflicts, modify their vision upon life, self control and stress control, promoting the self-actualizing, self-development, authenticity and spontaneity. The psychotherapist has the role and purpose to create an empathic meeting, a dialogue of acceptance, concentration and role-playing. Through understanding personal matters and short therapies focused on communication, the patient reflects upon personal issues and is willing to collaborate more for problem solving.

³¹ John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14 (Summer 1985): 223-251; American Psychological Association Inc., *Ethical Principles in the Conduct of Research with Human Participants* (Washington, DC: APA, 1973), 76.

³² Roohafza *et al.*, "Psychological Status and Quality of Life."

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ESSAYS

PRESENTATIONS

REVIEWS

The Influence of Disease and Human Sufferance on Edvard Munch's Art

Essay

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Motto: Without anxiety and illness I should have been like a ship without a rudder.

(Edvard Munch)

Ever since a child, the famous national Norwegian painter Edvard Munch had been surrounded by dying people, especially members of his family, illnesses and harsh diseases that couldn't be treated by that time, thing which had a huge impact on both his first works of art, as well as on his later work and creations. The human sufferance, the despair, the inner turbulences, the disappointment and various types of anxiety all appear illustrated symbolically in most of his paintings, thing which has all engaged one artistic current and pattern: the Expressionism. Therefore, he was among the first expressionists and under him, this manifesto came up to life.

His mother died of tuberculosis when Edvard was only five years old, and so did his favorite older sister, Sophie, whom he had a very special connection with, in the absence of his mother. The situation became even worse when his father became emotionally unstable because of the same loss. Moreover, two of his other three siblings also died of pneumonia, respectively cancer, and, Laura, one younger sister suffered of schizophrenia. Suffering not only from all these tragic events, but also from great

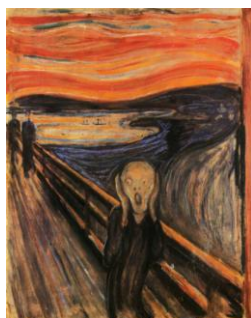


The Sick Child, 1885-1886

poverty, Munch withdrew himself in the universe of art and began creating, reflecting all his inner painful and depressive moods, searching for a way of escape and expression.

Before starting to study Art properly, he painted both himself and his family, mostly in sad poses, mentioning that in his self portraits, he is never smiling. At 22, he left school as to create a famous portrait of his dying older sister entitled *The sick child*.

The themes evoked by E. Munch's paintings were continuously being loss of affection and love, grief, despair, fear, attachment, separation and death. In the 1890's, the artist impressed by his unique style-expressionism, creating numerous paintings reflecting his thoughts, feelings and memories from his turbulent and sad childhood past. He entitled this group of paintings *The Frieze of life*, consisting of:



The Scream, 1893

The scream, showing a fetus-like figure screaming with despair and fear on a bridge, with strong colours in the background, revealing the sunset and some other two figures standing laterally, somewhere in the back, possibly representing the loss of his parents,



Death in a Sick Room – *Death in a Sick Room*. 1893

representing the death of his sister Sophie,

Ashes – with the significance of love transformed into ashes, grief, sorrow and disappear,

Love and Pain – similar to the significance of *Ashes*, *Metabolism* (1898) – showing the image of Adam and Eve,



Anxiety, 1894

Anxiety – revealing the feeling of deep anxiety and fear, in the socio-political context of those times,

Despair – showing loneliness, sadness, dissatisfaction and regret,

Self-Portrait With Skeleton Arm – revealing his image of death, again.

“My art is really a voluntary confession and an attempt to explain to myself my relationship with life – it is, therefore, actually a sort of egoism, but I am constantly hoping that through this I can help others achieve clarity,”

Munch confesses in the diary he left to us, where he is also telling the story of his

life (*The Private Journals of Edvard Munch*). Apparently, there are many clues that lead to the fact that through art Munch managed to resist and got saved from his psychological interior drama, leaving to posterity a wonderful artistic legacy.

Applied Psychoanalysis in Philosophy and Art

Review

**Marius DUMITRESCU, *Psihanaliza aplicată în filosofie și artă*,
Sedcom Libris Publishing House, Iași, 2014**

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If the entire history of philosophy can only be observed by applying a safe method, valid in the ontological demarche, more precisely, the phenomenological method theorized by Edmund Husserl, the history of our culture and civilisation can only be read by applying Sigmund Freud's psychoanalytical theory. The two authors are contemporary, and they are both Jews who inhabited a German space become hostile to their ethnic origin, they both profoundly marked the philosophy of the twentieth century, however, they are at the opposite poles in what the understanding of the human psyche is concerned. The former is ultra-rationalist, whereas the latter is a radical supporter of our irrational nature.

Husserl placed the idea of the consciousness of impossibility at the centre of the phenomenological method. Translated in the area of the history of philosophy, one may easily notice that every philosopher inquired, without even inferring phenomenology, what is that which the world cannot exist without, indicating one element of this world – either the fire, the number, the spirit, the matter or the will – without whom the world could not exist. And the answers came again and again, subjectively, until recently. Freud, by elaborating the complex method of psychic investigation, revealed the fact that the truth about us is deposited in dreams, images and phantasms. Husserl was not aware of the fact that phenomenology overlaps the history of ontology, neither were the metaphysicians aware that there was a phenomenological method. Freud was only partially aware of the fact that history of culture may be read psychoanalytically, which is why he got scared when the surrealists started creating art by using the basics of psychoanalysis. He

considered that psychoanalysis may only be applied to the cultural past, in view of the future recovery of his patients, and not otherwise.

That things are not quite as they seem is to be found in a remarkable work by Professor Marius Dumitrescu, from Iași, *Psihanaliza aplicată în filosofie și artă* (*Applied Psychoanalysis in Philosophy and Art*).

Towards the end of the book, on page 429, the author writes:

Psychoanalysis is precisely the art of recovering and identifying the living behind spiritual creation, a complex process which reminds of the search for the philosophical stone which grants noblesse, immortality and everlasting youth to everything it touches (our translation).¹

In the work *The Meaning of the Creative Art*, Nikolai Berdyaev pointed to the phenomenon of objectivization in the act of spiritual creation, a phenomenon which, just as Freudian sublimation, is a result of an unconscious revelatory outburst which solidifies, then merges with the work, the revelatory experience eventually losing something of its original effervescence. This exercise of recovering “the living behind spiritual creations” is the theme of Marius Dumitrescu’s book.

The text is structured in three large parts. In the opening chapter, “*There is always a father too, or the pulsions theory in Freudian view,*” the reader is introduced to psychoanalytical theory, from its genesis and fundamental concepts to the understanding of human nature, a path led by the Freudian view on our psyche and further developed in agreement or disagreement with the father of psychoanalysis. Thus, one becomes aware of the importance of the unconscious dimension of life, of the access paths to this unknown territory, through acts of failure or dreams. Compared to other introductions to psychoanalysis, the merit of the author is that he does not confine to Freud’s heritage, but expands the discussion to the entire cultural heritage of the humankind. The theory of dream, for example, is presented in its entire historical development in the cultural spaces in which it acquired significant meanings. Human sexuality and aggressiveness are rendered through the metamorphoses they suffered in comparison with the animal world: “Human biological nature, despite its many resemblances with animals, gives the human being *a special sexual behaviour*. Man is the being with a permanent sexuality, accompanied by pleasure.”² Sexuality is correlated with aggressiveness. The *face to face* reproduction makes the partners’ eyes meet, and

¹ Marius Dumitrescu, *Psihanaliza aplicată în filosofie și artă* (*Applied Psychoanalysis in Philosophy and Art*) (Iași: Sedcom Libris Publishing House, 2014), 429.

² Dumitrescu, *Psihanaliza aplicată în filosofie și artă*, 84.

sex resembles a fight between partners. By emphasizing the nature of the aggressive and sex drives, the author underlines the major importance of the never-ending fight between Eros and Thanatos. The analysis of aggressiveness and its typological exposure put forward the complex nature of the human being, the only one that kills intra-specifically. The most refined form of aggressiveness is power, which is granted a special chapter, which reviews various ways of understanding power – from the magical, impersonal one of the archaic world, to the personalized one in the civilized world (in adjectivised form, as religious, military, economic and political power). The erotic experience resembles the experience of power, which allows the understanding of power as an energy which ensures the necessary support for granting a wish.³ In what recent history is concerned, the author notes the desacralisation and de-adjectivisation of power, which makes it converge towards sheer aggressiveness.

Human aggressiveness is vital for the human being and, far from any need for its amputation, it sooner should be directed towards non-violent paths. On page 114, Marius Dumitrescu provides an overview of the possible solutions for the inhibition of aggressiveness, with all our intra-specific violence manifested as cannibalism or war crimes. Among the strategies for avoiding violence, a significant number of pages are assigned to cultural solutions, following Freud's analyses dedicated to the spiritual word, up to the understanding of humour, laughter and comic.

How was Freud perceived by his contemporaries? As a disgusting figure, as he provided an unimaginable tableau of the human being: man, an ambivalent being which manifests, at the same time, love and hate to everything that surrounds him, an aggressive being, endowed with criminal instincts, prone to suicide and incest, with an infantile and aberrant sexuality. Beyond any bias and prejudice, the continent discovered by Freud – the unconscious, as the reservoir of psychic energies – fulfils our view on man, revealing the missing link between the body and the rational ego:

*Instincts, pulsions, unimaginable thoughts of a consciousness assumed by the Ego knock at its gates, assaulting it with failures, dreams and desires to escape from reality. At some point, the ego must give up to the unconscious, which authoritatively claims its priority.*⁴ (our translation)

Along these lines, one should be aware that, up to the Viennese psychoanalyst, the great creators had only inferred the functioning of some

³ *Ibidem*, 105.

⁴ *Ibidem*, 145.

mechanisms, without being able to explain them as they actually are. On the following pages, Marius Dumitrescu applies psychoanalysis on the creative intuitions of some remarkable figures of European culture.

Thus, the second part of the book, entitled *The Psychoanalysis of Philosophy*, is dedicated, for the most part, to René Descartes. Apparently, an attempt at psychoanalyzing the life and work of the father of European rationalism, of a philosopher who marked the modern view of man as an essentially rational being, would contradict the perspective of the abysmal vision. In a schematic understanding, one may notice that modernity begins with the Cartesian reasoning and ends with the Freudian irrational.

Marius Dumitrescu goes beyond the appearances of the historiographic schemes and enters, organically, the world of the Cartesian spirit. When following the internal sense and the time of the French philosopher, we witness the transition of Europe from the universe of faith to the universal reason, a transition not at all in default of temptation, dreads and threats, lived – in historical sense – as the religious Thirty Years War (1618-1648), which the illustrious scholar witnesses (and in which he also participates, to a certain extent). In a Europe that had lost the universal spirit of faith when the Lutheran doubt contested the principles of the historical settlement of this faith, R. Descartes dares, in a circle of solitude, to reconfigure this universe on rational bases. Unlike the classical exegesis, the author of the book in focus in this review retraces the Cartesian demarche by foraying in his individual psyche, in the depths where the great emotions that triggered the unicity of the life and creation were built. The three dreams on the night of 10-11 November 1619, *on the occasion of discovering the basics of an amazing science*, represent the core of the psychoanalysis applied to the understanding of the work of the rationalist philosopher. The dreams' tension determines Descartes to attempt at their interpretation, and this does not go unnoticed by commentators, and, pressured by Maxime Leroy, Freud himself draws on them, giving us “just a page and a half on the most famous dreams in history”.⁵ Marius Dumitrescu introduces the reader in the intimacy of the Cartesian philosophical demarche through this royal gate – the dream – of unravelling “the secret of being” (as Sartre will put it), which, as a whole, provides the direction for the motion of European conscience. Impressive as the human universe discovered and described by Freud may be, one should fully acknowledge the fact that this demarche is pursued with the tools of Cartesian reasoning. And if one reads in the

⁵ *Ibidem*, 218.

book in focus here that Descartes was terrified in front of the “other world”, belonging to an Evil Genius, one should also understand that he only wanted to save himself by saving that reality to which mathematics applies. We completely agree with a statement on page 249: “Descartes’ case is, perhaps, one of the very few in the history of philosophy in which, much earlier than Freud, one finds an attempt at reasonably explain the dream, at entering the irrational and apparently chaotic world of the dreams’ phantasms with the means of reason” (our translation). The footnotes of the chapters dedicated to the French philosopher are a remarkable invitation to a new and completely different reading of the founder of modern rationalism.

The third chapter rounds off the present volume with an equally simple title, *The Psychoanalysis of Art*. As it deals with artistic creation, a human form of expressing ideas through feelings, through recourse to images and imaginary, hence, with a manifestation on the border of oneirism and abysmal, one may easily understand that the psychoanalytical survey of this territory is much more facile. Freud drew himself away from philosophy and philosophers, but proved particularly generous with the artists in his writings in applied psychoanalysis. Without the support of the Greek spirit, one may not dive into the deep well of human psyche. When constrained to do so, Freud took over the linguistic metaphors of the ancient imaginary. His works abound in references to the universe of pagan Hellas literature and mythology, which gave a symbolic birth to our psychic mechanisms of survival.

In his incursion into the psychoanalysis of art, Marius Dumitrescu enters the Homeric universe, from where he extracts the substance of the transformations suffered by the Greek civilization in its transition from matriarchy to patriarchy. God and man, both subject to Fate, enter the Oracle’s game of the unconscious to which we are not granted access. The Gods shape the destiny of the mortals through their giving force. Trustful of their gift, the heroes defy the Fate and become a prey to the oracle’s curse and to divine punishment. This titanic confrontation is exposed not only in reference to the destiny of Achilles or Ulysses, Hector, Agamemnon, Paris or Orestes, but also to the biblical Job, or to Faust, through whom Goethe wants to immortalize the universal spectacle of the confrontation with the abyss’ advocate: the torturer. Analysing *The Brothers Karamazov*, the novel which also constituted the foundation of the Freudian study *Totem and Taboo*, the author provides his readers with insights of the great psychoanalytic intuition of Dostoevsky, as forerunner of the knowledge of the abyss.

If in the chapter *The Psychoanalysis of Philosophy*, the psychoanalysis of Descartes' works represents the most valuable contribution to this book, in what the last part of the book is concerned, the author deserves praise for the exegetic exercise on two great artists: Dante Alighieri and Salvador Dali. *The mnemonics of sins in Divine Comedy's Inferno*, and the next chapter, *Dante's Inferno in Dali's imaginary*, are texts which impress through their interpretative accuracy and ability to communicate with the reader. A review can only alter nuances. If the psychoanalysis of Descartes made me wish to reread and re-evaluate the works of this author, the chapters dedicated to the psychoanalysis of Inferno made me reconsider my chances for redemption. It is not haphazardly that the last chapter is entitled *It's difficult to be a man*, just like nothing written or acknowledged by the author is arbitrary.

The book *Psihanaliza aplicată în filosofie și artă* also excels through the illustrations that psychoanalytically, philosophically and artistically accompany the cover, then the chapter and subchapter pages, with remarkable imagery in the field of the projected discourse. The figurative spectacle has been brilliantly selected by the author from the artistic creation of the mankind, but also from personal photographs which attest the purported documentation at the places where the heroes of this book dwelled.

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