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Volume I



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# RESEARCH PAPERS



# Shakespearean Tragedy Revisited: Death in Othello and Hamlet

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## Abstract

*This paper looks closely at death as a thematic concern in Shakespearean tragedy, with a focus on Othello and Hamlet. In both plays, death as a tragic ending brings the stories of heroes who are led up constantly to fall and yield to the force of circumstances that have been created and plotted. The calamities in Shakespeare's tragedies are not accidental. They proceed mainly from actions which beget others until this series of interconnected acts leads to a catastrophe. These acts are predominantly of great importance to the tragic ending. As the tragedy advances towards its 'denouement', one would notice that the catastrophe follows inextricably from certain actions whose main source is a flaw in the hero's character. Such is the case with both Othello and Hamlet. This paper attempts to offer a critical reading and a discussion of Shakespeare's tragedy.*

**Keywords:** *tragedy, Hamlet, Othello, drama, death.*

Death is the most mysterious and the most traumatic crises of life. It is, then, at the very core of all Shakespeare's tragedies. Such tragedies bring a considerable number of features, and it is per-eminently the story of a hero led up constantly to a fall that is mostly striking. It includes death, and whatever may be true of tragedy, says Dr. Bradley, "no play at the end of which the hero remains alive is,

in the full Shakespearean sense, a tragedy”<sup>1</sup>. The story depicts the broadcast side of the troubled part in the hero’s life that recedes and leads up to his death. An instantaneous death that would occur by “accident” in the “midst of prosperity”, says A.C Bradley, would not suffice. It is, actually, a tale of “suffering and calamity” conducting to a disastrous ending; a tale of a man worn to death on a gradual process. The suffering that affects the hero, and generally extends beyond him, is a preliminary ingredient in tragedy and a chief source to raise the tragic feeling in the audience.

A total disaster or misfortune looms around a man who “stood in high degree” merry, jovial and apparently secure. This tragic fact of the medieval mind appealed strongly to the audience’s sympathy and ignited the feelings of fear and awe; “the plaything of an inscrutable power, called by the name of William Shakespeare’s notion of the tragic fact goes beyond the medievalist but it includes it. Tragedy, to him, concerns people of «high degree», kings, princes and leaders of states. The tragic fall he represents is sudden, from earthly greatness to the dust, and “it produces a sense of contrast, of the powerlessness of man and the omnipotence – perhaps the caprice – of, Fortune or Fate, which no tale of private life can possibly rival.”<sup>2</sup>

The calamities in Shakespeare’s tragedies are not accidental. They proceed mainly from actions which beget others until this series of interconnected deeds leads to a catastrophe. These deeds are predominantly of great importance to the tragic ending. As the tragedy advances towards its “close”, one could notice that the catastrophe follows inextricably from certain actions whose main source is a flaw in the hero’s character. This tragic trait is fatal. He errs and his error together with other causes brings about his destruction. This defect, or let us call it imperfection, contributes decisively to the conflict and catastrophe that culminate in death.

Shakespeare has found the perfect use for the expansiveness of his imagination in devoting it to the dramatic presentation of the way evil works within an individual. The point may be made as professor Kitto does in comparing “Greek tragedy presents sudden and complete disaster, or one disaster linked to another in linear fashion, while Shakespearean tragedy presents the complexive, menacing spread of ruin; and that at least one explanation of this is that the Greek poets thought of the tragic error as the breaking of a divine law (...), while

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<sup>1</sup> A. C. Bradley, *Shakespearean tragedy: Lectures on Hamlet, Othello, King Lear, Macbeth* (London: Macmillan, 1905), 7.

<sup>2</sup> *Ibidem*, 10.

Shakespeare saw it as an evil quality which, once it has broken loose, will feed on itself and on anything else that it can find until it reaches its natural end.”<sup>3</sup>

Inevitably, as to any reflective mind, the very fact of the tragic downfall leads one to think of all those “matters within the soul that bear upon the deed and the outcome”.<sup>4</sup> In *Othello* and *Hamlet* Shakespeare presents stories in which the hero moved in various ways towards crime and folly to end up with tragedies of “blood and butchery”.

As dreadful as they may seem, the events of the last scene come as the inevitable end of Othello’s ‘journey’: his ultimate attempts to remedy the ultimately irremediable.”<sup>5</sup> John Bayley argues that the misevaluation and the incomprehension of the character’s situation has brought the whole tragic twist in “Othello”; or as he puts it: “No one in «Othello» comes to understand himself or anyone else. None of them realize their situation”<sup>6</sup>.

It is, indeed, the end of the play that is so painful and so terrifying precisely because of the main characters who come to ‘realize their “situation” where there is now nothing more they can do to remedy it. Incomprehension is certainly an important factor in the development of the awareness to which both Othello and Desdemona are brought.

(Othello enters with a light, Desdemona in her bed)

Othello :     *It is the cause, it is the cause, my soul:  
Let me not name it to you, you chaste stars!  
It is the cause. Yet I'll not shed her blood,  
Nor scar that whiter skin of hers than snow,  
And smooth as monumental alabaster:  
Yet she must die, else she'll betray more men  
Put out the light, and then put out the light:  
If I quench thou flaming minister,  
I can again thy former light restore,  
Should I repent me; but once put out thy light,  
Thou cunning's pattern of excelling nature  
I know not where that Promethean heat is  
That can thy light reline. When I have plucked thy Rose,  
I cannot give it vital growth again,  
It needs must wither. I ll smell it on the tree.*

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<sup>3</sup> H. D. F. Kitto, *Form and meaning in drama* (London: Methuen, 1956), 337.

<sup>4</sup> John Arthos, Action in *Othello*, in *The Art of Shakespeare* (London: Bowes and Bowes, 1964), 15.

<sup>5</sup> Jane Adamson, *Othello as Tragedy: Some problems of Judgement and feeling* (London / New York: Cambridge University Press, 1980), 264.

<sup>6</sup> John Bayley, *The Characters of Love* (Basic Books, 1961), 146.

(He kisses her)<sup>7</sup>

It is obvious that for Othello, Desdemona is now an object. He seems to be able to call her ‘thou’ only because she is unconscious and unable to either hear or reply. Her sleeping body seems to him not merely the image of her death, but inanimate already. Her death is to him so imminent that he speaks almost as if she is dead even now, a motionless statue or monument. Desdemona, so to speak, is motivated intuitively bearing that her death is imminent when she says:

*Good faith, how foolish are our minds!  
If I do die before thee, prithee shroud me  
In one of those same sheets*

Death for Desdemona seems, then, not a wish to escape, but the silently dreaded yet unavoidable culmination of her misery.<sup>8</sup> She immediately recognizes that she has lost Othello’s love, a recognition of her marriage is irremediably lost as if all present and future life would follow a painful way, with no strength to resist or even cry out for help. Othello literally kills her first with blame to her unfaithfulness for having discarded him; but he strangles her afterwards and her dying words unequivocally re-affirm the bounteousness and the strong purity of her love for him:

*Desd: a guiltless death I die  
Emilia: O, who hath done this deed ?  
Desd: nobody – I myself – farewell.  
Commend me to my kind lord-O,  
Farewell!*<sup>9</sup>

(She dies)

Othello could never come to forgive himself if he came to know what he has done. He is apparently guilty and yet Desdemona takes his mistakes and guilt on herself in asserting that the deed was done by “nobody”. She implicitly “claims that her death is not a murder but a kind of (innocent) suicide, committed out of guiltlessness”.<sup>10</sup> Still, she is Othello’s victim. Her death is catastrophic, a “monstrous act” but we interpret it as a tragic (not merely an unfortunate) event because we have come to see how her fate is too largely shaped by her disposition;

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<sup>7</sup> W. Shakespeare, *Othello the Moor of Venice*, Act 5, Scene 11.

<sup>8</sup> Adamson, *Othello as tragedy*, 255.

<sup>9</sup> Shakespeare, *Othello the Moor of Venice*, Act 5, Scene 11.

<sup>10</sup> Adamson, *Othello as tragedy*, 262.

“Othello kills her because he loves her in the ways he does... She is murderable because she has staked her life upon his faith and love”.<sup>11</sup>

The whole tragedy finds its catastrophe not on the battle-field, nor in the presence of a court but in a bedroom at night where two people, united by the closest of ties, speak at cross purposes and misunderstand each other disastrously, with no thought of turning to the independent witness, Emilia, who could reveal the truth and save both of them. Iago is actually at the center of the whole tragedy. He injects the poison of jealousy and on the process incites Othello to murder Desdemona and, therefore, destroy his happiness. We can feel, as Bradley asserts, the part of himself that Shakespeare puts into Iago.

The artist’s delight in the development of a plot, a design, which, as it works itself out, masters and possesses him until the very end where the poison gets hold of the hero to commit such a hideous act. It is not until act III, scene III, that Iago actually “Sets down the pegs” to turn the lovers’ harmonious music into a horrible cacophony. But during that crisis, he distilled such a toxic “poison”, that no medicine will ever cure from the handkerchief as a medium to ignite the tragic twist. It was he who brought Othello to commit murder and suicide, though Jane Adamson thinks otherwise, namely that it was Othello’s need for moral and emotional finality that is at the core of the whole calamity.<sup>12</sup>

The disaster brought at the end of the play contains both a murder and a suicide. Jane Adamson thinks that Othello’s suicide somehow morally balances out the murder of Desdemona and goes on further to say that the two are somehow better off dead than alive in a world that contained a Iago whose work in the formulation of the catastrophe has brought about the full tragedy. The murder is quite apparent: Desdemona is unfaithful; she has to be murdered, still what is most enigmatic is the suicide. Throughout acts 1v and 2v Othello has been struggling “to kill in himself the very capacity to feel.”<sup>13</sup>

His act of stabbing himself is the inevitable completion of the psychic self-murder he had attempted in murdering Desdemona. Killing her could not still stifle “the insufferable motions of his own heart”. Except by literally stabbing his heart, there is literally no way but this to endure the pressure of his feelings which has driven him to murder and brought him to the point of suicide.

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<sup>11</sup> *Ibidem*, 216.

<sup>12</sup> Adamson, *Othello as tragedy*, 299.

<sup>13</sup> *Ibidem*, 296.

Othello's act of suicide can be comprehended in several ways indeed, the play has pressed us to enter into Othello's inner experience and his self-murder is no more than a last desperate "effort not to have to face such a total guilt that his mind would shatter in the recognition of it."<sup>14</sup> It is as if at last, in this single act, he at once "acknowledges, accepts and cancels" that love Desdemona gave him. Her love for him gives him power to hurt her, so his love for her has all along empowered her to make him feel his capacity to be hurt: and that necessary condition of loving is simultaneously confirmed and annulled by his suicide.

At last he can speak to her in a voice that is utterly simple, direct and naked in its love:

*I Kissed thee, ere I Killed thee: no way but this ,  
Killing myself, to die upon a kiss.*

She has been seeking to "whistle off" Desdemona to turn his "heart-string" into unloving stone. From the first moment "that some need, some lack of faith in himself turned to lack of faith in Desdemona's faith to him... Othello has sought remedy' to kill his suffering".<sup>15</sup>

It is with an apparently straight forward "situation for revenge" that Hamlet opens with. It, therefore, lies the groundwork for the tragic twist in the play. An atmosphere of gloominess and coldness surrounds the appearance of the ghost of the hero's father, and sets out, on the process, the tone of the whole tragedy: Claudius has usurped his brother, took his widow, Gertrude, for wife, and violently appropriates a kingship he has no right to. Hamlet receives a duty from the spirit of his father, to revenge "the buried king of Denmark". According to the ethics of the Elizabethan era, it becomes his imperative task to revenge the father's murder, and the impetuous murder of Polonius is the first link in the chain of calamities. The infinitely sad fate of Ophelia, the deaths of Leartes, Gertrude, Rosencrantz and Guildenstern; all these are a fatal blow that has contributed to the development of the whole tragedy. It is actually, as Bradley points out, Hamlet's failure that is the cause of the disasters that follow; he sacrifices the whole characters for the sake of the duty of revenge.

Polonius is the first to meet his end. It has become quite imperative that the prince should be brought to disclose his secret; for his choice of the "Murder of Gonzago" and perhaps his behavior during the performance have "shown a spirit of exaggerated, hostility" against the king who has excited general alarm. The

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<sup>14</sup> *Ibidem*, 296.

<sup>15</sup> *Ibidem*.

turning point of the play has scarcely begun before the queen. Frightened by her son's vehemence, she cries out for help "Thou wilt not murder me", Polonius stirs behind the arras to echo her call, and Hamlet immediately, "Hoping the concealed person is the king, runs the old man through the body".<sup>16</sup>

The fall of Polonius has actually raised a general alarm in the court; besides its contribution to the forwarding of the whole action, it has led to the insanity of Ophelia and the secret return of Learthes from France. Now that Hamlet, once only a strange, brooding misfit in Claudius's world, has shown that he can kill an eavesdropper, he has become an authentic danger to the king. But Claudius's nature is well fitted to deal with such a practical crisis:

*But never the offence. To bear all smooth and even,  
This sudden sending away must seem  
Deliberate pause. Diseases desperate grown  
By desperate appliance are reliev'd,  
Or not at all.*

Hamlet is, therefore, to be sent to England with secret letters arranging for his immediate execution. During the voyage, he secretly possesses himself of the royal commission and substitutes for it another one which the king of England is ordered to put an end to, not to the prince but to Guildenstern and Rosencrantz. When Hamlet returns to Denmark, he stands in a most perilous position. On one side, there is the king, who grants safety to him; on the other one, Learthes, whose father and sister he has sent astray. Hamlet should have obeyed the ghost and acted at once; yet his willingness to fulfill his revengeful purpose on rational grounds incites him to trick his two companions into death and put an end to seven lives. So being aware of the death causes Hamlet to blind himself to the serene reason of life. He is now making people pay for his own suffering. His mother's incest has nauseated him: therefore he will be utterly cruel; "First he slays Polonius, and seems to hope he may have caught the king at an evil moment."<sup>17</sup>

All Shakespeare's major tragic works have what may be called a secondary tragic victim, a character caught up by the main tragic current and destroyed, as it were, in passing, such a figure must not be given a full tragic effect to compete with that of the protagonist, but "the deep pathos" of Ophelia's end needs only a touch of universality to make it as tragic as Hamlet's. Her love and innocence

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<sup>16</sup> Bradley, *Shakespearean Tragedy*, 137.

<sup>17</sup> Wilson Knight, "Rose of May: an Essay on life themes in Hamlet", in *The Imperial Theme: Further interpretations of Shakespeare's Tragedies including the Roman plays*, vol 1 (London and New York: Routledge, Taylor & Francis, 2002), 109.

equally lead to her final madness and suicide, and she thus becomes the second outstanding falling figure after Polonius. She is plainly quite young and inexperienced. She has lost her mother, and has only a father and a brother, “affectionate but worldly to take care of her”.<sup>18</sup> Her affection for her brother is shown by two or three delicate strokes. Her love for her father is deep, though mingled with fear. For some, Ophelia has no deep love for Hamlet, but certainly she has given to him all the love of “which her nature is as yet capable” of the three persons who were the world to her, her father has been killed, Hamlet has been sent out of the country for being insane, and her brother is abroad. She has no support to gain from the queen’s character, nor from the king’s. She is left helpless and absolutely alone.

The case study of Ophelia, as E. Schowalter suggests, is one that seems particularly useful as an account of hysteria or mental breakdown. She suggests an ideal of innocence and beauty suffering unjustly but irrevocably. Her broken songs express two elements of pain: her father’s death and Hamlet’s rejection of her love. She sings of “flowers” much:

*Larded with sweet flowers,  
With true love showers  
Which be swept to the grave did go  
With true love showers*<sup>19</sup>

She drowns herself. Her watery death is vividly described: Her clothes spread wide; and mermaid-like, awhile they bore her up:

*Which time she chanted snatches of old tunes,  
as one incapable of her own distress,  
or like a creature native and indued  
into that element: but long it could not be  
till that her garments, heavy with their drink  
Pull’d the poor wretch from her melodious lay  
to muddy death.*<sup>20</sup>

Ophelia’s death is here endued with strong, unearthly beauty. Love here is a theme of flowery sweetness, “A fine blossom of the soul too cruelly crushed by tragedy.”<sup>21</sup> Death by water is, to Shakespeare, a constantly recurring suggestion with strong relevance to love: love eternally lost or apparently lost, in the floods of

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<sup>18</sup> Bradley, *Shakespearian tragedy*, 161.

<sup>19</sup> W. Shakespeare, *Hamlet*, Act 4, Scene 5.

<sup>20</sup> *Ibidem*, Act 4, Scene v11.

<sup>21</sup> Knight, “Rose of May”, 116.

time, or love victoriously blending with the water that would “engulf it to make another beauty «rich and strange» more lovely in death than life”.<sup>22</sup>

So Ophelia’s death has an immoral loveliness that itself slays death. Cruelly, the priest speaks over her body:

*.... For charitable prayers,  
Shards, flints, and pebbles should be thrown on her:  
Yet here she is allowed’d her virgin cranks,  
Her maiden streamlets and the bringing home  
Of bell and burial. (v.1)*

Again,

*We should profane the service of the dead  
To sing a requiem, and such rest to her  
As to peace parted souls (v.1)*

This play is a play throughout death: and death, the essential and absolute death, is hell, not heaven. Ophelia’s death is consequently symbolic, and what is worth nothing is that most terrible, most touching of all, that strangely preformed acts of her suicide. She presents an accurate picture of deep depression, generated by the loss of her father and the loss of Hamlet’s love, and a hopelessness towards life itself. She drowns herself and drawing, as Gaston Bachelard says, is associated with the female fluidity. He traces the symbolic connections, between woman, water and death. Drowning, he suggests, becomes the truly feminine death in the dramas of literature and life. Water is the profound and organic symbol of the liquid woman whose eyes are so easily drowned in tears.<sup>23</sup>

From the killing of Polonius, the catastrophe of the play stems. This false complexion of Hamlet’s revenge initiates the second cycle of revenge for a murdered father, that of Leartes for Polonius. That revenge is successful and ends in Hamlet’s death. By unwittingly killing Polonius, Hamlet generates his own death. Claudius is now absolutely determined to destroy the man who knows his secret. The news of Hamlet’s return astounds the king and he hastens to employ Leartes in a scheme to destroy him eventually. Laertes is actually more than a foil to Hamlet; he is his main antagonist, “diametrically opposed to him” in every way of thought and action, and he is shaming to kill him by a dreadful trick. But Shakespeare refuses to belittle him or let us despise him, and refuses also to sentimentalize his opponent or whitewash his failing. It is because he is writing a tragedy, not a sentimental drama.

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<sup>22</sup> *Ibidem.*

<sup>23</sup> Gaston Bachelard, *L'eau et les rêves* (Paris: Corti, 1942), 109.

Now the plot against Hamlet's life has already been forwarded and is about to go off. The young Osric enters announcing that Hamlet and Laertes would meet in a duel. Hamlet accepts the fake challenge of the fencing match in the awareness that something may be afoot, and he faces it without any exhilaration: "Thou wouldst not think how ill all's here about my heart." When he says "if it be now, 'tis not to come... The readiness is all."

It is assumed that he has some kind of prevision of what actually happens, the coming together of his revenge and his own death. Laertes wounds him fatally before he is able to make his second attempt to kill the king. The first time, he killed the wrong man; the second time, he kills the king indeed but not until he is close to his own death. Hamlet ends, however, on a note of a pure tragedy; a sense of tragic expiation concludes the whole vision; "Hamlet and Leartes, death-consciousness... oppose each other."<sup>24</sup>

The fight is arranged by Claudius who "pits his present grace" (Leartes) against his past crime (Hamlet). This last phase of "Hamlet" is swift, the marvelous "visual stage excitement" is of Elizabethan inspiration, as melodramatic as anything in contemporary or earlier revenge tragedy. This quick ending, with very sudden decisive action, killings, must inevitably seem strange. In fact Shakespeare is fully satisfying his audience's natural expectation of some appropriate punishment for the king and Laertes, if not for the queen, has created superb contrast, being at the same time dramatic and full of irony, which is typical for the whole play. Thus, Hamlet at last, at the very end, kills the king with a certain fine excess of double killing by sword and poison, yet this killing is not the final success of an ordinary revenge tragedy; Hamlet's case marks the final failure of his long attempt to be the rational revenger. Perhaps he realizes and regrets it; this is what Shakespeare makes him refer to when on his dying words to Horatio: "O God! Horatio, what a wounded name things standing thus unknown, shall live behind me".

Consequently, as discussed previously, in the Shakespearean tragedy it is the internal imperfection of the hero that brings his collapse. This downfall becomes his own deed, and he is no longer, as in classical tragedy, the helpless victim of fate. The tragic flaw is brought by jealousy which flared up suspicion and then ended in disaster. The conflicting character within Hamlet himself is indicative of anger, depression and varying degrees of instability. The tragedy involves revenge,

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<sup>24</sup> Knight, *Further interpretations of Hamlet*, 124.

murder and betrayal. Revenge ignites the many deaths we encounter and becomes an important element in the story.

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# The Scientific Creationism

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## Abstract

*The subject of the present paper is the analysis of the origin of the universe, time, life, mankind and of the geological column, from the perspective of the creationist model, and through comparisons with the evolutionist model. The creationist model, as opposed to the evolutionist one, affirms that the universe and also the mankind were created directly and perfectly by the Creator. Since the very beginning, man has been endowed with a complete biological development, with the capacity to think, with freedom of choice, with certain abilities of survival, of using the land and its resources in conformity with the purpose intended by the Creator and with the ability to transmit ideas in written form over generations. The geological column has been formed during a single age, through a hydraulic catastrophic event (that corresponds to the Archeozoic Era) that has lead to the storing of sediments (Proterozoic; generated by the disintegration of mountains and rocks) and to the creation of all the fossil deposits, from the death of plants, animals and human beings trapped by the sediments.*

**Keywords:** *the origin of the universe, time, life, mankind and of the geological column; the theory of creationism; the theory of evolutionism; the role of God in the creation of the world; Henry Morris.*

## Introduction

The problem of origin is an important theme that can be found in all sciences (biology is concerned with the origin of life, linguistics deals with the origin of languages, chemistry with the origin of chemical elements and with the laws that govern chemical reactions, etc.), but is important as well on a personal level, since

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each individual wants to find out whence he derives his existence: either from the monkey or from God.<sup>2</sup> There are three main motivations that inform the importance of the original study: the scientific motivation (the knowledge of the laws and processes of nature and of their origin helps in the development of reason, leading to the formation of a mature scientific attitude towards the world and towards finding reasonable solutions to solving technological, social and personal problems), the sociological motivation (knowledge of the origins of races, cultures, moralities, traditions – in order to explain social aspects such as crime, wars, the dissolution of families, etc.) and the personal motivation (knowing one's origin leads to the development of self-identity and to the clarification of one's personal purposes).

Evolutionism and creationism are two models<sup>3</sup> that deal with the origin of the world. These two models pretend to be correct, although these claims cannot be proven by scientific means. Science is defined as a “branch of study preoccupied by both the connected sets of the truth of demonstration, and by the systematically connected and classified factors, which, more or less correlated, lead to general laws, its practice including trustworthy methods for discovering pure truth inside the respective field”.<sup>4</sup> Scientific practice is based on three main principles: the empirical principle (even since Antiquity, people have studied and observed things and the natural environment), the quantitative principle (the reality of science is measurable: length, volume, weight, etc.) and the principle of connectivity (methods of measurement, the precision of which tends to increase in time). The methods used in science are: observation,<sup>5</sup> description (size, aspect, composition, density, etc.), analogy, classification, hypothesis, prediction, experimentation, generalization (leading to the formulation of definitions and general laws). These stages lead to the elaboration of scientific theories and laws. Scientific research is based on experimental observation and repeatability, but in the case of the problem of origin it is impossible to verify one's hypotheses, since

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<sup>2</sup> “Nowadays, everybody is curious to know how man appeared: from monkey or has he been created from the beginning as a human being?” Ioan Străinescu, *Creacionismul științific* (Bucharest: Editura Universității din București, 2002), 2.

<sup>3</sup> A model is “a conceptual framework, a system of orderly thinking, in which the thinker trying to correlate empirical data and even predicts certain data.” Henry Morris, *Creacionismul Științific: întocmit de cercetătorii și consultanții Institutului pentru Cercetări Creacioniste* (Bucharest: Societatea Misionară Română, 1992), 8.

<sup>4</sup> Străinescu, *Creacionismul științific*, 16.

<sup>5</sup> The observation is described as “the use of direct or indirect view, hearing, smell or taste.” *Ibidem*.

the original event cannot be repeated and hence observed scientifically.<sup>6</sup> In the case of creationism, since creation does not take place now, it cannot be directly observed, therefore it becomes impossible to describe the process of creation. The philosophy of origins is based on rational belief and it is a choice that everyone has to make.

The subject of the present paper is the analysis of the origin of the universe, time, life, mankind and of the geological column from the perspective of the creationist model, and through comparisons with the evolutionist model in the footnotes. The first man taking a stand against the evolutionist doctrine that was being learned in schools was John C. Witcomb, who, together with Henry Morris, wrote a book published in 1961, for reaffirming the *ad litteram* veracity of the biblical account of Creation. The result of their work, published under the title *The Genesis Flood: The Biblical Record and its Scientific Implications*, has been a success, appealing to many adepts of creationism, who had organized numerous debates on this theme. In 1963 was formed the Creation Research Society at San Diego and in 1970 was established The Institute of Creation Research. Both have organized research activities, field studies for demonstrating creationist geological hypotheses and expeditions for the search of Noah's Ark.

### *The origin of the Universe*

The creationist model considers that the universe was created by "the omnipotence of the Creator, in conformity with His omnipotence",<sup>7</sup> and consequently, it stands by a supernatural, purposeful and completed ex Deo creation.<sup>8</sup> This process of human creation by God is described by the Străinescu in his book *Creacionismul științific* like this: "He has planned and created the Universe, with its particles and molecules having their own laws and principles,

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<sup>6</sup> "Our theory of evolutionism has become one for which its error cannot be verified (it cannot be falsified) through possible observation." *Ibidem*, 4. "Belief in evolution represents an exact parallel with belief in special creation, both having concepts that their believers know to be true, but that until the present they cannot demonstrate as such." *Ibidem*.

<sup>7</sup> Morris, *Creacionismul științific*, 17.

<sup>8</sup> The evolutionist model does not believe in the existence of a creator or external agent, but considers that the universe evolves by itself to high levels of organization, being explained by natural processes and laws. There are several stages of evolution, from simple forms to complex forms: cosmic, biological, human and cultural. The evolution is defined as "an irreversible process, and directed essentially in time, in the course of which increase variety and a higher level of organization of its products." Străinescu, *Creacionismul științific*, 5. The evolution is naturalistic, independent, non-profit, directional irreversible, universal, continuous, ex nihilo. The founder of evolution is Charles Darwin and his followers are Marx, Mussolini, Hittler, Stalin, Dewey, due to the concept of natural selection and the struggle for existence.

with its stars and galaxies, with the plants and animals created on Earth, and, at the end, with mankind settled on the Earth from the beginning.”<sup>9</sup> The matter and the laws governing the cosmos were created as they are now from the very beginning, they are conserved as constant, unvariable, without there being any evolution in the physical realm.<sup>10</sup> The proof for their unvariability and stability is given by the fact that the laws of gravitation, thermodynamics, movement, the law of the conservation of energy are the same at all times. The postulates of scientific creationism pertaining to the origin of the universe are: the unlimited space, eternal time, universal connections, infinite complexity and enormous energy of the universe where implicated by an infinite, eternal, omnipotent, omniscient, omnipresent First Cause, as the only possible explanation of the physical world as it is presented by modern science.

This model is applied universally, from above to below (from the Creator to the human being, from the perfection of creation to its deterioration and to the transformation of the process itself from one of creation and integration to one of conservation, of the maintaining of the basic systems created by the First Cause) and is upheld by universal conceptual systems as: relativity,<sup>11</sup> movement,<sup>12</sup> causality,<sup>13</sup> the conservation of energy,<sup>14</sup> the equivalence mass-energy,<sup>15</sup> classification and order,<sup>16</sup> universal harmony, interdependence with the environment, which has the role of conserving the created species and the equilibrium of nature.

Scientific creationism considers that all the systems of nature were created as such, each with a certain structure and a certain purpose.<sup>17</sup> In order to confirm this, Morris, in the book *Creacionismul Științific: întocmit de cercetătorii și consultanții*

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<sup>9</sup> *Ibidem*, 35.

<sup>10</sup> “Until now there is neither the smallest indication resulted from scientific observation that these entities would evolve in any way.” Morris, *Creacionismul Științific*, 18.

<sup>11</sup> The universe cannot generate itself, but rather it needs an external creator.

<sup>12</sup> The universe is dynamic, not static, it’s full of processes and phenomena, thereby consuming energy.

<sup>13</sup> The Creator is the First Cause.

<sup>14</sup> Energy conservation (energy can be converted from one form to another, but cannot be created or destroyed) is the most important law in terms of science. Everything in space and time is energy.

<sup>15</sup> The biggest discovery of the twentieth century, is interconvertibility mass-energy.

<sup>16</sup> Things can be classified into systems: for example: Mendeleev’s system, the system of biological taxonomy Linne, etc.

<sup>17</sup> The evolutionism is not considering the existence of any purpose. It is “natural life, self-conscious, without a purpose before known, directional, universal and continuous.” Străinescu, *Creacionismul științific*, 5.

*Institutului pentru Cercetări Creaționiste*, brings into discussion the scientifically proven validity of the two laws of thermodynamics,<sup>18</sup> that correspond to the basic principles of this model: the principle of conservation and that of natural disintegration<sup>19</sup> – the first law of thermodynamics having the role to assure that the entities created fulfill their purpose, according to which the changes are harmful,<sup>20</sup> and the second law, the law of entropy. The creationist model, based on these laws, gives the following data on the universe: it is neither dead nor old, it has only between 9000 and 20000 years,<sup>21</sup> it did not create itself,<sup>22</sup> having had need of a Creator. The universe is defined as “a continuum of space, mass and time, therefore if one of these entities has had a beginning, the other two also must have begun simultaneously with it”.<sup>23</sup> The First Cause is the Creator of the universe and transcends it. The Earth, the moon and the stars were created each with a purpose, and each with its own structure. Earth is the only planet that can sustain life, since only it has its own hydrosphere and atmosphere.<sup>24</sup>

The criticisms addressed to the evolutionist model, pertaining to this subject, are: the law of entropy applies to the whole universe, there cannot be any parts of the universe exempt from this law, because it is not a di-verse, but an uni-verse, and to consider that the law of entropy did not apply to the past enters in contradiction with their presupposition that the present is the key to understand the past and that it can offer explanation of the origin of things. In order that the evolutionist ideas be acceptable, there should exist a program that guides growth, a director code and a specific mechanism of conversion. The prediction that any

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<sup>18</sup> “The two laws of thermodynamics are, I suppose, accepted by physicists as probably the safest generalizations from experience that we have.” Morris, *Creaționismul Științific*, 39.

<sup>19</sup> The evolutionary model is based on naturalistic principle of innovation and integration. This principle is in contradiction with the principle of entropy, which we find out in the creationist model. Some of the arguments that evolutionists use against this law are: the law of entropy in living systems is not valid in the universe (or elsewhere) because it probably has not worked in the past.

<sup>20</sup> In the theory of evolution this law is justified by mutation and natural selection. The mutation is seen as “a real structural change in a gene so that there occurs a change of character.” Străinescu, *Creaționismul științific*, 45. “The wide majority of mutations is harmful or even fatal for the individual in which they were expressed.” *Ibidem*, 46.

<sup>21</sup> The evolutionists believe that the earth is old, it has around 3-30 billion years. There was a primitive earth, which at first had no oxygen. Today passing through several stages of evolution, has another favorable atmosphere existence of life.

<sup>22</sup> “There is nothing in the present structure of natural law, which could explain the origin somehow.” Morris, *Creaționismul Științific*, 25.

<sup>23</sup> *Ibidem*.

<sup>24</sup> The evolutionists believe that there is a common ancestor, so everything has the same origin and structure.

modification of an organic or inorganic system augments the quality of the system is unreal. Thus, Morris affirms that the creationist model offers “the only satisfying means of explaining the wonderful structure of the solar system. It is not only that the different predictions of the creationist model remain standing, but there is no aspect of the sun or its planets that cannot be explained simply and directly as a product of a special creation followed by decay and catastrophes”.<sup>25</sup>

### *The time and the geological column*

The geological column is not seen by creationists as a proof of a slow evolution of life throughout the ages, as it is considered by evolutionists. Creationists consider it was formed during a single age, through a hydraulic catastrophic event (that corresponds to the Archaeozoic Era) that has led to the storing of sediments (Proterozoic) – generated by the disintegration of mountains and rocks – and to the creation of all the fossil deposits, from the death of plants, animals and human beings trapped by the sediments.<sup>26</sup> The animals that had lived in valleys and depressions formed the first strata of the deposits. Marine invertebrates lived at the bottom of the sea and were immobile therefore couldn't escape, their fossils being found inside the lower strata of the geological column. Marine vertebrates (fish) are found in strata above invertebrates (Paleozoic) because they could move. At a higher level, there are the amphibians and reptiles that have lived on dry land and were transported above the already formed strata. At the same level are also the remains of dry land plant life (Mesozoic). At a superior level we can find the fossil remains of mammals and birds, and higher still – herd animals. Human fossils are fewer because human beings could have run from the flooding waters and their bodies decomposed (Tertiary).

All the strata were formed rapidly, one immediately after the other, through hydraulic action, with the event forming them having had the character of a worldwide flood. A stratum is defined by Morris in his book ”Creaționismul Științific: întocmit de cercetătorii și consultanții Institutului pentru Cercetări

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<sup>25</sup> Morris, *Creaționismul Științific*, 31.

<sup>26</sup> Evolutionists accept an uniformitarian interpretation of the history of Earth, geologic history and geologic time. James Hutton and Charles Lyell consider that this interpretation should be based on the principle that the present is key to understanding the past. Evolutionist geologists classify sedimentary deposits in function of the type of fossils found in them. This arrangement is called the geological column. For example, in the Precambrian Era, the sedimentary rocks were formed in 80 million years, their sedimentation took place 600 million years after that; 2.3 billion years ago the marine algae were formed, 500 million years ago – the fish, 16 million years ago – the mammals and 10 million years ago man has appeared.

Creationist” as “a set of hydraulic factors that cannot remain constant for a longer span of time”.<sup>27</sup> Therefore, the geologic column in its entirety was also formed in a short time, and in a continuous manner. This is proven by the most important components of the strata: the fossil deposits. The fossils are used in dating the rocks, assigning their geological age, distinguishing between different geological eras, and they all show signs of a rapid formation. They could not have been produced through a slow and uniform sedimentation process. All fossils were formed by passing through the following stages: compact burial, formation of the mold, lithification, cementation of the imprint, freezing and carbonization. Effects of catastrophes may be found throughout geologic strata dated to the Pleistocene Era: the formation of mountains, glaciations,<sup>28</sup> pluvial periods, volcanic activity (the volcanic craters being formed after the Flood).

Among the criticism directed against the evolutionist model, we can mention:

a) If evolutionists classify sedimentary deposits in function of the type of sediments found in them, in other words, by their stage of evolution from an epoch (the rocks are dated according to their fossil content), then the problem is that the duration of the different discontinuities between the fossils found in distinct sedimentary rocks cannot be measured. Therefore, the common ancestor, that evolutionists claim stands at the basis of the origin of mankind, animals and all living things, has not been found.

b) If evolutionists claim they have found that common ancestor<sup>29</sup> that is the intermediary link between reptiles and birds, the Archaeopteryx, it has been proven that this was not half reptile and half bird, but a bird with flying wings and feathers, and also that if it indeed has existed it should have been found earlier with 10 million years on the geologic column.

c) Rocks should not be dated according to the rocks adjacent to them (because it is not necessary that older rocks lie below the youngest), their appearance (the older rock is not necessarily tougher and more dense), their

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<sup>27</sup> Morris, *Creationismul Științific*, 118.

<sup>28</sup> The evolutionists cannot explain the formation of glaciations: “Geologists and climatologists have been trying to explain, for a century, the recurrence of glaciations on a continental stage. There have been proposed theories after theories, but they either explain too much or too little. None of them can be considered satisfactory.” *Ibidem*, 130.

<sup>29</sup> Evolutionists admit the existence of similarities between different varieties of plants and animals, so they admit the existence of an intermediate and a common ancestor. These similarities have developed through random mutations and natural selection.

mineralogical content or structural particularities, nor according to the fossils found in them.

d) The present is not the key to the past, as evolutionists claim: for example, there are kinds of rocks that today are no longer being formed – metamorphic,<sup>30</sup> conglomerates, limestones, dolomites, silicate minerals – also there are deposits that stand as proof for quick formation in the past – coal, methane and crude oil.

### *The origin of human beings*

The creationist model, contrary to the evolutionist one, affirms that man was created directly and perfect by the Creator, through a supernatural act of creation.<sup>31</sup> Man is defined by Străinescu in his book “Creaționismul științific” as the “crown of creation”.<sup>32</sup> Since the beginning, he has been endowed with a complete biological development, with the capacity to think, with intelligence, with freedom of choice, and also with certain abilities of survival, of using the land and its resources in conformity with the purpose intended by the Creator. The environment was also favorable: the climate was gentle and the soil was fertile. Both archeological findings and the study of the book of Genesis show that mankind had the ability to transmit ideas in written form through the generations (writing appeared 5000-6000 years ago in the Sumerian cities, which are the oldest cultural centers that have been found)<sup>33</sup> and that it held some kind of religious beliefs even 10,000 years ago. These are all proofs that man is different from the animals,<sup>34</sup> even if we see that, for example, the bees do have some kind of social organization, it is an organization based on instinct, or that anthropoid monkeys do exhibit behavior that shows signs of a rudimentary intelligence, they are able to think only when the object of their thought is present before them. If animals may think only when the object is present, human beings think independently of the physical presence of the object; they learn permanently, without the need to be rewarded constantly for their acts; they communicate their thoughts and feelings through articulated language and through writing. The diversity of languages has

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<sup>30</sup> Metamorphic rocks are not formed today anymore, because their training process needs heat and enormous pressure, which requires abnormal conditions.

<sup>31</sup> Evolutionists believe that man and anthropoid monkeys evolved from a common ancestor 30-70 million years ago. Modern man appears 3 million years ago. This common ancestor is unknown yet, but it was found a fossil hominid. As creationists sustain, this are fossils of apes, not of man.

<sup>32</sup> Străinescu, *Creaționismul științific*, 113.

<sup>33</sup> “Sumerians created the oldest urban society with an advanced culture during the 4th millennium before Christ.” *Ibidem*, 112.

<sup>34</sup> Evolutionists believe that, to analyze human behavior one must study animal behavior. The man was a monkey who has refined his behavior.

appeared due to the splitting of the population in smaller sub-populations that had moved away from the center, developing their own socio-cultural systems. The multitude of spoken languages present on the globe and their evolution from an original language is not explained by the evolutionists.

Creationism admits the existence of primitive people, of cavemen,<sup>35</sup> who had practiced hunting and gathering, but does not admit it as a development stage in the universal history of mankind, but as a biological, social and cultural degradation. For example, the creationists admit the existence, even today, of such uncivilized people, with a Stone Age culture. Some of such uncivilized men, with a Stone Age culture, who were the survivors of the global flood, have settled in the Middle East when the waters retreated, besides Mount Ararat. Their occupations were pottery, agriculture, the domestication and husbandry of animals (the first domesticated animal has been the sheep, used for making clothing, for food and for religious sacrifices), the use of metals, wood, and clay. In a short time span, urbanization takes place, civilization appears, life lead in society.<sup>36</sup> The first cities appeared in ancient Mesopotamia.

Man could not have evolved from the ancestor of anthropoid monkeys, as evolutionists claim, because such a common ancestor was never found and there were found fossil remains of modern man in much older period than the period in which the supposed ancestor had lived.<sup>37</sup> Man could not have had as his ancestors the monkeys, only on the basis that evolutionists have discovered that, due to alimentation and life, these are similar to man. Therefore, there is no objective proof. Man was always man, there are no intermediary forms between man and the other species.

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<sup>35</sup> The theory of evolution believes that primitive man was brutal and ignorant, he lived in caves, hunted animals and picked fruit. Since the Mesolithic and the Copper Era, he gradually developed a primitive agriculture with the purpose to reach to the stage of civilization and social organization.

<sup>36</sup> "We know now that in the year 7500 before Christ, the population of the Middle East, had developed a cultural level, marked by the production of plants and animals in farming villages by cohabitation." Străinescu, *Creacionismul științific*, 112.

<sup>37</sup> The types of fossils of the progressive evolution of the human species are: Ramapithecus (a primate considered the most remote direct ancestor of man, that had walked in a semi-vertical position and had a jawbone similar to man's), Australopithecus and Homo Habilis (the ancestors of modern man due to their walk similar to that of man. In Ethiopia was discovered the skeleton of Lucy, a 30 years old adult Australopithecus female, with a height of 1.1 meters), Homo Erectus (fossils including the Java Man, Peking Man, Heidelberg Man and Meganthropus. It is supposed that it was a man, with vertical walk, but degenerated due to marriage between relatives, influence of environment and bad alimentation), Neanderthal Man (due to its high cranial capacity it was similar to modern man, it admired flowers, painted, modeled tools, communicated through symbols, had religious practices) and modern man.

All that scientific creationism claims appears in The Book of Genesis: the creation of the basic elements of the physical cosmos: space, matter and time (Earth, sky, the beginning), the creation of living beings and the creation of man in the image of the Creator. Only God can create and His acts are always purposeful, man can only assemble, being “God’s administrator”.<sup>38</sup> The book of Genesis is “the book of all the generations of ancient patriarchs”,<sup>39</sup> that describes the origin and early history of mankind.<sup>40</sup> The inexistence of evolution can be seen in the fact that God created man since the very beginning as a completely developed, mature being, without any evolution from more simple to more complex forms: Adam and Eve, the firstly created people, were mature since the beginning of creation. Sin appeared when God’s word was doubted, and since then man will have known death.<sup>41</sup> The biblical model claims that creation took place in six days,<sup>42</sup> during which God has created Earth, the celestial bodies, the atmosphere, lithosphere, hydrosphere and biosphere, as well as the forms of existence contained in them. In the seventh day, God has blessed creation and rested.

Evolution is incompatible with the omnipotence of God (because He has created the world rapidly, not in millions of years), with His omniscience (the history of evolution talks of whole species disappearing, of mutations, not of progress), with his purpose (He would not have wasted His time with creations lacking purpose that will have had disappeared),<sup>43</sup> with His love towards His creation (diseases, natural selection, death). The cataclism or global flood could not have been local or minor, because if the waters would not have risen above the tip of mount Ararat, as it is said in the Bible, then the role of Noah’s Ark vanishes, together with that of the flood itself: people could have just went to other areas and waited the flood to pass.

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<sup>38</sup> Morris, *Creationismul Științific*, 223.

<sup>39</sup> *Ibidem*, 217.

<sup>40</sup> “They are not just some old traditions, transmitted from mouth to mouth from one generation to another, but are really information direct written by eyewitnesses, people who knew, observed and recorded in writing things, in so far as they occurred.” *Ibidem*.

<sup>41</sup> “Cursed is the ground because of you; for dust you are and to dust you will return.” *Genesis* 3: 11-19.

<sup>42</sup> The word *Yom* signifies both a daytime and a long period of time. The proof that if creation is about living rather than age appears certain statements in the Bible: “With the Lord a day is like a thousand years, and a thousand years are like a day” 2 Peter 3: 8, “God called the light «day», and the darkness he called «night». And there was evening, and there was morning-the first day.” Genesis 1:5 On the seventh day God has rested, has blessed and sanctify his creation. He cannot do these things in the present Era. The verb is in the past, not in the present (“has rested”, not “He rests”).

<sup>43</sup> For example, evolutionists take into consideration the existence of the age of dinosaurs.

### *Conclusion*

The results of the creationists work to prove the scientificity of creationism on the basis of the theory presented in these pages, as well as the introduction of this model, besides the evolutionist one, in school curricula, have seen their reward. During the seventies, the United States Constitution allowed for these two models to be taught in schools without favoring any of them, but in 1982 there has been a trial, in Arkansas, where the judge decided that creationism should not be taught in schools since it is not science, but religion. This decision is based on the faulty arguments raised by Larry Laudan:

a) Creationism is not science, since is not based on the workings of natural laws.

This is false, the absence of a natural law does not exclude creationism from the field of science, as Darwinism was not excluded although the laws of heredity in natural selection were not known.

b) Creationism cannot be verified or questioned.

This claim is also false, since most of the creationist claims have been tested scientifically. For example, the theory that the age of planet Earth is of only 6000-10000 years has been tested and rejected. There are, in any theory, arguments that cannot be tested. There must be a degree of dogmatism in any theory in order that it may develop. One has to exclude something from being taught in schools only when it is something harmful, not when it is supposed that it is not scientific.

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# About Human Condition and Spirituality

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## Abstract

Nowadays, the mankind is enthused about a real informational explosion but it the anxiety about the human mission also appears: “the humankind, enthused about its own discoveries and its power asks itself with anxiety which is its place and role in the Universe (Gaudim et Spes 3). Yesterday and today, the human being realized that he cannot “answer these fundamental questions which always have tormented his heart regarding the end and the beginning and hence his sense of existence” (Benedict XVI, Discourse, Pontifical Gregorian University Rome, the 4-th of November 2006). The 21<sup>st</sup> century is marked by a return to spirituality because the need for spirituality “reaffirms with power, so far that the observers... reach the conclusion attributed to Andre Malraux: «The 21<sup>st</sup> century will be religious or will not be at all»”.<sup>1</sup> Nowadays, spirituality means searching for wisdom and there are questions as: who are the humans, where do they come from and where do they go. Under these circumstances, we have to establish some ethical benchmarks.<sup>2</sup> This void makes place for the religious fundamentalism, a laic spirituality based of consumerism described as “a process through which goods are the services created, produced, used and exhausted”.<sup>3</sup> But the human must switch from the state of consumer to the state of citizen.”<sup>4</sup> Here is about “the necessity of surpassing a selfish ethics.”<sup>5</sup>

**Keywords:** human condition, freedom, consumerist society, spirituality

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<sup>1</sup> Jean Vernet, *Secolul XXI va fi mistic sau nu va fi deloc* (Bucharest: Corint, 2003), 5.

<sup>2</sup> Jean Vernet, *Secolul XXI*, 13.

<sup>3</sup> Kuruvilla Pandikattu, “From being a citizen to a consumer”, *Chronicle Financial*, Nov 26 2012.

<sup>4</sup> *Ibidem*.

<sup>5</sup> *Gaudim et spes*, 30.

*The Necessity of Moral Education for Gaining the Stage of Human Condition*

Nowadays, “we can talk about a scientific explosion in all the fields of life, but the human continues to be tormented by the questions: where does he come from and where does he go”.<sup>6</sup> The existential questions are a pleading for moral and religious education<sup>7</sup> for forming “a solid and durable human development”.<sup>8</sup> “The modernism brought industrialization, and then came the postmodernism with automatization, robotisation and for two decades now the computational explosion. Now, for example, we do not use anymore the term typing, but a pompous term called desktop publishing. The old typewriter stays sad in a drawer, because its place was taken by the more and more performing computer. The actual characteristic of the lived time is the acceleration of social, political and economical culture, and thus the human becomes more alone in front of the avalanche of information”.<sup>9</sup> The modernism and the postmodernism brought, unfortunately, also the nihilism where God is exiled from the world he created, and in this context the human condition is forced to anchor in temporality. It is about a nihilism which ended up in destroying fundamental domains as: theology, anthropology, moral. This destroying action is motivated through three explanations:

- the first shows that the problem of God is solved by atheism;
- the second considers that human needs scientism;
- the third concludes that religion is an imposition.<sup>10</sup>

It could be told that from a nihilist point of view, God cannot create the world out of nothing. Then, the history of humanity is denied according to *creatio ex nihilo* which constitutes “an expression of faith but also a *cognitive matrix* that

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<sup>6</sup> Ștefan Grosu, “Despre necesitatea învățământului confesional creștin,” *Cronica de Fălticeni*, 11/03/2014. To be seen also Gabriel Hasmațuchi, “Nichifor Crainic and the interwar «New Spirituality»”, *Annals of “Ștefan cel Mare” University of Suceava, Philosophy, social and Human disciplines*, vol. II *Past and Present Human Standpoints* (Suceava: “Ștefan cel Mare” University of Suceava Press, 2011).

<sup>7</sup> *Ibidem*.

<sup>8</sup> Vladimir Petercă, *Calea spre oameni*, redactor Ștefan Lupu, desktop publishing and cover binding Petru Ciobanu (Iași: Sapiența), 678.

<sup>9</sup> To be seen Adriana Macsut, “Consumism și anticonsumism, Platon și Prozac,” in Ștefan Grosu, Adriana Macsut, Ana Maria Gajdo et al., *Virtual Philo café 2013* (Bacău: Rovimed, 2014), 226.

<sup>10</sup> Vittorio Possenti, *Filosofia după nihilism*, ed. Silviu Hodiș, trans. Alex Cistelecan (Târgu Lăpuș: Galaxia Gutenberg, 2006), 8.

is a significance *nucleus* where the road of human history begins”.<sup>11</sup> In this context, the nihilism shows that the knowledge does not exist, because it implies the faith into an illusion, and then there is no point for the human being to ask what it is. Questions whether we could talk about be moral education here arise, and Friedrich Wilhelm Nietzsche concludes, in a radical way, that there is good and evil because there is no ethics “the moral phenomena does not exist, there is only a moral interpretation of the phenomena”.<sup>12</sup> If moral education means interpretation, then the human and his condition are also an interpretation, and the human finds himself in the impossibility to find his goal in an illusory world. In this context, there is only place for thinking about “the void of the disappeared human”,<sup>13</sup> and metaphysics is reduced to an abstract speculation. The human, limited at a temporal condition and without the possibility of reporting to the divine metaphysic infinite reaches the temporalization of the truth. The human being is closed into finitude which means “the forgetfulness of eternity”<sup>14</sup> because there is a relation between “the forgetfulness of being and the forgetfulness of eternity”.<sup>15</sup> The human who came from nothing is going toward nothing, and then does not need a goal to ordinate his human condition. The question why the natural inclination to conserve the human being exists in this nihilist context comes into play. The word is about an inclination which is not limited to conservation, but it is dynamic in the sense that it pushes the human to search tools for existence.<sup>16</sup> These tools are necessary for the physical life and for spiritual ideals. They show that at the origin of human acts there is love which is “before any selfish lopsidedness”.<sup>17</sup> The forgetfulness of being pushes the individual towards suicide, in the sense that the fascination of nothingness constitutes “a kind or reverse and sickness of the attraction to being”.<sup>18</sup> The condition of being cannot be separated by moral, which expresses the attraction of human to good, in the sense that he must do well and

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<sup>11</sup> Ștefan Grosu, “Creatio ex nihilo”, in *Disputatio de euthanasia*, coords. Ștefan Grosu, Viorel Guliciuc et. al. (Bacău: Rovimed, 2014), 115.

<sup>12</sup> Friedrich Wilhelm Nietzsche, *Frammenti postumi*, vol. VIII (Milano: Adelphi, 1986), 12.

<sup>13</sup> Michel Foucault, *Cuvintele și lucrurile*, trans. Bogdan Ghiu and Mircea Vasilescu (Bucharest: Univers, 1996), 451.

<sup>14</sup> Possenti, *Filosofia după nihilism*, 23.

<sup>15</sup> *Ibidem*.

<sup>16</sup> Servais Th. Pinckaers, *Morala Catolică*, trans. Emil Moraru and Iulia Cojocariu, desktop publishing Iulia Cojocariu (București: Editura Arhiepiscopiei Romano-Catolice de Bucuresti, 2008), 84. To be seen also moral aspects in human life, presented by Maria Sinaci, *Normativitate și biotică. Aspecte filosofice contemporane* (Cluj Napoca: Presa Universitară Clujeană, 2014), 38.

<sup>17</sup> *Ibidem*, 84.

<sup>18</sup> *Ibidem*.

beware of evil. The moral does not only mean a code of prescriptions, and moral education “endeavours to answer to human’s aspiration to good and truth”.<sup>19</sup>

### *About Assuming the Human Mission and the Need of Spirituality*

Nowadays, the humankind is simply enthusiast about a true informational explosion but the related anxiety related to the human mission also appears. The human, devoured by anxiety, “is wondering... about... his place and his role in the Universe”.<sup>20</sup> Hence, the human cannot fight anxiety without reporting to his spiritual condition.

### *Misunderstood Freedom*

The freedom which “gives human permission to do everything that tells that the human is free to do evil and to beat with cruelty his neighbour (here should be reminded the Nazi holocaust and the communist gulag which raised evil to the level of virtue) is wrongly promoted”.<sup>21</sup> The human freedom must not cancel the ethics. The negation of ethics leads to violence, and violence “denies the independence of the being”.<sup>22</sup> In the previously presented nihilist context, the human freedom can be pushed up to violence. The human pushes his freedom up to the denial of the divine eternity and reaches the void of the self. The nihilism encourages the human freedom to deny “the supreme engagement which for the human being is his own essence”.<sup>23</sup> The human, released from the divine faith, is anchored in this absurd but also anarchic world where he finds “only contradiction and madness”.<sup>24</sup> The human spirit reaches the limits of his thinking – the limit where “the suicide awaits”.<sup>25</sup> The absurd invades the human spirit, and the human being has no hope because his conscience is reported to a life whose meaning he cannot find. His only escape is the appeal to transcendence, that is the divine area that the human relays on when he is confronted to the impossible. Therefore, the human freedom must not forget that the human reason is open to unlimited transcendence. The finitude throws the human to nonentity, and the freedom leads

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<sup>19</sup> *Ibidem*, 5.

<sup>20</sup> *Gaudim et spes* 3.

<sup>21</sup> Ștefan Grosu, “Despre măreția libertății umane”, *Cronica de Fălticeni*, 08/04/2014.

<sup>22</sup> Emmanuel Levinas, *Între noi. Încercarea de a-l gândi pe celălalt*, trans. Ioan Petru Deac (Bucharest: Bic All, 2000), 180.

<sup>23</sup> *Idem*, *Eseuri despre iudaism*, trans. Țicu Golstein (București: Hasefer, 1999), 262.

<sup>24</sup> Albert Camus, *Mitul lui Sisif*, trans. Irina Mavrodin (Bucharest: Editura Pentru Literatură Universală, 1969), 11.

<sup>25</sup> *Ibidem*.

to a depression where he cannot find the meaning of life. Then, the free human needs to find the capacity to escape from the limited physical world and to understand that his reason is oriented to the perception of the unlimited.<sup>26</sup>

*The Freedom and the Consumerist Society*

The humanity is living now anchored in the society of knowledge at the core of which there is an issue of singularity, which is the dilemma whether the human will ever be overdrawn by the computer. Confronted to the avalanche of computers, the human is more and more alone and tempted to consume more and more. The accelerated technological development goes to the great productions of goods and creates a more and more aggressive real industry of advertising, the phrase consumerist society comes into play, where the existential dilemma is whether to consume or not. The ads show that the free human is the one who consumes. The degree of development of a country is measured by the power of buying of its members. The consumerism refers to “a process where the goods are created, produced, used and exhausted”.<sup>27</sup> The free human, belonging to the consumerist society, is a seller. The consumerism which proclaimed this idea of the human being as a seller begins, in fact, from “the selfishness of humans who pervert... the social environment”.<sup>28</sup> But this approach of consumerism perverts the human condition. The human progress determines the benefits of civilization, and individuals all over the world gain the conscience of liberty through which they affirm their dignity. The individuals do not want only to earn money from work, but they also want to be free in order to be able “to develop their personality”,<sup>29</sup> and to participate in a democratic society to “the organization of economic, social and political life”.<sup>30</sup>

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<sup>26</sup> Hans Urs Von Balthasar, *Despre opera sa*, trans. Wilhelm Tauwinkl, ed. Silviu Hodiş (Târgu Lăpuş: Galaxia Gutenberg, 2005), 94.

“Let’s begin with a dramatic calculated of the human situation: human exists as limited being in limited world, his reason is opened to unlimited, to the whole Being (*Sein*); the prove in this thing is the recognize of limited, of his parochialism: I am, but I could not be. Most of those could exist could not be. The Beings (*Wesen* pl.) are religious thoughts and philosophies of the humankind”.

<sup>27</sup> Kuruvilla Pandikattu, “From being a citizen to a consumer,” *Chronicle Financial*, Nov 26 2012.

<sup>28</sup> *Gaudim et spes* 376.

<sup>29</sup> *Ibidem*.

<sup>30</sup> *Ibidem*.

*The Statute of Citizen of the Free Human Being*

The anti-consumerism appeared as a movement for fighting the consumerism, in the sense that there is a need for humans to evolve from the statute of *consumers* to the statute of *citizens*.<sup>31</sup> Apostle Paul, in this sense, uses the expression: “to lead a life of citizens”,<sup>32</sup> which refers to the fact that citizens must live according to civil and religious laws. It is about citizens who live in a free society which has as a model the Christian society which “is presented from the very beginning as a free, multicultural, multiethnic and multireligious society”.<sup>33</sup>

*Hope and Anguish*

The humankind is living today a period of changes. Starting from the 20<sup>th</sup> century so far, the humankind has been confronted with industrial explosion, informational explosion and also with periods of crisis. The ethical audit shows that, in fact, the economical crisis is a moral crisis. We can speak about a global chaos where humans search for freedom but they are confronted also with a cruel anguish and they need also need the *wing of hope*. The human, anchored in a nihilist frame and consumerist society, believes to be the centre of the Universe and exiles God from his life. To escape from this subversive context, the human makes the step for assuming faith. The act of faith is not simple anyway, but it is an act where human “becomes conscious about the step made in the direction of God”.<sup>34</sup>

*About the Transformation of Mentalities*

The patriarchal families, the local traditional communities undergo deep social transformations. The urban civilization is more and more intensive, the tools of social communication are more and more enhanced. The humans are encouraged by Abraham Patriarch to leave their country and to establish in other corner of the world: “Leave your country and your kin and the house of your father/ and go to the country that I will show you”.<sup>35</sup> In this context, we can talk about “psychological, moral and religious mutations”<sup>36</sup>. All these transformations and mutations go to “distrust and mutual hates, conflicts and sufferings whose

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<sup>31</sup> Pandikattu, “From being a citizen to a consumer”.

<sup>32</sup> *Philippians 1,27*.

<sup>33</sup> Petercă, *Calea spre oameni*, 266.

<sup>34</sup> *Ibidem*, 597.

<sup>35</sup> *Genesis 12, 1*.

<sup>36</sup> *Gaudim et spes 7*.

cause and victim is the human himself”.<sup>37</sup> In a world marked by disbelief and selfishness the unique solution for the human being is to overdraw the nihilist stage in which he believes to be the centre of the Universe and turn his face to God who made of the human the key of the Universe. Under these conditions, the human becomes “the arrow that climbs up in the great biological synthesis,... the key, the head of the Universe and the advanced front of life”<sup>38</sup> and represents the energy which has the capacity “to renew life itself”.<sup>39</sup>

### *The Need for Spirituality and the Advocacy of Humanity*

The 21<sup>st</sup> century marked a return to spirituality because there is a need for spirituality that “reaffirms with power, so the observers... reach to the conclusion given to Andre Malraux: «the 21<sup>st</sup> century will be religious or will not be at all»”.<sup>40</sup> In this century, which is searching for the lost faith of the nihilist thinking there is a need for a human approach where it is not “about the rejection of divine faith, but about the revealing of the divine from the human”.<sup>41</sup> The human is called to come back to God the Creator and to rediscover the relation with his neighbours. The new challenges of the global world encourage every human to recover the greatness of his condition created according to God’s appearance and to build a new type of collaboration, “where we are not allowed to neglect the justice and the dignity of everyone”.<sup>42</sup> Under these circumstances, developing a culture based on “the humanization of the world” is needed.<sup>43</sup>

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<sup>37</sup> *Gaudim et spes* 8.

<sup>38</sup> Emile Rideau, *La pensee du Pere Teilhard de Chardin* (Paris: Seuil, 1968), 108, 113.

<sup>39</sup> *Ibidem*.

<sup>40</sup> Jean Vernet, *Secolul XXI va fi mistic sau va fi deloc*, trans. C. Jinga (București: Corint, 2003), 5.

<sup>41</sup> Marius Cucu, “Cuvânt înainte” at *Paradigme Umaniste. Explorări în tradiție și actualitate*, coord. Marius Cucu (Suceava: Editura Universității “Ștefan cel Mare”, 2013), 1.

<sup>42</sup> Petercă, *Calea spe oameni*, 680.

<sup>43</sup> *Ibidem*.

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# From distributive to procedural justice. Justice as a constitutive value of public administration

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## Abstract

*The justice as an ethical value can be considered constitutive for contemporary administrative systems. These ones are asked to transpose into practice the ideal of justice in the community. The functioning of a modern state cannot be conceived without a series of institutions that would guarantee the achievement of justice. The legal system was established specifically to administer justice. Modern democratic systems felt the need for certain courts and extrajudicial procedures to create justice. The institutions required to implement the extrajudicial distribution of justice are part of the public administration, representing a central element of it. The model of a political system based on justice is a minimalist one; the role of the state is limited to making it possible for individuals to follow their own ideal of welfare. Opposed to justice, the ideal of welfare requests the state, and implicitly the administration, to ensure the individual the minimum conditions to live in that community. The minimal state centered on justice is the result of a modern paradigm with post-Kantian reverberations, which emphasize the rationality of human action. If the individual is rational, he only needs fair conditions in order to pursue his own welfare. The role of the administration is to ensure those conditions and to oversee the distribution of goods and services, as well as the distribution and redistribution of added value.*

**Keywords:** *justice, fairness, constitutive value, equality.*

## Introduction

Justice as an ethical value can be considered constitutive for contemporary administrative systems. They are asked to transpose into practice the ideal of justice in the community. The functioning of a modern state cannot be conceived without a series of institutions that would guarantee the achievement of justice. The legal system was established specifically to administer justice. Modern democratic systems felt the need for certain courts and extrajudicial procedures to

provide justice. The institutions required to implement the extrajudicial distribution of justice are part of the public administration, representing a central element of it. The model of a political system based on justice is a minimalist one; the role of the state is limited to making it possible for individuals to follow their own ideal of welfare. Opposed to justice, the ideal of welfare requests the state, and implicitly the administration, to ensure the individual has the minimum conditions to live in that community. The minimal state centred on justice is the result of a modern paradigm with post-Kantian reverberations, which emphasize the rationality of human action. If the individual is rational, he only needs fair conditions in order to pursue his own welfare. The role of the administration is to ensure those conditions and to oversee the distribution of goods and services, as well as the distribution and redistribution of added value.

*The Aristotelian perspective on the idea of justice*

Originally the thought of Socrates and Plato, the conceptual dedication of the idea of justice came from Aristotle. For Aristotle, it is necessary to make the distinction between distributive justice as fair sharing of goods, and corrective justice – amended – as a measure of correction and overcoming of injustice. Justice is considered by Aristotle as being a moral virtue, which includes concern for the common good. Other virtues, such as courage, generosity, and moderation, due to the orientation towards the Other, are components of justice. Through justice, the individual acts in the direction of the common good. Justice is a virtue by excellence<sup>1</sup> and at the same time, the excellency of the virtue, namely the point of maximum achievement. For Aristotle, the precondition of any virtue is represented by the intention and voluntary nature of the action. In the absence of these conditions, the action cannot be considered moral, neither can it be appreciated or condemned. For Plato, justice is seen rather as fairness, being the philosopher's privilege to know and apply the good within the city. Aristotle is detached from Plato's idea according to which justice is a good by itself, coming from the moral of self-improvement.<sup>2</sup> He waives the metaphysical reflection on the idea of good as a fundament of ethics. The idea of good as an abstract idea, therefore belonging to another world – as Plato considers it – cannot be an object of moral action, either in the relationships of individuals or at a political level.

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<sup>1</sup> Malcolm Schofeld, "Aristotle's Political Ethics," in *The Blackwell Guide to Aristotle's Nicomachean Ethics*, ed. Richard Kraut (Oxford: Blackwell Publishing, 2006).

<sup>2</sup> Charles M. Young, "Aristotle's Justice," in *The Blackwell Guide to Aristotle's Nicomachean Ethics*, ed. Richard Kraut (Oxford: Blackwell Publishing, 2006).

Justice from an ethical perspective is a virtue which is responsible for the good actions realized by individuals and the good they follow through their own actions. Beyond being an ideal good, justice is an actual good, achieved in a given situation by a certain individual. Aristotelian ethics, although theoretical, should be applied and applicable in concrete situations. The Nicomachean ethics is a guide towards virtue that the philosopher addresses to his son. The justice, in Aristotle's vision, has two major meanings: the first one being the total of all virtues the individual expresses in relation to the other, and in the other sense, justice is seen as a personality trait, virtuous by excellence, which enables the exercise of every virtue. In modern terms, the first form of virtue represents making justice, and is connected to the action, and the second one, the tilt towards justice of the moral agent being correlated with integrity and authenticity.

Justice, in its political sense<sup>3</sup>, is seen as being capable of being replaced by laws that should target both distributive and rectifying justice. We can therefore consider that Aristotle is a precursor of the idea of the state subject to the rule of law, but also of the modern vision of the public administration based on norms, and oriented towards the public good. State administration, as seen by Aristotle, needs both legislators and administrators, the equivalent of what are civil servants nowadays. Making justice is a function of the state, the idea of justice being political virtue par excellence. The purpose of any political and administrative organization is represented by doing justice understood as a supreme public good. We conclude that justice is a constitutive value par excellence for the public administration.

Delba Winthrop<sup>4</sup> shows that Aristotle failed to develop a comprehensive and sufficient theory of justice, which can post justice as the last fundament of any policy. Aristotle defined happiness as the practice of virtues, both moral and intellectual. The central subject of the policy is justice and nobility<sup>5</sup>. Delba Winthrop<sup>6</sup> shows that, given the close connection between ethics and policy in Aristotle, we can understand moral virtues as being those features that can be defined by nobility and justice. However, there are virtues that meet the characteristics of nobility and justice, but are opposed to the idea of public good. For example: the pride and greatness of the soul, which are characteristics of

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<sup>3</sup> Aristotle, *Nicomachean Ethics* (Cambridge: Hackett Publishing Company, Inc.; 2nd edition, December 1, 1999).

<sup>4</sup> Delba Winthrop, "Aristotle and Theories of Justice," *The American Political Science Review* 72(4) (1978): 1201-1216.

<sup>5</sup> Aristotle, *Nicomachean Ethics*.

<sup>6</sup> Winthrop, "Aristotle and Theories of Justice," 1201-1216.

nobility and justice of the individual, but are not components of public good. According to the author, Aristotle cannot build a theory of justice as a supreme virtue. In our opinion, it is not even the intention of Aristotle to build a theory that would link the ethics of interpersonal relationships with the ethics of policy. In the ethics of interpersonal relations, the main component of the individual's traits is his moral nature, with an emphasis on moral virtues (ethike). In political ethics, the intellectual (dianoethic) virtues prevail, and justice lies at the level of action and moral decision. What for Aristotle meant nobility was separated into two components, the first one being charity and its correlative being altruism in the relationship with the other. The second component of nobility is represented by integrity and is oriented towards justice in the area of public action. Public justice becomes equity. The charity, originally characterizing the private conduct under the aspect of justice as redistribution, returns to the public sphere as solidarity and practice of institutional welfare and social work<sup>7</sup>.

The modern theories, tributary to the Aristotelian vision, have centred on conceiving justice as mutual advantage and impartiality. For the first case – illustrated by Th. Hobbes, D. Hume, D. Gauthier – of a maximum importance is the fact to “cooperate with the others”, the agreement reached under the negotiation between the persons that are pursuing their own interests<sup>8</sup>. In the theories of justice as impartiality – as well as that provided by John Rawls<sup>9</sup> – the accent is on “principles” reasonable to be chosen, from which a public agreement can be reached, beyond the different positions of the participants.<sup>10</sup>

### *Equity as equality*

Social justice represents a key concept of contemporary political philosophy, being treated especially in the sense of distributive justice.<sup>11</sup> The philosopher operates a restructuring of the theory of social contract. The idea of social contract is brought from the area of legitimizing the political into that of ethically justifying the action, therefore constituting the theoretical framework of the idea of state

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<sup>7</sup> Antonio Sandu and Ana Caras, “Deconstruction of charity. Postmodern ethical approaches,” *Journal for the Study of Religions and Ideologies* 12(36) (2013): 72-99.

<sup>8</sup> Mattias Iser, “Recognition,” in *The Stanford Encyclopedia of Philosophy* (Fall 2013 Edition) ed. Edward N. Zalta, accessed may 4, 2016, <http://plato.stanford.edu/archives/fall2013/entries/recognition>.

<sup>9</sup> John Rawls, *A Theory of Justice* (SUA: Harvard University Press, 1971).

<sup>10</sup> Antonio Sandu, *Etică profesională și transparență în administrația publică* (București: Editura Didactică și Pedagogică, 2015).

<sup>11</sup> Rawls, *A Theory*.

generalized welfare. In Rawls' vision, the social contract takes the form of accepting mutually beneficial principles of justice by all citizens, in their quality of rational members of the society. Rawls' vision, of Kantian nature, presumes the rationality of the actors who take part in the ethical decision from positions of equality and autonomy. The contractualist society is based on justice.<sup>12</sup> The maximum moral standard that the society can reach is the fair distribution of justice.<sup>13</sup> Equity implies an equal distribution of values, either in the sense of goods and services, or in the subjective sense of benefit and loss.

John Rawls formulates two principles of justice as fairness:

1. Each person has the inalienable right to a set of basic freedoms, equal and compatible with the freedoms of others.
2. Social and economic inequalities, created in the society, must be compensated by the condition of fair equality of opportunity, and be of maximum benefit for the most disadvantaged members of the society.<sup>14</sup>

The theory of justice as fairness comes to equate the value of freedom with that of equality. As Rawls<sup>15</sup> explains in the article *Justice as fairness: political not metaphysical*, the theory of justice that he formulates does not claim to formulate a universal truth on the identity of the person and his essential nature. The theory must apply in the constitutional and democratic systems, being a political, not a metaphysical one. As a political theory, justice as fairness targets ethics outside the area of functioning of the political, social and economic institutions of the constitutional democracies. Rawls' theory wishes to be a guide of institutional functioning for the purpose of accomplishing the values of liberty and equality. Rawls therefore places fairness as an operational value of the democratic institutions meant to institutionalize liberty and equality.

Seen as constitutive values of constitutional democracy, liberty and equality show the necessity of the emergence and development of the state of right as a form of social organization. Starting from Rawls' distinction, we consider the value of justice as an operational value for the state subject to the rule of law, and at the same time constitutive for its institutions in the field of administration that are called to implement distributive justice. This is an example of what we call

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<sup>12</sup> Sandu, *Etică profesională*, 68.

<sup>13</sup> Leif Wenar, "John Rawls," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, (Winter 2013 Edition), accessed may 4, 2016, <http://plato.stanford.edu/archives/win2013/entries/rawls/>.

<sup>14</sup> Rawls, *A Theory*.

<sup>15</sup> John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14 (3) (1985): 223-251.

levels of social reality that are the fundament of the axiological dialectics between the constitutive and operational values.

A first level of social reality that we identify, starting from Rawls' thinking,<sup>16</sup> is the constitutional democracy and the state subject to the rule of law, whose constitutive values are liberty and equality. The operational value guiding the functioning of the state subject to the rule of law is the distributive justice that explains the state's rules of functioning, while fixing its limits.

A second level of reality is that of the state institutions, represented by the public administration. On this level, the constitutive value is the justice, the public administration being asked to make justice, among other values such as public good.

The functioning of public administration implies a series of values in the same axiological field as justice, but established in the institutional plan in which the administration functions: equal opportunities and treatment, and fairness.

We subsume these values, at the same time, in the fields of both justice and integrity. This hierarchy of values is, and must be, an ethical one, not a metaphysical one – as Rawls<sup>17</sup> suggested. The ontology of the social levels previously mentioned is an act describing the ways of achieving the social construction of reality – political and social – and not the essentialist metaphysical primacy of any of the ideas.<sup>18;19;20</sup>

Rawls also emphasizes primary goods – including liberties and fundamental rights – absolutely necessary for the welfare of the individual. John Rawls shows that a just society is the one in which a series of principles and conditions are fulfilled in the distribution of goods and resources.

-The equal and maximum extended right of each individual to the total system of basic equal freedoms that would, at the same time, be a system of similar freedoms for all;

-The principle of fair equality of opportunities which entails potential equal access to positions and social opportunities;

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<sup>16</sup> Rawls, "Justice as Fairness," 223-251.

<sup>17</sup> *Ibidem*.

<sup>18</sup> Peter L. Berger and Thomas Luckmann, *Construirea socială a realității*, trans. Alex Butucelea (București: Art, 2008).

<sup>19</sup> Kenneth Gergen, *Social Construction in Context* (Londra: Sage Publications, 2005).

<sup>20</sup> Antonio Sandu, "Preliminaries to a Social-Semiotic Model of Communicative Action," *Postmodern Openings*, 6(2) (2015b): 59-77, accessed may 4, 2016, doi: 10.18662/po/2015.0602.05.

- The principle of difference is the position according to which the greatest benefit should be assigned to the least advantaged members of the society<sup>21</sup>.

Equality of opportunities is a substantial, not a formal equality. The principles are consistent with each other, since the society is fair when fully accomplishing the principle of equal freedoms. The principle of equal opportunities is therefore achieved only as far as making equal freedoms is permitted, and the principle of difference is satisfied only after the maximum fulfilment of the first two.<sup>22</sup>

*Perspectives on social justice. Social justice as lack of oppression*

According to a definition formulated by Young,<sup>23</sup> the characteristic of social justice is the lack of any oppression and social domination. Social justice aims to eliminate from the framework of society the five faces of oppression: exploitation, marginalization, lack of power, cultural imperialism and systematic violence.

Exploitation is the use of individuals' work for the purpose of making profit without a fair compensation for their work. Exploitation occurs even when work is paid, but at an unfair value compared to the added value produced. Young's perspective is a post-Marxist and anti-capitalist one. In order to compensate for any inequities in the working relations, the social state should establish a minimum value of work – minimum wage – and establish a public policy in the area of work that would involve the rights of the employees and their social protection. An interesting discussion is proposed by Young,<sup>24</sup> starting from the exploitation of unpaid contractors. The example given by the author is that of miners in some African states; they are not paid when, without being responsible for the fact they have not mined anything valuable, because they could not find a new vein. Basically, in the area of oppression, we include independently contractual work relations, the subcontracting type and the payment depending on results. Although the payment depending on results can be a source of motivation of the employee, when low results are penalized, this method of retribution becomes a source of inequity. The recent legislative changes adopted in Romania redefine, as dependable work, a series of activities of authorized individuals who have contractual relationships with a single employer. This is justified from the

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<sup>21</sup> Rawls, *A Theory*.

<sup>22</sup> Eugen Huzum, "Dreptatea socială," in *Concepte și teorii social-politice*, coord. Eugen Huzum (Iași: Institutul European, 2011), 59-83.

<sup>23</sup> Iris Marion Young, "Five Faces of Oppression," in *Oppression, Privilege, & Resistance*, eds. Lisa Maree Heldke and Peg O'Connor (Boston: McGraw Hill in Boston, 2004).

<sup>24</sup> Young, "Five Faces".

perspective of reducing this source of inequity. The idea of minimum wage or subsistence provided by the state that would ensure minimum resources to all citizens, and which would replace other forms of social care, leads to the diminishing of inequity which occurs between employees and the self-employed by establishing social benefits.<sup>25</sup> The universal minimum wage allows any beneficiary to satisfy their minimum needs, therefore reducing the dependence on wage labour and vulnerability in relation to the employer.

In our opinion, even though all citizens receive the same income, which leads to equal opportunities, inequity cannot be solved if the funding source of the basic income comes from the redistribution of added value. Redistribution is justified only by applying the concept of solidarity, and is not morally justified in the absence of subsidiarity since misfortune by accident would not be compensated. The minimum subsistence income which eludes subsistence generates inequity by depriving the working individual of the results of his work, randomly redistributed, and is not based on the principle of subsidiarity and compensation for misfortune. We bring the same criticism to the idea of the existing minimum wage in the Romanian legislation, which circumvents the subsidiarity,<sup>26</sup> and also induces an injustice against those whose salaries are close to the minimum guaranteed income. Compared to the beneficiaries receiving this minimum income as benefits, the employees receiving incomes close to the minimum are disadvantaged, being considered not to be practically remunerated for their work. Minimum basic income can be thought as fair when it is paid from the state's own revenues, coming from the state's holdings in commercial societies, or by other ways that do not involve the redistribution of revenues from state taxes.

Marginalization is a second form of inequity in the sense of oppression, discussed by Young.<sup>27</sup> Marginalization represents pushing certain groups to the social periphery and excluding them. Marginalization as a form of oppression is in general related to discrimination. It is fought in democratic countries by anti-discrimination policies, and by promotion of social inclusion. For the ethics of the public servant, it is important to fight marginalization by promoting equal

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<sup>25</sup> Dani Rockhoff, "Bani la liber pentru finlandezi. Guvernul Finlandei anunta intentia introducerii venitului de baza universal de 800 de euro lunar," *HotNews.ro* (2015), accessed may 4, 2016, <http://economie.hotnews.ro/stiri-finante-20653808-bani-liber-pentru-finlandezi-guvernul-finlandei-anunta-intentia-introducerii-venitului-baza-universal-800-euro-lunar.htm>.

<sup>26</sup> Law no. 416 from July 18<sup>th</sup>, 2001, on the guaranteed minimum wage. Published in the *Official Gazette* no. 401 from July 20<sup>th</sup>, 2001.

<sup>27</sup> Young, "Five Faces".

opportunities and treatment. Inequity by powerlessness represents the lack of power of certain categories of people or social classes. In Young's vision<sup>28</sup>, the lack of access to power is a fundamental source of injustice, which translates by the limitation of the development of the individual's own capacities. The strongest injustice, promoted by inequity through the lack of power, is the serial oppression. The marginal and vulnerable groups are subject to a parallel process of self-vulnerabilization and self-marginalization,<sup>29</sup> being agents of the perpetuation and transfer of oppression.

From the perspective of administrative ethics, fighting the phenomenon of inequity by powerlessness is represented by promoting the participation of citizens in both the political and administrative decisions. A particular form of inequity by lack of power is represented by the culture of silence. The individuals that are subject to such form of oppression internalize their status-role of dependent persons, naturally inferior to the dominant classes.<sup>30</sup> Reducing and eliminating the culture of silence is achieved through awareness of the oppression and by imposing certain policies of transparency and stimulation of the civic, political and administrative participation of the citizens.

#### *Justice as recognition*

Another definition of justice is correlated by Axel Honneth<sup>31</sup> to the idea of recognition, or the lack of it, of aspects such as: emotional, legal and social ones. This model shows that all injustices are identified and felt in everyday life as a lack of knowledge, either of value, or of social contribution, with or without humiliation or lack of respect for personal dignity and integrity. For Honneth<sup>32,33</sup>, the conflict referring to distribution, and in general to justice, represents the symbolic fight with regard to the legitimacy of some or other of the cultural devices and social instances that determine the value of the activities of

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<sup>28</sup> Young, "Five Faces".

<sup>29</sup> Vasile Miftode, *Tratat de asistenta sociala. Protectia populatiilor specifice si automarginalizate* (Iași: Lumen, 2011).

<sup>30</sup> Young, "Five Faces".

<sup>31</sup> Alex Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Cambridge, MA: MIT Press, 1995).

<sup>32</sup> Alex Honneth, "Redistribution as Recognition. A Response to Nancy Fraser," in *Redistribution or Recognition? A Political-Philosophical Exchange*, ed. Nancy Fraser and Alex Honneth (New York: Verso, 2003), 110-197.

<sup>33</sup> Alex Honneth, *Disrespect: The Normative Foundations of Critical Theory* (Cambridge: Polity Press, 2007).

attributions and social contributions.<sup>34</sup> The distributive conflicts hide a symbolic form of fight for knowledge.<sup>35;36</sup> The idea of recognition is based on the value of dignity<sup>37;38;39</sup> and respect, expressing the fundament of the moral itself. The contractualist definition of respect, formulated by Scanlon,<sup>40</sup> is the action in accordance with the principles that cannot reasonably be denied by others. Respect characterizes the relationships with the others, being the motivation of the individual to do what is morally correct.<sup>41</sup> The idea of respect is correlated to that of knowledge of a constitutive value, inherent for an individual, organization or social institution. Respect towards human dignity aims to recognize the value of each human being by its very belonging to humanity. This capacity to acknowledge the inherent value in a person, organization or institution is called appreciativity.<sup>42;43</sup> The appreciation of the value goes beyond respect and esteem, being most fairly described by the idea of recognition. Recognition of values implies a responsibility towards it in the manner in which Levinas<sup>44</sup> establishes the relationship with the Other.<sup>45</sup> Recognition in Honneth's opinion<sup>46</sup> institutes the relationship of power towards the Other. Applying recognition to the distributive justice<sup>47</sup> shows the difference between that and its components of esteem and

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<sup>34</sup> Honneth, *The Struggle*.

<sup>35</sup> Huzum, "Dreptatea socială," 59-83.

<sup>36</sup> Petre Mareş, "Redistribution and Recognition – Two Spheres of Social Justice," in *Transdisciplinarity and Communicative Action*, eds. Ana Frunză, Tomiță Ciulei, Antonio Sandu (Italy: MEDIMOND-Monduzzi Editore International Proceedings Division), 431-435.

<sup>37</sup> Immanuel Kant, *Întemeierea metafizicii moravurilor* (Metaphysics of Morals) (Bucureşti: Humanitas, 2007).

<sup>38</sup> Thomas Michael Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998).

<sup>39</sup> Thomas Michael Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame* (Cambridge, MA: Harvard University Press, 2008).

<sup>40</sup> Scanlon, *What We Owe*.

<sup>41</sup> Mattias Iser, "Recognition," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (2013), accessed may 4, 2016, <http://plato.stanford.edu/archives/fall2013/entries/recognition/>.

<sup>42</sup> Antonio Sandu, *Appreciative Ethics. A Constructionis Version of Ethics* (Germany: Lap Lambert, 2012).

<sup>43</sup> Tojo Thatchenkery and Carol Metzker, *Appreciative Intelligence: Seeing the Mighty Oak in the Acorn* (SUA: Berrett-Koehler Publishers, 2006).

<sup>44</sup> Emmanuel Lévinas, *Infinity and Totality: An Essay on Exteriority* (Pittsburgh: Duquesne University Press, 1969).

<sup>45</sup> Antonio Sandu, *Social Construction of Reality as communicative Action* (UK: Cambridge Scholars Publishing, 2016).

<sup>46</sup> Alex Honneth, "Recognition as Ideology," in *Recognition and Power: Axel Honneth and the Tradition of Critical Social Theory*, eds. B. Van den Brink and D. Owen (Cambridge: Cambridge University Press 2007), 323-347.

<sup>47</sup> Honneth, "Redistribution as Recognition."

respect.<sup>48</sup> Recognition towards the other as a value constitutes the prerequisite in the sense of fairness. Justice as recognition means not only the simple valuing, but also affirmative action for fulfilling the value of the other. At the level of applied ethics in the administrative professions, justice as recognition will bring a series of operational values, among which are: promoting the interest of the beneficiary, esteem and respect, and not least, care for the quality of public services provided.

Nancy Fraser<sup>49 50</sup> starts from Honneth's theory<sup>51</sup> with regard to the fight for recognition, and shows that justice implies both recognition and retribution. Fraser's suggestion<sup>52</sup> is that instead of taking a transforming approach to oppression, an affirmative practice is preferred. Transformative practices are identified by deconstruction – which is specific to the postmodern paradigm. This form of deconstruction is associated with lack of respect towards the values and practices of different social groups – an idea exemplified by the gay community. The transformative deconstructive perspective<sup>53</sup> is centred on the deconstruction of the dichotomy between gay and heterosexual. This deconstruction of sexual identity leads to the streamlining of gender identity. The affirmative perspective that we ascribe to the transformative society means that instead of deconstructing gender identity, in order to make the distinction between straight and homosexual superfluous, it develops affirmative identifiable practices for the sexual minorities and policies of accepting multiculturalism. Accepting the other implies, affirmatively, tolerance and the right to difference.<sup>54</sup> The right to difference does not represent an abdication from someone's own identity and their own system of values, but a recognition of the value of the other, in the context of postulating the axiological plurality.

Nancy Fraser<sup>55:56</sup> defines participative parity as a series of social arrangements meant to ensure:

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<sup>48</sup> Iser, "Recognition."

<sup>49</sup> Nancy Fraser, "Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation," in *Redistribution or Recognition? A Political-Philosophical Exchange*, eds. Nancy Fraser and Alex Honneth (New York: Verso, 2003a), 7-109.

<sup>50</sup> Nancy Fraser, "Distorted Beyond All Recognition. A Rejoinder to Axel Honneth," in *Redistribution or Recognition? A Political-Philosophical Exchange*, eds. Nancy Fraser and Alex Honneth (New York: Verso, 2003), 198-236.

<sup>51</sup> Honneth, "Redistribution as Recognition."

<sup>52</sup> Nancy Fraser, "From Redistribution to Recognition? Dilemmas of Justice in a «Post-Socialist» Age" 212 (1995): 68-93.

<sup>53</sup> Fraser, *From Redistribution*, 68-93.

<sup>54</sup> Sorin-Tudor Maxim, *Toleranța. Dreptul la diferență* (București: Editura Didactică și Pedagogică, 2004).

<sup>55</sup> Fraser, "Social Justice," 7-109.

“1) a distribution of material resources that would ensure independence and ‘voice’ to all members of the society;

2) cultural institutional patterns that would ensure to all members of the society equal respect and equal opportunities in order to reach social esteem.”<sup>57</sup>

*Operational justice. Egalitarianism*

Contemporary ethicists raised egalitarianism to the status of an ethical principle built around the idea of equality, an entire theory referring to social justice. By equal opportunities we understand the distribution of social positions based on performance, in a society that created the conditions according to which, regardless of the social class of the individuals, all citizens have the same talent and will to use and be capable of benefiting from equal possibilities to access those functions and positions.<sup>58</sup>

Another theory of justice, called justice as justification, is formulated by Nozick<sup>59</sup> and assumes the protection of negative rights to life and integrity, liberty, non-coercion and property. The same theory provides the right to distribution of properties in society. According to this theory, property is legitimate when it was acquired based on the principle of justice in transfer only from someone who, in turn, is entitled to that property. Eugen Huzum highlights that Nozick’s principle regarding acquisitive justice is based on the theory of John Lock, according to which property is instituted justly upon an object which was not previously possessed<sup>60</sup> and upon which the one who wants to make it his property expresses an action. Once property is established it legitimately can be transmitted only on a voluntary basis. Taking possession of goods from nature, through exercising something upon them, is legitimate and justified only if they were not previously possessed, and their taking into possession does not prejudice anyone.<sup>61</sup>

Nozick’s principle of justice criticizes the idea of distributivism when it is not based on voluntary agreement. The only legitimate redistribution is that based on doing justice as a restorative act. This theory can be the base of the idea of restitutive justice, by replacing the retributive idea with that of justified redistribution. The Chance Egalitarians follow the reconciliation between social distributive justice with individual responsibility.

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<sup>56</sup> Fraser, “Distorted Beyond,” 198-236.

<sup>57</sup> Huzum, “Dreptatea socială,” 59-83.

<sup>58</sup> Sandu, *Etică profesională*.

<sup>59</sup> Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

<sup>60</sup> Huzum, “Dreptatea socială,” 59-83.

<sup>61</sup> *Ibidem*.

The intuitions based on the egalitarian theory of justice and injustice aim at:

- Misfortune by option, as social disadvantage suffered by individuals, as a result of their own choices or actions for which they are responsible, does not constitute an injustice and does not call for compensation;

- The disadvantages due to blind chance that do not depend in any way on the choices of the individuals, and are not under their control, constitutes injustice and imposes compensation by other members of the society.

Nozick<sup>62</sup> is concerned by the amending size of justice. Creating welfare was possible by doing injustice in different historical periods. Historical injustices can be compensated, but the process of compensation must not create other injustices. Although the Nozick's principle<sup>63</sup> is generally applied to international relations, or the relations between social classes with the purpose of reducing the disparities of power between the collective social actors, the principle of corrective procedural justice can be transposed into administrative ethics as an obligation of the public servants to establish clear repairing procedures that would limit inequities due to the cognitive vulnerabilities of the citizens. A negative example in this regard is represented by the lack of transparent policies and efficiencies in applying the remedial measures by giving back properties in Romania. Applying remedial measures was not transparent, nor accompanied by a clear ethical policy that would enable procedures of efficient decision-making on restoring properties.

Society has the duty to compensate the results of uncontrollable lack of chance, supporting those members that are not responsible for their own failure. This theory can be critical, starting from the idea that the need to eliminate social oppression, or the need to develop a community of citizens in a relationship of equality with the others is no longer taken into account. Another criticism is a moral and paternalist attitude of this system, which refuses to assist the victims of bad luck by option.

### *Conclusion*

Justice in all its forms: distributive, procedural, and remedial, represents a constitutive value for the functioning of contemporary administrative systems. Establishing justice can no longer be exclusively left in the area of legal power. This power has corrective and remedial competences, and is only partially distributive in contentious situations. Administration of justice in the

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<sup>62</sup> Nozick, *Anarchy*.

<sup>63</sup> *Ibidem*.

administrative field must constitute a priority of the state of right, which, by the public policies promoted, comes to meet the citizens' rights to ensure justice and fairness in the relationship between citizens and the state. Doing justice implies a series of ethical operational values, among which the most significant are: fairness, equal opportunities and treatment, transparency, and facilitation of public participation.

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# Ethical Perspectives of Equal Opportunities\*

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## Abstract

*This paper focuses on the analysis of the fair equality of the concept of opportunity from the perspective of the moral and reasonable justifications brought to support positive discrimination. Although contemporary democratic societies guarantee the absence of discrimination by securing the formal equality of opportunity, this seems to be insufficient to balance opportunities. The Rawlsian model has gained ground, by advancing a redistribution of the resources to support the disadvantaged ones, which is implemented through special measures. The compulsory quotas for admission to higher education or public institutions, addressed to some disadvantaged groups, are one of the effective means of implementing fairness. As this system has shattered the principle of reward judging by one's merits, and ending up as a form of inverse discrimination of the majority groups, it is necessary that we analyse the arguments and the boomerang effects of the special measures. The undertaking proposed by the present paper is structured around highlighting the ethical aspects, as well as the consequences resulting from the arguments in favour of positive discrimination. Do we have the moral obligation to make up for the past inequalities suffered by some groups? Does preferential treatment really ensure the genuine integration of such groups? Do special measures contribute in creating social justice? Without the claim of having responded definitively and exhaustively to these questions, this paper attempts to emphasise the ethical dilemma that raises when special measures favour one group or another, when a group is protected judging by only one criterion, or when only an implementation area is selected.*

**Keywords:** *fair equality of opportunity, formal equality of opportunity, discrimination, affirmative action, positive discrimination, special measures.*

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*Preamble*

The origins of the term equal opportunity can be traced as early as the modern era, in the classical antinomy between liberty and equality, but the proper conceptual delimitation started in the first decades of the twentieth century.<sup>1</sup> The philosophical and political approach to equal opportunity has crystallised into two major directions: formal equal opportunity and fair equal opportunities. The former entails providing a procedural fairness so that everyone could have their chance in occupying a desirable social position. In this respect, formal equal opportunity equals the absence of direct discrimination, equality before the law or equality of access, and constitutes one of the pillars of contemporary democracy. Starting with the latter half of the 20<sup>th</sup> century, formal equal opportunity has started being criticized in what moral fairness is concerned, as it does not consider different social circumstances which affect the individuals' real chances in acquiring a desirable position. Thus, according to some author, even though formal equal opportunity ensures the procedural fairness of competition, it remains quiet in what concerns the effect of the older, persistent, social inequality by which a given group has been systematically deprived of social advantages or education, but whose possession is an implicit condition for obtaining the targeted position or advantage.<sup>2</sup> The prerequisite that all candidates should participate in having their skills tested under rigorously equal criteria, disregarding the fact that some candidates' different economic and social condition has created for some the opportunity of being better prepared for the test, accentuates pre-existing social inequality.<sup>3</sup>

As concerns the theoretical background, the Rawlsian theory of fair equal opportunity, outlined in his famous work *A Theory of Justice*, has had the largest impact, triggering debates which continue so far. In search of justice as fairness, Rawls postulates two principles, abstract enough to be applied in all societal fields: the former affirms that each person should have equal rights to basic liberties, whereas the latter entails that social and economic inequality be rearranged so that

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<sup>1</sup> The term was used for the first time in 1906 in *The Montreal Gazette*: "The coming President of France is the grandson of a shoemaker. The actual President is a peasant's son. His predecessor again began life in a humble way in the shipping business. There is surely *equality of opportunity* under the new order in the old nation." available from [http://www.gutenberg.us/articles/Equality\\_of\\_opportunity](http://www.gutenberg.us/articles/Equality_of_opportunity).

<sup>2</sup> Thomas Nagel, "Equal Treatment and Compensatory Discrimination," *Philosophy and Public Affairs* 2, 4 (1973), 349.

<sup>3</sup> Nicole Richardt and Torrey Shanks, "Equal Opportunity," in *International Encyclopaedia of the Social Sciences*, vol 2, ed. W.A. Darity Jr. (Detroit: Macmillan Reference USA, 2008), 612.

they be to everyone's advantage, with each person benefiting from real equality of opportunity.<sup>4</sup> By postulating these principles, Rawls attempts to reconcile liberty with equality: "justice is neither in perfect equality (which sacrifices the deserving), nor in complete freedom (which abandons the disadvantaged ones). It is on via the media."<sup>5</sup>

The question of ensuring fair equality of opportunity, which constitutes the core of the present paper, refers to the arguments and solutions proposed for fulfilling this aim. Why, how much and how should society consume its resources in order to fairly level the differences of opportunity? The first answer is that social reality has produced and still produces inequality among groups, which affects the opportunities of those in the disadvantaged groups, so that there is a moral necessity for the redistribution of resources through special measures in order to compensate for the effects of discrimination. The term "special measures" is intended to describe a situation in which a differentiated treatment is applied to the benefit of a person who belongs to a disadvantaged group. The terminology is diverse: in the United States, such measures are classified under "the affirmative action" concept, while in Europe they go under "positive discrimination" or "preferential treatment", and in the Romanian law, they are seen as "acțiune pozitivă" [positive action]<sup>6</sup> or "măsurile pozitive [positive measures]."<sup>7</sup> Special measures are meant to lead to the proportional representation of the disadvantaged social groups in various fields: business environment, labour market, administration, public institutions, healthcare, education, etc., areas where the said groups are considered underrepresented.

What are the ethical arguments which justify a preferential treatment for a minority group rather than a majority one? What is the moral background for resorting to positive discrimination measures to fix old but long gone social injustice?

The main arguments for preferential treatment are the following:

- the moral obligation to make up for the effects of past injustice
- securing social justice;
- favouring social integration and encouraging diversity.

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<sup>4</sup> John Rawls, *O teorie a dreptății* (Iași: „Alexandru Ioan Cuza” University of Iași Publishing House, 2011), 73.

<sup>5</sup> Olivier Nay, *Istoria ideilor politice* (Iași: Polirom, 2008), 601.

<sup>6</sup> See in this respect *Law 202 April 19 2002 on equal opportunity and treatment between women and men*, as amended .

<sup>7</sup> See in this respect *Order 137 August 31 2000 on the prevention and sanctioning of all forms of discrimination*, as amended.

*The moral obligation to make up for the effects of past injustice*

This type of argument takes into account the past and asserts that the current generation is responsible for the descendants of the past victims of discrimination. Even though formal equal opportunity is now provided, in the sense that non-discrimination is currently guaranteed, it is regarded as insufficient, as the members of the groups that were disadvantaged in the past are still indirect victims and that they enter the competition from a disadvantaged position. Thus, society must compensate injustice through present measures meant to favour them and, at the same time, to gradually erase the effects of past discriminations. This compensatory action, also known as the principle of redress entails the following: “in order to treat all persons equally, to provide genuine equality of opportunity, society must give more attention to those with fewer native assets and to those born into less favorable social positions. The idea is to redress the bias of contingencies in the direction of equality”.<sup>8</sup>

It is my belief that, in order to unreservedly accept the moral argument of compensating for past discrimination, it should at least address the objections below.

First of all, a redress action cannot be justified based on Lex Talionis or on Aristotelian ethics, which entail direct and proportional compensation of injustice, between the agent and the victim of injustice.<sup>9</sup> On the one hand, it is not the victims of discrimination that are compensated but their descendants, and on the other hand, the redress cannot be proportional since discrimination took place in various ways, in the fields extant at that time, and the present-day special measures may or may not have been related to those discriminatory ways and apply to different fields. Another aspect concerns the intergenerational obligations. Thus, if this generation has certain obligations to the next generations, one cannot argue that it also has an obligation of fairness to the dead, but only a form of refraining related to their reputation.<sup>10</sup>

Secondly, by promoting norms meant to compensate for past injustice, positive discrimination is, in effect, an inverse discrimination. We understand the choice of terms such as “positive” and “affirmative” to avoid pejorative nuances but, in the end, providing obligatory quotas for minorities actually produces discrimination of majority. It is regrettable that, during certain times, people were treated differently by virtue of some morally insignificant characteristics: gender,

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<sup>8</sup> Rawls, *O teorie a dreptății*, 105.

<sup>9</sup> Aristotel, *Etica Nicomahică* (București: IRI, 1998), 111.

<sup>10</sup> Axell Gosseries, *Despre dreptate între generații* (București: Paideia, 2011), 123-160.

sexual orientation, religion, ethnicity, etc., but does not equality of opportunity by positive action actually favor minorities on the strength of the same irrelevant traits for which they were once done wrong? Are not the special subsidised study places for Roma people in higher education actually a copy of the past mechanism for which society is currently made responsible?

Let us exemplify with the case in which fair equality of opportunity entails allotting a quota for Roma people's admission to university. It is not relevant whether the quota of the total number is allocated quantitatively or according to a percentage. Who are the Roma who will benefit from these study places? They are, of course, those who meet the other requirements: they have a baccalaureate diploma, they present the notarized documents, they pay the admission tax, etc. Thus, the most advantaged members of Roma community are in fact those who take benefit of this opportunity – those who had the means to meet the admission criteria and who still have the possibility to access higher education. If the ethical argument for ensuring equal opportunities through positive action is that of supporting the disadvantaged ones, one may note that, in fact, those who suffered the most from discrimination, the poor members of Roma community, have little chance of benefiting from affirmative policies. Why can't we allot quotas based on poverty? Why is not there, inside the quota reserved for this ethnicity, a sub-quota allotted to the most disadvantaged ones?

Non-discrimination entails the absence of preferential treatment based on certain criteria. These criteria, "protected" by national or international democratic legislation are usually exhaustively stated: gender, race, color, language, religion, political opinion or other opinions, national or social origin, belonging to a national minority, wealth, birth, handicap, age and social orientation. The obvious question that arises is why only some of these criteria benefit from special measures and not all of them? Why quotas in labor force or higher education are not allotted according to social origin or wealth? What were the arguments which the selection relies on? Why can an individual benefit from redress measures if she or he belongs to an ethnicity and one who belongs to the poor class cannot do that?

One can assert that the poor benefit from some compensatory financial support in some directions, but pursuing the analysis further, one may also wonder why the ethnicity criterion is favored and the wealth criterion is not in what the access to higher education is concerned. Weren't the poor deprived from access to higher education in the past to the same extent to which were the members of Roma community?

From an ethical perspective, one may reflect on the fairness of compensating the injustice suffered by the ethnic, religious and linguistic communities in relation to those suffered by some social categories such as the poor, the unemployed, the homeless. Multiculturalism attempts to answer this moral question by making a distinction between “condition” and “state”.<sup>11</sup> Thus, being unemployed or poor is a condition that may be overcome as it does not create identity affiliation, but being a Romani, an African-American or a Hungarian language speaker is a “state” which cannot be overcome, as it is not a choice of the individual who strongly identifies with the respective social group through shared language, tradition and beliefs.

We believe that this problem is far from having been definitively and unanimously answered for the following reasons:

- Identity has a subjective side given by the individual’s sense of belonging to a social class, but also an objective one, determined by several explicit, stable and visible criteria. Even though the pauper hopes to go beyond his or her condition and to not belong to this category for good, the objective criteria, such as the quantity of income and possessed goods categorically bind him or her to this social class. Moreover, the awareness of belonging to this social class is also supported by the reason often expressed as “bad luck”, in other words, by inequality of opportunity.

- How can one claim, in the moral field, that the inequalities that require compensation deriving from “the state” are higher in the hierarchy of inequality than those deriving from “the condition”? Why should be privileged in a certain area – such as the access to higher education – the individuals of a certain ethnicity, and not those who are born in pauper or institutionalised families? Moreover, since usually the candidates to the admission to higher education are near the age of entering legal capacity, the poor ones could not have had the chance to go beyond their “condition” by their own forces, as they would not have had the time to free themselves from this condition since their coming of age until the moment of the admission. If one argues that the poor might access higher education later, at an age which allows them to provide for themselves, we answer that it is not fair to claim that the admission and graduation of higher education at an age different from that of the majority does not affect the chances to acquire the necessary experience for exercising a profession. On the other hand, this argument can also be posited in the case of those who belong to a linguistic minority, who,

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<sup>11</sup> Nay, *Istoria ideilor politice*, 639.

in turn, might enrol in higher education when they possess the linguistic skills of the majority, skills that are required both upon admission and during the university cycles.

*Securing social justice*

The second category of moral arguments in favour of the special measures does not refer to past situations but makes reference to an ideal of social justice specific to a just society which would have occurred or should occur in the absence of any forms of discrimination. Equality, equity, solidarity are the basic concepts which support that of social justice. There are significant differences between leftist ideologies, which claim that a just society exists inasmuch as the resources are equally distributed among all its members, and the rightist ideologies, which consider unjust a society which does not observe the unequal contributions of its members in accumulating resources and which does not give rewards proportionally to the contribution. Classical liberalism asserts that equity consists in the equality of opportunity to access benefits and not in the equal allotment of these benefits. We shall not subject this equity type to an ethical assessment as it is reasonable and corresponds to formal equality of opportunity. A society is just when social positions and their respective rewards are acquired regardless of the particularities of the groups to which individuals belong: gender, race, age, religion, etc. However, the evaluative ethical judgment is compulsory when it is asserted that procedural equality does not suffice and that the disadvantaged groups must benefit from special measures to secure them a genuine equality of opportunity.

As a principle of social justice, “jusnomia is the principle according to which justice is, socio-economically speaking, equality, by virtue of the fact that all individuals have the same social value... What the political phenomenology of Law reveals is the fact that although an individual has the same chance for justice as everybody else (ideonomically), he or she does not have the same chance to access social benefits as a form of justice (socio-economically).”<sup>12</sup> As long as there is the questionable premise that there is no real equality of opportunity, it is considered fair that social wealth be redistributed among the members of the disadvantaged groups.

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<sup>12</sup> Anton Parlăgi, “Jusnomia-justiția socială ca premisă politică a dreptului,” *The Transylvanian Review of Administrative Sciences* (TRAS) 13, 29 (2011), 119-120, accessed May 14, 2016, <http://rtsa.ro/rtsa/index.php/rtsa/article/view/57>.

As long as an individual is rewarded for the simple belonging to a protected minority, could not this be hindrance to diligence and efforts, considering that there is a permanent claim to the benefits resulted from the efforts of the majority members? Is not the fact that minority is protected an incentive for dissensions between majority and minority groups? These perverse outcomes of the special measures taken in view of securing the substantial equality of opportunity have also been noted at the level of social economy. “However, there is a systemic contradiction: the social measures will not work at their peak ever if the cultural mentality which lays down the economic structure of the social world will not change. The individualistic economy cannot accurately guide or support a sustainable social-economic policy. If the providers (taxpayers) and the beneficiary (social assisted persons) keep the same egotist view on economic life, they will relate competitively to each other. The former will be concerned to not be tricked by the latter and the other to make the most from this relation”<sup>13</sup>

Does not this model of fulfilling social justice encourage individuals to declare themselves members of a minority community in order to profit from the effects of the special measures? An eloquent example in this respect is the case at the European Court of Justice, Sarah Margaret Richards versus Secretary of State for Work and Pensions<sup>14</sup>. Richards was born a man but underwent a sex reassignment surgery. Richards claimed that s/he should benefit from women’s retirement age, which was of 60 years old at that time in the UK, whereas for men it was of 65. S/he was refused by the authorities on the grounds that s/he was legally acknowledged as a man and therefore s/he could not retire before the age of 65. The European Court of Justice decided that this was a discriminatory situation, resulting into inequality of treatment on sex reassignment criteria, which infringed on Art. 4 para 1 Directive 79/7/CEE on equal treatment between women and men in the field of social security. As sexual orientation is part of the private life, it does not result from this example that the sex change was undergone only in view of profiting from the special measure addressed to women, but such examples are nevertheless susceptible of being interpreted as such.

Securing social justice by positive measures subverts the reward granted according to each one’s skills and efforts, and occupying a social position, access

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<sup>13</sup> Bogdan Popoveniuc, “The Quest for Social Economy,” in *Annals of “Ștefan cel Mare” University of Suceava. Philosophy, Social and Human Disciplines Series*, Vol. 2, *Social Economy. Trend or Reality*, eds. Bogdan Popoveniuc, Sorin Tudor Maxim and Marius Cucu, (Suceava: “Ștefan cel Mare” University of Suceava Press, 2012), 60.

<sup>14</sup> CEJ, Richards/ Secretary of State for Work and Pensions, case C-423/04 [2006] RJ I-3585, 27 April 2006, accessed April 12, 2016, <http://curia.europa.eu/juris/recherche.jsf?cid=164671>.

to higher education or obtaining a sum of money should not be the result of one's belonging to a certain group because this way we would rather near injustice than social justice. By reducing individual responsibility and the competition based on competences, the citizens' dependence to the state increases, a dependence also increased by the political speeches in which the promise of positive action becomes the rule instead of exception.

*Fair equality of opportunity favours social integration and encourages diversity*

The arguments in favor of the special measures addressed to minority groups are based on the usefulness of social integrity and diversity to the advantage of all members of society. This type of arguments emphasise the advantages of diversity and social integration, among whom: increasing the degree of innovation and creativity, decisional flexibility, improvement of motivation and efficiency, etc., considering that positive discrimination, while it may not be compulsory from a moral point of view, should at least be accepted from the functional perspective of economic efficiency.<sup>15</sup> While insisting on the economic aspect is not an aim here, several consequences are nevertheless worth mentioning.

The supporters of positive discrimination do not mention the actual means of the social integration coming into effect. Can it be accomplished through the levelling of skills? What is the timeframe for the application of the special measures and what are the indices which show that the process of applying positive discrimination has reached its objectives? How come that, from the numerous criteria of defining diversity (age, gender, physical appearance, education, wealth, etc.) only some are selected to be protected, thus limiting the global aspect of diversity? The Cartesian lack of precision and clarity of a concept is a major drawback in logic but an advantage in the political field.

A first trend is that of asserting that the effect of the special measures leads to a levelling of skills and results rather than to one of opportunities. Social integration of the minority groups by positive action usually follows this scheme: statistical data of the results of the groups' members are compared, then the differences between the results of majority and minority are compared, claiming the existence of discrimination, and after that, mass-media and the politicians hasten to advance proposals of measures of positive discrimination. We do not

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<sup>15</sup> Harry Holzer and David Neumark, "Assessing Affirmative Action, *Journal of Economic Literature* 38(3) (2000): 483-568, accessed April 12, 2016, <https://www.aeaweb.org/articles.php?doi=10.1257/jel.38.3.483>.

deny here the important role of statistics, but let us not forget that one could interpret absolutely anything from statistics – e.g. that the men who celebrate less birthdays live the least!

The boomerang effects of results leveling are revealed by Thomas Sowell, an economist and political philosopher at Stanford University, in a series of articles published in *Townhall* magazine. The American author considers that *fairness* is “the word that has done the most damage to people’s thinking” and negatively influenced their actions.<sup>16</sup> To support his claim, he gives the example of a Berkeley high school, where the principal reduced four teaching positions in order to reallocate funds from the Sciences department to that of social activities, in view of providing aid through counseling, leisure planning, notes, etc., to the African-American students as their outcomes were below those of the Caucasians or Asians. The aim of this plan, the principal argued, was to raise everybody’s results. Sowell asserts that, with such integration methods, „the point is to close educational gaps among groups, or at least go on record as trying. As with most equalization crusades, whether in education or in the economy, it is about equalizing downward, by lowering those at the top. «Fairness» strikes again!”<sup>17</sup>

In fact, the origins of affirmative action are to be found in Executive Order 11246/1965 enforced by President Lyndon Johnson: “You do not wipe away the scars of centuries by saying, «Now you are free to go where you want, and do as you desire, and choose the leaders you please.» You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, «You are free to compete with all the others,» and still justly believe that you have been completely fair. Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates. [...] And this is the next and the more profound stage of the battle for civil rights. [...] We seek not just legal equity, but human ability; not just equality as a right and a theory, but *equality as a fact and equality as a result.*”<sup>18</sup>

This aspect of social integration in reference to the results and favouring some groups through positive action leads to the mentality that the resources and the goods are like a cake to which everyone is invited, even those who did not contribute in its making, and the state’s role would be, in this case, that of allotting

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<sup>16</sup> Thomas Sowell, “The Fallacy of «Fairness»,” *Townhall* (Feb.09, 2010), accessed December 15, 2016, [http://townhall.com/columnists/thomassowell/2010/02/09/the\\_fallacy\\_of\\_fairness](http://townhall.com/columnists/thomassowell/2010/02/09/the_fallacy_of_fairness).

<sup>17</sup> Idem, “The Fallacy of «Fairness»,” Part II, *Townhall* (Feb.10, 2010), accessed December 15, 2016, [http://townhall.com/columnists/thomassowell/2010/02/10/the\\_fallacy\\_of\\_fairness\\_part\\_ii](http://townhall.com/columnists/thomassowell/2010/02/10/the_fallacy_of_fairness_part_ii).

<sup>18</sup> L. Johnson, qtd. in Borgna Brunner, *Affirmative Action History. A History and Timeline of Affirmative Action*, accessed December 10, 2015, <http://www.infoplease.com/spot/afirmative1.html>.

a bigger slice to the latter. In other words, when popping the champagne bottle, we do not invite the winners and those who deserve it but also those who are alcohol intolerant and society is to blame for their intolerance! Consequently, society will further allot them champagne to diminish inferiority. Such a society which aims to reduce the gap between the levels of achievement without observing inequality resulting from individual effort, different attitudes or priorities, acquired skills, different cultural or family environments is susceptible to being unjust. In this respect, Elizabeth Anderson asserted that “People lay claim to the resources of egalitarian distribution in virtue of their inferiority to others, not in virtue of their equality to others.”<sup>19</sup>

*Instead of conclusions*

The fight against inequality is a convergence point of ethics and political philosophy, both attempting to establish the moral and legal norms which control the relationships between human beings, and balancing from the right to freedom and equality claims.

If we admit that an ethical judgment is an assessing judgment which actually reports a situation, an action based on criteria which define what is good and right, the outlined reflection on equality of opportunity has aimed at emphasising, on the one hand, the lack of coherence of the moral justifications of the special measures in favor of some disadvantaged groups, and on the other hand, at revealing the secondary effects of applying these measures.

Formal equality of opportunity is a basic political value and a moral principle of democratic societies, whose absence would not guarantee procedural fairness, non-discrimination and access to higher positions and resources, regardless of the specificities of the groups. Nonetheless, it seems that, currently, when the concept of equal opportunity is employed, either in political debates or at the level of the public sphere, people tend to think rather of fair equal opportunity, of reserving some quota, of special measures of state support and assistance.

Formal equality of opportunity, by promoting non-discrimination, may not diminish the gaps between groups, gaps triggered by past inequity, but there is no guarantee that these special measures will reduce them either. The special measures for securing fair equality of opportunity were initially brought forth as temporary measures, in force until the elimination or acceptance of a reasonable gap between groups. In default of quantifiable objectives and exact terms, these

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<sup>19</sup> Elizabeth S. Anderson, “What Is the Point of Equality?,” *Ethics* 109 (1999), 306.

measures have not proved their efficiency after decades since their implementation. Moreover, social mobility, in which individuals can no longer be stably identified as belonging to a group, as they migrate from one group to another, had determined more groups to require and benefit from positive discrimination, according to various criteria. We admit that, in what some of these criteria are concerned, such as age or physical inability, positive action is and may be morally justified, but we just cannot expand these criteria ad infinitum to cover the entire diversity of situations.

The stand expressed above in regard to the criticism of fair equality of opportunity should not lead to the conclusion that society should not be concerned with the fate of the disadvantaged and that the social environment would better follow the example of the business environment, which is, unfortunately, dominated by a jungle paradigm, the acerb competition, lack of tolerance and compassion to the other.<sup>20</sup> Maybe egalitarianism is not the key, but humanitarianism, which contends that we must take care of those who suffer for the simple reason that suffering is bad, and not in order to become equal. “Humanitarianism considers the way in which people live, while egalitarianism is concerned with how people live *in relation to others*.”<sup>21</sup>

The ethical perspectives of utilitarianism or libertarianism cannot be convincingly supported. On the one hand, utilitarianism is unsatisfactory in the moral field, as it favours an efficiency principle and contends that, in the organisation of social life, the well-being of the crowd must prevail, accepting, at the same time, the sacrifice of the poor and the disadvantaged. On the other hand, libertarianism promotes the blind freedom from inequality, considering that the individual has no obligation to sacrifice himself for the community, and the equality objective is impossible, dangerous and discouraging for the individual initiative.

Therefore, the debate on the effective securing the equality of opportunity should observe not only the allotment of resources, but also the ethical dimension of the individual, as the human being is not only after material aims, but also aims at aspects based on altruism, duty or tradition. The special measures cannot be applied at the global level, in any culture, tradition or society, based on simple

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<sup>20</sup> An ethical perspective in this respect: Marius Cucu, “The Non-Ethics in Business,” in *Annals of “Ștefan cel Mare” University of Suceava. Philosophy, Social and Human Disciplines Series*, Vol. 2, *Social Economy. Trend or Reality*, eds. Bogdan Popoveniuc, Sorin Tudor Maxim and Marius Cucu (Suceava: “Ștefan cel Mare” University of Suceava Press, 2012), 159-165.

<sup>21</sup> David Schimdtz, *Elemente ale dreptății* (București: Humanitas, 2012), 162.

dichotomies (black and white, woman and man, etc.), in varied circumstances (access to education, labor market, decisional organs, etc.) without a solid and morally satisfactory reasonable argumentation.

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# **A theoretical contribution to the contemporary migration: a socio-philosophical reflection**

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## **Abstract**

*Nowadays we witness an increased use of information & communication technologies (ICT) which contributed to important changes in the world due to the Globalization process. Additionally, Globalization and ICT increased the movement of people or the so called migration. The migratory flows have increased considerably in the last decades. Due to this, there is a need to review the migration theories through the lens of the ICT. The analyses of migration and ICT lay the premises for a knowledge-based society. This paper focuses on the migration theories, starting from the dominant and oldest theory explaining the causes of migration. Hereinafter, it discusses the neoclassical theory and the human capital approach, the new economics of migration, network and institutional theory. Thus, there have been many attempts to explain migration from different perspectives but what becomes clear nowadays is that there is still request for more analyses considering updated perspectives.*

**Keywords:** *Knowledge-based society, ICT, globalization, theories of migration, migration.*

The frequency of using information and communication technologies (ICT), in the knowledge-based society or globalization underlines the need to diversify the national operationalization, due to the openings brought to light by the latter. At the beginning of 21<sup>st</sup> century, the nature of these openings continues to have many and increasingly unknown variables, but it does not imply the disappearance of controversy. Moreover, the hypothesis that refers to the *rare-ism* openings relates to the benchmarks and their valorization for the creation of intra and inter-relationships in the outside world. It has been proved that the fact of highlighting ICTs during the deepening of changes reflected in transformations in and between

societies and not only during the mainstreaming framework of the information age, reduces the involvement of other components. Simultaneously, it is attested that the reunifications are realized not during the interference with the adjacent ones and not at the borderlines, but independently and on their own. Thus, in order to explain the ascendancy of ICT (information and communication technologies) it has to be underlined the modification of its instrumental character – from a purely technological one to one that offers a new potential to combine the information embedded in ICT systems with the creativity of people in order to develop knowledge.<sup>1</sup> Let us deepen and diversify these remarks, since the development of instrumental approach of knowledge, during the information era contributes to the establishment of interconnections between theories, concepts, and systems and it is formed not by marginalization of the system of values, but rather manifests the presence of values at all levels.

The above-mentioned context is, to a certain extent, developed in studies conducted during the systemic elucidation of the concept of knowledge based society. More specifically, it refers to the need to identify a comprehensive analysis of new components of the concept such as ICT, axiological decentralization or communication between cultures and civilizations, and their relationship with the already recognized components of the scientific community: the unlimited access to scientific information and the media. Thus, the systemic approach supports the arguments according to which every system, even when it reaches a part of many other levels, these ones maintain their components and cannot be modified by inter-changes. In this context, we emphasize that the inter-changes of the system are directly proportional to axiomatic benchmarks. Thus, the participation as a part of many other level opens other opportunities and demands an appropriate approach, including the premises of those systems connecting with other systems, and last but not least, with the system of values.<sup>2</sup>

In this perspective lies the imperative of the research, which covers the connection of the concept of knowledge-based society theories with the migration theories, and also their characteristics during more than a decade of the 21<sup>st</sup> century. Why is that? Because the relationships and interconnections within the development of quality components during the establishment of the conceptual

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<sup>1</sup> Robin Mansell, W. E. Steinmuller and U.D. Montalvo, “Opportunities for knowledge-based development: capabilities, infrastructure, investments and policy,” *Science and public policy* 26(2) (1998), 91-100.

<sup>2</sup> Ana Pascaru, “Societatea bazată pe cunoaștere: realități și perspective,” in *Descentralizarea axiologică în societatea bazată pe cunoaștere (Aspecte filosofice)* (Chișinău: Tipografia Centrală, 2015), 9, 15-16.

framework of the knowledge-based society are viewed through the lens of valorization of the existing values, but also of the creation of new ones.

However, the meaning of concepts-theories as a tool for recognizing the reality and its creation, on one hand, is changing due to cognitive experiences, and on the other hand, it constitutes the basis for these ones, through the meanings they entail, more exactly through the “spiritual atmosphere” that they spread, that allows and explains the learning process.<sup>3</sup> In our case, the analyses aim to identify the relational referrals of relevant theories with those of migration, inside and between societies.

The contemporary era makes us communicate and share each other’s cultures through travels, trade and migration. We are in a huge global village where if something happens in one local area can affect the whole world. This process was called globalization. Globalization is the process by which the world is becoming increasingly interconnected and ICT play a huge role in it. ICT contributes daily to the increase of trade and cultural exchange. Additionally, the biggest companies following their desire to reduce the costs and maximize their profit are no longer national firms but multinational corporations with branches and offices in many countries. Media companies together with the development of the new ICT, from the other side, make the dissemination of information easier and faster. In one second, one can learn what is going on in the other part of the globe and can follow life the global happenings. As Appadurai said “Globalization has shrunk the distance between elites, shifted key relations between producers and consumers, broken many links between labor and family life, obscured the lines between temporary locales and imaginary national attachments”.<sup>4</sup> Appadurai emphasized the human role in the globalization process and we can only agree with his affirmations that without human beings the whole process could not be possible.

Globalization, altogether with its implications, intensified the mobility of people worldwide. Most of them move hoping for a better life, a bigger income, a better future for their siblings, others are forced to do it because of conflicts, natural disasters or political reasons. Regardless the reason that stays behind the migration path, migrants play a central role in cultural, social and economic transformations of both countries of origin and destination. Thus, migrants are the main global transnational agents of change. As Clair H. Rirth and Aitor Ibarrola-

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<sup>3</sup> Ioan Biriş, *Conceptele științei* (Bucharest: Editura Academiei Romane, 2010), 539.

<sup>4</sup> Arjun Appadurai, *Modernity at large: Cultural Dimensions of Globalization* (Minneapolis and London: U of Minnesota P, 1996), 10-11.

Amendariz said “...undeniable the [migrants] decision will affect not only their own life trajectories and identities, but also the sending and receiving societies as a whole. Thus, these transnational agents affect the demographic, economic, and social structures of the countries at both ends are inevitably reshaped by this global phenomenon.”<sup>5</sup>

In order to understand the complexity of the migration phenomenon and their role in a knowledge-based society, several contextual theories will be considered to offer a comprehensive analysis of migration from economic, social, cultural and know-how points of view.

Some theoretical models try to explain the causes for international migration, trying to answer the question why people migrate and which are the factors that influence such a decision, based mainly on *economic* reasons. The neoclassical theory is one of the dominant and oldest theories explaining the causes of migration from this point of view. But this model limits the migration complexity to the micro and macro level and both are based on the economic causality of the migrant. Besides this, the neoclassical model stresses upon “the utility-maximizing behavior of individuals and the profit-maximizing actions”<sup>6</sup> and in the neoclassical explanation individuals act rationally, have all accessible information and a perfect knowledge about the future.

Although it might explain some parts of migration, this theory has been criticized due to the fact that in real life, most migrants, when they decide to migrate, only have a vague knowledge about their future life in the new land of their dreams.

The human capital approach is different from the neoclassical theory. The human capital approach to migration was in its fundamental elements presented by Sjaastad,<sup>7</sup> who gave up the assumption of homogeneous labor. Individual labor market characteristics and the different wages in different regions result in migration being worthwhile for some individuals in a country and not for others. Migration is interpreted as an investment since the present costs have to pay off in the future. The human capital approach also gives a theoretical argument for the

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<sup>5</sup> Claire H. Firth and Aitor Ibarrola-Amendariz, *Migration in a Global Context, Transitions and Transformations Emerging from International Human Mobility* (Bilbao: University of Deusto, 2007), 9.

<sup>6</sup> James M. Cypher and James L. Dietz, *The process of economic development* (London: Routledge, 2004), 127.

<sup>7</sup> Larry A. Sjaastad, “The costs and returns of human migration,” *Journal of Political Economy* 70 (1962), 80-93.

observation of most empirical studies that identified decreasing migration incentives with ageing.<sup>8</sup>

Similarly to Sjaastad, Harris and Todaro<sup>9</sup> gave up the neoclassical assumption of full employment and were looking at the migration from rural areas to the cities in the less developed countries, which took place despite the high unemployment in urban areas. Then, the expected income is relevant which relates to the probability of getting a job. The importance of job probabilities and urban unemployment rates were proved true by many empirical studies.<sup>10</sup> However, the basic theoretical considerations can be transferred to international migration as well. This means that even in cases of a reduced probability of getting a job in a developed country, it may be worthwhile even for an individual employed in a less developed country to migrate, if the wage difference is higher.

The Harris & Todaro model was a first step to account for the uncertainty associated with migration. In this model, however, one assumes that the probability of getting a job is known. Therefore, in a further step the costs of gaining information were incorporated. No potential migrant will spend unlimited resources in order to get information about various target countries. There are models which try to formulate explicitly the search behavior such as for example Maier<sup>11</sup> and Berninghaus and Seifert-Vogt.<sup>12</sup> The fundamental result is that the search pays off only as long as its expenditures are smaller than the expected gain from further search. In the era of available ICT a migrant is considered to be aware of salaries in the destination country. Given this prerequisites, the potential migrant may decide for the “second best” solution. In case of migration from a totally different world region, the search costs will be extremely high and in this way explain why so many people prefer not to migrate to the North. Uncertainty and false expectations about a target country are also connected to the aspect of temporary migration, return migration or transit, although these cases are also possible without uncertainty and may be planned in advance based on some

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<sup>8</sup> T. Bauer and K. F. Zimmermann, “Modelling international migration: economic and econometric issues. Causes of International Migration,” *Proceedings of a Workshop* (Luxembourg, 14.- 16. December 1994. Eurostat, Luxembourg, 1995), 95-115.

<sup>9</sup> John R. Harris and Michael P. Todaro “Migration, unemployment and development: a two-sector analysis,” *American Economic Review* 60 (1970): 126-142.

<sup>10</sup> Michael P. Todaro, “Internal migration in developing countries: a survey,” in *Population and Economic Change in Developing Countries* (NBER, Chicago, 1980).

<sup>11</sup> Gunther Maier, “Cumulative causation and selectivity in labour market oriented migration caused by imperfect information,” *Regional Studies* 19 (1985): 231-241.

<sup>12</sup> Siegfried Berninghaus and Hans G. Seifert-Vogt, *International Migration under Incomplete Information* (Berlin: Springer-Verlag, 1991).

foreseeable development of wages and sufficiently low migration costs. Dustmann<sup>13</sup> emphasizes the role of potentially lower living costs in the country of origin for the decision to return home, which may be also planned before initial emigration. Other models assume that there is some option value of provisional non-migration or waiting,<sup>14</sup> since the investment in migration is generally irreversible or at least only at very high costs. It could be disadvantageous to migrate now if the development is unexpectedly positive in the home country or unexpectedly negative in the target country. If this is not the case, one may still migrate in the next period when one has acquired more information on the further development. Concerning international migration from less developed countries, these models possibly provide some very important factors in actual migration from developing countries. While some basic information about the countries of destination like approximate income level and unemployment should be relatively easy to find, this is certainly not the case for individual employment opportunities. This uncertainty is even more important if one assumes that the majority of individuals is risk-averse or hopes for an unexpectedly better development in the home country. On the other hand, there is a decreasing uncertainty caused by modern ICT, like TV and internet, which might be an explanation for persistently rising migration.<sup>15</sup>

Contrary to the neoclassical view, the “new economics of migration”<sup>16</sup> looks at the household as core decision maker and takes a different view of the microeconomic determinants of migration. In this approach, migration is a strategy of risk diversification for the households. Moreover, the importance of the relative income situation for the migration decision is emphasized. Although it is also possible to analyze migration as a family decision within the neoclassical framework,<sup>17</sup> the perspective of the new economics is a fundamentally different one. Individual family members migrate because the dependence on the situation in single labor markets is reduced. Closely related to this aspect are remittances from the emigrants, which can be seen as the outcome of an implicit contract with their families, left behind. This form of risk diversification is a particularly

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<sup>13</sup> Christian Dustmann, “Return intentions of migrants: theory and evidence,” *CEPR Discussion Paper*, 906 (1994).

<sup>14</sup> Michael C. Burda, *Migration and the option value of waiting*, CEPR Discussion Paper No. 1229 (1995).

<sup>15</sup> Ralph Rotte and Michael Vogler, *Determinants of International Migration: Empirical Evidence for Migration from Developing Countries to Germany*, IZA DP No. 12 (1998).

<sup>16</sup> Oded Stark, *The Migration of Labor* (Cambridge: Basil Blackwell, 1991).

<sup>17</sup> Jacob Mincer, “Family migration decisions,” *Journal of Political Economy* 86 (1978): 749-773.

important aspect in countries where public social security is inadequate, and working private capital markets are rare. Remittances are often the biggest part of household budgets. Another contribution of the new economics of migration is the concept of “relative deprivation”. Here, it is not one’s absolute income which is decisive for migration issues but the individual’s relative income position within a society. This provides a theoretical foundation for the empirical observation that migration rates in the poorest regions are not necessarily the highest, and that migration rates often are higher if the higher income inequality is high. Thus, there is a higher incentive to migrate if one is poor among rich than if one is poor among poor. Migration is the optimal allocation of the factor labor into regions of highest productivity, leading to an equalization of wages if there are no costs of migration.<sup>18</sup>

Despite the great variation in the migration patterns and the extremely complex combination of microeconomic and social motivations for migration, similar motivations seem to underpin the decisions to migrate. There is evidence that migration between two countries with unequal average real wages can remain low when there is an expectation that aggregate “quality of life” is improving in the country with the lower income. A significant proportion of any country’s working force may prefer to remain at home rather than take on the risks of moving abroad and leave family and friends behind. Yet, many households agree to leave their familiar surroundings when their home countries do not provide the premises for their physical protection from attack or abuse, or have poor public-service delivery and governance, an uncertain business investment environment, or high unemployment.<sup>19</sup>

Network and institutional theory attempt to explain the course of international migration flows over time. Additionally, these theories try to clarify, for instance, why international migration flows may increase if the initial incentive to migrate has diminished.<sup>20</sup>

Thus, the network theory explains the influence of: chain migration, obligations inherent in network ties, risks attenuation; conceptualized as a self-sustaining diffusion process: a family/household decision, but once someone migrates the potential exists for a chain of migrations to occur. Several writers in the study of international migration have recognized the role of social networks, or

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<sup>18</sup> Rotte and Vogler, *Determinants of International Migration*.

<sup>19</sup> World Bank, *Migration and Remittances, Eastern Europe and the Former Soviet Union*, eds. Ali Mansoor and Bryce Quillin (Europe and Central Asia Region, 2006), 10.

<sup>20</sup> R. P. W. Jennissen, *Macro-economic determinants of international migration in Europe* (Groningen: s.n., 2004), 32.

“migrant networks”, as an important force in explaining the perpetuity of international migration.<sup>21</sup> Migrant networks are defined in the extant literature as recurrent sets of interpersonal ties that bind migrants and non-migrants together within a web of reciprocal obligations that can be drawn upon to facilitate entry, adjustment, and employment at points of destination.

A social connection to someone with migrant experience at a particular destination represents an important resource that can be utilized to facilitate movement. The movement of one person within a network transforms the relationship into a valuable connection that can be used by anybody within the network to facilitate migration. The recognition of social relationships and its role in international migration adds an important theoretical emphasis, refocusing the act of migration away from either the ‘over socialized’ deterministic view of social structure or the ‘under socialized’ perspective of atomized rational actors. This middle perspective, which highlights the social forces involved in the migration, refocuses on the analysis of international movement: “Thus, studying networks, particularly those linked to family and households, permits understanding migration as a social product—not as the sole result of individual decisions made by individual actors, not as the sole result of economic or political parameters, but rather as an outcome of all these factors in interaction.”<sup>22</sup> One implication of this thesis is that the process of being socially connected to someone who has migrated necessarily creates a migratory information feedback mechanism, where contacts act as conduits of information to potential migrants. As argued by Spittel, “Migration is defined as a network-creating process because it develops an increasingly dense web of contacts between places of origin and destination. Once established, such networks allow the migration process to become self-sustaining and impervious to short-term changes in economic incentives.”<sup>23</sup> This assumption is supported by the intense use of internet among the migrants. It helped them not only to stay in contact with their family members, but also to keep a close eye to the happenings in the social and political field of home land institutions as well as help migrants to form virtual communities, groups and sometimes institutions.

In this regard, it is important to debate the Institutional theory. It discusses the role of private institutions and voluntary organizations that step in to assist the

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<sup>21</sup> Michael Spittel, *Testing Network Theory through an Analysis of Migration from Mexico to the United States*, CDE Working Paper no. 99-01 (University of Wisconsin-Madison, 1998), accessed May 10, 2016, <http://www.ssc.wisc.edu/cde/cdewp/99-01.pdf>.

<sup>22</sup> Monica Boyd, “Family and Personal Networks in International Migration: Recent Developments and New Agendas,” *International Migration Review* 23(3) (1989), 642.

<sup>23</sup> Spittel, *Testing Network Theory*.

migration process; they become known by migrants and constitute another form of social capital as they become institutionalized.<sup>24</sup> According to the institutional theory, a large inflow of international migrants determines profit and non-profit organizations, which can be legal or illegal, to provide, for instance, (clandestine) transport, labor contracts, (counterfeit) documents, dwellings or legal advice for migrants.<sup>25</sup>

Migration is also a *social* transformation that takes place in a complex *communication* process. The initial migration decision, the migration plan as well as process and integration are accompanied by an active communication. Communication links single individuals and groups, according to their anthropological characteristics, similarities and differences as well as emigres with the potential emigrants from the home country. This social activity pushes to migrate offering them the needed information and through communication, the decision to migrate is taken. The decision taking might be hard for a migrant when they face internal and external communication fears and when he moves out alone. Communication upon arrival is most of the time difficult due to the lack of language knowledge and because of cultural differences. The communication with the origin country usually is maintained. The ICT play an important role in cost reduction of the communication as well as raising the IT skills of migrants. People who migrate can also keep in contact by mobile phone and the Internet while they are away.<sup>26</sup> Due to internet telephony the cost of communications falls practically to zero. The two important areas of overlap between migration and communication research are the models of *cultural* adaptation, and the negotiation of identity in places with relatively easy contact with the home country via new communication technologies.<sup>27</sup> Although there are many challenges to a person culture and background, the migrants try to keep their cultural heritage from home. This is mainly visible in the culinary customs, the presence of home country shops as well as cultural festivities organized abroad by migrants. All this represents the cultural heritage that the migrants offer to the hosting society. As Clair H. Rirth and Aitor Ibarrola-Amendariz advocate, the “cultural capital” represents the information related to job opportunities, social environment, legal policies, etc. that migrants bring from their country of origin to the host country and the “social capital” with

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<sup>24</sup> Douglas S. Massey et al, “Theories of International Migration: A Review and Appraisal,” *Population and Development Review* 19, 3 (1993): 431-466.

<sup>25</sup> Jennissen, *Macro-economic determinants*, 34.

<sup>26</sup> United Nations, *Men in Family and Family Policy in A Changing World* (2011), 127.

<sup>27</sup> Sandra J. Ball-Rokeach, “Migration and Immigration,” in *International Encyclopedia of Communication*, ed. W. Donsbach (Blackwell Publishing, 2008).

which they count upon arrival help in employment and social matters, friendships and community ties or family relations.<sup>28</sup>

Both social and cultural capital play an important role in the migrant's adaptation to the new environment and it can serve as an important input to the hosting society.

Thus, the migratory journey is always an on-going process of transition between two contexts and transformation into a new self-hood. It is a journey not only of geographical displacement, but it also involves social and psychological dislocation as well.<sup>29</sup> According to Sowell, "Among the heaviest costs of all is the severing of personal ties in familiar surroundings in order to face new economic and social uncertainties in a stranger land."<sup>30</sup>

In conclusion, we can say that so far there has not been identified one theory that could explain the complexity of the migratory path in a global world. Although there have been many attempts to explain it from different perspectives and which were appropriate at the time of their elaboration, it still needs new analyses and in the context of the transition to the knowledge-based society this need is emphasized even more. Nowadays, the migrant and migrations continues to be a hot topic for many countries, thus it is necessary to analyze it from the perspective of the ICT and the transition of the migrant and hosting society to the new era of a respect, knowledge and development, the so-called move towards the knowledge-based society.

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<sup>28</sup> Rirth and Ibarrola-Amendariz, *Migration in a Global Context*, 11.

<sup>29</sup> *Ibidem*, 12.

<sup>30</sup> Thomas Sowell, *Migration and Cultures: A World View* (New York: Basic Books, 1996), 2.

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ESSAYS

PRESENTATIONS

REVIEWS



# Verba dicendi

## Review

**Alina-Viorela PRELIPCEAN, *Verba dicendi în limbile română și spaniolă: privire comparativă*, Casa Cărții de Știință, Cluj-Napoca, 2015**

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Comparative linguistics has long been one of the main fields of interests for the linguists at the “Ștefan cel Mare” University of Suceava, as proved by the numerous studies and researches in the last decades. In such a context, the new book published by A. V. Prelipcean, based on her doctoral thesis, follows a well-established tradition in the comparative and contrastive investigation of Romance languages.

*The Verba Dicendi in Romanian and Spanish* is a daring and stimulating book, as it attempts to analyze a closed inventory from a multitude of perspectives. Naturally, the morphosyntactic approach is fundamental in this type of research where the main focus falls upon a group of verbs, yet the author does not neglect other aspects, such as the etymological, the lexical, the semantic or the phraseological ones.

The book is structured in seven chapters. The Argument includes a brief synthesis of the researches carried on by other linguists about the verbs of saying either in Romanian or Spanish, or in other European languages. It becomes obvious that a comparative and contrastive study of the *verba dicendi* in Romanian and Spanish has never been done before, so Alina Prelipcean’s work is more than welcome at this point.

The second chapter regards the verbs of saying from a communicational perspective; due to their meaning and use, they belong to metalanguage (as derived from Roman Jakobson’s view on the metalingual function of language), as they

refer to language itself, i. e. to articulate speech. The author notices the presence of the verbs of saying and their cognates in the terminology of several philological sciences, as well as in the lexicographical meta-text, and analyzes the semantic specialization of these terms as opposed to their current meaning.

The third chapter deals with the grammatical characteristics of the declarative verbs. A. V. Prelipcean chooses to take a step back in time and offers a diachronic perspective of the grammatical behavior of these verbs both in Latin and in modern Romance languages. She notices that Romanian represents an exception to the rule stating that declarative verbs can be followed by a present or perfect infinitive, when the grammatical subject is common to both verbs. Besides, the same conclusion is drawn from the comparison between Romanian and the other Romance languages as far as the sequence of time is concerned, as Romanian has lost almost entirely the obligativity of tense and mood usage in the indirect speech.

The fourth chapter is dedicated to the semantics of the *verba dicendi*, and the author begins her investigation with a componential analysis of the semantic features these verbs display. While the common feature, that of *speaking*, is always present (even when declarative verbs derive from other types of verbs), there are many other features that define the precise meaning of each verb, such as *information, interrogation, negation, emotion, intelligibility*, etc. Alina Prelipcean goes further with her investigation in an attempt to classify the categories of verbs that can be interpreted as *verba dicendi* in particular contexts; she proves that most of these verbs refer to animal communication, to physiology, to the manifestation of the elements, to human activities, etc. She also analyzes, diachronically and synchronically, the values of the fundamental declarative verbs *to speak* (Rom. *a vorbi*, Sp. *hablar*) and *to say* (Rom. *a zice, a spune*, Sp. *decir*) and also their syntagmatic relationships, based on their semantics.

In the fifth chapter A. V. Prelipcean investigates the position of the verbs of saying within the vocabulary of the two languages and their capability to produce lexical families; oddly enough, while the verbs that are properly called *dicendi* (meaning “to say”) have numerous cognates, the *verba loquendi* (“to speak”) can appear in compound words or in locution and phrasemes, but they rarely accept derivation as a word formation process.

The sixth chapter regards the verbs of saying in the Romanian and Spanish phraseology, so the author begins with a series of considerations upon the difficulties of translating any kind of fixed structure to another language. She makes a comparative presentation of idiomatic expressions, proverbs, locutions,

discursive formulae, etc., which point to the similarities (rather than to the discrepancies) between the two Romance languages. Certainly, such similarities can be explained both by their common origin and by the existence of what Greenberg, Osgood or Coșeriu called linguistic universals.

The seventh chapter is dedicated entirely to the investigation of the origins of the *verba dicendi*; the author lists 548 Romanian verbs and 541 Spanish verbs and their etymology. The statistics deriving from these lists show a rather similar percentage of Latin-Romance verbs in both languages (i. e. Latin inheritance, Romance loans and verbs that were formed in the two languages), but there is a major difference between the two in non-Romance loans, as in Romanian loans from Turkish, Greek, Hungarian or Slavic languages are still in use.

The book also includes a generous addendum, in which the reader can find the complete inventory of the declarative verbs in both languages, along with their origins and their definitions, as well as a comparative presentation of the Romanian and Spanish verbs that share a common origin.

Well structured and highly logical, this book is a must-read for a variety of readers who are interested in comparative linguistics, for it can be used as a coherent model in lexical analysis and it provides an impressive inventory of linguistic material. The kaleidoscopic vision in Alina-Viorela Prelipcean's research may open the way for new and detailed approaches of lexical fields in further investigations.

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# The Symbol, a Benchmark in the Literary Hermeneutics

## Review

**Călin-Horia BÂRLEANU**, *Simboluri în literatură*, Editura Casa Cărții de Știință, Cluj-Napoca, 2016

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This year, in addition to the two other previous significant works,<sup>1</sup> Călin-Horia Bârleanu proposes a value book among the many references existing within the Suceava University and not only. From his perspective, the communication, hermeneutics and psychoanalysis field gains another useful guide that tends to be both of initiation and of approach on fictional discourse.

Entitled, *Simboluri în literatură* (Symbols in literature), the book was published by Casa Cărții de Știință Publishing House in Cluj-Napoca. From the beginning we must say that it represents a real and useful study for any student, master student, PhD candidate enrolled in Philology, but also for those passionate about the symbolic approach of a literary text.

The volume is structured in four chapters, chapter two and three representing the essence of this study. The topics that the author approaches and develops at the same time are the most exciting. In the pre-discussion of a literary text he claims that some reference points such as *Catharsis and therapy through symbol*, *symbols of Eros*, *symbols of Thanatos* etc., are required:

If in the first part of the book we find a theoretical and clarifying presentation of the symbol and symbolism concepts, in the second part, the author, a knowing expert of psychoanalytic literature, invites us on an almost initiatiating journey. Along the way the reader will meet the epic literary works of writers such as Mario Vargas Llosa, D.H.Lawrence, Luigi Pirandello, Sadoveanu, etc., to not

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<sup>1</sup> *Mircea Cărtărescu. Universul motivelor obsedante* (Iași: Universitas XXI, 2011) and *Antropologie și comunicare interculturală* (Cluj-Napoca: Casa Cărții de Știință, 2015).

mention the multitude of references to various leading experts in the field of symbol and its significance in the literature in question.

I wonder how the reading could be saved today, if not under the stimulus of such books?! Sometime, the reader might have the misfortune to read a book full of symbols and meanings very tight connected with each other. Only those initiated and talented will be aware of their presence, but what about the reader who, in his attempt to seek such symbols, walks over them and does not know what he/she is doing, if he/she is not guided by anything.

This book cannot be considered as a simple guiding tool in discovering meanings unknown by us, but an interesting approach of the existing symbols in literature. Once one goes through this study, a novel way of looking the fairly intricate issues of the books will be revealed. The reader would gain a different understanding on the same literary objects. The gestures of the characters, their names, the topography, the scenery, their actions and more can really be revived. Obviously, a very important role in this hermeneutic process is represented by the subtext, the inner aspect of the text, namely the artistic object in this case.

The City, the Dream, Death, Love, Playfulness and many others symbolic objects are discussed by the author based on certain creations of writers in the literary universe. It is equally important how the author presents and discusses his speech. We are dealing with a type of well-articulated, coherent and well thought out discourse. The consistent elaboration of this book makes us be equally attentive to any literary creation we are getting in touch with. Few ideas could escape from the author scrutiny and information are consistent and full of essence. The book itself contains several puzzling aspects, which if not passed through an objective and professional filter one cannot go beyond *dell'oggetto artistico*.

It is a book that indirectly leads us to a different type of reading, the one in a symbolic key by means of the hermeneutic approach, without which even the initial lecture would not exist. Besides the aspects of structure and content, this book reassures the symbolic dimension to any consistent and comprehensive interpretation and analysis process of a literary text.

### **Bibliography:**

1. Bârleanu, Călin-Horia, *Simboluri în literatură* (Symbols in literature). Cluj-Napoca: Casa Cărții de Știință, 2016. 344 p. ISBN 978-606-17-0906-9.