RAIS Journal for Social Sciences

Vol. 5, No. 1 | Year 2021
ISSN 2574-0245 (Print) | 2574-1179 (Online)
Edited by Julia M. Puaschunder, PhD

RAIS Journal for Social Sciences
Vol. 5, No. 1 | Year 2021

Research Association for Interdisciplinary Studies (RAIS)
Beltsville, MD, 20705, USA
www.journal.rais.education
rais.education@email.com

Editor-in-Chief: Julia M. Puaschunder, PhD

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ISSN 2574-0245 (Print)
ISSN 2574-1179 (Online)

Published by Research Association for Interdisciplinary Studies (RAIS), Beltsville, Maryland, 20705, USA.

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RAIS Journal for Social Sciences | VOL. 5, No. 1, 2021
ISSN 2574-0245 (Print) | ISSN 2574-1179 (Online) | DOI: 10.5281/zenodo.4782466

Security and Privacy in the Era of Electronic Health Records (EHRs)

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ABSTRACT: Traditional paper-based repositories of medical records are now largely phased out and replaced by advanced Electronic Health Record (EHR) systems. Digitization of medical records and the ease of data access, however, also present the risk of the healthcare data breach and misuse of personally identifiable information. Given the crucial data kept in EHR, specific regulations are made in the European Union (EU), which specify the amount and type of clinical data collected. In various countries in the EU, however, the amount and the nature of the EHR information are different. Some EU countries allow the collection of minimal demographic and clinical information. In contrast, others allow more specific information on the profession, criminal offense, organ donation, psychological disorders, family details, or other socio-economic variables. Security of individual data has been identified as a fundamental right in Article 8 of the EU Charter of Fundamental Rights, and the EU General Data Protection Regulation (GDPR) dictates that organizations can analyse individual information only if a minimum of a sixth lawful grounds for personal information processing has complied. These requirements become even more stringent in medical data. One of the main issues for EHRs is how patient's privacy will be kept confidential through technology. Another primary concern is network communication; thus storing personal health data online can be a source of crucial information leakage to unauthorized entities. In detail, this study seeks to analyse and address the following issues: Firstly, an overview of security and privacy concerns in EHR will be looked into details. Secondly, an analysis of the existing legislative and regulatory framework to protect the treatment or processing – including collection, recording, organisation, structuring, storage, and other uses – of personal data linked to health will be provided, taking the European Union as a case study. The paper will conclude by discussing that with the recent advances in data storage and data processing and the emergence of artificial intelligence and big-data projects, EHR applications are expected to grow further. The need is to strengthen further and homogenize the regulatory framework for the security of data stored in EHR and the standardized analysis of information for legitimate clinical research and other essential applications.

KEYWORDS: Medical Health Record (EHR), Privacy, Security, European Union (EU), General Data Protection Regulation (GDPR)

> "If you need to be persuaded that you're living in a science-fallacy world, look at your mobile phone."
> *Bruce Schneier*

Introduction

Before the digital age came about, processing health data did not present the complex issues that it does today. Indeed, it was attached on a critical trust of connection between the

invalid and the medical experts, who in various instances would be the GP. Back then, everything was written down on paper, if not spoken merely (Guarda 2009, 1).

The arrival and various distribution of communication gadgets like computers resulted in various issues and increased need for security. Modern technology has introduced gurus with the fantastic workforce to accede wide length of aggregated information ever so rapidly while also enabling people to create massive databases which various people – even if lower in figure and categorically identified – can accede (ibid). This has majorly accelerated the dangers accompanied with how such data is processed, including its unlawful circulation and dissemination, which can directly impact the dignity and the greater freedoms and rights of the one's data subject (ibid).

Indeed, the use of data has faced ethical and legal problems in all areas of health treatment. It is known that patients can quickly get helped by possessing medical health data, and medical decisions greatly enhanced through a detailed understanding of medical history and health / medical data (Esteve 2018, 36). Nevertheless, we need to guarantee confidentiality – including the right to protect data – and confidentiality to patients associated with health data processing problems from important rights dimension (ibid).

The General Data Protection Regulation (GDPR) recognizes "data *containing medical information'* as a crucial type of data, and to this end, enhance a meaning of health data for data protection function (edps.Europa.eu, 2020). While the innovative idea brought by the GDPR (such as confidentiality by design or the illegality of discriminatory profiling) remain crucial and functional to medical information, calorically protection for individual health data have now been addressed by the GDPR (ibid), enabling there to be a definitive understanding of the rules which, in turn, guarantees proper and elaborate protection of such information. Processes that fasten realisation of new ideas and better standards health protection, like clinical trials or *mobile medical,* require strong data security information to maintain trust and confidence through regulations to protect their data (ibid).

Since Electronic Health Records are still somewhat new, there was some difficulty finding many studies performed on them' legal risks. All of the articles used in this paper were extremely relevant to the topic; however, not all of them deal with the research problem.

It is fundamental consideration that EHR is increasingly actioned in several developing countries as it improves the standards of medical care and is cost-efficiency. In Saudi Arabia, a systematic review revealed that lack of computer experience and lack of perceived usefulness are major barriers in the successful implementation of EHR (Alqahtani et al. 2017, 14). These findings indicate that such digital ideas can initiate dangers in the absence of an efficient policy and technical framework. Therefore, it is a perfect shortcoming to protect the data safety that are stored in the programme. Protection ineffectiveness has of late raised questions about this system (Keshta and Odeh 2020, 2).

Although it is gaining ground and becoming more practical, and there an increasing vigour for its adoption, minimal consideration has shown indications to the protection and confidentiality challenge that could increase as an effect. Therefore, the author has done a detailed research of all the significant problems related to the EHR system's security and privacy properties as indicated in the public scholarly literature taking the European Union as a case study. Literature has shown that EHR outcomes received from several merchants always come with automatic security and confidentiality affordability. The current concern could receive a positive respond by studying the targeted pure results used as EHRs. Furthermore, the author believes that if the security and privacy overtures contained in the published scholarly literature are

pointed out and well searched, they can continuously be used as a substitute for what can be the absolute EHR security and privacy overtures. The study is likely to reveal essential data for the custodian in health facilities and various stakeholders required to act, identify, develop and apply various Electronic Health Records which improve the confidentiality and protection of the invalid who participate. The current study is as well useful for stakeholders who oversee information systems' security and confidentiality within the medical care department. The study can as well be utilized by other researchers as a reference on how the patients' privacy and security can be improved in the electronic medical data bases.

The remaining part of the study will be done as follows. Section 1.1 presents medical information be incorporated in EHRs. Section 2.1 discusses concerns of privacy and security of EHRs. Section 3.1 focuses on the EU Charter of Fundamental Rights (EUCFR) and the EU General Data Protection Regulation 2016/679 ("GDPR"). Section 4.1 will discuss numerous procedures which are adopted in EHR systems to receive security and privacy. Finally, the author concludes by discussing that with the recent advances in the keeping and processing of information and the emergence of artificial intelligence and big-data projects, EHR applications are expected to grow further. The need is to strengthen further and homogenize the regulatory scheme for the data protection stored in EHR and the standardized processing of information for legitimate clinical research and other essential applications.

1.1. Health data to be included in EHRs

The electronic processing of health data provides invaluable benefits to patients and health care providers. These benefits include speed and flexibility of information processing, retrieval, and communication; long-term cost savings due to increased efficiency; and the availability of powerful computational techniques that can contribute to improved patient outcomes (Hoffman and Podgurski 2007, 332). Burton et al. suggested that EHR can be of great help in delivering coordinated medical care for patients with multiple chronic conditions (Burton et al. 2004, 458). Moreover, if fully adopted, EHRs will be internally utilized, allowing disparate systems and networks to send and receive data across the country. They will be vertical, including all of the persons' health care encounters over a long period. They also will be extensive, comprising the records of all visits with doctors and other health care providers, such as dentists, chiropractors, and specialist therapists (Rothstein 2007, 487).

They are identifying the kind of data that is contained in EHRs requiring proportional competing interests. In another way, extensive EHRs gives a better outlook of the invalid's health (European Commission 2014). Allowing health experts to produce a well replicated diagnoses and health feedback to invalids. Medical data in EHRs, which is readily reached and interpreted than data on paper-records, could be susceptible (e.g., data containing information about diseases transmitted sexually, mental disorders, drugs or alcohol dependence). The feature gets solid consideration under EU law (ibid). The Charter of Fundamental Rights accepts every individual's right of security to personal information and privacy, and Directive 95/46/EC afford exquisite security to medical information. The general regulation in this Directive that information gathered has to be 'fulfilling, show relevance though not exaggeration concerning the function with which they are gathered for further processing and particular relevance to explaining that information has to be incorporated into EHRs (ibid).

Many European countries, exceptional of local administration information on the sick person which includes name, gender, date of birth and national insurance number need that just medical information is entailed in EHRs. Bulgaria, Luxembourg, France,

and Italy accept that data can be included on EHRs about the invalid transplanting of body parts (ibid).

Additionally, in various European states, EHRs are never restricted to health information. The extra information which needs to be added in EHRs is extensive. This information contains more individual information starting with the profession, then health habits and also criminal offenses (ibid).

EHRs in Croatia have to incorporate data on the insured individual's duty and career-related information and certain acts of smoking, alcohol drinking, and dependence on substances. The Danish details invalids' keens. The EHRs in Estonia contains the invalid's career and employer, describing the workings standards, educational background, the state of the family, health habits, psychosocial background and development, mental background, and development. EHRs in France contain a part on prevention that protects medical and social details. In Greece, health data comprises of the father's details and the patient's career (ibid). In Hungary, the career of the invalid has to be incorporated. The Italians include, also to health information, social and medical information.

Nevertheless, no proper definition of this study entails is explained. In Luxembourg, the legal rules accept the patient to fill a section of the EHR where he/she can produce extra data or agreement. In Slovenia, the marital status, education, and profession of a patient have to be encompassed in EHRs. In Spain, the occupation of a patient is involved. Sweden accepts data to be covered about criminal offenses of a patient only when there is a definite necessity to perform. Romania is analysing the likelihood of including in the EHRs data on religion, job tittle, lifestyle/behaviour, family periodical information (ibid).

2.1. Concerns on privacy and security of EHRs

Privacy and security are the primary aim for growing personal trust and information improvement. There can't be privacy in the absence of security practices (Lafky and Horan 2011, 68). The health data of invalid's/persons should be safe and confidential within the medical assistance professional and individual and forgetting a healthier outcome (Tanwar et al. 2019, 8). The invalids are slow to open his/her medical detail he/she does not have trust in the EHR system. Hence, health records' privacy and security play a fundamental function because the exposure of the medical information of invalid could create life-threatening feedback.

Research done in a Taiwanese hospital reported that, concerning data privacy, invalids' interests in gathering data about themselves, another function of this data, and the somehow drawback in the recorded data were associated with their information privacy-protective feedback, while concern for illegal access to their data by other staff in the healthcare facility was not (Kuo et al. 2013, 23).

Security and confidentiality are needs between patients and physicians/doctors. The EHR produces medical information from numerous data sources like patient's warbles, smartphones, caregivers, in-invalid care, PHR system, and so on. Generally, patients can control the access of their EHR, but they cannot add additional data (Mense et al. 2014, 241).

Many studies conclude that to obtain the full potential of EHRs, patients should be able to access them anywhere and anytime. If EHRs are accessible, patients can verify the details and make a more informed assessment of their health status (Alanazi and Anazi 2019, 107). In a study from United Kingdom, it was found that patients could indeed identify a range of inconsistencies in EHR, and improve the data accuracy (Freise et al. 2021, 6). Efficacy of EHRs can be further enhanced by making them portable, turning them into Personal Health Records (PHRs) (Huang et al. 2009, 748); a

solution is to keep PHRs in portable storage media such as USB flash drives. This portability adds an additional mobility feature whose security needs to be covered; it is necessary to prevent the data from being exposed (Tejero and de la Torre 2012, 3020). However, in a study on 13 USB-based PHRs, several deficiencies with respect to technical features and clinical data elements were observed (Maloney and Wright 2010, 97). These authors, therefore, recommended tethered or web-based PHRs as better alternatives to USB-based PHRs.

Once information is produced, it is kept in the local databank and then keep at the remote system using a remote gateway. Immediately after data collection, they get stored it and more share it, the likelihood of attacks and confidential issues start here (Tanwar et al. 2019, 8).

There are several recent examples of the detrimental effect of cyber-attacks on healthcare institutions and patients (Beavers and Pournouri 2019, 251, Seh et al. 2020, 133). The 2017 WannaCry ransom ware attack, which affected the UK National Health Service (NHS), demonstrated the lack of readiness for protecting patient data and health delivery systems, despite the sector not being specifically targeted (O'Brien et al, 2020). Similarly, attacks across healthcare organizations and systems in numerous countries have compromised patient records and shut down services. Furthermore, deployment of EHR system on large scales, makes it necessary to implement a policy and technical framework that can mitigate the risk of a potential EHR failure in the event of some natural or man-made disaster (Sittig and Singh 2012, 1854). Despite increasing cyber threats and multiple cyber-attacks, evidence reveals that healthcare systems worldwide are still lagging behind other critical sectors in responding to this challenge (O'Brien et al. 2020). Following the emergence of the Covid-19 pandemic, there has been an increase in the number of cyber-attacks globally against healthcare organizations, making it increasingly important that healthcare institutions understand and develop their cyber security, planning and preparedness (ibid).

To initiate this, several security preservation techniques must be applied. A part of privacy skills includes, access control model, grant access, and pseudonymity. Moreover, there include attack mitigation techniques like authorization and authentication. In this respect, blockchain-based strategies can be effective in maintaining a balance between security and ease of access (Ramachandran et al. 2020, 343). To be restored from illness, the invalid has to provide their data like blood pressure, height and weight, previous medical history with physicians to diagnose the ailment and act rightfully for treatment. In some situations, patients who have psychiatric disorders or HIV, find it challenging to disclose because it could result in social scrape and prejudgement (O'Brien et al. 2020). Furthermore, the current medical details of patients, resultantly collection of further data is required which includes the patient's identification for example, past medical judgment, individual history, digital representation of medical images, formerly healthcare assistance taken from which physicians, medicinal history, inherited disease details, genetic disease history the likes of haemophilia, diet-habits, psychological outlines sexual dependence, history of employment, and income, emotional and mental conditions including others (ibid).

Whetstone & Goldsmith confirmed that a person's confidence in their medical records' privacy and security had a good impact on their psyche to develop an electronic medical information (ibid). Bansal et al. ascertained privacy regards not positively influenced the willingness to disclose their medical data online (ibid). Further survey done by Anderson & Agarwal discovered the extreme effect health data security interests that intending persons cooperate in giving personal health data (Keshta and Odeh 2020, 4). Moreover, Dinev et al. discovered a worse interaction between people's health data confidentiality, resulting attitude following electronic medical data. Angst &

Agarwal came up with a similar ending concerning the adoption of digital medical records. Research carried out by Ermakova et al. revealed that interests in medical data confidentiality lowered patients' intentions allowing medical practitioners share their health information during application of cloud computing techniques (ibid).

The occurrence of confidential interests makes confidence trivial compared to rations when selecting medical care except for a less than primary use. Kuo et al. conducted a research, its outcome approved prevailing concerns on medical data confidentiality on the information privacy-protective responses (IPPR) the likes of the refusal of patients to provide their data to medical practitioners, synthesizing individual data of patients to health centres, seeking withdrawal of individual data of invalids, discouraging responses to their friends, feedbacks delivered directly to health institutions, feedbacks delivered indirectly to a third-party organization (ibid).

Rohm and Milne concluded that consumers' interests rose when an agency got a list comprising personal health records in comparison to a form having the general information. Research by Zelman et al. said that persons' choices concerning sharing their electronic health details, whose variation depends on the type of data subjected to the public. King et al. also noticed concerns regarding privacy differ in various forms of medical history. It was affirmed that concerns in medical centres that human beings are interested in the inability to conceive children, abortion, STDs, and much more issues that exactly impact their families. Individuals expressed reduced privacy interests in the health information they delivered about religion, date of birth, blood group, language, gender, and cancer status blood pressure status (ibid).

3.1. European Union legal framework

At the European Union Law level, we will focus on the EU Charter of Fundamental Rights (EUCFR) and the EU General Data Protection Regulation 2016/679 ("GDPR")

The EU Charter of Fundamental Rights (CFR)

The EUCFR is keen on the principle of human dignity (Article 1), the right to life (Article 2), the right to the integrity of the person (Article 3), the prohibition of torture and inhuman or degrading treatment or punishment (Article 4), respect for private and family life (Article 7), protection of personal data (Article 8), the prohibition of all discrimination including that of genetic characteristics in an expressway (Article 21).

It is notably rightful to outline Article 3 EUCFR, as it adheres to everyone's right to respect his or her physical and mental integrity. Article 3(1) states that "*in the fields of medicine and biology, the following must be respected in particular*" (Article 3(2) "(a) the available and informed knowledge of interested individual, regarding to the methods underlain by legal act; (b) Proscription of eugenic actions, most importantly those targeting the selection of persons; (c) Disallowing formation of the human body and its organs a source of financial advantage; (d) Forbidding the reproduction of an exact copy of people."

Yet the EU Charter is well renowned human rights tool that upholds inclusivity of the necessary generation of rights, that cannot be avoided because they give the raised standard of protection for ground laying rights, that entails, just as other human rights tool, a safeguarding clause in article 53, ruling that: "*Nothing in this Charter shall be interpreted as restricting or adversely impacting human rights and fundamental freedoms as recognised, in their various fields of application, by Union law and international law and by international agreements to which the Union or all the Member States are party, in addition the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions*."

Nonetheless, the European Court of Justice explained article 53 not in a safeguarding manner. The provision cannot permit a Corporate State to apply for the national ground laying rights standard (EU law scope). This is possible when the EU law stipulates to be done assuming the primacy of EU law. Resultantly, the EU standard of security will bind as a generic rule when under the jurisdiction of EU law, which cannot be avoided (Esteve, 2018, p.47).

The EU General Data Protection Regulation 2016/679 ("GDPR")

On May 25, 2018, the General Data Protection Regulation (GDPR) took full legal effect across the European Union (EU) and, subsequently, the European Economic Area (EEA), which together comprises 31 countries (Dove, 2018, p. 1013). It is solely applied in all corporate states of the European Economic Area ("EEA") and applies to companies within and outside the EEA in most cases where either the controller, processor or the information subject is based in the EU (Determann, 2020, p. 240). According to the EU data protection law, organizations must not process individual information unless they can justify expressly recognized by law. EU lawmakers reversed the general presumption of liberty (everything is allowed if it is not prohibited) for the field of data processing and data protection law; now, absorption of individual information is not allowed if not permitted.

According to the GDPR, organizations must not process personal data unless they meet all requirements of the legal rules and state laws, and they can claim one of six "legal bases": (a) the information subjected is due consent to process their individual information for various specific reasons; (b) Synthesis of information is critical for the effectiveness of an agreement to which the subjected information is prompted to take steps at the need of the subjected information before it enters into an agreement; (c) processing is essential for adherence to lawful duty of which the controller is subject; (d) synthesis is needful to secure the critical concerns of subjected information or other mortal human; (e) processing also helps the performance of a duty conducted in the public interest or the action of legal power vested in the controller; (f) also processing is fundamental for legitimacy concerns advised by the manager or by a third party, excluding concerns are controlled by concerns or crucial rights and freedoms of the data conditioned that need the security of individual information data (ibid).

Concerning health data, which is termed in European law as "personal data related to the physical or mental health of a natural person, including the provision of health care services which reveal information about his or her health status," the regulation is even more complicated, and there are further restrictions. Health data is grouped as a "special category" as described in Article 9(1) of the GDPR, regardless of how sensitive information about one's health is; for example, glasses or a Band-Aid visible on security footage or scanning of a public road by an autonomously-driving car will turn the entire data set into one containing "special categories of personal data," because they contain information on person's health. Processing of health data is prohibited not only if the data conditioned has given her clear consent for various specified reasons or the processing is needed for health or medical reasons, in which scenario the data could be "processed by or under the responsibility of a professional subject to the obligation of professional secrecy" without consent (ibid).

Consent plays a vital role in containing patients' privacy. A sought consent means that a patient is completely aware of the implications of their medical status and voluntarily agrees to divulge or permit access to a collection of their health data (Win, 2005, p. 13).

For medical research, Article 9(2)(j) and Article 89 of the GDPR contain several exceptions to the general rules concerning consent and access rights while still requiring certain safeguards. Notably, GDPR explicitly mentions that minimal information should be

preserved within EHR or similar records (Chassang, 2017, p. 709). Articles 9(2)(h), 9(2)(j), and 89 of the GDPR allow EU Member States to legislate additional derogations from several provisions of the GDPR concerning the rights of data subjects. For example, in Germany, Article 22 the latest German Federal Data Protection Act (Bundesdatenschutzgesetz) ("BDSG") names several exceptions from the GDPR requirements for processing data of a particular category. Such processing is allowed in Germany, for example, for social security administration purposes and preventive medicine and public health interests and prevent public harm. Simultaneously, various necessary safeguards are described in Section 2 of the BDSG, pseudonymization being one of them. Also, Article 27 of the BDSG justifies a limitation on the data subject's rights under the GDPR if the data synthesis is essential for research purposes. The concerns of the controller outweigh those of the data subject. However, in addition to the safeguards already mentioned in Section 22 of the BDSG, distinguished groups of individual information have to be anonymised as soon as possible after being processed for their original purpose. The leeway granted to the EU Member States to legislate derogations from the GDPR enables creating a legal patchwork that makes it more difficult for research institutions and companies to conduct international studies or exchange data across borders. In addition to data protection laws, treating physicians and researchers must comply with Regulation (EU) 536/2014 on Physiological Tests on Medicinal Products for Human Consumption, which standardizes authorization procedures, safety necessities, and consent requirements to participate in clinical trials. This further complicates the preparation of consent forms and adds restrictions to the subsequent use and sharing of information derived from clinical trials (Determann 2020, 240).

4.1. Solutions for EHR development

We understood an EHR system in previous sections and tabled the significant concerns on this system's privacy and security. In this part, we will discuss various procedures used in EHR systems to attain security and privacy.

Encryption Techniques

EHR systems choose if to preserve the data in the systems in decrypted or concealed form. Although it is necessary that to preserve trust, privacy and data integrity, it has to be kept in conceal. There are two methods for information obscurity, which are similar and dissimilar schemes. The challenge with dissimilar communication security is, it is incredibly inefficient, primarily in health records regarding data imaging. Furthermore, they have cognitive issues when there is a need to search or hide labels. Hence, high preference for symmetrical cryptography. It is solved by using a hybrid public critical infrastructure (HPKI) suggested by Hu et al. The infrastructure is HIPAA reliable. Adopts critical public infrastructure for reliability, yet computing does not require intensive information and a better effective symmetric mechanism for information imaging. Also, the computation of encryption of medical information having images requires more work, time-consuming, and expensive. Energy has been inputted to handle this matter. Kanso and Ghebleh suggested ideas that employ robust and specific conflict-oriented image encryption mechanisms. The technique comprises various rounds, comprising of double phases which include, preserving and changing phase. For efficiency and maintaining security, a pseudorandom matrix is employed. Other biometric techniques have reliable solutions when it comes to encryption. Although, there is susceptibility to breach for servers containing the encryption. The first is to conserve a separate server for information and the proper keeping key so they are not subjected to breach. Secondly, do away with crucial storage in servers by enabling invalids in creating and maintaining their keys. Various mechanisms of encryption schemes

provide access control, like identity-based encryption. The database standard techniques for encryption like transport layer security (TLS) are employed to safely transport data over the Internet, thereby avoiding information spoofing or person –at- the- center conflicts (Tanwar et al., 2019, p. 100).

Access Control

Handling legal and access control provides the most critical challenge in the creation of EHR systems. EHR systems, if properly designed, can have explicit access rules (Bakker, 2004, p. 267). Firstly, the two primary ways to solve this challenge are to incorporate keeping the data in the centralized system under the team's privacy handling systems. Access control procedures are utilized to produce the finest level of access 100 privacy and security of electronic medical care data and authorization in such cases. These techniques keep data whose format is not encrypted since the access control serves as a firewall protecting the server from illegal access. Also, it's to combine the obscurity of data and access controls that lead to legal access and integral data thereby availing security and privacy to the information kept in encrypted method. This can be made functional by putting into use the utilization of the Cryptographic Access Control Model. This brings ways for building solid EHRs comprising of data from several sole sources (Tanwar et al., 2019, p. 100).

Digital Signature and Verification

Present signatory mechanisms are essential for producing reputable, integral and authentic present files. Zhang et al. employ the use of relevant signatories (ibid). The importance of two signatory techniques in EHR systems shall be discussed, that is anonymous signatories and threshold signatures.

Anonymous signatures

To store the participant's identity and ensure confidentiality, methodologies for releasing pseudonym identifiers are put into use. In this regard, a pseudonymization-based system was proposed to secure EHR architectures (Riedl et al, 2008, p.1). This system proposes the use of transport layer security or signed messages to enhance the security of EHR. However, anonymous signatures allow masking in the signatory scheme. There are various mechanisms for having unidentified signatories, explored into detail two of these significant ones: (1) ring signature and (2) group signature.

Group signature: This was incorporated by Chaum and Van Hejst (Tanwar et al., 2019, p. 104). The mechanism entails a team of participants led by a team leader that gives a go-ahead to participant among them to provide a signatory on behalf of the group participant homogenously. The leader's role is monitor participant joining and reshuffling procedures. Additionally, the leader can also interfere with signatories if the case is disputed. Each group participant has a different confidential signing key, and only one public key, which could be used by a third party to check if the signatures of the group has been signed. Privacy and security of electronic medical care information Any group participant can sign in the group participant's absence, and it will not affect the singer's identity. Every group participant must have a durable identity attached to the group and the participants ' secret key. The interaction, nonetheless, is a secret to the group leader.

Ring signature: This was brought about by Tauman, Rivest, and Shamir (ibid) to disclose private data without enclosing who signed the message. The scheme's agenda is identical to that of the group signature scheme: to conserve identity of the signer masked by the group. Reviewing checks signature's legality without knowing who

initiated it from the likely ring member. Furthermore, double signatures produced by a similar signer are not likable—the two key variations between group and ring signatory mechanisms. Firstly, lack of a mechanism to restore signatories in ring signature schemes. Secondly, it is not helpful to program people in the ring signature scheme, which is several participants can operate in unison for a mechanism avoiding preambles.

Threshold signatures

The bottom-most mechanism (ibid) needs that every system containing members that encrypt or decrypt information requires a minimum member's participation. Also, to say, an optimum signature is a unique method of dealing with numerous statutory. At least a few populations need to produce a divide of signatures to provide a singlet signatory to members. Both private and public key pair is what makes up a group, made accessible to members. Shamir's private sharing mechanism is a bottom-most technique that enables members to be confidential in sharing from. A private sharing doesn't reveal data regarding the initial secret, thereby not function independently. Boneh, Lynn, and Shacham (BLS) (ibid) mechanism absorbing Shamir's secret sharing enhances the system of crucial generation required to provide keys employed during signing and verification of data conducted in distributed measures doing away with concerns of one-person member to be confided in. It is a compelling feature because the initial secret should not be available. These private shares can provide their signatures only when they validate against their public key. Nevertheless, there is the ability to gather various numbers of these signature shares and extrapolation carried out for confidential shares. In that scenario, we can restore the signatories created when the original key had been used (ibid).

Conclusions

This article provided a brief account of complexities associated with the recording, accessing, and processing EHRs in the EU. Since EHR contains compassionate and personally identifiable information, data breach prevention is given the highest priority. Indeed, the protection of personal data has been identified as one of the fundamental rights in the EU, and considering the sensitivity associated with medical health records, the access and processing of EHR is permitted only under exceptional circumstances. Consent of the patient and overriding medical benefits are two requirements for the processing of EHR. The EU, however, permits the Member States to make nation-specific legislation on some of the provisions of GDPR, leading to differences in the practices and protocols related to the processing of EHR. These deviations complicate the compilation and processing of medical data for multinational clinical trials and medical research.

Notwithstanding such complexities, EHRs play a critical role in providing better and timely care to patients and advancing medical research. In the coming years, the volume of EHR and the scale of medical data processing are expected to increase phenomenally. Despite such challenges, EHR has been instrumental in providing better patient care and fostering medical advances. With the recent advances in data storage and data processing and the emergence of artificial intelligence and big-data projects, EHR applications are expected to grow further. The need is to strengthen further and homogenize the regulatory meshwork for the security of information stored in EHR and the standardized synthesis of information to legitimate clinical survey with other vital applications. It is essential to augment the legal and regulatory framework so that the data can be accessed to better humanity while safeguarding the privacy of personally identifiable information.

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RAIS Journal for Social Sciences | VOL. 5, No. 1, 2021 ISSN 2574-0245 (Print) | ISSN 2574-1179 (Online) | DOI: 10.5281/zenodo.4782470

The Use of Virtual Financial and Monetary Instruments is Soaring. How Urgent is Their Regulation?

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ABSTRACT: Technologically advanced companies attract more advanced businesses in the field of AI or adapt their business more easily to everyday realities. This allows them to accumulate capital more easily, with fewer human resources, giving sustainability to the business in the long run, but not to the society. The incredible speed with which technology has developed has often left a gap in the regulation or legal requirements of new technologies. The lack of this regulation has become extremely visible in the field of cryptocurrencies, virtual money, without necessarily having an intrinsic value, which, however, circulate unhindered and produce effects on the entire chain of economic value.

KEYWORDS: cryptocurrencies, regulations, bitcoin, blockchain, financial technology

Introduction

The Internet of Things (IoT) and Artificial Intelligence (AI) are becoming a constant in everyday life and the foundation without which no public policy of the future can be conceived. States have constantly adapted to threats, risks, and security opportunities through the lens of technological progress and the development of new technologies. At the same time, politicians are focusing their agenda and electoral program almost exclusively on new media tools and instruments.

According to analysts in the industry, in 2015 there were between 10 and 20 billion objects connected to the Internet. This ecosystem of connected objects forms the foundation of the Internet of Things. The number of connected objects in 2015 was significantly lower compared to the situation today. Estimates vary, but it was generally estimated that the number of connected objects in 2020 was 40-50 billion, including everything from pens to homes, cars, and industrial equipment.

If we follow the red thread that connects economic power with the military one, especially in the medium and long term, understanding how technological innovation will shape the global economy, information environment and modern society is indispensable for the security and safety of citizens around the world. The most obvious link between state-of-the-art technology innovation and economic power is the effects that technology has on the ability of states, large corporations, or family businesses to raise capital, while also having profound consequences for the labor market.

At the same time, the incredible speed with which technology has developed has often left a gap in the regulation or legal requirements of new technologies. The lack of this regulation has become extremely visible in the field of cryptocurrencies, virtual money, without necessarily having an intrinsic value, which, however, circulate unhindered and produce effects on the entire chain of economic value. Virtual currencies are also used for practical purposes, facilitating long-distance e-commerce; however, they are also used for less orthodox purposes (illicit trafficking, terrorism, masking illicit earnings, evasion).

North Korea has taken full advantage of the lax regulations and by using them the Pyongyang government has been able to secure luxury goods that it should not have had access to because of Western economic sanctions.

What are cryptocurrencies? Can they be regulated?

Revolut became in 2019 the most important start-up of Great Britain. Founded in 2015 in a British start-up incubator, Revolut sells a product from the world of "fintech" (financial technology). Fintech is the crucible of technologies and innovations that aim to compete with traditional financial methods in the delivery of financial services. The purpose of the fintech industry is to use technology to improve financial activities.

Revolut is a virtual card, practically a mobile application that allows you to trade in about 150 currencies, transfer money to almost all countries of the world or make recurring payments without any commission. From 2015 to date, the application has accumulated over 15 million users and 550 million transactions worth over 70 billion pounds.

What has the Revolut added to the world of financial banking services? The integration of virtual currency transactions, unregulated, as part of basic services available to credit/debit card (card) owners. There is therefore no clear delimitation between the classic money, even if it is present only in a bank account, and cryptocurrencies. Revolut became a virtual bank that offers you debit, savings, and cryptocurrency accounts, which you can use simultaneously in different situations, without having access to your personal card and other personal data in addition to what you voluntarily shared to the app.

Revolut offers the possibility to trade in 5 virtual currencies considered the most used and the most secure. Cryptocurrencies are decentralized, peer-to-peer/P2P payment technologies that allow counterparts to exchange financial assets without any legal regulation or other intermediaries. Due to the lack of legal regulations and the fact they are difficult to track by authorities, virtual currencies have become a favorite tool for cybercriminals in their attempt to bypass the conventional financial-banking system.

However, the virtual currency market is extremely volatile. While in January 2019, it reached an impressive amount of 800 million dollars, in August it reached 200 million, while in April 2021 has exceeded 2 trillion dollars.

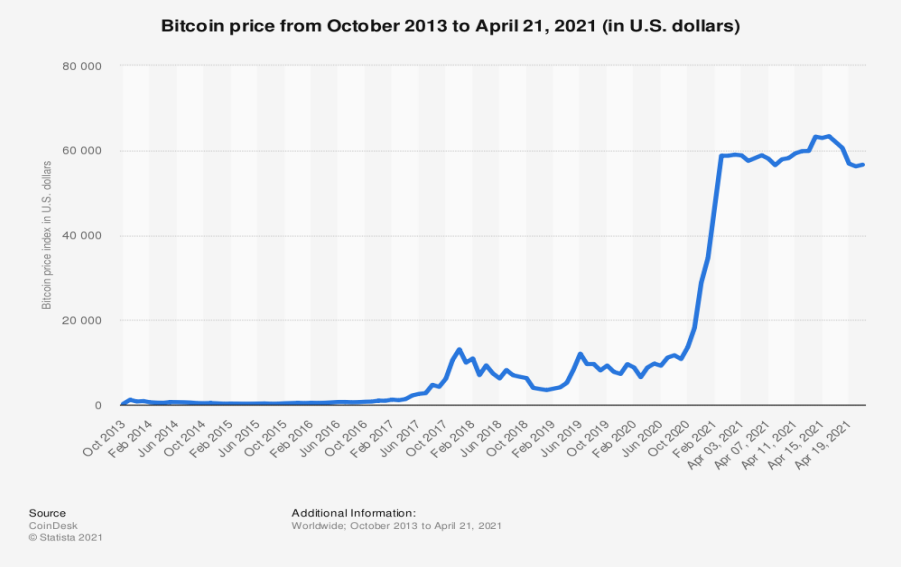

Figure 1. Bitcoin price from October 2013 to April 21, 2021(in U.S. dollars)

The volatility of cryptocurrency markets is given by the number of transactions and the most efficient possibility of securing and tracking them, aspects that have become easier lately by using blockchain technology. In short, the concept of blockchain represents a distributed database that maintains a dynamic list of records. The association with other concepts such as transactions, smart contracts, or cryptocurrencies, makes the concept itself more difficult to understand.

A blockchain is a chain of interconnected blocks, each node containing the hash key of the previous node, except for the first block called genesis. Normally, the structure of a block consists of two main components: a header and a body. The header includes the current version of the block, the hash key of the previous block, the hash key of the current block, a time signature, a counter, and target bits, and the body consists of transactions.

There is also the "dark web" tool that facilitates the provision of "crime-as-a-service" (CaaS), i.e. the activity through which criminals provide their know-how and technical support to other criminals. Cybercriminals rely on CaaS to provide malware and hacking services to other criminals.

There are states where these activities are regulated in one way or another. However, the regulations differ substantially, including among the Member States of the European Union, which deal with cryptocurrencies in extremely different ways, ranging from indifference to unrealistic regulations. Some classify virtual currencies as a unit of account similar with classical currencies, while others completely reject the idea that they can be used as monetary/financial instruments. Concerning the exchange of currencies and "virtual wallet" services such as Revolut, the majority of the public opinion leans towards them being required to have an operating license after meeting strict criteria.

The crypto market has major potential as classical financial systems lose their attractiveness. In the same way, it becomes even easier to use these modern means for illicit operations such as money laundering or financing terrorism. The protection of traditional consumers must take on new standards as normal transactions become an exception to the rule. At the same time, virtual currency transactions will be able to bring considerable income to states if they are taxed.

In the future, at the heart of all these concerns, will be blockchain technology. Considered the great revelation of the Davos Forum, the technology has shifted from internet financial and banking services to services related to the supply chain of large corporations, car and equipment production, or shipping. The blockchain virtually eliminates the middleman and is based on maintaining a decentralized database, which many engineers have called a "decentralization of trust."

Basically, instead of a "central repository," a registry within an institution that stores information, it is saved simultaneously in a large number of computers. This entails at least two major advantages. The first is that the reporting in such a register cannot be falsified or manipulated because the distortion of the information would be revealed when the register on another computer is questioned. This means reporting is based on trust because this decentralized register encourages participants to report transactions in an honest way so that in the end the blockchain corresponds exactly.

At the same time, the control of such databases is quite cumbersome, which leads to an increase in complexity and costs. It is estimated that the entire industry uses about 0.17% of the world's electricity, more than what 161 countries in the world use individually. That's why, lately, verification is done through nodes, called "allowed networks" that concentrate a greater amount of information and make verification easier. This combines the advantages of the centralized approach with the decentralized one in keeping track of data.

Last but not least, crypto-assets should be divided, in principle, into the value of something virtual, non-existent, or the value of something tangible that is to be validated by an institution. The distinction has considerable implications for initial regulations and subsequent supervision.

The value of cryptocurrencies will be influenced in the future by both the lack of resources to support them and by their ability to create a network of users. By comparison, the "virtual wallet" or ICO technologies can be likened to a representation of assets controlled by a "cryptographic key." Their appeal will stem from the low transaction costs and accessibility of transactions. This means greater access to funding with smaller transaction costs.

Cryptocurrency volatility and market elasticity

The pressing problem with today's cryptocurrencies is the difficulty of stabilizing them. The capitalization of the crypto market reached its peak in 2018, amounting to 836 billion dollars on January 7, 2019. After that date, it decreased considerably and gradually, reaching a value of 207 billion on August 16 (2019). Most crypto assets are held by cryptocurrencies, bitcoin in particular. But bitcoin is a virtual currency with extreme volatility, losing hundreds of dollars overnight and thus becoming highly speculative. The share of cryptocurrencies within the global trade transactions is still at an extremely low level. According to the data of the European Central Bank, 284,000 bitcoins are traded daily, compared to 300 million euros in the retail area alone. However, the value of bitcoin transactions can exceed the amount of 300 million euros per day, but this differs depending on the value of the virtual currency on a given day.

Moreover, unlike traditional trade, the volatility of cryptocurrencies is also given by the fact that transactions with them can take place in an undefined geographical area. They are extremely flexible, as they can be easily exchanged for almost any currency in the world, but this also contributes to their appreciation or depreciation, depending on the soundness and solvency of national currencies. At first, bitcoin exchanges to national currencies were mostly done in pounds sterling. Currently, bitcoin is trading mainly in rubles, US dollars, pounds, Chinese Yuan, and euros, in this order.

At the same time, this volatility is increased by the fact that virtual currencies are extremely easy to create. Mainly, the process of giving birth to such a coin is called "mining." Participants of such network operations are known as miners. They check and date transactions and share them in a public blockchain-protected database. There are specialized nodes that validate transactions and blocks and connect transaction points. The mining operation is particularly complex and is exceedingly difficult to perform by an individual. Thus, groups of miners were created, called "mining pools." A group of miners combines their processing power to solve cryptocurrency-producing algorithms. The yield and profit of such a business are mainly calculated according to the laws of the region and the cost of electricity. "Newly mined" coins draw much less attention and are more difficult to link to criminal activity.

Revenues from "mining new coins" have grown exponentially over the past five years. Since August 2013, daily mining revenues have increased from 0.7 million US dollars to 33 million US dollars in July 2018. More than 1.5 million unique users participate in these transactions every day, compared to 119,000 in 2013.

Regulation is becoming increasingly difficult

Being extremely numerous and having an almost infinite capacity to regenerate, crypto assets have sparked heated debates between legislators, supervisory and control

institutions, public opinion, and market users. The main contention points are related to how they can be properly classified and regulated. We are not only talking about cryptocurrencies, but also about ICOs, "virtual wallets" or currency exchanges between cryptocurrencies.

If we focus only on cryptocurrencies, we will see that there are big differences between their classification and perception, including within the EU. The European Supervisory Authority (ESA) has issued a warning about the risk of virtual currencies for consumers. The European Banking Authority (EBA) considers that virtual currencies should remain outside the scope of the Payment Services Directive, as the technological risks they involve differ from the classical money, so they should not be labeled as "currencies." EBA thus clearly states that virtual currencies are not money. However, the European Central Bank (ECB) believes that this status could change in the future and, along with it, the accessibility of cryptocurrencies.

The Bank of England does not see cryptocurrencies as money either. The French Tax Surveillance Agency does not consider cryptocurrencies a financial instrument, as they are not subject to any legislative framework. Likewise, the Spanish authorities consider that they are not regulated, but still deal with them on a case-by-case basis. In contrast, the Italians consider them a means of exchange, and the German authorities classify bitcoin as a currency-like unit of account, the transaction with bitcoin thus falling under the jurisdiction of the law.

Even if cryptocurrencies are not currently considered money by most authorities, this will most likely change in the very near future.

Exchange platforms - Crypto exchange

Cryptocurrency exchange platforms are digital platforms that allow users to exchange "tokens" from one virtual currency with "tokens" from another virtual currency or even real money. Like any other asset on the crypto market, they also experienced a meteoric rise at the end of 2017, beginning of 2018, followed by a sharp decline, and now they seem to have stabilized.

Cryptocurrency exchange platforms have seen a large influx of customers in a relatively short time. Moreover, they are apparently extremely profitable, and these things are attributed to the fact that they operate in an unregulated market. And, as some Asian governments have begun to regulate these platforms, they have relocated to either Europe or other Asian markets. The most popular is Singapore. The top three trading platforms are in Asia. Europe accounts for only a relatively small share of the total global market for these platforms.

Nevertheless, the European Union seems to have an extremely clear opinion on the need to regulate such exchange platforms. They are governed by the provisions of the Anti-Money Laundering Directive. The ECB is of the opinion that virtual currency exchanges must be subject to standards as stringent as the conventional financial system, and national legislators can regulate these issues.

Why is there a need for regulation in this area?

Firstly, the development of this technology could bring an innovative source of funding, significantly reducing the costs of this operation. For the time being, crypto and ICO assets play a marginal role in financing the European economy. But as their security becomes increasingly better through blockchain solutions, transaction costs for initial or interim financing could decrease. At the same time, access to finance for small companies and projects would increase.

Secondly, cryptocurrencies are used in many illegal transactions. The anonymity of transactions also increases the difficulty of tracking the destination of a financing or a virtual currency exchange. North Korea has used cryptocurrencies to evade Western sanctions. Russia is using this tool for campaigns aiming to undermine Western democracies. Terrorist groups use cryptocurrencies to finance their operations. Once regulated, this type of operations should become much more difficult to do.

With the growing popularity of virtual currency transactions and as they represent a growing share of the market, we will need to talk at length about consumer and investor protection. The digital nature of crypto assets makes them accessible to the public, especially as it increasingly uses technology. Certainly, access to as many users as possible is desirable, as only in this way can this market grow organically, but this accessibility will also target vulnerable groups.

At the same time, the organic growth of the crypto assets market will entail the problem of financial stability. The volatility of currencies determines the instability of markets. For now, this is not a problem, since the markets are small and separate from the traditional financial system. However, as they grow and interconnect with global financial systems, this volatility will cause shocks on the global financial markets. At the same time, it will be extremely easy to speculate and exploit.

Finally, the question is how we can tax these coins. Some analysts believe that the profit should be taxed in the same way as the profit resulting from the trading of shares on the stock market exchange. However, it is not truly clear how virtual currency exchanges can be taxed, given the anonymity offered by this type of transaction. There is also the question of how and when virtual assets resulting from fundraising through ICO will be taxed.

Conclusions

There is certainly a broad consensus among both experts and lawmakers that cryptocurrency technology is attractive and growing. It is precisely the fact that it is developing rapidly that makes experts discover how this technology can be used to improve everyday life. For now, the total value of the crypto market is small and does not pose a risk to financial stability. But this will change.

The approach to future regulation must be adapted to the technological nature of the crypto market, especially as it is based on a fully decentralized system. Cryptocurrencies are not issued by a known entity. And in the transactional process, the identity is not revealed at all. That did not stop the Chinese from banning “mining” operations. Virtual currency exchange could also be banned.

The public debate around crypto market regulation should focus on a few key points. First, whether crypto-assets should be isolated, regulated, or integrated into the current global financial system. Whether we like it or not, the crypto market interferes with the classic financial system. Limiting banks or investment funds to grow this market would pose some serious challenges.

At the same time, however, when the market is accessed by as many users as possible, the risks for them will increase significantly. Classic trade has limitations when it comes to fair access and consumer protection. Crypto trade will make it even more difficult to oversee this field. And the exposure of financial institutions to cryptocurrencies is also a sensitive issue. Being high-risk goods, the development of cryptocurrencies postulates risks of financial stability, which can cause actual shocks in a vulnerable economy.

Second, the approach to cryptocurrency regulation must be unified globally. The ease with which crypto capital can be transferred to any corner of the world makes

regulating this market a truly global tool. At the same time, without a unified regulation of the crypto market, it will be unable to grow and generate added value in the world economy. Just as world trade has strict rules, adapted to specific markets, so must the regulation of crypto assets be designed.

Last but not least, the question is which institutions should be responsible for supervising this market, the capacity to implement the legislation in the field, and the possibility to penalize possible infractions. Beyond financial and banking institutions, the crypto market involves a major cybersecurity risk. For the time being, a prudent approach could be to coordinate between several institutions until a hybrid is created and will become functional after the adoption of the appropriate legislation.

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RAIS Journal for Social Sciences | VOL. 5, No. 1, 2021
ISSN 2574-0245 (Print) | ISSN 2574-1179 (Online) | DOI: 10.5281/zenodo.4782473

Considerations Related to the Incrimination and the Forensic Investigation of the Crime of Illegal Obtaining of Funds in the Romanian Legislation

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ABSTRACT: The study makes an in-depth analysis of the main aspects related to the incrimination and the forensic investigation of the crime of illegal obtaining of funds in Romanian law system. The offence of illegal obtaining of funds is stipulated by the Article 306 of the Romanian Criminal Code, while Article 18^1 of the Law no. 78/2000 for the prevention, detection and sanctioning of corruption provides the offence of illegal obtaining of funds, obtained from the general budget of the European Union or from the budgets administered by it or on its behalf. The crime of illegal obtaining of funds is incriminated in Article 306 of the Romanian Criminal Code in a standard variant and in an aggravated variant and the crime of illegal obtaining of European funds is incriminated in Article 18^1 of the Law no. 78/2000, in a standard variant, in an assimilated variant and in an aggravated variant. The study also makes an analysis on the incrimination of the crime of illegal obtaining of funds at the level of the European Union, more precisely in the Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law and the Convention on the protection of the European Communities' financial interests from the year of 1995 We emphasize that this study makes a presentation and an analysis on some essential aspects related to the process of the forensic investigation of the crime of illegal obtaining of funds.

KEYWORDS: illegal obtaining of funds, incrimination, forensic, criminal investigation; Romanian Criminal Code; the Law no. 78/2000; Directive (EU) 2017/1371

Introduction

The crime of illegal obtaining of funds is criminalized in Article 306 of the Romanian Criminal Code in a standard version and in an aggravated variant. The standard variant contained in the Article 306 (1) of the Romanian Criminal Code consists in using or presenting of false, inaccurate or incomplete documents or data to receive the approvals or guarantees necessary for the granting of financing obtained or guaranteed from public funds, if it results in the unfair obtaining of these funds. The Article 309 of the Romanian Criminal Code provides an aggravating circumstance for several office offences, including the offence of illegal obtaining of funds, if they have produced particularly serious consequences.

Thus, it follows from the corroboration of the provisions of Article 306 (1) with those of Article 309 of the Romanian Criminal Code that the illegal obtaining of funds also has an aggravated variant which is realized in the event that the commission of the act provided by the Article 306 (1) of the Romanian Criminal Code produces serious consequences.

In order for the act of illegally obtaining of funds to be included in the text of Article 306 of the Romanian Criminal Code, we consider it necessary to establish the cumulative meeting of the objective and subjective conditions provided in the text of this article.

Therefore, if the committed deed had particularly serious consequences, according to the provisions of Article 183 of the Romanian Criminal Code, then the legal classification of this deed will be Article 306 (1) of the Romanian Criminal Code, in conjunction with Article 309 of the Romanian Criminal Code. By particularly serious consequences, according to the provisions of Article 183 of the Romanian Criminal Code, is meant a material damage of more than 2,000,000 Romanian lions.

Within the Article 18[1] of Law no. 78/2000 for the prevention, detection and sanctioning of corruption includes the crime of illegal obtaining of European funds which has as object the funds obtained from the national budget of the European Union or from the budgets administered by it or on its behalf. The offence of illegal obtaining of European funds is incriminated in a standard variant, in an assimilated variant and in an aggravated variant.

The standard variant is provided by Article 18[1] (1) of Law no. 78/2000 and consists in the use or presentation of false, inaccurate or incomplete documents or statements, if the act results in the unjustified obtaining or unjustified withholding of funds or assets from the budget of the European Union or the budgets administered by it or on its behalf. The assimilated variant is provided by Article 18[1] (2) of Law no. 78/2000 and consists in the failure to knowingly provide the data required under the legal provisions for obtaining or withholding funds or assets from the budget of the European Union or budgets administered by it or on its behalf, if the act results in the unlawful obtaining or unjust retention of such funds or assets. *T*he aggravating variant is provided by the Article 18[1] (3) of Law no. 78/2000 and refers to the situation when the deeds from the previous paragraphs produced particularly serious consequences, the special limits of the punishment being increased by half.

We emphasize that there are some legal instruments at the European Union level which make references, including the offences of illegal obtaining of European funds, such as the Convention on the protection of the European Communities' financial interests from the year of 1995 and the Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law.

Therefore, the two legal instruments aimed at protecting the financial interests of the European Union, the 1995 Convention on the protection of the European Communities' financial interests and the Directive 2017/1371 on the fight against fraud to the Union's financial interests by means of criminal law focus on the concept of fraud affecting the financial interests of the Union, especially the facts that actually harm the budget of the European Union, both in terms of revenue and expenditure (Zack 2013, 171-177).

The pre-existing conditions of the crimes of illegal obtaining of funds

The special legal object of the crime of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code is represented by the social relations regarding the normal development of the activity of public financial institutions whose formation and development are conditioned by the correctness of the persons requesting the granting of financing from public funds in order to orient these funds in other directions than the useful ones (Dobrinoiu, Pascu, Hotca, Chiş, Gorunescu, Neagu, Dobrinoiu and Sinescu 2014, 583).

The special legal object of the crime of illegal obtaining of European funds, provided by Article 18¹ of Law no. 78/2000 is constituted by the social relations regarding the financial interests of the European Union, which refers to the legal use of European funds, according to the initial destination of these funds obtained from the general budget of the European Union or from the budgets administered by it or on its behalf.

We would like to point out that the general budget of the European Union and the budgets administered by it on its behalf include revenue and expenditure. All these illegal acts affect the budget of the European Union or the budgets administered by the European Union or on its behalf, with regard to expenditure (Hotca, Gorunescu, Neagu, Pop, Sitaru and Geamănu 2019, 497).

Expenditure in the budget of the European Union refers to certain subsidies administered from or on behalf of the general budget of the European Union, such as subsidies paid from the European Social Fund, the European Regional Development Fund and the European Agricultural Fund for Rural Development. All these European Union funds subsidize national policies in many areas, such as agriculture, culture, transport, economic and fiscal.

The material object of the crime of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code is the false, inaccurate or incomplete documents or data, which are used to obtain funds from the national budget. The false, inaccurate or incomplete documents or data in order to constitute the material element of the crime of illegal obtaining of funds must have been used to receive the necessary approvals or guarantees for the granting of financings obtained or guaranteed from public funds and to have aimed at obtaining these funds unjustly from the national budget.

The document is false when its content makes something unreal seems true, this content being contrary to the truth. The document is inaccurate when it is incorrect or erroneous. The document is incomplete when it does not provide all the information related to the existence of a certain fact (Dobrinoiu, Pascu, Hotca, Chiş, Gorunescu, Neagu, Dobrinoiu and Sinescu 2014, 583).

The material object of the crime of illegal obtaining of European funds, provided by Article 18¹ of Law no. 78/2000 consists of external funds allocated from the general budget of the European Union or budgets administered by it or on its behalf and which have been unjustly obtained by an applicant who has used false, inaccurate or incomplete documents or statements.

The active subject of the crime of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code it can be any person who fulfills both the general conditions of criminal liability and, in particular, the eligibility conditions provided by that funding program from the national budget. Therefore, the offence of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code is committed by either a natural or legal person by submitting projects on the basis of which funds are sought from the budgets of the European Union.

Criminal participation is possible in all its forms: co-author, incitement and complicity.

The active subject of the crime of illegal obtaining of European funds, provided by Article 18¹ of Law no. 78/2000 can be any person, and the criminal participation is possible in all its forms. We mention that an active subject of the crime can also be a legal person, which is criminally liable if the deed was committed in carrying out the object of activity, in the name or interest of the legal person, with the form of guilt provided by the criminal law.

The passive subject of the crime of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code is the Romanian state as a financier or guarantor of

the European financing program. There is also a secondary passive subject represented by the public institution that actually provides financing from public funds, or that guarantees such financing with public funds.

The passive subject of the crime of illegal obtaining of European funds provided by Article 18[1] of Law no. 78/2000 is represented by the European Union, and the secondary passive subject of this crime is the institution that manages the affected budget, such as the European Commission that administers the Development Fund.

The constitutive content of the offences of illegal obtaining of funds

The material element of the *objective side*, in the case of the crime of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code consists in an action either to use false, inaccurate or incomplete documents or data, or to present such documents or data in order to receive the necessary approvals or guarantees for the granting of financings obtained or guaranteed from public funds. We point out that the use of false, inaccurate or incomplete documents or data refers to the use of these documents or data in order to obtain subsidies from national funds. Also, the presentation of false, inaccurate or incomplete data means to inform the public institution that grants financing from public funds of untrue situations or conditions.

The use or presentation of false, inaccurate or incomplete documents or data to receive the necessary approvals or guarantees for granting fundings obtained or guaranteed from public funds occurs most often when preparing the funding file or when verifying eligibility conditions by the public institution that grants the funds.

It has been established in the specialty literature that it will not be retained in the contest of offences with the offence of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code, the offence of forgery provided by Article 322 of the Romanian Criminal Code and the offence of false statements, provided by Article 326 of the Romanian Criminal Code, because the two offences are absorbed in the content of the constitutive element of the offence of illegal obtaining of funds (Dobrinoiu, Pascu, Hotca, Chiş, Gorunescu, Neagu, Dobrinoiu and Sinescu 2014, 585).

If the falsification of documents constitutes in itself an offence, then the perpetrator will be investigated in addition to the offence of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code, for committing the offence of forgery in official documents provided by Article 320 of the Romanian Criminal Code, for committing the offence of intellectual forgery provided by Article 321 of the Romanian Criminal Code and for committing the offence of forging documents under private signature, stipulated by Article 322 of the Romanian Criminal Code.

The material element of the *objective side*, in the case of the crime of illegal obtaining of funds provided by Article 18[1] of Law no. 78/2000 consists in the use or presentation of false, inaccurate or incomplete documents or statements, as well as in the failure to provide, knowingly, the data required by law to obtain or withhold funds or assets from the European Union budget or the budgets administered by it on its behalf, if the deed results in the unjustified obtaining or unjustified retention of these funds or assets. The act of using by the perpetrator refers to the use of false, inaccurate or incomplete documents or statements, while the omission of the perpetrator to provide intentionally, the data required by law to obtain funds from the budget of the European Union refers to the existence of a legal obligation of information, an obligation that is violated by the action of the perpetrator who does not provide the required data (Hotca, Gorunescu, Neagu, Pop, Sitaru and Geamănu 2019, 503).

Thus, this omission of the perpetrator to provide the data required by law is possible both at the time the grant is awarded and after the grant is obtained, when the conditions

which led to the award of the grant have changed, whereas this change must be brought to the attention of the authorities and the omission constitutes an offence.

The omission to provide, knowingly, the data required under the legal provisions for obtaining or withholding funds or assets from the budget of the European Union or budgets administered by it or on its behalf, stipulated by Article 18¹ (2) of Law no. 78/2000, may also be committed with the complicity or negligence of the officials of the public institution that grants subsidies from the budget of the European Union.

In most cases, the funds coming from the European Union subsidize the projects that are included in the National Plan of Romania together with the national funds, the frauds affecting both the national funds and the funds from the European Union budget. There is a situation in practice to be in the presence of a fact which meets the constituent elements of the crime of Article 18¹ of Law no. 78/2000, which refers to the illegal obtaining of European funds, as well as the constitutive elements of the crime provided by Article 306 of the Romanian Criminal Code, which refers to the illegal obtaining of funds from the national budget.

In the case practice, it was considered that the offence provided by Article 18¹ of Law no. 78/2000 is a special variant of the crime of deceit, provided by Article 244 of the Romanian Criminal Code, the crimes in the field of subsidies being included in the crime of deceit, up to the criminalization of the crime of illegally obtaining European funds. Both the criminal doctrine and the judicial practice analyzed the situation, if in the same case a contest of offences can be retained between the crime of illegal obtaining of European funds, stipulated by the Article 18¹ of Law no. 78/2000, the crime of illegal obtaining of funds, stipulated by the Article 306 of the Romanian Criminal Code and the crime of deceit stipulated by the Article 244 of the Romanian Criminal Code.

Therefore, by Decision no. 4/2016 pronounced by the High Court of Cassation and Justice of Romania, regarding the appeal in the interest of the law promoted by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice regarding the existence of a contest of offences between the offence of illegal obtaining of European funds stipulated by the Article 18¹ of Law no. 78/2000, the offence of illegal obtaining of funds stipulated by the Article 306 of the Romanian Criminal Code and the crime of fraud stipulated by the Article 244 of the Romanian Criminal Code, if funds have been unjustly obtained from the budget of the European Union and the national budget, the Romanian High Court of Cassation and Justice has ruled that the existence of the crime of illegal obtaining of European funds alone or in contest of crimes will be retained with the crime of deception, in the situation where the old criminal law (the Romanian Criminal Code of 1968) is more favorable, respectively, the offence of illegally obtaining European funds alone or in contest of offences with the offence of illegally obtaining funds will be retained, if the new criminal law is more favorable, or if the deed was committed under its rule (Hotca, Gorunescu, Neagu, Pop, Sitaru and Geamănu 2019, 515).

The immediate consequence, in the case of the offence of illegal obtaining of funds stipulated by the Article 306 of the Romanian Criminal Code, refers to the creation of a state of danger for the normal development of the public institution that finances the funds from the national budget, which by presenting or using by the perpetrator false or inaccurate or incomplete documents or data, thus causing the allocation of funds from the national budget in other conditions than the legal ones.

The immediate consequence, in the case of the offence of illegal obtaining of European funds stipulated by the Article 18¹ of Law no. 78/2000, consists in illegally obtaining funds from or on behalf of the budget of the European Union. Thus, for the existence of the crime of illegal obtaining of European funds, it is necessary that these funds were obtained unjustly.

Therefore, if the funds were obtained from the budget of the European Union, without complying with the legal provisions contained in the Article 18¹ of Law no. 78/2000, there will be an immediate consequence of the crime, regardless of whether there has been any damage to the budget of the European Union (Gottschalk 2014, 13).

The legal requirements for the offence provided by the Article 18¹ of Law no. 78/2000 will be met, even if the funds from the Union budget were used according to the destination for which they were obtained and the project or program that was financed from the budget of the European Union was carried to the end, according to the provisions of the financing contract concluded between the parties.

We emphasize that the Romanian legislator should in the near future amend the text of the Article 18¹ of Law no. 78/2000, and in the sense of causing damage to the budget of the European Union, in addition to illicitly obtaining funds from the European Union budget as currently stipulated in Law no. 78/2000.

There must be a *causality link* between the activity of the offender of and the consequence produced, which usually results from the materiality of the act.

On the *subjective side*, we emphasize that the offence of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code is committed with the form of guilt of both direct and indirect intention. This presupposes that the offender realizes that by using or presenting false, inaccurate or incomplete documents or data he will obtain unjustified funding and pursue this purpose. The purpose expressly mentioned in Article 306 (1) of the Romanian Criminal Code, namely the unjustified obtaining of these funds, is a mandatory element of the subjective side of the offence of illegal obtaining of funds.

The offence of illegal obtaining of European funds stipulated by the Article 18¹ of Law no. 78/2000 is committed with the form of guilt of both direct and indirect intention. The offender foresees that by committing the act he will illegally obtain funds from the budget of the European Union or from the budgets administered by it or on its behalf and seeks or accepts the production of this result.

In the aggravated variant stipulated by Article 18¹ (3) of Law no. 78/2000, the act may be committed with direct intent, indirect intent or with outdated intent.

The forms of the offences of illegal obtaining of funds

The preparatory acts are possible, in the case of the offence of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code, but they are not criminalized and thus they are not punishable. The preparatory acts contribute to the individualization of the punishment, when they were committed by the perpetrator.

The preparatory acts are possible, in the case of the offence of illegal obtaining of European funds stipulated by the Article 18¹ of Law no. 78/2000, but they are not criminalized and thus they are not punishable.

The attempt in the case of both offences of illegal obtaining national and European funds is possible and is punished according to the Article 306 (2) of the Romanian Criminal Code and according to the Article 18⁴ of the Law no. 78/2000.

The offence of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code *is consumed* when any of the actions in question have been carried out in their entirety and have resulted in the wrongful obtaining of funds from institutions which grant or guarantee funds from national budgets.

The offence of illegal obtaining of European funds stipulated by the Article 18¹ of Law no. 78/2000 is consumed when, as a result of the perpetrator's action, either the wrongful obtaining of funds from the budget of the European Union or from the budgets

administered by it or on its behalf, or when obtaining funds from the European Union budget produces particularly serious consequences.

The offence of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code shall be exhausted either on the final cessation of the action in question or on the last action in the continued offence, only if the requirements of Article 35 (1) from the Romanian Criminal Code are also met.

The offence of illegal obtaining of European funds stipulated by the Article 18¹ of Law no. 78/2000 shall be exhausted when the last tranche of European funds is obtained, as a result of the submission of false, inaccurate or incomplete reporting documents justifying the issuance of the last tranche.

It has been established in the specialized literature that obtaining European funds is not only obtained by signing the financing contract, this being only a stage by which the amount of financing and the conditions for making these amounts available are established, but also by making the funds actually available in two or more installments, which will be monitored by the financing authority by drawing up verification reports, and after the approval of the final report which means the settlement of the eligible expenses, the last installments for obtaining the funds will be settled.

Sanctions

The offence of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code is punishable by imprisonment from 2 to 7 years. In the situation where the offence of illegal obtaining of funds produced particularly serious consequences, the special limits of the punishment provided by law are increased by half, according to the provisions of the text of Article 309 of the Romanian Criminal Code.

The standard variant of the crime of illegal obtaining of European funds stipulated by Article 18¹ (1) of the Law no. 78/2000 and the assimilated variant of the crime of illegal obtaining of European funds stipulated by Article 18¹ (2) of the Law no. 78/2000 are punishable by imprisonment from 2 to 7 years and the prohibition of the exercise of certain rights. For the aggravated variant stipulated by Article 18¹ (3) of the Law no. 78/2000 the special limits of the punishment are increased by half if particularly serious consequences occur.

Forensic investigation aspects of the crimes of illegal obtaining of funds

When the crimes of illegal obtaining of funds, provided by Article 306 of the Romanian Criminal Code are committed, and when the crimes of illegal obtaining of European funds, provided by Article 18¹ of the Law no. 78/2000 are committed, the Article 288 (1) of the Romanian Criminal Procedure Code stipulates that, the competent criminal investigation bodies such as Prosecutor's Offices attached to the County Courts and the National Anticorruption Directorate must be notified in several ways: complaint or denunciation, by the documents drawn up by other finding bodies provided by law or notified *ex officio* (Moise and Stancu 2017, 204).

When the crimes of illegal obtaining of funds provided by Article 306 of the Romanian Criminal Code are committed, we highlight that the criminal investigation phase is carried out by the Prosecutor's Offices attached to the County Courts. Moreover, when the crimes of illegal obtaining of European funds provided by Article 18¹ of the Law no. 78/2000 are committed, we emphasize that the criminal investigation phase is carried out by the National Anticorruption Directorate.

We also mention, that the jurisdiction to judge the offences of illegal obtaining of funds, provided by Article 306 of the Romanian Criminal Code and the offences of

illegal obtaining of European funds, provided by Article 18[1] of the Law no. 78/2000 belongs in the first instance to the Tribunals.

The forensic investigation process uses special forensic techniques for investigating the crimes of illegal obtaining of national funds and European funds, in particular the *special methods of supervision or investigation*, which are contained in the Article 138 (1) of the Romanian Criminal Procedure Code (Buquet 2011, 358-367; Palmiotto 1994, 185; Buzatu 2013, 130).

Within the National Anticorruption Directorate, in addition to prosecutors, judicial police officers and agents, specialists in the economic, financial, banking, customs, IT and other fields, specialized auxiliary staff, as well as economic and administrative staff work. The National Anticorruption Directorate has in its central structure the following sections: The Anti-Corruption Section; The Section for Combating Crimes Assimilated to Corruption Crimes; The Criminal Judicial Section (Moise and Stancu 2017, 205).

We emphasize the role of the Romanian Anti-Fraud Department in the process of forensic investigation of the offences of illegal obtaining of European funds, provided by Article 18[1] of the Law no. 78/2000, which is an institution subordinated to the Romanian Government that acts on the basis of functional and decisional autonomy, independent of other public authorities and institutions. The Romanian Anti-Fraud Department performs the following functions: the anti-fraud function in order to ensure the protection of the financial interests of the European Union in Romania, the control function, in order to identify irregularities, frauds and other illicit activities that harm the financial interests of the European Union in Romania, the regulatory function, which ensures the elaboration of the normative and institutional framework necessary to ensure the protection of the financial interests of the European Union in Romania and the function of representation, which ensures Romania's participation in advisory committees, working groups and communication networks or the exchange of information on the protection of the European Union's financial interests.

An important European investigative body is the European Anti-Fraud Office which plays a role in the forensic investigation process at the European Union level and investigates the frauds against the European Union budget, corruption offences and other serious misconducts committed within the European institutions. The European Anti-Fraud Office also develops anti-fraud policies for the European Commission.

Conclusions

We emphasize that the provisions of the Article 306 of the Romanian Criminal Code and of the Article 18[1] of the Law no. 78/2000, relating to the offences of illegal obtaining of funds and to the offences of illegal obtaining of funds from the budget of the European Union, adapted to the Article 3 and to the Article 4 of the Directive 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law and to the provisions of Article 1 (a)(b) of the 1995 Convention on the protection of the European Communities' financial interests.

We also highlight the very important role of some national and European institutions with attributions in the field of preventing and combating both the crimes of illegal obtaining of national funds, as well as the crimes of illegal obtaining of funds from the budgets of the European Union, these institutions being the following: the National Anticorruption Directorate; the Romanian Anti-Fraud Department; the European Anti-Fraud Office.

The Office European Anti-Fraud Office has the power to investigate acts affecting the financial interests of the European Union, including offences related to the

fraudulent use of electronic payment instruments, as well as offences affecting the financial interests of the European Union, which are also provided by Article 1 of the 1995 Convention on the protection of the European Communities' financial interests.

In accordance with the Article 325 of the Treaty on the Functioning of the European Union, the Romanian Anti-Fraud Department ensures the protection of the financial interests of the European Union in Romania.

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RAIS Journal for Social Sciences | VOL. 5, No. 1, 2021
ISSN 2574-0245 (Print) | ISSN 2574-1179 (Online) | DOI: 10.5281/zenodo.4783058

Influence of Politics of Governance on Management of Coronavirus in Nigeria

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ABSTRACT: This paper examines influence of good governance on coronavirus pandemic in Nigeria. The kernel of this article is the intrinsic nexus between good governance, bad governance and coronavirus pandemic in a democratic state. Multi-stage sampling procedure was employed in selecting respondents for the study. 209 of 230 respondents used for the study filled the questionnaire appropriately for the study. The finding of the study shows that that there was a positive significant relationship between governance and health information ($r = .581^{**}$, N= 219, $P < .05$); citizen and good governance ($r = .485^{**}$, N= 219, $P < .05$) and good governance and the management of Coronavirus pandemic ($r = .431^{**}$, N= 219, $P < .05$). It therefore shows that there is a need for Government to gain trust among the populace in order to build a policy that will enhance and promote the mitigation of Coronavirus pandemic in Nigeria.

KEYWORDS: Politics, Governance, Good Governance, Coronavirus, Pandemic

Introduction

Governance is the strategic task of setting the organisation's goals, direction, limitations and accountability frameworks. Good governance is essential for community to achieve its objectives and drive improvement, as well as maintain legal and ethical standing in the eyes of populace, organisations, and the wider community. It increases public engagement in managing risks and promoting neighbourhood security, increases likelihood of all income groups surviving disasters; reduces crime rates. Reduces environmental and health impacts of disasters caused by human actions; increases environmental security. Government has an important role to play in the management of health issue of the populace. Governance is assigned the role of provide and assuring an adequate health infrastructure, promotes healthy communities and healthy behaviors, preventing the spread of communicable disease, protecting against environmental health hazards, preparing for and responding to emergencies, and assuring health services which include the current pandemic around the world.

In December 2019, a novel strain of coronavirus—SARS-CoV-2—was first detected in Wuhan, a city in China's Hubei province with a population of 11 million, after an outbreak of pneumonia without an obvious cause. The virus has now spread to over 200 countries and territories across the globe, and it is been characterized as a pandemic by the World Health Organization (WHO) on 11 March 2020 due to the rapid increase in the number of cases outside China which has affected a growing number of countries around the world. This pandemic has cast a new light on the role that government plays in keeping citizenry healthy which implies that stable and effective government must be crucial to managing the coronavirus pandemic.

Coronavirus pandemic calls for government investment in promoting healthy communities and healthy behaviours means activities that improve health in a population, such as engaging communities to change policy, systems or environments to promote positive health or prevent adverse health; providing information and education about healthy communities or population health status; and addressing issues of health equity, health disparities, and the social determinants of health as early prevention is essential in preventing and managing the disease. Managing such crises and addressing their socio-economic consequences requires audacious policy action to maintain functioning healthcare systems, guarantee the continuity of education, preserve businesses and jobs, and maintain the stability of financial markets. Political leadership at the centre is essential to sustain the complex political, social and economic balance of adopting containment measures to reduce the impact of the pandemic while ensuring the provision of essential services. Such leadership is essential for maintaining citizens' trust in government.

Ozili (2020) submitted that some Nigerians have misconceptions about COVID-19, they believe it is a biological weapon of the Chinese government, many considered the pandemic as a hoax, some describes it as a 'rich man's disease', while others see it as another conspiracy by politicians to loot the treasury. These misconceptions prevented them from taking maximum preventive measures not even when the government is at centre of making policy about it. Hence, there is a need for evidence-based campaign which should be intensified to remove misconceptions and promote precautionary measures by government. Nigerian populace believes that government has ignored and abandoned, now this government needs the populace whom their needs has largely been ignored for decades.

The neglect and abandonment also reflected in the palliative measures being rolled out during the lockdown when citizens were asked to stay in their homes and businesses and offices closed, while national and international borders remain closed. Eranga (2020) submitted that to alleviate the effects of the lockdown, the Federal Government of Nigeria rolled out palliative measures for targeted groups and lamentations have trailed the distribution of government palliatives by the masses. Citizens alleged that the process of distribution of palliatives had been politicized, although the Federal Government claimed that the palliative is for vulnerable. The salient question is what parameters are been adopted in determining the vulnerable or who are these vulnerable people?

Based on this, to what extent will the populace trust their governments that failed to meet the needs of society while making the use of their resources, government that lack transparency, integrity, lawfulness, sound policy, participation, accountability, responsiveness, and the absence of corruption and wrongdoing in the management and prevention of this pandemic? It is on this basis that this study examines the influence of good and bad governance on the management and prevention of the coronavirus pandemic in Nigeria.

Objectives of the study

- To examine the relationship between governance and Health Information in Nigeria
- To examine the relationship between citizen and good governance in Nigeria
- To examine the relationship between good governance and the management of coronavrisu pandemic

Literature Review
Good Governance

The need to protect and ensure life and survivability brought about the state and this can only be achieved by good governance. Different meanings of good governance exist, the term is generally associated with political, economic and social goals that are deemed necessary for achieving development. Hence, good governance is the process whereby public institutions conduct public affairs and manage public resources in a manner that promotes the rule of law and the realization of human rights (civil, political, economic, social and cultural rights). Good governance is considered key to achieving sustainable development and human well-being.

Good governance becomes very fundamental and imperative when viewed against the backdrop of massive deterioration of government institutions, pervasive poverty and alarming unemployment rate, corruption, as well as near total collapse of moral and ethical standards engendered by nearly three decades of military rule in the country, which saw governance capacity weakened at all levels (World Bank 2004; Ujomu 2004).

In 1996, the International Monetary Fund (IMF) declared that "promoting good governance in all its aspects, including by ensuring the rule of law, improving the efficiency and accountability of the public sector and tackling corruption, [are] essential elements of a framework within which economies can prosper." Today, the term good governance is commonly used by national and international development organizations. However, its meaning and scope are not always clear. While this flexibility enables a contextual application of the term, the lack of conceptual clarity can be a source of difficulty at the operational level. In some cases, good governance has become a "one-size-fits-all buzzword" lacking specific meaning and content (Johnston 2002, 7).

Johnston (2002 1-2) defines good governance as "legitimate, accountable, and effective ways of obtaining and using public power and resources in the pursuit of widely accepted social goals". This definition links good governance with the rule of law, transparency and accountability, and embodies partnerships between state and society, and among citizens. Similarly, Rose-Ackerman (2016, 1) suggests that good governance refers to "all kinds of institutional structures that promote both good substantive outcomes and public legitimacy". Good government is also associated with impartiality (Rothstein and Varraich 2017), ethical universalism (Mungiu-Pippidi 2015) and open-access orders (North, Wallis and Weingast, 2009).

State of Coronavirus Pandemic in Nigeria

The novel coronavirus disease (COVID-19) has become an important health threat ravaging the entire world with numerous health and economic implications. Nigeria is also among the vulnerable African nations, given the weak state of the healthcare system (Marbot 2020). The pandemic shocked the world, overwhelming the health systems of even high-income countries. Predictably, the situation has elicited social and medical responses from the public and governments, respectively. Nigeria recorded an imported case from Italy on February 27, 2020.

The virus, SARS Cov2 is the main causative organism of COVID-19, with shortness of breath, dry cough and fever as its most common symptoms. The disease is basically transmitted from person to person through contact with droplet of an infected person. Although most people can easily recover from the illness without specialized treatment, people who are older and those with existing medical conditions such as

cancer, chronic respiratory infections, diabetes and cardiovascular diseases are more likely to experience severe illness and death due to COVID-19.

Since the outbreak of COVID-19, numerous preventive and control measures have been applied globally to contain the disease but it is ordinarily difficult to prevent and control. The best way of thwarting it is by adopting measures that will reduce exposure to the virus that causes the disease. This therefore makes the government and political leaders at the centre of management and control of this disease. Research according to (Amzat, Aminu, Kolo, Akinyele, Ogundairo, and Danjibo 2020) submitted that the pre-COVID-19 preparedness was grossly inadequate.

This therefore correspond with the submission that many health experts projected that Africa would face a hard time and struggle to keep the coronavirus outbreak under control once it is confirmed on the continent. The concerns were based on pervasive poverty, weak healthcare systems, and the diseases ravaging most parts of Africa Nigeria inclusive. Although, the Nigerian Centre for Disease Control (NCDC) submitted that the training of the rapid response teams across the 36 states in Nigeria was concluded in December 2019. On January 28, the NCDC further revealed that a Coronavirus Group had been set up to activate its incident system to respond to any emergency. Additionally, the NCDC worked with 22 states in Nigeria to activate their emergency operations centers to manage and link up with the national incidence coordination centers (Ihekweazu 2020). Although the government had strengthened the surveillance at the airport since January 2020, Nigeria recorded its COVID-19 index case that was imported from Italy, on February 27. This raised concerns about the effectiveness of airport surveillance and, by extension, the country's general preparedness. The index case (an Italian) had visited some other states of the federation before testing positive for COVID-19.

Among other measures taking to manage the pandemic is testing and isolation of confirmed positive cases, sensitization of the masses on COVID-19 as well as ways of preventing the disease, using all sources of information, including the radio, television, print and social media. People were also encouraged to regularly wash their hands using sanitizers, use of face mask in public and good reparatory hygiene. In order to ensure complete compliance on the directives on lockdown, social distancing, use of face masks and sanitizers, different state governments constituted taskforces to ensure that people in their respective states do not default. Despites all these measures been put in place there is still steady increase in number of cases as well as number of affected states most especially with this second phase. This therefore support of the submission of Amzat, et al that these plans are grossly inadequate which may result from non-compliant. This is the reason why the Federal Government of Nigeria signed the bill on the use of facemask into law. Although, the studies of (Ibekwe 2020, Mac-Leva et al. 2020) also submitted that the existing health facilities and equipment (including ventilators and PPE) in Nigeria are grossly inadequate to handle the medical emergency due to COVID-19.

Good or bad governance and Management of Coronavirus Pandemic in Nigeria

The importance of good governance as a critical condition for human development can no longer be under estimated. Since the late 1980s, governance has been a subject of considerable debates and different interpretations by governments, international organizations and scholars. Managing and mitigating the effect of coronavirus pandemic depend on the state building trust with its citizens through effective communication and action which can only be achieved by good governance and not bad governance. Good Governance is an approach to government committed to creating a system that protects

human rights and civil liberties while bad governance is negative consequence of this been defined by corruption in Nigerian society.

The concepts of corruption and good governance have a two-way causal relationship with each other and feed off each other in a vicious circle. If good governance principles and structures are not in place, this provides greater opportunity for corruption. Corruption, in turn, can prevent good governance principles and structures from being put in place, or enforced. Violations of the principles of transparency, accountability and rule of law appear to be most closely associated with corruption. Evidence from literature emphasized the importance of principles of transparency and account on dissemination of information on coronavirus pandemic by government. Olagoke, Olagoke, and Hughes (2020) submitted that the public's trust in the government's risk communication and social persuasion strategies may affect their perception of the pandemic's severity, their vulnerability to the virus and their perceived self-efficacy in practicing preventive behavior or taking care of their health. This therefore shows that corruption and poor governance are not only security challenges which undermine democracy, the rule of law and economic development but health challenges.

Hetherington (2005) argues that lower levels of trust undermine the capacity of government to pursue redistributive policies and Marien and Hooghe (2011) that trust increases law compliance. Ineffective institutions undermine the provision of public services such as health care, education and law enforcement. Looting of Covid-19 aids is an example of distrust on governance in Nigeria where the State governors have said the items looted were kept for vulnerable members of society and in preparation for a possible second wave of coronavirus infections. The salient question needs to be raised is this, how many Nigerians benefitted from the initial distribution of the palliative? What measure are been considered in distributing the palliative for the so-called vulnerable by the government? Who are the vulnerable when people when restriction have exposed Nigerian to the problem of hunger? This shows that is an injustice in the distribution of the palliative and this compound the level of distrust of government by the populace. Ghosh and Siddique (2015) and Rose-Ackerman (2016) submitted that good governance, in contrast to democratization, has strong positive effects on measures of social trust, life satisfaction, peace and political legitimacy.

Figure 1. Nigerians looting Covid-19 Aids

Ott (2010) submitted that good governance improves life evaluations either directly, because people are happier living in a context of good government (Ott 2010), or indirectly because good governance enables people to achieve higher levels of something else that is directly important to their well-being. This therefore correspond with the submission of (Van Bavel et al. 2020) on Coronavirus pandemic that greater trust in government leads to more compliance with health policies – such as measures relating to quarantining, testing and restrictions on mass gatherings. The absence of corruption will increase the trust of the populace on government and this increase the efficiency and thus create favourable conditions for on the management of pandemic. There is also evidence that the higher levels of general and specific trust increase the happiness of people even beyond higher incomes (Mungiu-Pippidi 2015). For instance, Helliwell and others (2014) found that changes in government services delivery quality contribute positively to citizens' life evaluation.

Governance is politics and is, therefore, a crucial determinant of the allocation of resources, especially public goods, within a country. Good governance exists where there is responsiveness, equity and consistency in the way resources are allocated to the needs especially those of the poor people. It also affects the quality of decision-making more generally, for instance, those determining economic and social policy. If governance is weak and democratic accountability is poor, then resources are more likely to be appropriated by specific interest groups that may exclude the poor and the resulting policies would be unlikely to reflect the national interest or pro-poor imperatives.

A democratic government is more responsive to the needs of the population such as in providing opportunities in education, health and social welfare, better housing, equitable distribution of development projects including roads and other infrastructural development but democracy in Nigeria is witnessing oppose. Such physical projects taken to local communities and different regions usually provide some employment opportunities even though some may be temporary and business opportunities which enhance people's quality of live. Good governance is one of the essential preconditions for development and promote healthy live for the populace. Such policy measures tend to generally improve people's capabilities as with better education and health they are often able to experience progression in the social structure better than was possible during their parents' generation.

Methodology

The study adopted the descriptive survey design. The target population for this study comprised all members of adult population living in Ibadan North local government area of Oyo state, Nigeria. Purposive sampling was employed in selecting Ibadan North Local Government. A simple random sampling technique was employed in selected 230 respondents used for the study. An instrument tagged: Politics, Governance and Management of Coronavirus Pandemic Questionnaire (POGOMOP) was used to collect data for the study. The instrument was made up of two sections. Section A: demographic information of respondents while section B was used to elicit information from the respondents. The reliability of the instrument was determined through a test-retest method within an interval of two weeks to a group of twenty respondents in a in Akinyele Local Government Area of Oyo State. Thereafter, Cronbach alpha was used to establish its level of reliability which was computed to be 0.76. Inferential statistics was employed to analyze data collected for the study.

Discussion of Findings

Research Question One: To what extent does governance affects the health information of the populace in Nigeria?

Table I. Pearson Product Moment Correlation Showing the Relationship between governance affects the health information of the populace in Nigeria

Variable	Mean	Std. Dev.	N	R	P	Remark
Governance	22.1013	3.3167	219	.581**	.000	Sig.
Health Information	20.4316	4.2506				

** Sig. at .05level

It is shown in the above table that there was a positive significant relationship between governance and health information (r = .581**, N= 219, P < .05). Null hypothesis is therefore rejected. Hence, there is a need for government from lower tier (local government) to the highest (Federal Government) to promote equity and equality, justice, transparency and accountability among the populace

Research Question two: Is there any relationship between citizen and good governance in Nigeria?

Table II. Pearson Product Moment Correlation showing the Relationship between Parental citizen and good governance in Nigeria

Variable	Mean	Std. Dev.	N	r	P	Remark
Good Governance	10.3550	2.3659	219	.485**	.001	Sig.
Good Citizenry	20.1116	3.0567				

** Sig. at .05 level

It is shown in the above table that there was a positive significant relationship between citizen and good governance (r = .485**, N= 219, P < .05). Null hypothesis is therefore rejected. Hence, government must promote the elements of good governance in order to have a god citizenry.

Research Question three: To what extent does good governance affect the management of Coronavirus pandemic?

Table 14. Pearson Product Moment Correlation Showing the Relationship Between good governance and the management of Coronavirus pandemic

Variable	Mean	Std. Dev.	N	r	P	Remark
Good Governance	30.4135	5.2520	219	.431**	.000	Sig.
Management of Coronavirus Pandemic	21.3706	3.0569				

** Sig. at .05 level

It is shown in the above table that there was a positive significant relationship between good governance and the management of Coronavirus pandemic (r = .431**, N= 219, P < .05). Null hypothesis is therefore rejected**.** Hence, Governance from all arms most especially at the local government level should take into cognizance, the elements of good governance in order to gain more trust among the populace most especially on the management of coronavirus pandemic.

The findings of this study revealed that not only governance that can promote the management of coronavirus pandemic in Nigeria but a governance with transparency, integrity, lawfulness, sound policy, participation, accountability and responsiveness. The study of (Olagoke, Olagoke, & Hughes 2020) corroborate the findings of this study that public's trust in the government's risk communication and social persuasion strategies may affect their perception of the pandemic's severity, their vulnerability to the virus and their perceived self-efficacy in practicing preventive behavior or taking care of their health. In the same vein, Ott (2010) submitted that good governance improves life evaluations either directly, because people are happier living in a context of good government, or indirectly because good governance enables people to achieve higher levels of something else that is directly important to their well-being.

The finding of the study also reveals that there is a need for government to increase their level of transparency and accountability among the populace in order to increase trust. The submission of (Ozili 2020) corroborate the findings of this study where it was submitted that some Nigerians have misconceptions about COVID-19, they believe it is a biological weapon of the Chinese government, many considered the pandemic as a hoax, some describes it as a 'rich man's disease', while others see it as another conspiracy by politicians to loot the treasury. This is an evident that there is lack of trust and accountability between the government and Nigerian populace because Nigerian government has abandoned Nigerian populace and their needs has largely been ignored for decades. In the same vein, the submission of (Eranga 2020) submitted that palliative rolled out by the Federal Government of Nigeria brings about lamentation. Although the Federal Government claimed that the palliative is for vulnerable but who are the these vulnerable, what measures are been adopted in determining the vulnerable people? Citizens therefore alleged the government that the process of distribution of palliatives was politicized.

The finding of the study also shows that government has a greater role to play in the management of coronavirus pandemic. The finding of this study is therefoe in line with the submission of (Ibekwe 2020) that there is need for Nigeria government to provide adequate health facilities because the existing health facilities and equipment (including ventilators and PPE) in Nigeria are grossly inadequate to handle the medical emergency due to COVID-19.

Conclusion and Recommendation

The effect of COVID-19 pandemic is been felt in spread in almost all countries and it has affected millions of people around the world and it also resulted in death of million of people as well. This shows that COVID-19 does not recognize borders, hence, governments around the world most especially in developing countries should respond to its management immediately. Although, not all countries, particularly in the developing world, have the right specialists, not all have experts in pandemics, manufacturers can produce the necessary equipment or labs that can develop a vaccine but a good governance must be able to guide and formulate policies to protect citizenry. Governance in Nigeria as a process has impacted negatively on the Nigerian populace and this is affecting them in the management of the pandemic. This is because of the dreaded disease that seems to always inflict its leadership. This disease is called corruption, combined with primitive accumulation of wealth.

This study therefore concludes that governance as well as Political Leaders in Nigeria need to win trust in order to management and mitigate the effect of COVID-19 in the country. They should promote the core element of good governance which are participatory; consistent with the rule of law; transparent; responsive; consensus-

oriented; equitable and inclusive; effective and efficient; and accountable to the citizenry. This will therefore makes them to be agile enough to disregard old norms and move quickly to do everything they can to save lives and support infrastructure and the fabric of society.

On the basis of findings, the following policy recommendations are suggested for managing and mitigating coronavirus pandemic in Nigeria.

i. That good governance brings about trust and communication is the key to managing corona virus — it is not enough to just decide on a strategy. Being able to communicate it clearly to the public and to the people without fear of distrust from local government to police and the border patrol.
ii. Governments must be prepared to think outside the box and rescue packages must be put in place through participatory approach. Regulations that are prudent in normal circumstances must be appropriately relaxed to help the national effort.
iii. Through consensus-oriented, all governments must realize that we live in a globalized world and a crisis like this needs a global response. Cooperation is key. Past tensions must be set aside and countries must work together to help each other meet shortfalls in medicine and equipment.
iv. Through transparency and responsiveness, stakeholders should be relied on to help with distribution and supporting the populace. Many charities will struggle during this time and need their own levels of support to help them stay afloat and provide vital support where governments cannot.
v. Government should always be fair in their dealing with the populace to gain more trust and been able to provide a policy that will e generally acceptable by the populace
vi. Finally, there is also the need for government to communicate the populace through traditional and religious leaders in Nigeria.

Acknowledgment

An earlier version of this paper was presented at the 21st International RAIS Conference on Social Sciences and Humanities held online on March 1-2, 2021.

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RAIS Journal for Social Sciences | VOL. 5, No. 1, 2021
ISSN 2574-0245 (Print) | ISSN 2574-1179 (Online) | DOI: 10.5281/zenodo.4783295

General Considerations on Punishment in Medieval Europe

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ABSTRACT: The subject of punishment in medieval European history is quite broad for several reasons. First of all, the Medieval Age stretches over a period of over 1300 years and punishment has evolved in close connection with the social evolution of man in this long period. On the other hand, from a cultural and religious point of view, Europe was divided into two parts (Eastern Europe and Western Europe) and the punishments evolved differently due to the Christic vision that influenced the two parts of the continent differently. I would not be wrong to say that there was a third part of Europe (central) in which there was a mixture of rivers in the two extremities; however, here criminal law has acquired an original aspect; it cannot be considered closer to either of the two limiting areas. Punishments have also evolved in close connection with human social emancipation. For this reason, as we will see in our study, we will encounter at the beginning of the Middle Ages punishments adapted to those times but unimaginable to be applied in the contemporary era. Last but not least, it is important to add that European historiography deals with this subject in fragments (only in certain areas) - this being an additional reason why we have brought references from all over the continent in order to have an overview as much as possible complete on the measures taken by law and applied by a court as a sanction.

KEYWORDS: punishment, criminal law, Christianity, Salic law, prison

Introduction

The European civilization that exists today or Europe that we know in all its aspects will be created at the beginning of the Middle Ages (4^{th}-5^{th} century AD) when *Christianity* will take face and shape. In other words, Europe was created according to the *Christian idea*. However, it developed differently in the two parts of the administrative part of the Roman Empire: the one based in *Rome* and the one based in *Constantinople*.

The different development comes from certain peculiarities of Christian thought brought by the Church Fathers. Thus, in the West, the society was built on the foundations launched by *St. Augustine*, then resumed by *Martin Luther* and the eastern part, eastern, was created according to *Cappadocian* ideas such as those of *John Christopher* (as a consequence of the different Christian foundations, it belongs to the academician Răzvan Theodorescu, for a more complete overview (Theodorescu, 2013).

The Western world imagined by *Augustine*, which later led to the birth of capitalist ethics, is the one in which man is born a sinner and in order to please God and inherit the predestination (i.e., to be saved) he must work. All his actions must be done with simplicity, modesty and humility without pomp and without emphasis and only then, maybe God will receive man in the bosom of Abraham. Theocratic conception

will be applied in the East (*Theocracy* is a form of government in which God is recognized as the supreme civil ruler of the state or, in other words, a form of government in which the state is governed by immediate divine guidance or by officials who are viewed as a divine guide. For a more complete overview see: Brague 2007, 231), embraced by *St. Basil the Great* and *John Christostom* in which man is part of the Godhead, is the child of *God-loved* by the unconditional *Creato*r. That is why the Eastern man is much more "relaxed" in his relationship with the Divinity than the Western one, and his efforts for salvation are smaller. Perhaps hence the difference between the duality of Heaven/Hell in the East and that of the three states that the soul will experience after physical death: hell-purgatory-heaven - where purgatory is a place where the soul must do another work in plus to be saved.

The two models created (*the ideocratic* and the *western consumerist*) will influence all spheres of activity: political, social or economic. This fact can also be observed in terms of criminal law or, related to what we are interested in in this study, on punishments. It can be seen that the Eastern model based on the uniqueness of man will make the punishments applied in more cases individually than in the western part, where work has embraced a common form and the punishment will be applied collectively in several cases. Also, the idea of the way man is perceived by the Divinity will make it easier for man to be forgiven in the east for certain mistakes and for the sentences, in many cases, not to be as harsh as in the West.

Based on, as is natural, the model of the creation of medieval Europe, the purpose of this study, aside, is to present, at an ideational level what were the punishments in various parts of Europe. I also set out to summarize some common features of punishments that have emerged and evolved over time. In the last part, we aimed to present the particularities of some punishments that are derived from the medieval idea of society, particularities that refer to the way people were perceived (woman *versus* man) and certain practices.

As understood above, our presentation is composed of three parts: the first part brings information from the three areas of Europe: the eastern, central and western part - each subdivision being divided into general information and concrete examples on each area in part. The second part of the presentation begins with the classification of the prison in the criminal system, goes until the moment of changing the prison into compulsory work and brings details about reconciliation and the punishment of political crime. The last part shows why the woman was punished differently from the man what were the punishments on children in the absence of an institution to protect them and, last but not least, touches on the subject of divination as a practice in antithesis to the Christian conception.

Punishment in the middle Ages

In the *Middle Ages,* different from today, the application of punishment was closely related to the religious conception that pain was the only way to obtain forgiveness for sins committed. Therefore, corporal punishment, which caused pain, was often applied. Also, through the involvement of the Western church in the application of punishments, through the instrument called Inquisition, the regime of punishments becomes characterized as being full of cruelty where corporal torture, the death penalty, mutilation, adoption, deprivation of liberty, torture, were the order of the day, civic degradation, shaving of the chin.

Sometimes the consequences of religious conflicts, insidious political interests or civil wars have led to the stigmatization of certain social categories or people with whom they believed in certain principles and ideas. As such, in order to "maintain

balance", those considered heretics, witches, suspects of dissent, Jews, operative Freemasons, Templars or immigrants became, at some point, victims of stigma. In this context, the activities of less conciliatory justice systems that have abused public prosecution, special investigative procedures known for their effectiveness, the use of torture to obtain confessions, corporal punishment and public executions are also highlighted. At the same time, these justice systems have often been subjected to strong social pressures, especially from victims of the local population, who wanted justice (Rousseaux translated Dwyer 1997, 118).

In the western part of Europe, the crime was considered by the representatives of the political power a dangerous deed for man and consequently the sanction was made by the public bodies. Also, the link between the crime and the punishment was indissoluble as such the right to punishment was of social origin (Chilom 2002, 129). In general, we can say that the despot had the power to apply a sanction over what was provided in written law and could allow the accumulation of penalties. Another thing that could be observed is that for identical facts the sentences could be unequal, and in many cases the judge could deliberate regardless of the rules. (Chilom 2002, 131).

The first known code of laws governing punishment in the Middle Ages in this part of Europe belonged to the *Germans* and the *French*, being the *Salic Law*. This was in fact a compilation of Frankish laws whose official form was given by Clovis I (481-511). This *praecepta aequitatis* clearly set out the situations in which the death penalty was imposed and the situations in which fines were imposed for theft or damage to private property. Also, one third of the amount of the fine was given for the costs and the penalty was set by a jury of citizens. (Cucerescu 2020, 120). In the *Salic law*, the sanction of the offender in case of crime or offense was composed of the actual sanction called *fadius* (Latin language), payment for charging public order, recovery of damage, and another tax called *deltaura* which was compensation for the period of delay in restoring justice (Fischer Drew 1991, 135). In the Germans, we find the legitimate defense for the first time in a code of laws (Caroligia code) of Carol the Fifth (1526–1539): *"if someone has attacked you, or if someone will be shot deadly, if he has been beaten, or has been subjected to violence and he cannot avoid them by fleeing, then he for the defense of life, body, honor and honor, you could defend yourself without being punished with the help of self-defense"* (Cucerescu 2020, 125). From the Caroligia code it is very clear that in the case of self-defense, when a conflict could not be avoided at all, the one who defended himself, even if it caused the death of the defender, was not punished at all.

In the *Italic peninsula* in the area that no longer belonged to the Roman Empire, we find regulations, replacements as well as changes in punishments. Thus, in 643, in the longobards, by Rothari's edict, the punishment of revenge of blood ("*Revenge of the blood*" was a punishment that allows the commission of a crime as revenge for a previous murder - the author's note) is replaced by *wergild* - payment of monetary compensation. The total amount was determined taking into account the social position of the injured party. For example, for killing a free peasant the fee was 200 gold solids, for a semi-free man the amount was only 60 and for a servant in the house 50 solids were paid. (Bădescu 2002, 107-108).

In the *Scandinavian peninsula*, we also know that *blood revenge* was maintained until the twelfth century, and then probably inspired by the *Lombard model*, this punishment was replaced by a fee similar to the *wergild* but could be paid by descendants, ascendants and collateral relatives (brothers or primary cousins) for a period of up to three generations (Arama și Chicu 2009, 2).

In Eastern-Byzantine Europe (Eastern Roman Empire), in the first centuries of the Middle Ages, punishments were part of Roman law influenced by Greek

philosophy, sprinkled with oriental elements, and above all the conception of Christian theology reigned. New Christianity has, at least apparently, softened the punishments by giving them a more humane character (Arama și Chicu 2009, 3).

We also know that in this part of Europe, the death penalty applies only in very serious situations: murder, witchcraft or adultery. From the eighth century witchcraft will no longer be punished with death but from this moment the death penalty will be applied for treason (Certainly the death penalty was applied and before that time it appears in medieval documents – author's note). The punishments that were generally given for crimes were the pecuniary ones: confiscation of assets and goods and the imposition of fines, exile in monasteries and sometimes even outside the empire (For a more complete overview you can consult : Drîmba 2003, 305-365) as we know it was done in ancient pre-Christian times: the best examples of this are the exile of *Ovid* to Tomis (Iliescu, Popescu and Ştefan 1964, 271-344) or the expulsion of *Dion Chrysostomes* from the Roman Empire in Dacia (*Ibidem*, 453).

After the appearance of the Slavs, in the current area of Croatia, in the state called Corciula, we find that the death penalty was not applied for murder, but in certain situations a collective punishment was applied. In another set of laws published in 1288 entitled the *Statute of the Voivode*, it is provided that in case of murder, if the perpetrator fled, his relatives were liable to punishment by paying half of the amount set for the fine. However, the code of laws does not specify which of the relatives had to pay and they were "delegated" at the discretion of the judge (Arama și Chicu 2009, 2).

In the Serbian Land, there was the code of laws of Stefan Dușan (1308-1355) in which it was written that if a traitor was not caught the one who could be punished in his place could be the brother and if there was a certain son the father could be punished. In the case of killing children, if the perpetrator was not caught, any relative could be punished without specifying the degree of kinship (*Ibidem*, 2-3).

In central Europe, the area that has been culturally influenced by both extremes, there have been some discrepancies in terms of penalties. In the criminal law applied to Hungarians, there were some different ones from the one applied to Romanians. The best example is Transylvania where there were differences between the cohabiting populations. As they themselves claimed, Hungarians had criminal law inspired by their own archaic rules, Roman law and German law. However, a good part of their laws, as *Nicolae Iorga* demonstrated without being able to fight history in a speech during a lecture in Văleni de Munte, were based on *Ius Valachius* - the old laws of the Romanians (For this argument you can consult in detail: Iorga 1938).

In Transylvania (Romania), Hungary as well as other areas under Hungarian influence (*Slovacia, parts of present-day Ukraine*, etc.) the harshest punishments were applied for crimes, violation of property, injury to others or theft. Most of the punishments were accompanied by confiscation of assets. Like Western Europe, nobles were forgiven or protected in most cases; there were also many situations in which the king was the one who forgave and protected those who had to be punished (Gavrilă 2021, 1-3). During the reign of the Hungarian king Ladislaw I (1077 - 1095) the person accused of murder could escape the death penalty if he paid a fairly large fine, sometimes almost impossible to pay (*Ibidem*).

Between 1000-1300 the perpetrator was sent directly to prison, his existing properties were taken, they could even be agricultural land, servants, slaves and were given to the relatives of the murdered. In case a person forcibly entered the house of a nobleman as punishment, two thirds of the fortune was taken from him and it was given to the nobleman and to the wife and children of the criminal one third of the fortune belonged to him. In other situations, the accused had to pay 10 bulls (Hasan 2004, 113).

At that time, the arsonists had to rebuild the houses they had destroyed by fire and pay 16 bulls. If an accused did not have the necessary opportunity (wealth or other goods) to pay his sentence, he was shaved on the head and carried through the public square where he was whipped and then sold only in the area where he lived. There were situations in which the church gave punishments or additional punishments, materialized through fasts (*Ibidem*, 115).

Starting with the year 1231, King Andrew II will give a law by which the goods of an individual convicted by the judicial procedure will come into his possession or were given to whom he wanted (*Ibidem*, 117).

In Transylvania, the Romanians made a discordant note in the sense that the Hungarian authorities did not interfere in judging their own causes that were not related to public law and the interest of the Crown. This is attested during the Hungarian Arpadian dynasty (855-1301) but also later. The evidence comes from Hungarian documents of the time. We can mention here the diploma of *Elizabeth of Pomerania* (mother of the Hungarian king Sigismund of Luxembourg) dated October 28, 1366 which will not allow the royal servants from Bereg county to judge the Romanian issues: "*We order, as in the previous government, olachi (Romanians) afara apart from theft and robbery, the court rules to concern them…*" (Mihali 1900, 59: "*Mandamus quatenus a modo praefatos Olacos et iobbagiones praedictorum Olacorum nostrorum in vestris possessionibus ac vestri in medio, in causis quibuslibet, exceptis furto, latrocinio et alüs publicis criminalibus, iudicare*.(…) *vel res et bona eorum arestare vel facere prohiberi nullatenus praesummatis*."). Another argument appears to us five years later, in 1371, when the Romanian princes demanded (and managed to obtain) that a certain Peter, convicted of iniquities be tried and punished according to *Romanian law* (**legem Olachorum**)*: "they intervened and prevented the sentencing and demanded that the procedure be done according to the Romanian law"* (Motogna 1922, 190-192. *"…dicendo ut iidem officiales iuxta* ***legem Olachorum*** *eundem Pei rum comprobare possent, sed non cum aliis iuribus regni.").*

For the Romanians, at the beginning of the Middle Ages and continuing for more than a millennium, the punishments were regulated by *ius valachicus* (the old unwritten Romanian law) - a set of legal norms specific to the *vlach/wallachian* community that was applied uniformly throughout Romania, but also outside the borders, everywhere where there were Romanian conclaves (Safta 2015, 143-155): *Balkan area, Poland, Ukraine or Hungary* (See: Petriceicu Hașdeu 1865, 25; Frigyes 1876, 82). *Ius valachicus* was the result of a long process that was not created by a certain person, it was not passed in a written code, but went hand in hand with the formation of the Romanian people, always evolving and adapting to the context of time (Motogna 1922, 190-192).

We know that in the criminal law of *ius valachicus* there was a punitive system: the injury or hitting of persons was punished and were considered criminal acts even before the formation of the medieval Romanian states (Guțan 2008, 40). As for the death penalty, it applied only in exceptional cases the culprit if he did an extremely serious thing was expelled from the community which was equivalent to a civil death (Panaitescu 1964, 50-58). Also, in the village community there was the collective punishment when for certain deeds some members of the community were punished, and sometimes the whole community (collective responsibility) (Negru 2014, 66). These rules concerning *Ius Valachicus*, even after the advent of written law (referred to here in the modern period of history), were applied in parallel.

After the formation of the Romanian Principalities and implicitly after the appearance of the Institution of Lordship, leaving aside the *"hiclenia"* (betrayal) which was punished almost equally throughout Europe, only the rule of personal criminal liability applied - the

perpetrator was exclusively punished. This was regulated by *Vlastares's Syntagma* (Blastarès) - a code of laws of Byzantine origin that was the basis for drafting the first rules and codes of written Romanian laws (Bogdan 1971, 188). From a judicial point of view, the Lord was the supreme judge - the highest judicial institution that could pronounce the death penalty, have the right to pardon, or give the right that the death penalty could be redeemed with money (Filitti and Suchianu 1927, 26).

The punishments for the most important causes were judged by the *ruler*, and the small ones were left to the boyars. If one of those involved considered that the boyar had judged him crookedly, he could appeal to the lord to retrial the trial. In the situation where the Lord found that the boyar did not distribute justice correctly, he punished him, and if he had been judged right then the one who initiated the second action was punished in addition by a beating (*Ibidem*, pp. 43-44).

Also, the punishments included in the *norms of criminal law* are in direct line with the religious conception of iniquities. In other words, the crime is one and the same as sin, and the punishment was called atonement. As such, according to Byzantine norms, acts such as murder, slander, insult, or witchcraft were criminalized. The punishments were both physical: *mutilation*, beating and capital punishment, but also of a *"spiritual" nature: fasting, rosaries* and *prayers*. (Ristea 2018, 207).

The evolution of punishment until the modern period

Even though, as we saw above, for the same faults, the punishments were different throughout Europe, still during the medieval period there were certain characteristics or transformations of the punishments that were applied in a uniformly uniform way everywhere. We can speak in this sense of the prison sentence as a measure integrated in the criminal system and then of replacing the prison sentence with that of forced labor. There has also been uniformity across Europe in terms of finding ways to reconcile the parties to the detriment of the application of punishments but also in terms of the failure of uniformity in terms of political crimes.

Even though, as we saw above, for the same faults, the punishments were different throughout Europe, still during the medieval period there were certain characteristics or transformations of the punishments that were applied in a uniformly uniform way everywhere. We can speak in this sense of the prison sentence as a measure integrated in the criminal system and then of replacing the prison sentence with that of forced labor. There has also been uniformity across Europe in terms of finding ways to reconcile the parties to the detriment of the application of punishments but also in terms of the failure of uniformity in terms of political crimes (Rousseaux 1997, 115). In the *Romanian Principalities* the punishment with imprisonment integrated in the penal system appears in documents after 1450 (Bruno 2006, 487). We also know that in *Wallachia* monasteries were one of the toughest detention systems. Thus, in 1457 *Vlad Ţepeş* (the ruler who stabbed those he considered guilty of treason) would build the Snagov Monastery using it as a special place of exile for the opposing boyars. They were sent here under oath that they would pray to repent and forgive their mistakes and be taken to a special room to pray to an icon of the *Mother of God*. They didn't even start the prayer well because they were running away from under their feet, falling into a deep pit full of sharp knives. Eventually they died struggling in terrible torment. In addition to this room, there is another equipped with complex mechanisms of torture and torture. The two chambers were abolished only after the middle of the 19th century (Dianu 1901, 17).

Resocialization through work was another expedient carried out by the justice systems related to the medieval period, a procedure put into practice especially in times

of economic crisis. This was particularly noticeable in the context of the labor crisis of the 16th century, which witnessed the creation of working classes. The model underwent significant developments at the end of the medieval era and the beginning of the modern era of history, during the industrial revolution when forced labor was integrated as a predominant form of punishment to the detriment of imprisonment. Since then, the criminal justice system seems to have focused on cracking down on property crimes (Rousseaux 1997, 118). In the *Romanian Principalities* according to the laws of the old rules, the commutation of the punishment with imprisonment in compulsory labor applied only to the lower social classes when those in question were sent to the salt mines. For the boyar, only the exile was sent to the monastery (Volume managers: Firoiu and Marcu 1984, 321).

One of the most important things during this period was to find ways to reconcile those involved in conflicts, methods that would replace punishment in certain situations in order to avoid recidivism (Rousseaux 1997, 116). In the Romanian Principalities, reconciliation was regulated in the penal system only during the Phanariot period with the appearance of the Caragea code from 1818. It could be applied in situations of slander, deception and fornication (*Caragea Code reproduced from the original Romanian manuscript, edited by Ion Palade and with a preface by D. Alexandresco* 1907, 60, 98, *passim*).

A special situation (where the Romanian countries were no exception) in which punishments were not applied according to a well-established set of laws was political crime that occurred by killing a king or prince. In some cases, the deeds were not punished or the punishments were symbolic, especially when a rival came to the throne (Rousseaux 1997, 113). Political crime was also considered treason; the culprit was killed, in some cases his family and his property confiscated (Stoicescu 1968, 117-118, *passim*). The opposition to the city authorities was also framed here and the punishment that applied especially in the western part of Europe was the exile of the one found guilty (Rousseaux 1997, 114).

Excesses of the application of punishment in the medieval period in women and children

In order to have a complete picture of the time, in our study we have to write a few words about certain punishments or frameworks in which a punishment could be applied which today, due to the evolution of society, not only no longer existed in Europe but would be difficult to imaginary. We can speak in this sense of the differentiated application of punishments for men and women, a fact derived from the status that women had at the time and about the punishments that were applied to children, not being able to speak at that time of an institution similar to the today. Last but not least, we must remember the punishments that were given to practices that were in total antithesis with the religious conception of that time, in fact with the understanding of religious dogmas.

The medieval conception of woman meant that she, for a similar deed, was punished more severely than a man. This fact is closely related to the different social evolution that is based on the biblical religious connotation and the Greco-Roman thought on which the European civilization was based. According to these two conceptions, women, regardless of their social status, were considered, compared to men, inferior and powerless beings. However, the punishments for a noble woman, for the same deed, were milder than for a man of inferior social status (Norman 1963, 129). The medieval woman was also part of the "property" within the property of the man. As such, because the man considered that the woman belonged entirely to him, he

considered that he had the right to punish her. However, the death penalty was allowed only in the situation of infidelity (this exceptional situation was also found in Romanians) (Lung and Zbuchea 2003, 71).

Also, as a consequence of the medieval conception of woman, there were all kinds of deeds for which she could be incriminated and punished. An example we can't even imagine today is that a woman could be punished if she gossiped. If found guilty it was her husband who had to mount a mask on the girl who had a piece of metal in the center and blocked her tongue so that she could no longer speak. In some situations, the woman was walked by her husband with that object on her face in order to be immediately recognized that she was being punished for gossip and that she was generally a gossip. We must also say that this object was called the "Gossip Cauldron", and the punishment was first applied in England in 1567 and then spread to Scotland, Wales and Germany (Preda 2019, 1). The medieval conception of the status of women was not different from that of the West even in the Romanian Lands. As such, the judge considered that the "real beating" was only when *"the woman cannot tell the judge not to appeal"* (Andrei Rădulescu-coordinator 1962, 97). As such, the man received the right to punish his wife with moderation and gentleness (when he considered it appropriate) (Mătușan 2012, 102).

As for the punishments on minors, they appear regulated for the first time during Carol V. In the German king's code of laws, the child was considered a private thinker because of his young age, so the law said that in their case commissions of experts should be set up to investigate similar crimes to determine whether a punishment was necessary. In article CL-XIV of the "Carolina" law, if the thief was up to 14 years old, the maximum punishment that could be applied to him was the death penalty depending on the circumstances. However, he was in extreme conditions and the most common punishment was corporal punishment accompanied by an oath that he would not steal forever. After the age of 14, the possibility of applying the death penalty was much more pronounced and a pecuniary punishment could also be applied (Melnic 2013, 35). We also know that the death penalty could be reached in other countries. An example in this sense is England where two children aged 9 and 10 respectively were punished with death following sentences of a trial (*Ibidem* 36).

A phenomenon of the Middle Ages that was severely punished was divination - a practice that was defined as a process of searching for the truth or things hidden by inappropriate methods (*Macmillan Encyclopedia of Religion* 2006, 2369). It was divided into several subdivisions: oniromancy (dream interpretation), forebodings, involuntary body movements, medium possession, necromancy (consultation of the dead), observation of animal behavior, and here the best-known practice was ornithomania (bird flight interpretation) or decoding natural phenomena (geomancy, phrenology, astrology) (Hasan 2007, 13). The prohibition and punishment of this practice appear at the very beginning of the Middle Ages, with the officialization of Christianity, more precisely, it will be banned in 353 along with witchcraft and nocturnal sacrifices (*Macmillan Encyclopedia of Religion* 2006, 2373). Those who were found guilty of such practices were the subjects tried and in the period we are talking about only in central Europe the documents show us over 2000 trials. We know that the punishments were quite varied from imprisonment to the death penalty (Hasan 2007, 18).

Conclusions

At the end of antiquity and at the appearance of the Middle Ages, punishments will be closely linked to the new Christian conception - a religious doctrine that would guide Europe until now.

In Western Europe the offense was seen by the authorities as an act dangerous to humans and the consequential punishment was made by public bodies.

The first code of laws governing punishment in the West of the Middle Ages was given by the Franks; we are talking in this sense about the Willow Law.

In the Eastern Roman Empire, in the first centuries of the Middle Ages, punishments were given in accordance with Roman law, which in turn was influenced by Greek philosophy. Also, there were oriental influences and things were coagulated conception of Christian theology.

In Central Europe, punishments were an amalgam of the influences of the two areas that bordered it.

Prison, as a regular punishment integrated in the criminal system, will be outlined only after 1300. The appearance of this punishment was a solution that wanted to minimize the crime rate in society.

During our study period, a woman was punished more severely than a man for an act similar to that of a man. This was closely related to the different social evolution that was based on the biblical religious connotation and the Greco-Roman thinking on which European civilization was based.

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RAIS Journal for Social Sciences | VOL. 5, No. 1, 2021
ISSN 2574-0245 (Print) | ISSN 2574-1179 (Online) | DOI: 10.5281/zenodo.4783305

Morality and Religious Ethos: A Discussion between Paul and His Disciple

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ABSTRACT: In this article, we will discuss the aspects of morality that the Apostle Paul discusses with his disciple Timothy in his second epistle. Here we have analyzed the character traits that the contemporary Christian must pay attention to. In 2 Timothy 3:1-5, Paul has an important pastoral discussion about the future of the religious life and draws many signals about how people will be in the afterlife. We grouped these nineteen signals into 5 main categories, and they represent the analysis of the present study. Knowing the aspect that this epistle is a pastoral epistle and knowing that the principles of public life influence the religious ethos of the Christian, here we will present some features to which contemporary Christians must be careful.

KEYWORDS: morality, indiscipline, hedonism, violence, religious ethos

1. Introduction

Paul warns his disciple Timothy that in later times there will be "hard times." The greek word *calepoi*, used here to describe the times, is based on the meaning of "difficult, difficult" and may involve the phrases "hard to bear" or "violent, dangerous, threatening." To better understand the gravity of these times, I mention that in the Holy Scriptures we also find this term in the account of the two demonized in Gadara (Stott 2007, 99).

The New Testament meaning of this word shows us the nature of those times of the last days. Paul's second epistle to Timothy is a pastoral epistle and the issues presented here are the issues the Church will face in the days of the end, not the secular world. The church will face these problems because the people in the church will promote these characteristics in their lives.

In this study, we set out to analyze what the reason and action of religious people will look like in recent times. The word of God has certain negative characteristics that will be found in certain people who live their religious life and in the religious space, and these characteristic attitudes will affect the spiritual life of the Church of God. In this analysis we want to provide a public light for the Christian ethos and even a biblical teaching for the removal of such reasons and actions.

This study is the result of the desire for the Church of Christ to be kept clean and holy, as Christ desired it to remain. A pure and holy Church is the main factor for its development, and the testimony of those who are part of it is essential for its presentation as the body of Christ. If the public life of the spiritual man affects or promotes the image of the Church, it is necessary to look at the religious ethos under the lamp of spiritual vigilance and to place the analysis of the characteristics listed by Paul in the context of today's religious life.

In the biblical text of 2 Timothy 3:1-5; "*This know also, that in the last days perilous times shall come. 2. For men shall be lovers of their own selves, covetous,*

boasters, proud, blasphemers, disobedient to parents, unthankful, unholy, 3. Without natural affection, trucebreakers, false accusers, incontinent, fierce, despisers of those that are good, 4. Traitors, heady, highminded, lovers of pleasures more than lovers of God; 5. Having a form of godliness, but denying the power thereof: from such turn away.", we will analyze the moral reflections on the characteristics presented by Paul. We believe that by analyzing the broader meanings of these features and using them in other biblical passages, we will find a clearer understanding of what Paul wanted to convey to his disciple Timothy.

In this study, we have divided the nineteen Pauline characteristics of the religious ethos in recent times into five main categories of moral reflections. These five categories are: selfishness, indiscipline, violence, materialism, and hedonism. The sources used in our research will provide us with current explanations and practical applications for understanding this religious phenomenon.

2. Selfishness

Speaking of these characteristics, in a thematic way, which will multiply in the ecclesial framework, Paul enumerates, first of all, that people will be "lovers of themselves" and concludes with the characteristic "lovers of pleasures more than lovers of God. "(Stott 2007, 101). be, brass is contrasted with filo,qeois howing the self-direction, the selfish direction, of man in the days of the end. The ego or personal ego is of human nature, of human manufacture, and people want in this Christian altruism with the personal ego.

The expression "self-lovers" is explained by the philosopher Aristotle in terms of "immeasurable self-love" (Stott 2007, 103). It is the positive result of erroneous love far too much for oneself. Going further and analyzing other features listed by Pavel John Stott says that through the boastful expressions (avlazo,nej), William Barclay defines this word as the characteristic of a person who "offers human intelligence, instead of heavenly wisdom; who invents beautiful words, which never result in a remarkable deed; whose teaching pursues their prosperity and whose desire is profit and power" (Barclay 1982, 269), proud (u`perh,fanoi) and blasphemers (bla,sfhmoi) the author "develops the meaning of self-love" (Stott 2007, 101) and how it will manifest in the religious space.

These characteristic enumerations are and will be part of the life of some Christians who live, or will live, in the ecclesia christologica. These characteristics are part of an "unsocial, even antisocial behavior, ... (which) is the inevitable consequence of sinful egocentrism" (Stott 2007, 103).

3. Indiscipline

In the enumeration of the attributes that will characterize some Christians in the last days Paul shows a second fundamental problem of these times. I called this theme the subject of indiscipline.

Through the negative characteristics enumerated by Paul within the theme of indiscipline, the following particularities are found: disobedient to parents (goneu/sin avpeiqei/j), unthankful (avca,ristoi), unholy (avno,sioi), without natural affection (a;storgoi), trucebreakers (avkratei/j).

These negative qualities tell us about the indiscipline of recent times in three different contexts. Through the expressions "disobedient to parents" and "dissatisfied" the context of indiscipline moves within the family where children neglect their parents (Stott 2007, 103). Indiscipline starts from the family. Where children no longer listen to their parents and no longer direct their lives on the advice of their parents, indiscipline

is inevitable (Rotaru 2011, 5). Those children no longer obey their parents because something else has taken over their reason and they will guide their lives according to the ideas of others. This something else can be physical and / or mental. Of a physical nature when a negative entourage guides their lives, or other human ideas, and of a psychic nature, where the power of the demonic world speaks for itself.

The second context of the presence of indiscipline in the last days is extracted from the expressions "without piety" and "without natural love". These expressions direct us to the church where these characteristics will be found. The church will be attacked by indiscipline because people will be deprived of the godliness and love that every Christian must have.

The third undisciplined context in which some Christians will speak at the end time is the context or social framework. The expression "unbridled" shows that some Christians will no longer be able to control their natural beginnings in these times and if until then they represented the church in society positively, from that moment the negative example will characterize them.

This thematic feature presented by Paul finds more and more exponents of the church in our time. The young Christian refuses to listen to the advice of his parents and thus will lose his happiness and longevity in life. This loss and this indiscipline will move within the church and then by living in indiscipline these people will inevitably bring a stain to the Church of Christ in society.

4. Violence

A third thematic grouping of the characteristics listed by Paul is found under the name of violence. Even though in some biblical passages this word appears as an independent feature, I preferred its name because I found it to be the best synonym for the theme of these characteristic traits.

Through expressions trucebreakers (a;spondoi), incontinent (dia,boloi), fierce (avnh,meroi), despisers of those that are good (avfila,gaqoi), traitors (prodo,tai), heady (propetei/j), highminded (tetufwme,noi), Paul is, in a way, discuss about violence in the last days..

Speaking of violence, Dr. Chuck Pierce describes it as "the violation of God's perfect order" (Pierce 2008, 136). God left an order in this universe and this order was planted in man in order to "multiply and rule the earth." Man fulfills this goal but some people fulfill it in a negative way. Through the desire to master and elevate the self above all he departs from God, and by assimilating in his Christian character these qualities presented by Paul, he erodes his Christian character.

Jesus Christ in his eschatological discourse in Matthew chapters 24 and 25, to present the morality of the days after, uses the comparison with the days of Noah. Looking at Genesis 6:11 we find the universal characterization of the earth that was "full of violence," full of violence.

This human direction toward rebellion against ecclesial authority, as we speak of pastoral epistles, will cause God to pour out his wrath on those who do not repent of their violence. Looking at the moral climate that is described as existing in the time of Noah, we see how these are "examples of the coming of judgments upon the earth as prophesied in Revelation" (Heron 2004, 132).

5. Materialism

Materialism or interest in material possessions is a prominent subject in the teaching and life of Jesus Christ. According to the subject of the existence and manifestation of

the Kingdom of God, "Jesus speaks of money more frequently than any other subject" (Foster 1985, 19).

This subject of materialism is also debated in the Mosaic Decalogue by imposing a restriction on man to covet his neighbor's possessions. This commandment and teaching of Jesus Christ is so relevant to our times that the struggle to have more money is the main struggle of some Christians. This is because money brings power to influence, to accumulate possessions and to have new experiences.

The Holy Apostle Paul warns the Christian church of the presence of this sin in the apocalyptic church because there will be people who will be "lovers of money" (fila,rguroi). Friberg Lexicon in the sense given to this term refers to "the zeal for money, the desire to be rich, greedy, greedy" (Friberg Lexicon Bible Works, v. 8).

Another term used in the New Testament, synonymous with fila,rguroi, is pleonexi,a| (Ephes. 4:19, 2 Corint. 9:5) and refers to greed. This word is defined by "Latin moralists as amor sceleratus habendi - the accursed love of possessing… it is the sin of man who values life in material terms (Luke 12:15)…, it is the sin of the world without God (Rom. 1:29) El, he is identified with idolatry (Col. 3: 5)…, he is related to sexual sin (Mark 7:22, Ephesians 4:19)" (Barclay 1982, 219-220).

Speaking on this subject, Derek Prince refers to the words of Jesus by which he compares the time of the end with the time of Noah and Lot. He says that the purpose of exemplifying the eight activities that existed in the time of Noah and Lot and that Jesus says we will find in the time of the end is to show that they were "immersed in these activities so that they were not in able to recognize the time in which they lived. Summarizing these activities in one word, this is materialism" (Prince 2008, 94).

Jesus Christ warns Christianity about this problem of materialism and says that "if we fall into this pit of materialism, we will not be ready to meet Him when He comes" (Prince 2008, 94).

6. Hedonism

After a long period of human history in which people were lovers of pleasures, it seems that today we must speak of "a culture of pleasures, a systematic development of taste and a continuous stimulation for pleasures" (Popovici 1993, 68). This is mainly due to the Sexual Revolution that began with the 1950s (Feinberg 1993, 150).

The Holy Apostle Paul warned the ministers through his epistles that they would face such problems in the church because in the end times people would move toward a character in which they would be "lovers of more pleasures" *(*filh,donoi*) "*more than lovers of God" *(*filo,qeoi*)*.

This subordination is of human nature, a nature in which man renounces God and embarks on a path of pleasures led by these ta. e;rga th/j sarko,j. Christian morality does not reject the reality of pleasures, the reality of carnal love, but "subordinates it to the faith in God that must guide our lives" (Forell 1975, 133). The Christian is not led by ta. e;rga th/j sarko,j but is led by karpo.j tou/ pneu,mato,j.

John Robinson in his book Proofs of a Conspiracy talks about the fact that one of the secret goals of the Illuminati is to promote pornographic literature and images through which to make young people grow in this subculture of immorality (Popovici 1993, 69). We can also observe this truth around us because "unrestricted nakedness and sexuality spread rapidly in the electric age" (Gheorghe 2008, 250). Through television, the Internet, newsstands, etc., humanity is littered with this sexual drug called pornography, in which some states invest more than a billion dollars annually.

Studies of sexual practices show that they "have not changed drastically in recent years. The basic idea is that the attitude has changed. What was done in secret in the

past is now done openly "(Finley 1982, 129). Since society and the Church lower moral standards, the irreparable effect of immorality is inevitable.

Today, another major Christian problem is the problem of homosexuality. This open nature of hedonism promoted in democracy through the freedom of personal law has led to the establishment of thousands of gay organizations. This problem has led to the greatest disappointment of our century, which is expressed by the fact that "some Christians not only excuse homosexuality but also affirm it as in accordance with Christian principles" (Lindsell 1974, 106). In other words, God destroyed Sodom and Gomorrah in vain because they were divinely allowed to practice sodomy. The great pain is that this conception is promoted not only by the laity but also by great Christian leaders who support this conception. How true is the Word of God, which says that "the time will come when men will not be able to endure sound doctrine; but they will tickle their ears to hear pleasant things, and they will give their teachers according to their desires" (2 Tim. 4:3)

7. Conclusion

As we saw in the analysis above, we must understand that the Church of God will be strongly attacked not only from the outside but from the inside. Changing character, from positive to negative, and spiritual direction, from holiness to sin, will be the great challenge of people who frequent the religious public space.

The great challenge of the Church of Christ remains that of maintaining an effective Christological witness in the secular public space. The Church will have to fight for the development of a holy character by each Christian and to fight against a compromised Christian ethos. In order for these things to be preserved, the preaching of the gospel and the moral teaching must remain biblical, centered on Christ.

The enumeration of the nineteen negative characteristics by which the Church of Christ will be tainted draws our attention to the seriousness with which every Christian must regard the development of Christian character and its preservation in an evangelical setting. The warning that Paul brings into question is not one that can be completely defeated, even destroyed, but through spiritual vigilance it will have to be confined, even removed, in the religious public space.

Paul's epistle to Timothy, being a pastoral epistle, finds its applicability in any religious space today. Even if, from a global point of view, things seem somewhat lost, there is still a hope that Paul brings into discussion through that of a local vigil, so that the religious ethos is preserved in the parameters set by Holy Scripture.

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RAIS Journal for Social Sciences | VOL. 5, No. 1, 2021
ISSN 2574-0245 (Print) | ISSN 2574-1179 (Online) | DOI: 10.5281/zenodo.4783348

Re-constructing and Reconciling the 'Self': Muslim Women of Bengal through the Performance of the 'Wedding Sagas'

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ABSTRACT: Keeping in mind the present cultural scenario, Muslim community studies have emerged as a cross-disciplinary field that includes sociological, political, economic, literary, and sexuality studies. This wide framework of cross-disciplinary subject position naturally addresses a number of multi-dimensional global issues. One such issue is the rich folk cultural tradition of Bengal that includes one particular strand of songs which is interestingly patronized solely by the Muslim women especially from some areas of Bengal. These women unfold all the stories of their domestic slavery, insults, suppressed desires, disgust against the male folk of their family—the trauma they have to undergo generations after generations, along with all their longings for a better life condition within their songs, in spite of knowing that they are never going to achieve them. Within this paper, I shall try to bring into the forefront how ages of oppression, as Foucault has observed, have led them to form a kind of passionate attachment to the forms of power that oppress them. This is problematic. Unless the oppression is recognized and worked through, no real liberation is possible for the oppressed. As a consequence, all these have remained simply as the instance of their fairytale, 'wishful thinking'. The fear of being under constant surveillance by the oppressive authority compels them to self-restriction, in every sphere of their lives. Moreover, such a rich tradition has unfortunately never been imparted its due acknowledgment, neither within the family, nor by the greater society. Interestingly, within the whole Muslim world, there are very few instances of such practices of singing by women. Singing, in Islamic Shariyat, has been considered as '*nafarmani'*, i.e., against Islamic Shariyat. So the question that naturally engages the socio-political studies on this topic is, where from did such tradition emanate? In this context, the paper will also endeavor to investigate the origins of the emergence of such a rich and rare tradition.

KEYWORDS: Wedding sagas, Muslim women, Patriarchal oppression, Cultural trauma, Collective memory

With the rapid disruption of community structure all over the world, Muslim community studies have emerged as a cross-disciplinary field that includes sociological, political, economic, literary, and sexuality studies. This wide framework of cross-disciplinary subject position naturally addresses a number of multi-dimensional global issues. One such issue is the rich folk cultural tradition of Bengal that includes one particular strand of songs which is interestingly patronized solely by Muslim women especially from some areas of Bengal like Burdwan, Birbhum and Murshidabad, Jalpaiguri and also from some districts in Bangladesh. These singers are mostly the women of the Muslim families who are deprived of institutional education. So, these 'wedding sagas' hardly have any written form. With a very few exceptions, most of

these singers are not 'professional'. They are rather the 'occasional' ones, the common women from the villages. As these singers are not so-called literate with conventional education, the language of their songs is simple and natural. The exclusivity of such songs is that they are entirely women-centric. The subjects of their songs too, needless to say, revolve around the experiences of the women. Within these songs, we come across abundant uses of metaphors, allegories, rhetoric figures, and frequent references to Ramayana, Mahabharata, Quran, Haadish, and folklores. The range of the themes for these songs is really astounding. Practically, there is hardly any sphere of daily life spared. (They speak of rural and urban lives, social and financial security, and insecurities. They also express the achievements and failures/losses, love and lovelessness, trust and breach of trust, desires, care and anxiety, humor, repentance—a collage of numerous feelings.) This is a kind of song practiced by the rural women within the confinement of the four walls, because Islam doesn't approve of singing. These are the songs of their innermost emotions too. These are the sagas of the anguish they receive from their own people, from the men within their families–the trauma caused by the patriarchal oppressions they have to undergo generations after generations. These women unfold all these stories of their domestic slavery, insults, suppressed desires, disgust against the male folk of their family, and their longings for a better life condition within their songs, in spite of knowing that they are never going to achieve them. They never expect to. Ages of oppression, as Foucault has observed, have led them to form a kind of passionate attachment to the forms of power that oppress them. This is problematic. Unless the oppression is recognized and worked through, no real liberation is possible for the oppressed. As a consequence, all these have remained simply as the instance of their fairytale, 'wishful thinking'. Though these are primarily 'wedding songs', the major part of it is not restricted to the customs related to a marriage ceremony. Almost ninety percent of these songs are about broader aspects of livelihood. In this way, they have attained the heights of being entitled to life sagas.

Trauma, as it has been defined by Caruth (1995, 150), is: [t]rauma, that is, does not simply serve as record of the past but precisely registers the force of an experience that is not yet fully owned." She interprets trauma not only as an occasion that happened in the past, but also a traumatic experience which is not realized completely. She attempts to authenticate the fact that trauma is indeed a devastating phenomenon. It is far from a simple memory.

Trauma theory has its root within the early psychoanalytic theory in the late nineteenth century. During that time, hysterical symptoms within women were identified as an aftermath of psychic trauma. The method of hypnosis was employed as treatment for recollecting and transforming traumatic memories. After that, the two world wars happened causing severe traumatic experiences within a huge number of people. This resulted in a kind of resurgence of interest in trauma theory. This newly emerging theory was then used to describe the surfacing evidence of the long-term psychological distress that the surviving soldiers did experience (Courtois 2004). In 1980, the Diagnostic and Statistical Manual of Mental Disorder, third edition, the term posttraumatic stress disorder (PTSD) was included for the first time (Courtois 2004). Later, this diagnosis method was applied for the problems associated with women's mental health, particularly to the issues related to the suffering from child abuse and sexual assault by the feminist therapists. Thus, with the help of trauma theory, the previously undiagnosed problems, especially those related to the social context of gender inequality, could be identified.

Cultural trauma is one of the specialized perceptions of trauma associated with collective memory identity, and with negative alteration which may leave in its wake on the societal groups of the society. Human beings' pursuit for security, order, connection, certainty, meaning, identity, and love. Something that happens unpredictably which emasculates those necessities, shockingly, these people become traumatized as a consequence of traumatic experience. In the same way, if an incident traumatizes not only one individual but also all the members of a collectivity or a group, the trauma will be cultural trauma or collective trauma. Patriarchal system denotes a system or a body in which males possess power and are assigned roles as the head and leader of the family. It is understood that patriarchy is a systematic organization in which men's domination is denoted by different kinds of implications. Postmodern feminist theorists heave on psychoanalysis and poststructuralist concepts in order to imply patriarchy as an ideology infiltrating into every aspect of culture like language. Culture influences patriarchy and consequently cultural trauma respecting patriarchy is created. In this sense, patriarchy does not need to be felt by all the members in a community. We have observed during our interaction with these artisans that the trauma in its cultural form in this group is associated with the change that happened in collective identity and effects their collective memory as has been observed by Ron Eyerman.

Harvey and Herman explicate three levels of trauma memories, based on the experiences of the clients coming for therapy (Harvey and Herman 1994; 1997):

> (1) relatively continuous memories or complete recall with changing interpretations over time; (2) partial amnesia with a mixture of delayed recall and delayed understanding of meaning; (3) delayed recall following profound and pervasive amnesia. Rather than dichotomizing trauma memories as either present or absent, Herman and Harvey's classification underscores how memories are recalled in a continuous process with clients entering therapy at different stages in this process.

However, such a rich tradition like the Wedding Sagas has never been imparted its due acknowledgment, neither within the family, nor by the greater society. Their families (the male members, of course) have always opposed to such practices as '*nafarmani'*, i.e. against Islamic Shariyat. And people of the outer world have ignored its existence till recent past. Interestingly, within the whole Muslim world, there are very few instances of such practices of singing by women. Another example we can find is within the Hausa people of Nigeria. There also we see the tradition of songs and oral poetry carried on by the women of the community. Surprisingly, there is a remarkable similarity of themes between them. Now the question is, where from did such traditions emerge? In Bengal most of the people of the Muslim community were converted into Islam from the lower caste Hindus. The same kind of history can be found within the Hausa people too. Before the traders and missionaries brought Islam to their place, these people were pagans. For Hindus as well as for the pagans, singing and other recreations are an important part of life, and in no way it is *haram*. These people, when converted, had already internalized such cultural practices which they continued even after conversion.

Moreover, the tradition has not even been recognized as one of the diverge traditions of Bengali folk songs. One reason behind it may be the inaccessibility of the outsiders to these songs. Almost all the women bearing the flag of this tradition keep 'purdah'. Not only that, it is practiced so secretly, carefully hiding them from the knowledge of the male of the family (in fear of being discarded as '*nafarmani*') that it is really difficult to reach them. The fear of being under constant surveillance by the oppressive authority compels them to self-restriction, in every sphere of their lives. Moreover, the most unfortunate part of the story is that these songs are gradually dying

out. One major reason for this is the oral nature of the songs. Another reason is the mandatory secrecy it has to maintain for its existence. The continuous suppression has led most of its practitioners to abscond from it. Very few of these artisans are still struggling with their art. The realization of belonging and being understood aids mend the impacts of trauma, oftentimes strengthening resilience. I find this in my work with these singers. Diminishing cultural isolation is crucial to increasing the sense of belonging. I've observed that when the experience of trauma is shared in common with other individuals, this commonality often escorts the person to their sense of cultural belonging. For many people, cultural practice turns out to be their way to conquer traumas and increase their resilience. Every culture has norms, belief systems and values that distinguish its cultural practices. Cultural practice can be correlated to traditional ceremonies, child-rearing practices and cultural activities such engaging in traditional arts. Music—with specific instruments and songs—is also inconceivably culturally relevant.

Now, the first printed book available dealing with the age-old tradition of the songs sung by the Muslim women of Bengal is *Musalman Samajer Biyer Geet* (written in Bengali) (*The Wedding Songs of Muslim Society*) by Shaktinath Jha (1996). Before that mention of this rich tradition was made by Muhammed Ayoob Hossain (1982) in his article "Musalman Bibahe Lokachar" ("Folk Traditions at Muslim Marriages") a part of the collection of essays *Bibaher Lokachar* (*Folk Traditions at Marriages*) edited by Dinendrekumar Sarkar. Jha, for the first-time ever, attempted to search for a folk tradition enacted in ritual-laden, socio-religious wedding ceremonies of a particular religious community. Later this book was re-published as an enlarged volume under the title *Musalman Samajer Biyer Geet ebonge Gope Biyer Gaan* (*Wedding Songs of the Muslim and Gope Community*) Jha (2016), incorporating another similar tradition of wedding songs of the Gope community. Afterwards, the legacy was carried on by Manoyara Khatun and Sahinur Khatun. Manoyara Khatun's volume *Muslim Biyer Gaane Bangali Musalman Samaj* (*Bengali Muslim Society as found within the Wedding Songs*) was published in 2004. In 2009 came out the monograph entitled *Muslim Biyer Gaan: Roop O Aparoop* by Sahinur Khatun. The authors of all these books chiefly concentrated on collecting these wedding songs sporadically and recording them under printed form. Sahinur Khatun used to perform such songs herself along with other members of her family. Along with documenting them, she accumulated many of the old songs during her search for them. A large portion of it was a part of her family possession, handed down after generations. These songs possess great historical and documentary value. Sahinur Khatun also observes that the tradition of creating new songs had been diminished since 1995. The reason behind it may lie within its losing dignity with the advancement of modern education and the changed social fabric with more and more interest in the lustre of urban modernity. Sahinur Khatun has endeavored to document some of these songs within her book and thus protect them from the grasp of oblivion. But the most remarkable job in this arena has been done by Ratna Rashid (2003) within her book *Muslim Biyer Geet* published in 2003. Here Rashid has weaved her extensive collection of these songs along with the narration of the life-story of an ordinary Muslim girl called Jaigun. One more work, which is created on digital media in the form of a documentary film on this particular subject is available. The title of the film is *Banglar Muslim Bibaher Gaan* that is authored by Amol Ghosh and published by Eastern Zone Cultural centre, Kolkata. Within this film available only some glimpses of the performances and the conversations with the artisans have been shown in its almost forty-five minutes of duration. No in-depth study either of the background of such magnificent heritage, or about the present condition of its practitioners has been attempted through it.

All the books and other resources which have been done on this topic are done at the local level. The few books that are available upon this issue are written in the Bengali language only. The only documentary that has been broadcasted is in the Bengali language. So, for the vast range of scholars interested in this field who don't have access to this particular language, such a rich tradition has remained completely unknown. Under the proposed project we intend to translate these songs into English to reach out to the academicians scattered globally. I have already started the job of translating some of these songs into English under the guidance of Dr. Ratna Rashid Bandyopadhyaya, one of the renowned authors upon this subject.

These works are chiefly the sporadic and random collection of the songs. None of the authors have tried to capture the whole range of the phenomenon within a single work. This project would endeavor to create a wholesome/complete archive of such songs still extant within the memories of the artisans.

The authors of these books have chiefly concentrated upon collecting the songs and recording them through print. None of them has tried to delve deep into scopes of extensive social research work interrelated with the origin of the oppression and the resultant trauma which is the chief driving source behind these masterpieces. Only Ratna Rashid Bandyopadhyaya has endeavored to situate these songs within different stages of life of a conventional Muslim girl. But that too has been presented through the format of a story. She has not attempted to specify/come out with any kind of scholarly investigation into the socio-economic or socio-psychological aspects of the whole phenomenon. Neither any full-fledged project has till been undertaken to search for all the aspects related to the phenomenon—social, political, economic, religio-political, socio-psychological. So, it seems clear that there is still ample scope of an extensive academic research upon this extremely significant and most rare tradition of folk art.

Some of the Bengali movies showcase the songs and dances being performed within the marriage ceremonies of Muslim families. But these songs and dance performances are far from the authentic wedding songs that are performed by the original practitioners of the tradition. They are the signs of the mixed culture, mostly influenced by the contemporary movie culture. The minimum amount of purity is not even maintained while making such songs for the films.

The importance of this study lies within generating certain significant issues relating to Bengali Muslim community's specific history and identity. It may look at Muslim women as having established a rigorous cultural presence in its own community. In order to ensure sustainable societal impact, it may help build up services competent legal agencies to preserve future autonomy and self-determination and give advanced directives for further decision making in the event of incapacitation. Within the present paper, I have tried to provide only a glimpse of the potential of the study of these songs in the field of identifying the traumatic experience that the women, especially the Muslim women of Bengal, have to bear with under patriarchy. In the last segment of my paper, an interpretation of one of the numerous wedding songs has been demonstrated just as an example of the huge scopes of the study in this arena.

Jaigun my dear daughter
Why did you take birth as a girl
Being a girl causes much suffering
Why did you not come as the son
Jaigun my dear daughter…

Jaigun my dear daughter
How will you be married off dear

The wedding of a daughter is not that easy
It costs a lot
Hundred rupees for the feast
Hundred rupees for buying the bed
Hundred rupees for the costume of the new groom
Hundred rupees for the ornaments
Hundred rupees to be given for the household expenses
Hundred rupees for the musician
And such many more things are there dear
There is no end to the list
Jaigun my dear daughter

This song clearly shows the difficulties posed by society upon a girl child. It never welcomes her the way it does welcome a baby boy. One of the apparent reasons for this unwelcoming attitude towards the baby girl is obviously the inevitable future expenses for paying the dowry at the time of marrying off the girl. This particular song narrates that particular facet through its lyrics. Jaigun is the name of the baby girl. And the moment she takes birth, the women of the family sing this song. From the very moment of her birth, her guardians start repenting it. They become worried about the huge expenses they would have to bear during the time of her marriage. The newborn baby, in this case, fails to bring about any joy for the family.

So, this song shows the mother and the other women of the family welcoming the baby with the account of the probable cost of her marriage in the distant future. They provide a long list of the various types of expenses associated with the wedding of a girl. Apart from the spending on the feast, the costume and other arrangements for the wedding ceremony, there are even more which are exclusively to be borne by the father of the bride. These include buying the bed, the ornaments, and most disgracefully, the household expenditure of the groom's house to be paid by the bride's father.

The surprising fact is that in Islam there is no provision for any kind of dowry to be paid by the bride's side. Rather, Muslim marriages involve the tradition of *Mahr* to be paid to the bride by the groom. The concept of *Mahr* is, indeed, a very wise custom to secure the bride's future. Mahr is actually a financial deal which the Muslim groom commits to the prospective wife before the commencement of their marriage. The money received thus is completely own by the wife. She can spend it as she wishes. The reason behind such a custom is very significant. Even if the bride has no property of her own at the time of her marriage, she can at least have some possession through it when she enters her new life. The amount of the Mahr is decided by the elders of the society, keeping in mind the financial position of the groom. So, this insightful custom is originally meant to impart an equal status to the bride at par with that of the groom so that they can start their new life from a uniform economical level. Then, the question is, even after the prevalence of such an excellent custom how can the family members of a little Muslim baby girl be so anxious about the probable expenses of her marriage? In fact, in present day Muslim societies, especially in Bengal, the custom of *Mahr* has been turned into mere formality. In most of the cases, no *Mahr* is disbursed to the bride, only a promise of a certain amount is made, which is to be given to her at the time of their *talaaq*, if there is any. Thus, the actual purpose behind such a beautiful and wise custom is completely undermined by patriarchy.

Besides, if we carefully study the list of the expenditures mentioned within the song, we can see the inclusion of the costs like buying a bed, lavish costumes for the groom, and above all, the amount to be paid as the household expenses for the groom's family and such many more things. Now, where did such things come from? As we

have previously mentioned, Islam never mentions any such things which are in fact kind of indirect dowry. These are actually the impositions of the society which in no way is ready to accept the concept of 'equal status' towards the women in the family. That is why they have converted the tradition of Mahr into just a formality, a token which in most cases are never paid off. Instead, traditions endorsing different kinds of dowry have been introduced, just to undermine the real value of the women, no matter whether Islam approves it or not.

These newly incorporated customs are in reality the reflections of the patriarchal attitude of the society which is indeed much reluctant to receive women as equals. They always have considered women as sub-human and a burden of society. These customs are introduced just to impart the feeling of inferiority and humiliation within women. And this practice is continuing generations after generations with the dividend of the expected result. After the years, rather ages of suppression, now most of the women have started believing in themselves as the burden of the family, of the society. This attitude is clearly visible within the song under present discussion. Here we see the women of the house are visibly disappointed at the birth of the baby girl. This is in reality the consequence of the trauma of continuous humiliation they are incessantly enduring. It's not that they don't feel any emotional attachment with the newborn. Of course, they love her. The justification for such claim can be viewed through the use of the endearing, affectionate term 'Jaigun my dear daughter' (in original Bengali it is '*Jaigun amar ma lo'* which is actually a very affectionate expression) repeatedly. But at the same time, they feel for her too. Their own traumatic experiences of the journey from girlhood to womanhood make them afraid of the future of this little baby girl. Therefore, a close study of the lyrics of the song makes it quite evident that the singers are more concerned about the upcoming sufferings that this little one would have to go through than the apparent issue of the expenses of the future wedding. The fourth line of the song ("Why did you not come as the son") is then not about preferring a baby boy over the girl. Rather it shows the anxiety of her predecessors expressed at the ill fate of the newborn which she could have avoided if she took birth as a boy.

It seems that Muslim Wedding Songs has always suffered from an anxiety of subservience. Through Bengali cultural and political history can be traced from centuries back in terms of having played a significant role in socio-cultural framework of Bengal Community (West Bengal and Bangladesh). Bengali Muslims and their cultural politics remained peripheral in the context of Bengal's cultural history. It seems that Bengali Muslims have always tried to discover their appropriate space within the rubric of Bengal. It is really urgent these days to explore the multi-façade aspects of Muslim Wedding Songs sung exclusively by women (its nature, obviously, is oral) and its culture and cultural politics.

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RAIS Journal for Social Sciences | VOL. 5, No. 1, 2021
ISSN 2574-0245 (Print) | ISSN 2574-1179 (Online) | DOI: 10.5281/zenodo.4783060

"Who is My Neighbor?": The Concept of the Neighbor in the Parable of the Good Samaritan (Luke 10:25-37) as a Social Phenomenon

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ABSTRACT: In this article, we aim to examine how the Parable of the Good Samaritan in Luke 10: 25-37, a biblical concept, was reflected in various modern social sciences. Following the research, we will analyze the concept of neighbor and how this biblical quotient gave rise to new areas of social research. In addition to the aspect of social love, commanded by the Savior, we can see how European social psychology reflects the example of the good Samaritan in its development. In addition to this science, we also focused on Ricoeur's sociology, but also on the development of the phenomenon of social justice.

KEYWORDS: neighbor, good samaritan, social psychology, social justice, sociology, love

1. Introduction

The parable of the good Samaritan is an integral part of the teaching that the Savior uses in the elaboration of the most important commandment in the Scriptures, namely, the commandment of love. Although the Savior presents that the most important commandment is "And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength: this is the first commandment" (Mark 12:30) he adds in the immediate verse next that they must, because they are integral, "Thou shalt love thy neighbour as thyself. There is none other commandment greater than these" (Mark 12:31). But the first answer that the scholar receives to the question, "which is the first of all the commandments?" is that the first commandment, the most important, which is, the first is this: "Hear Israel! The Lord our God is one Lord" (Mark 12:29).

Somehow the Law Teacher asks a question, but gets three answers. The first is to listen, the second is to love, and the third is to fulfill. Here we can see a triad. We could easily say that we have three different actions but integrated in one commandment. First of all, I would like to understand that we cannot talk about obedience to God if we do not love God. Obedience to God and love of God are inseparable. We cannot talk about them as a dichotomy, about something we can separate, or something that will one day be separate. There is an inseparable connection between the two, it is the connection that makes the connection with God and develops the image of the true relationship between man and God. Also, secondly, we cannot talk about love if we do not fulfill what God says. Love begins with pleasure, attraction, develops with sacrifice, continues with dedication and exists through the power of fellowship. These are the things we should understand so that we can develop and fulfill God's plan in our lives. Man is called to sacrifice his life, even if the last and greatest beneficiary is also, in favor of the love of God, to dedicate his existence in the hands of God, to have the eternal presence

in eternal life, and to develop fellowship. with God to fulfill the primary purpose of man's creation. And third, we cannot talk about fulfilling God's will if we do not listen to what God wants us to do, which is presented as a benefit to human existence. Obedience, as action directed from man to God, is the essence of a blessed experience. Obedience is what develops the relationship between man and God, it is the key factor that develops faith in human life, faith without which we can not have a relationship with an intangible being, intangible but also close, immanent, in human life.

Starting from the above ideas, I would like to understand that the love of neighbor and the love of God must be made together, at once, and in no way temporarily separated from each other.

The problem that arises in this parable actually falls on what the scholar, or the teacher of the Law, presented before the Savior, opens, namely, the problem of the neighbor: "And who is my neighbor?" (Luke 10:29). This problem, to which the teacher of the Law wants the answer, develops the answer offered by Jesus through the power of example, because Jesus offers the example, not the theory, and in this context, Jesus prefers the applicative part to the detriment of the theoretical part.

In this study, we set out to analyze how this biblical parable underlies modern research, how the parable has developed as a true social phenomenon. We will analyze the parable from a psychological, social, theological point of view but also from a legal perspective. The authors I will mention are those who were the basis for the development of their fields of research and how each, in turn, contributed to an openness to help those around us.

We believe that it is necessary in our research to explain to understand that this biblical example not only inspires man's spiritual life, but even more, this example is an applied spirituality, i.e., the example of the Good Samaritan has more to do with the public, social, of life than with inner living. And through the analysis of social psychology, social justice, sociology and theology we approach the main branches of human life.

How will we do this? In the following, we want to discuss how Jesus Christ poses the problem when he answers this question and the Savior's answer comes as an example. What did Jesus mean by this parable? What feelings does Jesus imply through these words? What is meant and what is meant by the parable of the merciful Samaritan? How can a biblical example be applied in a secular society? These are just some of the problems to which we want to look for answers in the following and to explain and understand the example I want to appeal to different researchers who in their social studies have used the image of the good Samaritan.

2. Social psychology

Social psychology has developed by answering certain questions or social problems encountered throughout life. Willem Doise defines social psychology as the science of the phenomena of ideology (cognitions and social representations) and of communication phenomena. And this, at different levels of human relationships: relationships between individuals, between individuals and groups, between groups in turn" (Doise 1982, 7). Instead, Serge Moscovici speaks of this as "the science of the conflict between the individual and society" (Moscovici 1997, 12), that is, it relates people directly to the problems that society, and the members of society, face in the past.

Many times, these questions were not answered immediately and therefore it took a certain amount of time to think. As in the beginning, the same questions, or kinds of questions, bother us today. Social psychology wondered at first why we pass so

carelessly around people who need our help? Why do some motorists go through accidents and injuries and continue their journey only with new information in their minds, that of a new accident, without being part of the information of others, that they are the ones who helped them? Why don't train commuters intervene when they see a young woman being assaulted next to them? Starting from these ideas, Serge Moscovici, the father of European social psychology, wonders why we are bad Samaritans and tries to explain how we can become good Samaritans (Moscovici 1998, 62-63).

Serge Moscovici remarks very clearly that the way in which a man can become, can change, even transform, from the human existence specific to the priest and the Levite to that of the Samaritan, is only through a deep meditation. This deep meditation is done with the purpose and desire to have an altruistic character. This, accomplished in a high form, must lead to a detachment from everyday haste and an emphasis on the everyday events and circumstances around us. Social psychology makes a direct connection between how we live and what happens around us. He recommends that through deep meditation man overcome the emphasis placed only on personal life and become active, involved, in helping those in need, just as the Samaritan stopped his journey to offer help to the fallen, hit and beaten.

Thinking about these aspects, Serge Moscovici discusses the example, and then the explanation, that C. D. Batson made with the students from Princeton Theological Seminary. Batson refers to the example of the Good Samaritan by referring to the great cities where the priest and the Levite represent those people in a hurry for their work, focused on what they have to do, and the Samaritan represents the man who is "less pressed by time" (Moscovici 199, 63), the man willing to change his direction, the program to allocate time and sacrifices to others, in other words, to make himself available to others.

Batson's example begins with the moment he asks some students to "shut up, after which they are invited to a conference, which for half of them referred to the parable of the Good Samaritan. He then led them to a recording studio in a neighboring building. Some of the students were notified in a natural tone: "It takes a few more minutes, but you can go." The others were told, "You're late. You've been waiting for a few minutes. So you better hurry." On the way, both of them passed a collapsed man in front of the entrance of a building, with his head bowed, coughing and moaning. It was observed that among the hurried students, 10% offered him help, and among the others, about two thirds (Moscovici 1998, 63).

This example makes us think seriously if there is any difference between a student who knows and studies the example of the Good Samaritan, but who does not change or influence his life with anything more than it influences those of commuters who look indifferently at the abuses of around them, or maybe even those drivers who do not offer their support to those who need it. Moscovici observes with sadness and concludes that those who were in fact "preachers of the model of the Samaritan good proved to be a model of evil" (Moscovici 1998, 63-64).

Concluding Batson's example, S. Moscovici states that "the parable thus staged shows that an altruistic person, always ready to sacrifice his goods and time, proves to be the same even if he is not promised any reward in exchange for his services. This person is not disinterested; on the contrary, she is interested in the other, through a kind of relationship she generally has with others, being convinced that the world would certainly be better if everyone proceeded in the same way" (Moscovici 1998, 64).

The example and application of the parable to our times, from the point of view of social psychology, looks quite good and really gives us a real problem of our society. It presents strictly the problem of social relations, a problem that is also found in the heart

of the priest and the Levite. This social problem is very close to the meaning that Jesus wanted to leave to those who listened to him and to those who will hear this parable. One thing that should be mentioned is that Serge Moscovici refers to this parable to present his idea within the science he represents and does not want to offer a theological interpretation of this parable.

3. Social Justice

Nicholas Kasirer, a law professor at McGill University, member of the International Academy of Comparative Law and a puisne justice of the Supreme Court of Canada, is one of the promoters of the so-called legal aid debt. In the article "Agape = Agape" he discusses the fact that the example of the merciful Samaritan is mentioned by those who support and promote the recognition of "the legal debt of aid, even supporting the idea that it is latent in civil liability" (Kasirer 2001, 576).

He speaks very clearly of how in the legal texts, compared to those of theology, the representation of the Parable of the Good Samaritan deviates quite considerably from the meaning of theological agape as "Christian mercy, evangelical love, charity - and duty to his neighbor. “But he, in his research, starts from this example and wants to provide a clear and concise analysis of the problem of the existence of legal aid debt in private law, through reflections on "possible major reconfiguration of the concept of civil liability" (Kasirer 2001, 578-579).

For the first time in history, the notion of neighbor and of course the Parable of the Good Samaritan was used in court in 1825, in the city of Massachusetts in the United States of America, in the process called Mills vs. Wyman. In this lawsuit, Mills Vs. Wyman 20 Massachusetts 207, the events in the case resemble those in the Parable of the Good Samaritan. In this case, a 25-year-old man left his parents' house. At one point, while returning home, he became ill among strangers. A man who acted like a good Samaritan took care of him and offered him shelter until he died. The defendant, ie his father in this case, found out about what happened and promised the one who took care of his son that he would pay him everything he spent on his son's care, but for various reasons, the father broke his promise. After this trial, the number of judges who reflected on the goodness of the Samaritan, for example, increased. John Copeland Nagle is of the opinion that this example still has much to offer in the field of justice, especially in the field of social justice (Nagle 2020, 1).

It must be understood, compared to the period in which this charitable event that the Savior exposes to the public, happened, that things have changed a great deal. A topicality of the facts would open many judicial possibilities today. The robbed man would have the opportunity to have his property recognized in court and could even sue him and reward him morally. Local authorities in Jericho could be blamed for failing to protect passers-by on this road. Even the good Samaritan or the innkeeper could wake up with a criminal trial, if their service had not been to the liking of the robber. Jesus, the parable, could easily be accused of public slander by the priest or Levite. Chris Marshall, in the face of these possibilities, “recognizes that it is important to recognize the need for biblical reflection on justice in a larger world cultural and religious vision, which is quite different from that of modern secular society. To understand the theme of justice in the Bible, we must move into a social and political world very different from our own. Then, after we have passed, we must decide what to bring back, what is relevant to our world. This is a task that requires a hermeneutics that is quite difficult to perform” (Marshal 2012, 11).

Our goal is not to create here a legal norm applicable to the world judicial system, but our desire is from the private way in which the biblical concept of neighbor, found

in the parable, started a legal branch and to go into review in which it is found today in various penal codes in different modern countries. Chris Marshal admits that it is quite difficult to create a biblical justice based on the text of the Holy Scriptures because "the large amount of data to be considered is discouraging. There are hundreds of texts in the Old and New Testaments that speak explicitly about justice and justice, terms that coincide and even overlap in meaning. Biblical data are also very diverse" (Marshall 2012, 12), he concludes.

The American judiciary refuses to impose a legal obligation to be a good Samaritan, to apply social responsibility to the precepts deriving from the principle of being close to the suffering. Although it refuses to do so in general, this social debt does exist in certain circumstances (see *TransCare Maryland, Inc., et al. Vs. Bryson Murray, et al., 431 Maryland, 225, April 22, 2013, 64 A.3d 88*). What seems interesting, however, is that the American law on judicial crime has also reached a consensus on the second question raised by the example of the Good Samaritan. "He who acts like a good Samaritan should not be held accountable for any harm that the volunteer negligently causes. This is the import of the statutes adopted by almost every state. California adopted the first status of this Samaritan good in the 1950s. Since then, states have adopted different versions of a law on the immunity of the Samaritan good (Nagle 2020, 5-8).

Indeed, the courts have distinguished between the voluntary employment of the Samaritan property and the obligations established by law. "The priest and the Levite did not violate any rule of law when they crossed over to the other side of the wounded," a court explained. "The Good Samaritan did not act in obedience to a legal duty when he took pity on him, cared for him, and took him to the inn" (see Tucker v. Burt, 152 Mich. 68 (1908), March 31, 1908 · Michigan Supreme Court · Docket No. 135, 152 Mich. 68). In another case, *Whiteside v. Southern R. Co*., Nagle recalls a judge who referred to his efforts to "alleviate pain, suffering, and death, and appeals to the feelings of humanity for which the Good Samaritan has always been revered. and praised the shame and condemnation of the priest and the Levite and who watched and passed without help to the suffering" (Nagle 2020, 5).

But the involvement of the neighbor in justice, starting from the proof of closeness in the Parable of the Good Samaritan, did not find references only in the American judicial system, but from the whole world the so-called "law of the Good Samaritan" was created. The Christian world, in a general sense, believes that this parable is only a universal moral duty, but the Good Samaritan Law is a universal concept according to any legal system that seeks to support and encourage people and help those in need (Jaeck 2021, 1-2).

Petere Cooke notes that in the United Kingdom, the involvement of one's neighbor in the act of social justice began with Lord Goff's ruling in the House of Lords, the highest court of appeal in Britain, in the case of *Smith v Littlewoods Organization Ltd (1987*), when he said that "Common law does not impose liability for what are called pure omissions", he said, noting that "there is no general duty of care by one person to prevent harm to another." Thus, applying English law, those in the biblical story who passed by the wounded before the coming of the Samaritan have the right to do as they did. Whatever their moral duty, they had no legal obligation to come to his aid and could not be held liable before an English court for non-compliance" (Jaeck 2021, 5).

In France, Francois Jaeck presents that for the beginning the first indirect references to the principles of the good Samaritan of social coexistence were made with the advent of the Penal Code, although the link between that article and the parable itself was not mentioned. Article 223-6 of the French Penal Code states that "French

law not only does not seek to exonerate the rescuer from any liability in the event of inadequate assistance, but, on the contrary, intends to punish him - both in criminal law, as well as in the civil one - on the spectator who, directly witnessing a dangerous incident, does not intervene even if this would not present any risk for him or for a third party". Moreover, Art. 1382, often regarded as the cornerstone of French crime law, states that "any act which causes damage compels the person who caused the damage to be credited to him" (Jaeck 2021, 7).

Peter Schetter remarks that in Germany, although the German Penal Code was copied to a large extent after the French one, at art. 323c,, who fails to provide assistance in case of disaster or imminent danger or suffering, although this (aid) is necessary and reasonable in these circumstances, (and is) especially without considerable danger to one's own being and without breach of other duties possible, will be punished with imprisonment of up to one year or fined" (Jaeck 2021, 9)

Lawyers such as Walter Verstrepen in Belgium, Tatu Henricksson in Finland, Joao Paulo Teixeria de Matos in Portugal, Igor Beades Martin in Spain, also discuss the implications of the Good Samaritan law in the criminal codes of their countries. Despite the rather opposite approach to the main legal system facing Europe, we still find that applying the idea of helping or punishing those who do not help is a very common law. Even if the "Law of the Good Samaritan", as a legal concept, offers only a defense against crimes resulting from the attempt to save, in countries where the legal system is based on common law, and imposes the obligation to save, in countries where the legal system based on the Penal Code, we note that the "Law of the Good Samaritan," as a universal moral duty, is legally protected (Jaeck 2021, 9-20).

As human beings, in most cases, we look down on those who do evil and try to distance ourselves from such people. Taking an example from everyday life we can say that anyone accuses the perpetrator of a crime, and we are right, and we want him to be punished for what he does, but why don't we think that maybe just as guilty? there are also those who let others die without offering them their help. How many people died because they were left without the help of those who could give them a continuation of their lives and how many people died as an act of crime? Can't those who kill be equally guilty but also those who, through their lack of reaction to the needs of others, determine them, maybe we can even say that it helps others to die? Does man's thinking have a reaction when the one next to him has reached the end? Don't we have to look around us and feel responsible for the lives of those around us, legally speaking? Jimmy Carter, the 39th president of the United States of America, in the book Source of Strength remarks so well that the presence of a person in our life can be a transformative experience in our lives. In those moments there may be a difference between life and death (Carter 1997, 53).

We must understand that this view of social justice is quite close to the meaning that Jesus Christ wanted to give to the teacher of the Law, but it is not fully understood. However, Christian justice focuses normatively on solidarity with and restoration of sinners, not on harsh punishment and rejection. This is also clear in Paul's instructions to the Corinthians regarding the treatment of someone who violated community standards by offending, in this case, against Paul himself. The community has previously punished the offender, probably by expulsion, but Paul is concerned about this punishment" (Marshal 2012, 18) and demands his rehabilitation.

Jesus Christ in his call to make us the neighbor of others and to become man as the neighbor of another does not bring direct accusations, as we see that he does the legal duty of help, but he brings to man's thinking a drawing that represents the portrait of the man His understanding. Jesus Christ, through his answer, passes the action of the neighbor as a model for humanity, beyond an act springing as a result of an obligation,

or criminal coercion, He presents us with an example of how we can exercise our love through our deeds, the way in which we take love, as a feeling and emotion, to the level of action, transforming the obligation to help into the desire to help. It is the duty of each of us, in our places, and according to our ability, to help, to help and to relieve anyone who is in danger and in need (Rotaru 2012, 5).

4. Sociology - the socios and the "neighbor"

Paul Ricoeur, an important representative of hermeneutics, starting from the statement that if sociology is the science that deals with "human relations in organized groups" then we do not have a sociology of neighbor. "If there is no sociology of neighbor, there may be a sociology starting from the neighbor's frontier" (Ricoeur 1996, 112).

Starting from this idea and using the Parable of the Good Samaritan, Ricoeur, brings into discussion three great ideas, or astonishments, as he presents them. First, we find out how Christ responds to the teacher of the law. Jesus "answers the question by a question, but by a question that has been reversed by the corrective virtue of the story." If the first one asked, "And who is my neighbor?" Jesus answered, "Which of these men behaved as if they were near?" (Ricoeur 1996, 113).

In these words we see, how Ricoeur argues "that near is not a social object - it did not even come from the second person - but a behavior in the first person. The neighbor is the very conduct of making you present. That is why the neighbor is of the order of the story: there was once a man who became the neighbor of a stranger whom the robbers left almost dead ... we do not have a close one; I make myself close to someone" (Ricoeur 1996, 113). So, at Ricoeur, the problem is not who I am, but who I am close to. The emphasis is not on the external ones to me, which enter into a relationship with me becoming my interiors, but on the internal ones that I externalize in order to reach the interiors of others, of the ones through which I make myself close to another.

Secondly, we find that another Ricoeurian astonishment is that of the way in which the culmination of the parable is the presence of one person to another. The first walkers, the priest and the Levite, as the living parable of the man in office, "of the man absorbed in his role, and whom the social function occupies to such an extent that it makes him unavailable for the surprise of an encounter; the institution - namely the ecclesiastical institution itself - blocks in it the access to the event". The other, the Samaritan, who wants to be present for the presence of the robber, is also a category, a category of the Stranger, "he is not part of the group; he is man without a true past and without an authentic tradition; devoid of race and piety; less than a pagan; a relapse". He is the man unoccupied and unconcerned with those of social functions. He is the traveler who changes his journey according to his availability to be "available for the meeting and for the presence. And the conduct he invents is the relationship from "man to man" ... his whole pity is a gesture beyond role, beyond character, function; it innovates a hypersociological reciprocity of the person towards the one in front of him" (Ricoeur 1996, 113).

Third, Paul Ricoeur's astonishment is found in the prophetic interpretation he gives to this parable. "Amazement is born of the parable and is reborn from the prophecy ... The parable of the story of the encounter today, the prophecy tells the story of an event at the end of history that retrospectively discovers the meaning of all the meetings in history." Thus, for Ricoeur the intention of uttering the parable is a double intention, a practical one, go and do the same, and the other theological, Christological, prophetic, which has an eschatological meaning that goes beyond the one who became

close to another. The practical meaning is given by the significance of the neighbor who represents it the way I meet the other, the way I am close to another, “beyond any social mediation; and then, in the sense that the significance of this meeting does not belong to any criterion immanent in history, it cannot be definitively recognized by the actors themselves, but will be discovered on the Last Day, as a way in which I will have met it without knowing it. , on Christ ” (Ricoeur 1996, 114-115).

Paul Ricoeur's opinion is quite well argued and sometimes anchored in the biblical hermeneutics of the parable. Although in the biblical conception the Christian is called to be close to all, I do not think that in this parable it is precisely this that Jesus wanted to allow himself to be understood. The presented context of the parable is that of understanding the call to love and the category to which this call applies. And Paul Ricoeur's mistake is that he develops the idea of neighbor as a category and the context refers to love as a category and indirectly to neighbor as a subcategory of love.

5. Love as a social experience

When Jesus Christ uses the discourse, as a way to show the power and purpose of his existence, he, not infrequently, uses the parables to make the message more understandable, most of the time, but also to make it incomprehensible. for the general public to be explained to the disciples (see the disciples' requirement to be told the parable of the tares, Matthew 13:36) Vincent Cheung in The Parables of Jesus argues that “Jesus uses parables to hide spiritual truths in the dark ... but they offer spiritual teachings to those whom God has called to light” (Cheung 2003, 8).

C.W. Hedrick argues that parables are a "representation of actions that have taken place or would have taken place, and raises the question of whether the representation corresponds to human life" (Hedrick 1994, 80-81). The parable of the Good Samaritan is part of Hedrick's classification and which I personally introduce in those events that would have taken place, an event that Jesus takes from His omniscience.

Joachim Jeremias, one of the greatest scholars of the parables of Jesus Christ, states in the introduction to the explanation of this parable that here we are talking about love, but not any kind of love, but "boundless love" (Jeremias 2000, 241).

The teacher of the Law, of the Mosaic Law, being aware that his theological knowledge would be useless if the love of God and the love of the neighbor were not found in him, he approaches Jesus and wants to find out the scriptural answer to the identity of the neighbor. Even if in a general sense the neighbor referred to “compatriots, including full proselytes, but there was a disagreement as to the exceptions; the Pharisees were inclined to exclude the Pharisees. The Essenes demanded that man hate all the sons of darkness; a said rabbis decided that heretics, informants and renegades should be pushed into the ditch and not thrown out” (Jeremias 2000, 242). Thus, commenting on this situation, Jeremiah refers to the fact that Jesus was not asked for a definition of what his neighbor means but was asked for a delimitation, a classification of people who are integrated in this expression. Thus, the meaning of the question is: "How far does my responsibility extend?" (Jeremiah 2000, 243).

In this context, of the interpretation of the double law of love, Jesus brings into question this parable of the man who descended on the so-called "Way of the Blood", from Jerusalem to Jericho. The first to pass by the robber was a priest. The explanation of this priest's attitude can be made in two ways: either the Savior discredits the priests or the past priest thought that man was dead and how the Law (Leviticus 21: 1) forbade him to touch a corpse other than that of a family member, he did not want to violate this law.

The second passer-by, a Levite, also passes by the robber and he was asked for ritual cleansing only during the "ritual activities. If the Levite, like the priest, were traveling from Jerusalem to Jericho, nothing would stop them from touching a dead body by the roadside. It must be assumed that if he was determined by ritual considerations, he was on his way to Jerusalem to perform his official duties there. The text does not exclude this assumption ". We must mention that the ascension of the Levites to Jerusalem was done in groups, and the Levite, for example, is alone, which, Jeremiah concludes, "is difficult to regard the Levite as being driven by ritual considerations" (Jeremiah 2000, 244).

According to folk tales in triadic form, the people expected the person who did good to the fallen to be a layman. But Jesus specifies that the one who did him good was a Samaritan, one of those people with whom the Jews were in a state of enmity, hatred, irreconcilable hostility, as evidenced by the teacher's failure to pronounce the term Samaritan. "Thus it is clear that Jesus deliberately chose an extreme example; comparing the desertion of God's messengers with the unselfishness of that hostile Samaritan, his listeners had to be able to measure the absolute and unlimited nature of the duty to love" (Jeremias 2000, 245-246). If that Law teacher's question was about the object of love, Jesus asks him about the subject of love. The Law Teacher thinks of him when he asks the question Jesus thinks of the fallen. The teacher seeks a theoretical answer and Jesus gives him a practical answer. When we understand the message of Jesus' parable, we will be able to perceive and understand the true calling and the categorical imperative of love.

Through this parable, concludes Jeremiah, Jesus wants to show the Law teacher that although the neighbor is the fellow citizen, the term "is not limited to this. The example of this despised corcitura must teach him that no human being was beyond the scope of his love. The law of love called him to be ready to lay down his life for the need of another" (Jeremias 2000, 245-246).

The law of love is not a law applied to a random category, chosen on contexts, opportunities or possibilities of realization on the condition of mutual help, but it is an imperative, but not any kind of imperative, but a universal law, a categorical imperative.

Conclusion

The parable of the Good Samaritan is, as we have seen, part of a wide circle of research in terms of the social fields that appeal to this image, or example. This parable is a standard of living, regardless of space and time, for existing humanity, and with the development of various social fields of research, we can discuss the parable of the good Samaritan as a true social phenomenon.

Although social psychology, social justice or the legal duty to help, the sociable and the neighbor, are some topics that emerge from this example, very interesting and effective in its application by humanity, we still see that Jesus Christ started from a theme to he arrives at a teaching, he has gone from theory to practice. As we have noted above, to understand does not mean to impose on the text your own finite capacity for understanding, but to expose yourself to the text and receive from it a wider self.

Following this study, we can draw some essential conclusions. First of all, Serge Moscovici's European social psychology developed from the principle of the Good Samaritan, a social science that emphasizes inter-human relations starting from this biblical approach. Second, the law of the Samaritan good, with the first reference in a criminal trial in 1825, began to develop as a principle in international criminal codes. And thirdly, the way Ricoeur develops his partner or neighbor principle, with strong

emphasis, not on identifying the neighbor but on who we make our neighbor, how we relate to the social problems of those around us.

And fourthly, the biblical neighbor is not only the one I want to have as a neighbor but the neighbor is anyone who belongs to the same existential category as mine, the category of humanity, and this close I am called to help in love and for love, my love for him so that his love may become the love of another.

In this parable, we find concentrated the idea of full and total love and sacrifice, to which humanity is called, regardless of its purpose and social activity. We are called to have everyone in love as close, as Jeremias presents, but also to be close to all, as Ricoeur presents, and all this in the category of love under the categorical imperative of love for a social better.

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RAIS Journal for Social Sciences | VOL. 5, No. 1, 2021
ISSN 2574-0245 (Print) | ISSN 2574-1179 (Online) | DOI: 10.5281/zenodo.4783376

Student Views on Vocational Guidance: Findings on Chronic Deficits - Suggestions to Meet Students Needs

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ABSTRACT: This article examines the absence of Vocational Guidance (VG) courses in the Greek educational system, as well as the reasons why these do not exist. At the same time, the need and usefulness of this subject is assessed with regard to both the educational system and the entire Greek society. Our findings show that when there are no VG in Greek schools, graduates find it difficult to choose a profession that suits both their physical and mental abilities, as well as their life aspirations. The issue is not only quantitative but also qualitative; namely, it is important to determine the most suitable manner and method for the presentation of existing professions in the classroom, which will encourage students to further explore them. Presented below, are the tables and diagrams that emerged following an extensive research among middle and high school students throughout Greece, in order to accurately prove the above deficit in this field.

KEYWORDS: Vocational Guidance, Education, Schools, Students, Middle School, High School, Vocational Guidance Counseling

Introduction

Greek Education is largely technocratic (Χατζηαναστασίου 2001, 13). High Schools provide academic, technological and scientific knowledge aiming at students' gaining good enough grades in order to graduate and/or go to university. School Vocational Guidance (SEP) became known in Greece in the 1950s, which was rather late compared to other European countries. The Greek educational system did not have the conditions necessary for such an innovation to flourish, and the main reason was the lack of specialized teaching staff (Κασσωτάκης 2001, 197-213). During the past twenty years, the absence of Vocational Guidance courses in Primary and Secondary education has been evident. At the same time, those who attended Vocational Guidance courses before the latter were abolished, state that they were not satisfied with the material taught. Moreover, the vast majority note that these courses did not help them at all in choosing a specialty or profession. There is a strong correlation between the degree of student satisfaction from Vocational Guidance courses and the degree of their effectiveness in terms of making life choices.

Our entire reasoning regarding Vocational Guidance courses extends beyond the necessity of their presence in our educational system to their meaningful operation and effectiveness. The majority of teachers and students propose that there should be more than one teaching method used for courses of such content. Experiential exercises, videotaped instances, dramatization, lectures and meetings with experts, as well as visits to workplaces will constitute, in that order, their most important suggestions.

Methodology

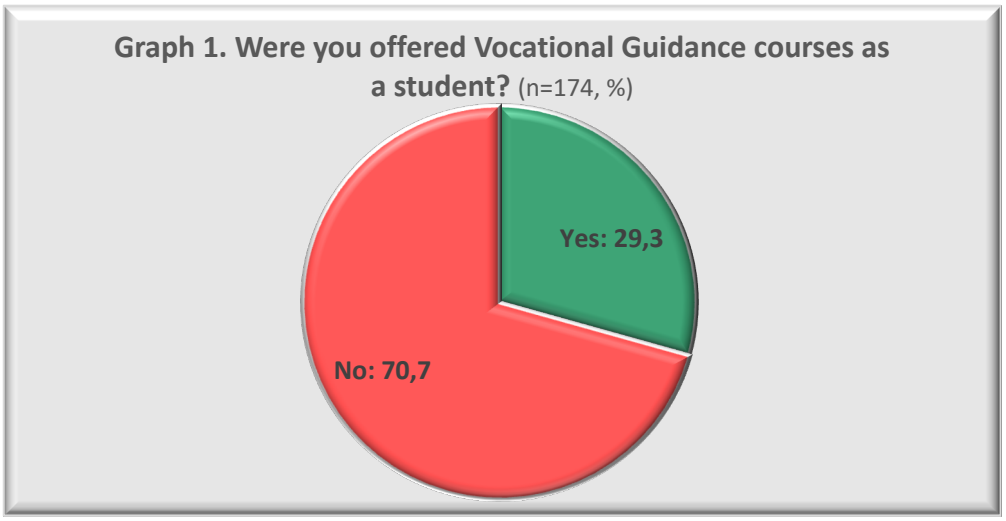
A questionnaire of 25 questions was compiled, based on descriptive research and the SPSS method. The population of the sample was formed based on the research hypotheses of the study, or working hypotheses; the "protagonists" of the educational process were selected based on their

involvement with the research object, their fastest and most effective approach and, finally, their convenience and adequacy in responding immediately and easily.

The difficulty of distributing and completing the questionnaires during the pandemic (3rd quarter of 2020) and the fact that the educational structures in Greece were closed for a long time was also taken into account. Therefore, a link to the questionnaire was sent via email, on the one hand, to prevent direct contact with the respondents for safety reasons, and on the other hand to facilitate and expedite questionnaire completion. For all the above reasons, the questionnaire was created in electronic form, with user-friendly answer completion and direct management notification upon submission.

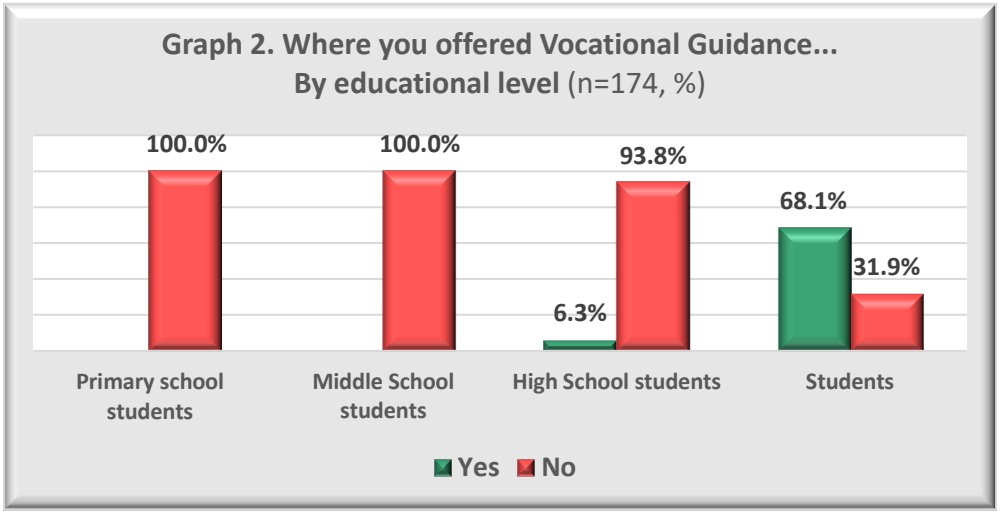
Main Results

When asked if they had been taught Vocational Guidance as students or students, 70.7% answered negatively, while 29.3% answered affirmatively (Graph 1).



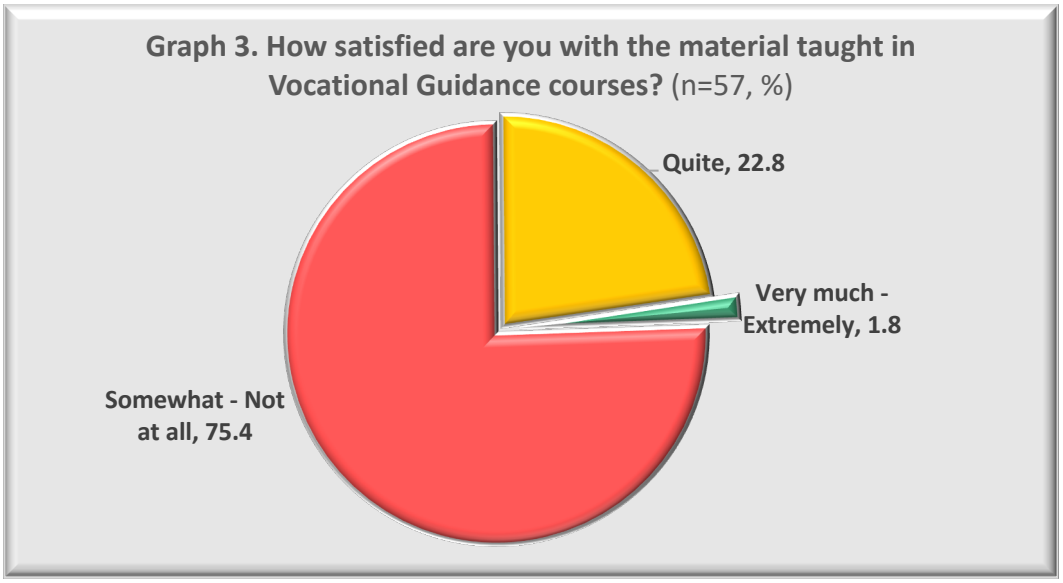
As expected, there was a statistically significant difference by age (p = 0.000) and educational level (p = 0.000). Thus, only 2.9% of students under the age of 18 stated that they had attended Vocational Guidance courses, compared to 70.8% of students aged 18 and above.

The analysis by educational level clarifies these results, as primary and middle school students are unaware of the existence of Vocational Guidance, since it is not part of the Curriculum and, consequently, their school timetable (Graph 2).



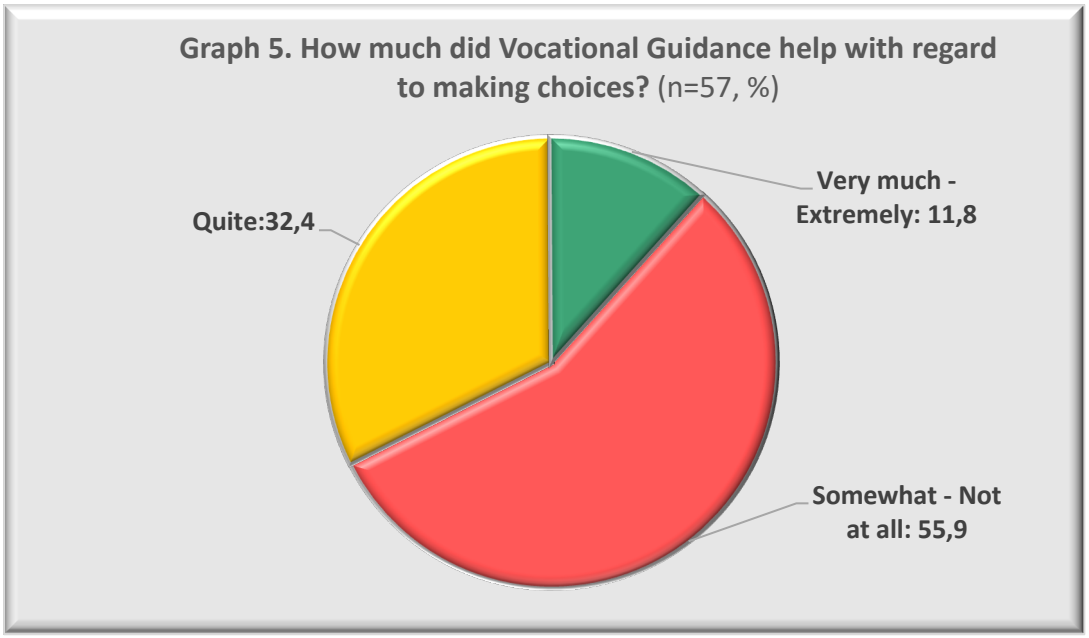
Thus, only 6.3% of high school students stated that they had attended Vocational Guidance courses, with the corresponding percentage for students being 68.1%. Here, it is important to note that, up to 2011, even within several high schools, there were School Vocational Guidance Offices (SVGOs), where counseling was undertaken by adequately trained teachers; counseling involved personal appointments with students -or even parents- to provide valuable information, as well as distributing updated relevant material to interested parties.

However, how satisfied are those students who attended Vocational Guidance courses? Two out of three, namely 75.4% reported little to no satisfaction; in fact, the percentage of students who reported no satisfaction at all was 42.1% (Graph 3). Only 22.8% reported that they were quite satisfied, while very few were very satisfied (1.8%). Nevertheless, males appear more dissatisfied than females, as the percentage of male respondents who reported little or no satisfaction was 83.3%, compared to 74.5% of female respondents.



As illustrated by Graph 4, when asked if the Vocational Guidance courses had helped them choose a specialty or a profession, only 11.8% answered 'yes', while 88.2% of students answered 'no' (Tsiaka 2021, 234).

In fact, while there is no statistically significant gender difference, this question -in conjunction with the previous one- offers an interpretation for male respondents' dissatisfaction, as only 5.7% of them claim that VG helped them choose a specialty or profession, compared to 13.9% of female respondents.

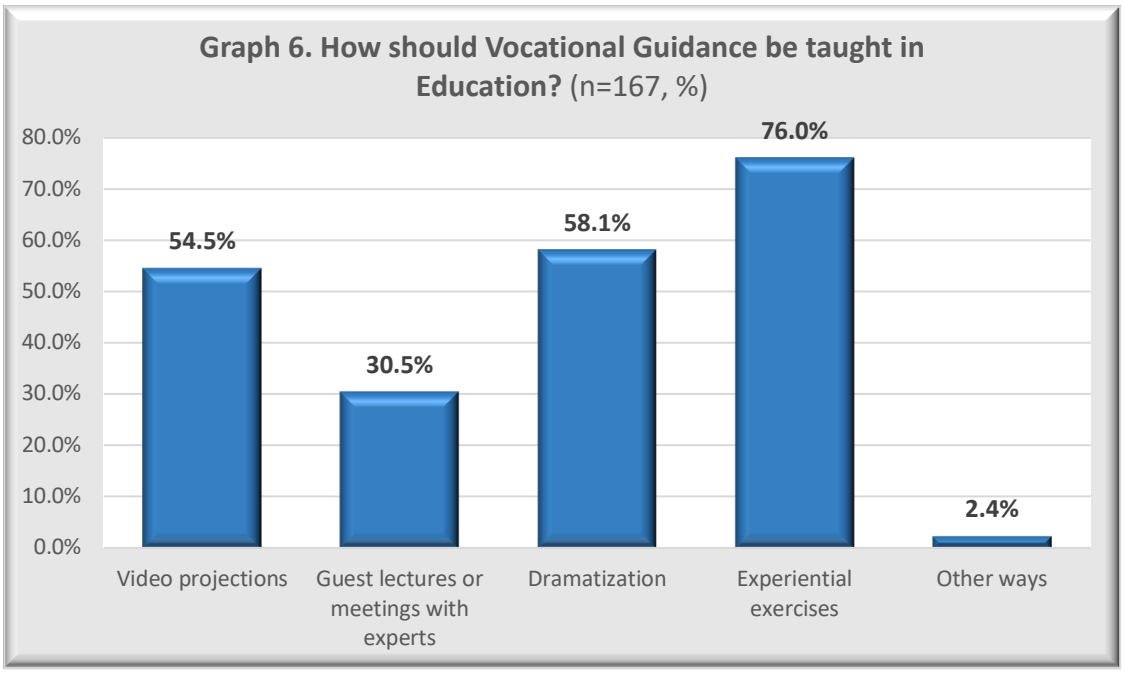


The above assessment is also confirmed in terms of intensity (Graph 5), as the majority of students (55.9%) who attended Vocational Guidance courses stated that they were 'somewhat' to 'not at all' helped by the latter in making choices. Vocational Guidance was 'quite' helpful with regard to-making choices for 32.4% and 'very' helpful for just 11.8% of respondents. Therefore, students also make assessments based on results, namely, whether attending Vocational Guidance courses provided them with solutions and alternative options in their lives (Tsiaka 2021, 237). Thus, our research must extend beyond the absence of Vocational Guidance courses at School or University, to examine whether -in the instances and settings it does exist- VG satisfies the existing needs.

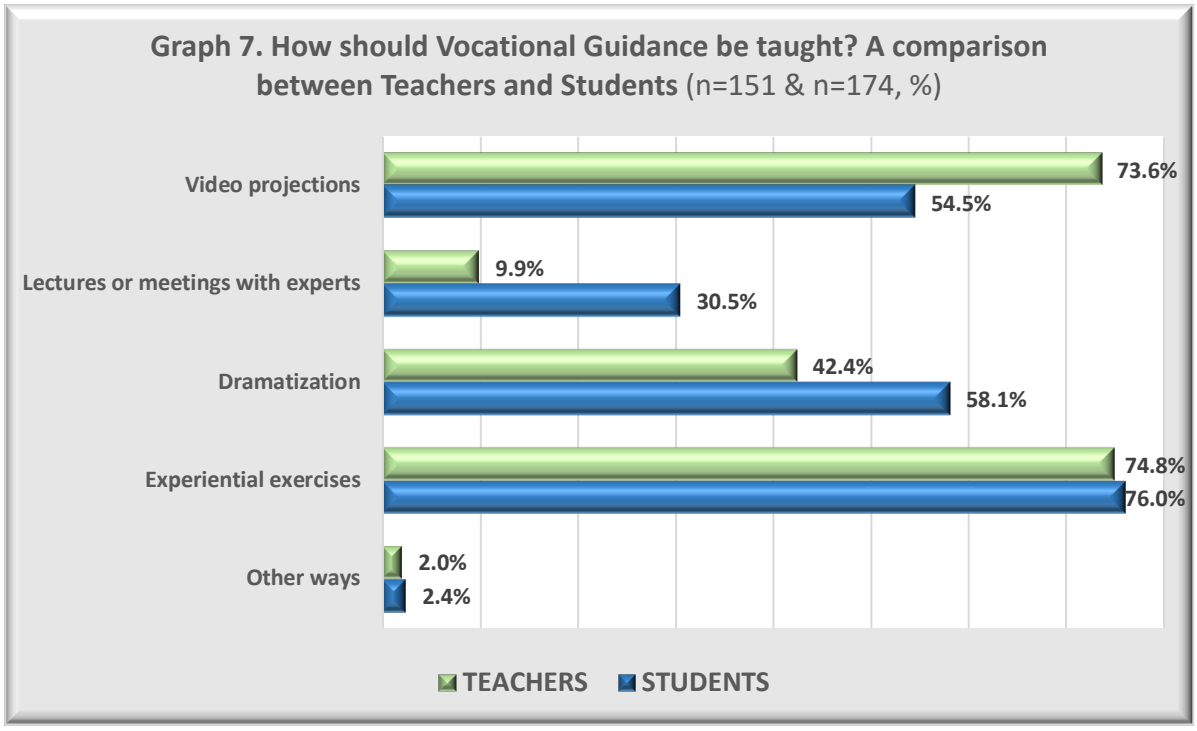
In our analysis, we correlated the reported degree of satisfaction with Vocational Guidance courses with the degree of their effectiveness regarding making life choices, and found a strong correlation ($r \leq 0.796$). Therefore, our research also had to address the application methods of Vocational Guidance courses, in order to make VG useful and beneficial for students and society as a whole.

Suggestions of Middle and High-School Students

So, how should Vocational Guidance be taught within the Greek educational system? In a multiple-choice question regarding teaching methods, students selected the following answers: experiential exercises (76%), dramatization (58.1%), video projection (54.5%), guest lectures and meetings with experts (30.5%), and other methods (2.4%) (Graph 6). Other methods include visits – guided tours of workplaces and on-site research in the form of interviews with field professionals. The majority of students (82%) selected more than one teaching method; in fact, 25% selected the combination "experiential exercises - dramatization - video projections".



When teachers were asked the same question, the most popular answer was 'experiential exercises', selected by 74.8%, namely, approximately the same percentage as that of students (76%). Dramatization was selected at a comparatively higher percentage by students (58.1%), as compared to teachers (42.4%). A significant difference in method preference was observed with regard to guest lectures and meetings with experts, with 30.5% of students selecting this method, compared to 9.9% of teachers. The projection of videotaped instances was strongly preferred by both students (54.5%) and teachers (73.5%) (Graph 7).



The majority of teachers stated that they were significantly affected by the absence or insufficient presence of Vocational Guidance in the field of education (Tsiaka 2021, 238). This study reveals the absence of vocational guidance courses in primary and secondary education.

Here, it should be noted that, during the last year of middle school, students have to decide which type of high school they wish to attend (General, Vocational, Arts, etc.); moreover, during the second year of high school, students in General and Vocational schools must choose an orientation (Humanities, Science or Technology) and a specific field, respectively.

Unfortunately, many parents and guardians try to meet their child's need for vocational guidance only occasionally and usually at the last minute. At the very end of high school, just before national exams and university applications, they eagerly seek Vocational Guidance Counseling Centres.

However, even the respondents who attended Vocational Guidance courses (mainly university students) were not satisfied, while, in their vast majority, they noted that these courses did not help them at all in choosing a specialty or profession. There was a strong correlation between the degree of student satisfaction from Vocational Guidance courses with the degree of these courses' effectiveness in terms of making life choices.

Conclusions

The necessity of Vocational Guidance at all educational levels becomes evident, especially in social conditions, where students are required to have the necessary information and knowledge and to make decisions for their personal course. Their adaptation to the modern conditions of a society of knowledge, information and technology presupposes the necessary flexibility, but also the existence of alternative solutions-options adapted to their respective particularities.

Therefore, our search and reflection on Vocational Guidance should be extended beyond the need for its presence in our education system to the field of its essential operation and effectiveness. The majority of teachers and students suggest more than one method of teaching vocational guidance courses. Experiential exercises, videotaped instances, dramatization, lectures and meetings with experts, as well as visits to workplaces constitute, in that order, their most important suggestions. Our findings agree with what Kassotakis wrote in 2017, arguing for "the radical reorganization of the guidance system, the increase of the number of qualified staff along with the diversification of their role, improvement of the infrastructure, and the familiarisation of the counselors with new guidance models…" (Kassotakis 2017, 316-17). In our post-covid era, now more than ever, there is an urgent necessity for new models of vocational guidance, that will pave new paths for students of all ages.

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RAIS Journal for Social Sciences | VOL. 5, No. 1, 2021
ISSN 2574-0245 (Print) | ISSN 2574-1179 (Online) | DOI: 10.5281/zenodo.4783374

Between Love and Judgement – The Sociological Side of Theology

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ABSTRACT: The following article is a presentation of two principles on which society operates and how they balance. The roots of these principles are found in the Judeo-Christian theology and have established fundamental relations between God and man, springing from His character and attributes. Therefore, for this reason, the first approach will be a theological one, followed by a sociological one with implications in macro-society and micro-society. The founding concept provides a balance for these principles that have determined the functioning in normal parameters, or not, of every society, of any type and any time.

KEYWORDS: love, justice, mercy, judgement, forgiveness, clemency, balance, imbalance

Theological analysis

The theological analysis was initiated from a Biblical verse that addresses this topic. The following verse is found in the Epistle of James, chapter 2, verse 13 (b). "*And mercy rejoiceth against judgement!" (The Holy Bible,* King James, 1984).

The verb κατακαυχαομαι has also been interpreted as follows: "*triumphs*, *prevails*, *boasts with*, *no regard for*" version from Greek: "κατακαυχᾶται ἔλεος κρίσεως" (*Nouveau Testament, Interlineairegrec-francais,*1992).

A broader explanation is found in the New Testament Theological dictionary, where the following are recorded: " Except for the verb εγκαυχαομαι according to Liddell Scott, it is found only in the Biblical and Christian writings. It brings forceful elements of praise expressed in praise: "to boast triumphantly in comparison with others." (Kittel 1982, 653). The same authors, in the same dictionary, complete the explanation by recalling the meaning that this verb has in Biblical contexts: "The purpose is not prominent in LLX (Septuaginta), where the word in its simplest terms is a more forceful form of καυχασθαι, but is clear in Romans 11, 18 and the figurative expression in James 2: 13" (Kittel, 1982, 654). The authors note that in the text of James 2: 13, the verb has a figurative meaning; there are good reasons to interpret the verb figuratively in this context: the very essence of the verse accentuates the moral character, emphasising the importance of compassion, of mercy, even when justice can be applied; in such context, there is no trace of a haughty look, boastful regard or triumphant praise due to justice (judgement in current context). It would be absurd to apply an immoral requirement in a moral context.

It is necessary to supplement the idea that mercy, goodness, forgiveness, long-suffering, generosity and others of this kind are part of the common manifestations of love. All can be bundled in God's definition of love. In the same way, judgement, rightful compensation, an honest judgement, and much like the others in the category, are part of God's definition of righteousness.

The verse concisely highlights two beliefs with profound theological consequences, but also with sociological applications. It can only be assumed that in

certain times in human history, God in His interaction with man, analyzed events, circumstances and made decisions inspired much more by love (mercy) or by virtue (alongside judgement). This is the first view serving as evidence from the verse shown above.

A second view focuses on the two words which regulate the relationship through the verb that unites them, specifically, mercy and judgment.

The love of God does not nullify His justice. For example, God does not give up the judgement of sin, because His justice does not allow Him to overlook sin and is "obliged" by His nature to judge it. Therefore, God judges man because of sin, but His judgement refrains upon Jesus Christ. The substitute sacrifice; this way, God showed His love for mankind, but at the same time His harsh judgement against sin. For God to make this decision, He was driven either by His love, or by His virtue, or by both, but in which one rises above the other.

If God decided out of love, it did not cancel out His righteousness. Are Gods attributes, love and justness in a conflict, or have they ever been? In God, there is no conflict, His attributes are in perfect harmony. This goes back to the verb κατακαυχαομαι, to which I propose another more suggestive, more correct and more current translation, namely it *surpasses.* Therefore, the verse has been translated as follows: "*Mercy has surpassed judgement."* Both terms *prevail* and *triumph* indirectly presuppose a conflict, a war, even if this would be an ideological one. Or, in God's mind, there are no fights, His decision for the salvation of mankind was made when love surpassed justice.

The divine pattern of the love-righteousness model is very common in Biblical history, as proof that God has worked with people on these parameters. The idea of love that it complements and is in balance with justice, does not make its first appearance in the Epistle of the Apostle James, but it has roamed in the revelations of God from the beginning of time. Whether God's love and justice are often mentioned together, whether they are balanced, whether they oppose each other, they form the balance that governs a nation.

The Prophet Isaiah highlights the idea that the source of love and justice is in God (according to Isaiah 45: 21). The Prophet Jeremiah emphasizes the same attributes of God, with the only difference that he puts them in order of importance in the history of salvation, namely that love that precedes justice: " *But let him who glories glory in this, That he understands and knows Me, that I am the Lord, exercising lovingkindness, judgement, and righteousness in the earth. For in these I delight." says the Lord*. "(Jer 9: 24). The Prophet Ezekiel also emphasises that God's love comes before His justice: *" Do I have any pleasure at all that the wicked should die?" says the Lord God, "and not that he should turn from his ways and live?"* (Ezekiel 18: 23). The Prophet David, though putting love and justice together, presents God as being full of grace: "*The Lord is righteous in all His ways, Gracious in all His works*." (Psalm 145: 17).

The idea of a balance between love and justice is also found in the smaller prophets books. Although the text aims at God's attitude towards Israel, it can rightly be generalized because God's entrance into the world through Jesus Christ was not for the revenge of sin, but one marked by His love, to solve it. This approach which is full of love does not exclude His sense of justice. The Gospels often present Him as having a stern attitude towards those who were unjust and unkind, proof that Christ Himself, in His entire human life, worked according to these principles. The Lord Jesus recalls love and justice when He talks about the purpose of His coming into the world: *"For God did not send His Son into the world to condemn the world, but that the world through Him might be saved."* (John 3:17). The conclusion that can be

drawn is that God in His relationship with man intervened according to the moral situation of man. When mankind angered God, the giver of the law, by defying His principles, laws and commandments, He balances the situation with the necessary punitive measures. When the nation of Israel was in captivity, threatened by an unfair war, God intervened with His protective love.

Sociological effect

Society of all times and in all its forms, from the monarchy to a democracy, did not just seek to be guided by righteous laws but also included clemency when these laws happened to be violated. Thereby, from being led by God through prophets and priests, it later came to the state ruled by a king or emperor as a representative of the divinity. The history of mankind has known many monarchies in which the emperor was not just a representative of this divinity, but was also part of it. This concept has dominated throughout history at least until the expansion of Christianity. Even the Jewish people, being God's people, had a genealogy of kings anointed by God Himself. Hence the concept of Leviathan (Hobbes 1962, 94) accumulates the supreme and legitimate authority at the same time to apply the law of the divine origin of the state, by which the prerogative of the sovereign to use coercion was established. "God's anointed One". This authority also entitles him to pardon the guilty (Kantorowicz 1957, 113)

Max Webber's (1992, 156) concept emphasized the " monopoly of legitimate physical constraints", which is a characteristic of the modern state only and consequently, the legal authority is exercised through the state institutions that are regulated by rules. After all, the authority will have the same tools that legitimize it: the applied punitive measures but also the granting of forgiveness to the guilty in certain circumstances.

The discretionary or selective right to grant measures of legal mercy or changing punishments to lighter ones (under the standard regulated by the law) derive from the status that the sovereign has in the state architecture, the main role being to maintain peace and order, harmony and safety of the citizen or community member over which he exercises authority. As it has been mentioned at the beginning of the article, the horizon of conceptualizing the notion of forgiveness has its origins traditionally in the religious field. However, since the second half of the twentieth century, this notion has been also circumscribed in the sphere of secular philosophy, the philosophical approaches aiming to identify the attributes of forgiveness about the issue of crimes committed against humanity (Ricot 2003, 131).

In contrast to the Judeo-Christian concept of forgiving the guilty, some philosophers delimited themselves from accepting the notion of clemency, partial or total, within their philosophical system (Rotaru 2014, 49-85). For example, stocks considered that emotions should not influence those who are wise, because anger, hate, pain, compassion and mercy represented a regression for a reason and a concession to passions (Ricot 2003, 132). They also claimed the following:"Compassion is a disease of a weak soul, who softens at the sight of another's misfortune. It best suits people of nothing." (Seneca 2005, 260). Similar approaches are generally found in rationalist philosophies. Spinoza considered that forgiveness impedes the administration of justice, posing a risk to the spread of evil among people (Ricot 2003, 138).

Immanuel Kant, considered forgiveness to be " the highest form of injustice" (Ricot 2003, 132). Hegel's opinion of forgiving the guilty was that this gesture recognized the equality of the guilty to others, the reason why forgiveness has a special place in the dialectic of 'acknowledging' the other, which can be identified in

his philosophy (Hegel 1976, 211). However, Vladimir Jankélévitch has a different opinion and considers that forgiveness does not find a rational or legal justification, placing the concept in the philosophical field, the reason for which forgiveness represents "the gift full of grace which the offender benefits" (Jankélévitch 1986, 63). In a very similar way, contemporary philosophers Hannah Arendt, Jacques Derrida and Paul Ricoeur contribute to the integration of the concept of forgiveness in the philosophical field (Ricot 2003, 133). For Hannah Arendt, the reflection on the dimension of forgiveness is placed with the possibilities of human action, because human nature is in a continuous struggle "against the unpredictability of the future and the irreversibility of the past" (Arendt 1992, 304). Given that the progression of time is by its nature impossible to change, according to Arendt, forgiveness cannot erase the "misfortunes" and connections of the past. Jacques Derrida observes that the transition from the legacy of the 'singularity' of religious forgiveness to its 'universalisation', the notion spreading to various cultural areas, including those that did not have Judeo-Christian influences, such as those in the far East of Asia. Even if he admits that there is a limit to forgiveness, a gravity of an unforgivable deed, Derrida focuses his attention on the authenticity of forgiveness, considering that the more or less visible interests existing in the case of granting amnesty and reconciliation measures distort the meaning of the notion of clemency (Derrida 1992, 304). Coherent to a strictly unconditional understanding of the notion of forgiveness, Derrida borrows the idea of "hyperbolic ethics" developed by Jankélévitch. In contrast, Paul Ricoeur emphasizes that forgiveness, although not impossible to grant, presents a high degree of difficulty in societies (Ricoeur 2000, 643).

These views are closely linked to the life philosophies of those who thought of them. If for most philosophers, man as a being, is neither good nor bad, he will be fully responsible for the acts that break the laws. For this reason, man no longer has the right to pity because he has knowingly violated the principles of justice. Contrastingly, the Judeo-Christian concept of life and human nature will implicitly lead to a more empathetic attitude towards the guilty. This comes from the idea that mankind is born into a sinful nature (according to Psalm 51:5; Romans 3:23) against his will. No man has chosen to be born this way, inheriting this evil-inclined nature. For this reason, the sovereigns, the legislators who had Judeo-Christian concepts, gave way to indulgence, even if they gave righteous laws.

Austin Sarat and Nasser Hussain, who believe that people could not live and prosper in a world based solely on the dictates of the law, have a much closer view of the Bible, in which case we would witness in fact, "a tragedy or a mockery of the triumph of good over evil" (Sarat, Hussain 2007,1). This is for them a serious reason why the humanization of the world presupposes the existence of other virtues (mercy, forgiveness) coexisting with the other laws and rules within a society (Sarat, Hussain 2007, 2). A society that will use against the individuals who form it, only coercive measures to varying degrees, will be a society that is surely heading towards dictatorship. In itself, a society of any kind, at any time, will reflect the life values of either leaders or the legislature. If they are people who have not experienced mercy, love and are motivated by other feelings, the direction they give will be wrong.

At the level of micro-society – the family – must be governed by the same principles: love and justice. In a family where there are only rules, without love, the pleasure and joy of living disappear (Rotaru 2011, 5). The other extreme is a family that is run without any rules, heading for disaster. The principles, although simple, are also valid at the macro level.

Conclusion

The most effective model of leadership, legislation, correction for any type of society, has proven to be the Biblical model that includes the act of justice and love. The inclusion of discipline, in a normal society, must aim for rehabilitation, and as a reason love for the fallen.

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