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Considerations on the Improvement of the Legal Framework Necessary for Preventing and Combating Violence against Women in the European Union

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Abstract: Violence against women is a common phenomenon in all social layers and in all society, regardless of their stage of development, political stability, culture or religion, with particularly negative consequences. Combating violence against women requires, besides the sanctioning, repressive measures against perpetrators, and also a series of preventive protection measures and services for victims. Reforming the criminal law of Romania, but also a number of regulations adopted by international organizations, especially the European ones, be it European Union or the Council of Europe, attest encouraging legal developments in this area. The conclusions drawn in this paper from the daily practice of judicial bodies, as well as specialized studies highlight the need for improvement and adaptation of specific legislation in order to prevent and combat crime and violence targeting women, highlighting a few directions in this regard.

Keywords: gender violence; domestic violence; reporting acts of violence; law enforcement agencies

1. Introduction

Despite the fact that domestic violence and, in particular, violence against women represents a subject of debate for decades, the international community has failed, so far, to end this form of violence extremely destructive.

Violence and fear of being victimized undoubtedly affect the quality of life of any person. In practice it has been found, however, that different groups, such as women, children and elderly persons, are usually regarded as the favorite targets of violence, as evidenced by statistics and judicial bodies. With regard to scientific interest on the domestic violence phenomenon, especially against women, it did not know the proportion according to its dimension, especially on the need to identify the best ways and means to prevent, control and mitigate its extremely harmful effects. The specialized literature records only a few studies based on prevalence data regarding gender-based violence, and less on procedures and mechanisms of accountability of the perpetrators.

A general definition of violence, as formulated by the World Health Organization, is "the intentional use of physical force, on oneself, to someone else or on a group or community, resulting in physical or psychological trauma."

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Violence against women includes crimes that disproportionately affect women, such as sexual assault, rape and “domestic violence”, the most frequent cases encountered in the practice as those in which the physical, brutal, violence combined with violence or sexual assault in domestic violence. We can speak of the fact that, most often, in such cases we are dealing with a violation of women's fundamental rights regarding dignity and equality. In fact, female genital mutilation - one of the most brutal forms of gender violence, is still common in different regions of the world, it is recognized internationally as a human rights violation, a form of torture against girls and women and it reflects an inequality deeply rooted between genders.

In the specialized literature, domestic violence is defined as “a threat or production of physical injury, in the past or the present in the cohabitation with a partner. Physical or sexual assault may be accompanied by intimidation and verbal abuse; destruction of personal property of the victim; her forced isolation from the rest of the family or friends or other people who could be a potential aid for the victims, including children; spreading threats and terror around the victim; controlling access to money or personal items, food, means of transportation, telephone and other sources of protection and care that the victim-women could benefit from”. (Stark & Flitcraft, 1996)

In turn Directive 2012/29/EU of establishing minimum standards on the rights, support and protection of the victims of crime, gender violence is defined as “ the violence directed against a person due to gender, gender identity or his gender expression, or affecting people of a particular gender disproportionately; as it can cause to the victim physical, sexual, emotional and psychological trauma and economic damages and it is understood as a form of discrimination and violation of the victim’s fundamental freedoms and it includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), human trafficking, slavery and different forms of harmful practices such as forced marriages, female genital mutilation and the so-called “honor killings”.[1]

2. Knowing the Exact Dimensions of Violence Phenomenon against Women

According to Eurobarometer data from 2010, 72.3% is “Domestic violence against women” coordinated by the European Commission, in Europe, one woman out of four is a victim of domestic violence at some point in life. Between 6% and 10% of the female population of Europe are affected by domestic violence within a year.

According to preliminary results of a European survey on violence against women conducted by the Agency for Fundamental Rights[2] in March 2013 it resulted, inter alia, that: four out of five women have not resorted to any services, such as healthcare, social services and support for victims, after the worst incidents of violence of people, other than their partners; women who reached for support have benefited most likely of health care, emphasizing the need to ensure that health professionals can address the needs of the victims of violence; two in five women did not know the law or police initiatives that may protect domestic violence cases and half of them did not know of any law or preventive initiative.

A serious fact that can be established today is that most women who are victims of violence do not report their experiences, neither to police nor any organization supporting victims. Fear, shame,

[1] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 for establishing the minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).

[2] Established by Regulation (EC) no. 168/2007 of 15 February 2007 on the establishment of the Agency for Fundamental Rights of the European Union.

partner commitment, hope that the situation will change, keeping the family image are barriers that stand in the way of going to the police or to the judicial bodies. To these are added often a series of pressures from the family, the aggressor and / or children and some community obstacles emphasizing the vulnerability of women such as insecurity, bureaucracy (Savenco, 2011, pp. 103-111), lack of financial resources, poverty and lack of social resources.

Worse is the fact, unacceptable nowadays, as most women do not report violence and do not feel encouraged to do so by law enforcement agencies, often seen as uncaring, which has as consequence the records of official data in the criminal justice system, very few reported cases compared with the actual crime in the area.[1]

Thus, regarding the cases of violence against women, other than domestic, we can speak of a more appropriate and sort of non-discriminatory one, the general perception of women in situations of domestic violence is that the answer of law enforcement agencies is fragmented; each episode of violence is treated as an isolated event, without taking into account its repetitive feature. Moreover, even when the police are asked several times, and the acts of violence worsen, the police's answers often remain inefficient, i.e. fine or warning. In most cases the implementation of these measures is ineffective in that it does not determine the abuser's liability, and often not even the cease or deter further violence or even diminish it.

In reference to the stage of criminal prosecution, in order to ensure criminal liability of the perpetrators, the women victims of various forms of violence are often unable to access the judicial system due to the conditioning of the receipt of complaints and for starting inquiries, having difficulties in obtaining evidence, given its specific environment, usually private, where such acts are usually committed, lack of witnesses or their lack of involvement in supporting the charges. Last but not least it should be mentioned among the obstacles that hinder or sometimes makes it even impossible to precede a trial it is also the difficult access, including monetary costs that must be incurred at the forensic institutions to obtain the medical certificates attesting the injuries or the wounds or their seriousness.

As a result, most women who are victims of violence do not come into contact with the judiciary system and other services that may mitigate the suffered prejudice.

To close a real vicious cycle, previous failures regarding the liability of the aggressor can lead to greater distrust of women victims of violence in the criminal justice system, namely the renunciation to further address the prosecution or courts in such cases.

For the references on the context of reporting by women victims of violence and their registration by the judiciary bodies in order to handle the aggressor's liability, we should add the huge justice gap[2], which we are currently experiencing. Many are lost cases or do not have a proper finality, at different levels of the criminal justice system, with negative consequences especially in terms of proliferation phenomenon on the one hand, but also in terms of the impossibility of dimensioning the judicial, legislative measures for preventing and combating the effectiveness of this phenomenon. Thus, to increase the degree of addressability of victims to law enforcement agencies with responsibilities in the field, but also to reduce this judicial gap, there are necessary obvious changes at all levels, those of

[1] Even in Romania the situation is not better in this regard, but it could be pointed out some progress. Thus, for example in 2011, at the level of the General Inspectorate of Romanian Police there were notified by 9.46% more domestic violence offenses compared to 2010, which shows some increase of the public trust in the police.

[2] Justice gap - the difference between the number of offenses recorded and the number of perpetrators who are brought to justice, the key measure of the effectiveness of the criminal justice system and a key indicator of success in reducing crime (The Crown Prosecution Service, UK).

ruling and those of intervention, on individual background (becoming liable the individual) and also for policies and methodologies that govern the criminal justice system.

Basing on a series of statistical data, and for the reasons stated above, they are far from reflecting the reality, as for the practical answers and the level of policies that have as aim combating violence against women, they are not always the most appropriate. This highlights the need for the EU and some Member States and their research institutions to conduct surveys and other research on violence against women in order to cover the lack of comprehensive and comparable data in this field which maintains compared to other areas as employment where most Member States collect data according to gender.

3. The Current European Legal Framework on Violence against Women and its Prospects

Despite the many efforts made so far to ensure a climate of equality between men and women in the public sphere, a more careful analysis on family, the relationships within the family and of couple may further highlight the contrasts and the dysfunctional realities.

The fight against domestic violence is placed under the paradigm of child's fundamental rights and human rights protection, as they are stated and recognized by the UN Convention on the Rights of the Child, the Universal Declaration of Human Rights or the Charter of Fundamental Rights of the European Union.

From the human rights perspective, the family is no longer perceived as a long private domain with patriarchal rules, where the man has absolute power and therefore the family is no longer outside the legal regulations and social control. On the other hand, the legislation currently adopted continues to reflect a series of norms and social structures, which perpetuate the inequalities of power in the society.

Although in the recent decades there have occurred changes at the legislative level, both at national and European level, the phenomenon requires continuous attention in order to achieve the most effective approaches for preventing and combating violence against women, and to achieve that is, on the one hand, the actual material impact of the legislation, by its actual effect brought in the life of women in the situation victims of violence and with what measures and steps of complementary actions must be supplemented in order to achieve this goal.

The Istanbul Convention, adopted by the Council of Europe in 2011[1], is the first regional instrument with compulsory legal force in Europe that comprehensively deals with the many forms of violence against women. It is addressed both domestic violence and other forms of violence against women: physical; psychological, sexual (including rape) violence; sexual harassment; forced marriage; female genital mutilation; abortion and forced sterilization.

Preventing violence, protecting the women victims and prosecution of perpetrators of such violent acts are key points of the Convention. Based on the finding that violence against women has its origins in the inequality between women and men in society, it manifests a perpetuated culture of tolerance and denial, this instrument with a regional character, trying to change the mentality and feelings of individuals, being practically a call to society, especially men and boys, to change their attitude.

[1] Council of Europe Convention on preventing and combating violence against women and domestic violence (Council of Europe Treaty Series - No. 210/2011).

Beyond the direct impact of violence on women victims than on their intimates, children or other relatives, it is also emphasized the harsh economic impact upon society. The annual cost to the EU of gender violence against women was estimated at 228 billion in 2011 (equivalent to 1.8% of the EU GDP), of which 45 billion annually for public and state services and 24 billion EUR to lower the economic output.

According to EU statistics, in 2012, about 13 million women in the EU have been subjected to physical violence which corresponds to a percentage of 7% of women aged between 18 and 74 years in the EU.[1]

Based on these realities, through its main bodies, particularly the Parliament, the Council and the Commission, the European Union has expressed clearly and supported a clear political will to consider women's rights as a priority and to take long-term measures in this field. There are particularly regarded preventing and combating gender violence, the development of a network of institutions and organizations, both governmental and non-governmental to collaborate, in order to aid and assist women victims of violence and not least, achieving a coherent and efficient data collection targeting violence against women that represents a good basis for directing political, legal and administrative efforts in the field.

The rejection by the European Parliament on 12 December 2012 the Commission proposal for a Regulation of the European Parliament and of the Council regarding the European statistics on safety against crime emphasized the need for a new EU legislative proposal that would establish a coherent system for collecting statistics on violence against women in the Member States; the Council in its conclusions of December 2012 called for the improvement of data collection and dissemination of comparable, reliable and regularly updated data on all forms of violence against women, both at national and EU level.[2]

Consequently, by the resolution adopted on 25 February 2014, the European Parliament called on the Commission to present an EU strategy and an action plan to combat all forms of violence against women, as it was set out in the Action Plan 2010 for implementation the Stockholm Programme[3], in order to protect the integrity of women, equality[4], and welfare[5], concretely and effectively in an area of freedom, security and justice, with particular emphasis on prevention, by informing women about their rights and the awareness of men and boys, from an early age to respect the physical and psychological integrity of women. The strategy and action plan must insist on adequate training of staff in police and judicial services, which would take into account the specific nature of gender-based violence and encouraging the Member States to consider supporting victims, for rebuilding their lives and to regain self-confidence, so they would not get back to vulnerability or dependency situations. The strategy should include measures to support children who have witnessed violence and to recognize them as victims. Last but not least, the European Parliament called on the Commission to submit a revised proposal for a Regulation on European statistics on violent crime, including a coherent system of

[1] According to Eurostat online database, 186 590 848 women aged between 18 and 74 years living in the EU-28 on 1 January 2013, see: http://epp.eurostat.ec.europa.eu/ portal / page / portal / statistics / search_database (demo_pjan data code, data extracted on 16 August 2013).

[2] European Parliament resolution of 25 February 2014 with recommendations to the Commission on combating violence against women (2013/2004 (INL))

[3] The Stockholm Programme has set the priorities of the European Union (EU) for the area of justice, freedom and security for 2010-2014.

[4] Article 2 of TEU.

[5] Article 3, paragraph (1) of TEU.

collecting statistical data, relevant and comparable information on gender-based violence in the Member States.

4. Elements of Specific Measures regarding Combating Violence against Women in Romania

The general framework for preventing and combating violence against women at national level is legally ensured by the new Criminal Code (NCC) and especially by the Law no. 217/2003 on preventing and combating domestic violence, republished.[1]

Although as the previous legislation, the new Criminal Code of Romania does not regard distinctively the offenses that have as victims the women, we find a breakthrough achieved by the delimitation in the Chapter III of Title I of the Special Part a distinct category of facts under the title "Offenses committed against a family member". According to article 199 of the NCC, the offenses consisting of violent acts committed on a family member are considered as aggravated and sanctioned form, by increasing with a quarter of the maximum for the punishment provided by the law.

In turn, Law no. 217/2003 on preventing and combating domestic violence, republished, establishes since the first article that "Preventing and combating domestic violence are part of an integrated policy for protecting and supporting the family and it represents an important public health problem"[2] and "The Romanian State, through the competent authorities, develops and implements policies and programs aimed at preventing and combating domestic violence and it protects victims of domestic violence."[3]

The many changes, including the emergency procedure[4], the completions and republishing suffered by this legislative act testify the Romanian legislator's concern for improving the regulatory framework in the field, in order to meet the demands of social evolution, but also those imposed by the European standards.

An important addition represents the provisions on the possibility of requesting and obtaining a protection order for the victim of violence, by which the court to decides, provisionally, one or more measures or obligations or prohibitions for the aggressor. This legal institution represents an absolute novelty for the Romanian legal system, as well as for specialized institutions to execute it. Violation of any of the measures ordered by the protection order constitutes the offense of not complying with the judgment and he shall be punished with imprisonment from one month to a year. In case of conviction, he cannot be released on parole.

Pursuant to article 108 of the Constitution of Romania, republished, and article 8, paragraph (5) of Law no. 217/2003 on preventing and combating domestic violence, republished, the Romanian Government approved the National Strategy for preventing and combating domestic violence for the 2013-2017 period and the Operational plan for implementing the National strategy for preventing and combating domestic violence in 2013-2017.[5]

[1] Official Monitor, Part I, no. 205 of 24 March 2014.
[2] Article 1, paragraph (2) of Law no. 217/2003 on preventing and combating domestic violence, republished.
[3] Article 1, paragraph (3) of Law no. 217/2003 on preventing and combating domestic violence, republished.
[4] Last update was brought to Government Ordinance no. 6/2015 amending and supplementing Law no. 217/2003 on preventing and combating domestic violence, published in Official Monitor, Part I, no. 78 of January 29, 2015.
[5] Official Monitor, Part I, no. 819 of December 6, 2012.

5. Short Conclusions and Proposals for Measures Limiting the Phenomenon

The impact of violence against women is felt beyond those women who are victims themselves, as it seriously affects in different ways also their families, friends and society as a whole. This requires a critical analysis of how the society and law enforcement agencies respond to this abuse. Therefore, measures are needed to prevent and combat violence against women; there are required services for victims both in the European Union (EU) and at national level.

Stopping violence against a woman can be achieved effectively only through the liability of the actual perpetrator and increasing the victim's confidence that she will be protected and supported in order to reach a safe life.

Given the extent of the violence against women, the European Union context in the field of justice and internal affairs in the future will have to ensure that violence against women is recognized, dealt with and addressed as a serious violation of fundamental rights in the EU positioning on crime and victimization after the offenses.

The legislation should be amended permanently in order to respond to the new form or the newly recognized forms of violence against women, such as stalking for the purpose of harassment or abuse through new technologies such as the internet.

Prostitution may be recognized as a form of violence against women due to its effects on physical and mental health, especially in cases of forced prostitution and trafficking in women for prostitution.

European Union, together with all 28 Member States should urgent the adherence to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Nowadays one can see that this is the most comprehensive regional instrument that deals with violence against women.

All EU Member States should be encouraged and determined to develop specific action plans of action at national level regarding the violence against women, by engaging the civil society actors working with women victims of violence by involving them effectively in developing these strategies and action plans in order to help ensure victims obtain practical results, and also the sustainability of these plans.

The EU policy on employment, education, health and information technology and of communications should address the impact of violence against women in those areas. This should be reflected at the level of Member states in the specific interventions form the political point of view and national action plans in these areas.

A victim-oriented approach and focus on the rights of women victims of violence needs to be strengthened at the level of the EU and Member States by generalizing the recognition of violence "domestic" or " in a couple" as a problem that requires the state's intervention more strongly.

It is striking the need for the EU and the Member States to adopt compulsory rules for data collection on a regular basis, on various forms of violence against women, to compile the answers at policy level and action on site. This process could be supported by Eurostat and its relevant expert groups and it could be used to provide data to specific monitoring bodies of the UN and Council of Europe and the European Institute for Gender Equality between Women and Men.

It is obvious the need for a European Observatory on violence against women and girls, based on the existing institutional structures (the European Institute for Gender Equality EIGE) and under the direction of an EU coordinator for violence against women and girls.[1]

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[1] Institutions of this type have proven their particularly usefulness in other "hot" areas such as the European Monitoring Centre on Racism and Xenophobia (OEFRX) or the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

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Human Resource Investment – a Step in the Development of Public Administration

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Abstract: Human capital development supposes important investments in the field of public administration and the assurance of the necessary conditions to provide some quality–services. This paper has as a starting point the statement of the German sociologist Max Weber according to which "a modern society can function efficiently by training and perfecting the experts within a bureaucracy." Modern societies put into evidence new values of public administration such social responsibility and adaptability. By specializing human resources, we contribute to using them efficiently. **The purpose** of this paper is to analyse the degree of involvement of the public institutions in developing human capital and to focus on the role of the education of public administration in order to internally increase stability so that we resist the frequent changes which suppose the continuous adjustment to external conditions. Our aim is also to analyse the already-implemented programmes as well as the ongoing ones concerning the training and perfecting of the public servants.

Keywords: perfecting public servants, adaptability, informational society.

1. Introduction

According to the literature in the field, "the efficiency of the public administration depends on the human quality and the technical capacity of the people that frame it". The quality of the administration is obtained only as a result of the continuous training and development of the professional training of the public administration personnel.

The administrative system must cope more and more every day, with the challenges of the social environment, and this fact can be achieved through ensuring the proper terms of function of the administrative mechanisms (Moinescu, 2009). The public administration has a series of resources, through which, can ensure a high level of achievement of the goals of the administrative structures. The main resources of the public administration are: human resources, financial resources, material resources and informational resources.

Although, all these resources are important, it is known that the value of the public administration consists of the human potential in the way in which the services are provided and in the behaviour of the civil servants. Broadly, the achievement of the political decision making, the socio-economic progress depend on the public administration, which makes the problems regarding the training and development of the personnel in this field, very important.

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The right to training and professional development of the civil servants is stipulated in art. 32 of the Romanian Constitution under the title “Right to education”. In order to hold a public office, the people that attend the exam must have the necessary studies, according to the classification of functions. Although, the civil servants have the right, the public institution has the obligation to support them in order to benefit from the terms that our society has created to raise the level of professional development, in relation with the requirements of the socio-economic, technical and scientific and cultural progress.

The improvement of the professional development takes into consideration the main characteristic of the human being, to develop itself, the permanently educate, to form skills to complete its personality and to fulfil its goals (Slaniceanu, 2000).

Exercising a public office implies that the appointed person must always be up-to-date with the evolution of information, of the knowledge in the field and not only, for the progress of the public administration in particular and for the society in general.

“The professional development” must not be considered a step, but a process that unfolds throughout the whole period of the carrier of the civil servant, allowing him to cope with the current responsibilities of the public office, to adapt to the demands of the public office, in relation to the evolution of the new and multiple works tasks.

2. Legislative Framework

One of the objectives of the Romanian Governments is the reform of the training and development system of the civil servants, stipulated in the National Strategy for a Sustainable Development Horizons 2013-2020-2030, the National Plan for Reform 2014, the National Strategy against corruption as well as in the Governance Plan 2013-1016.

The right of the civil servants to continuously improve their level of professional skills and training are stipulated in Law no. 188/ 1999 on the status of the civil servants but also in the other strategic documents mentioned above, which are essential in order to achieve the governance program and the strategic commitments of Romania.

According to the Government Ordinance no. 129/2000, continuous professional development is made after the initial education and ensures either attaining new skills or the development of the current professional skills.

The training and professional development are both a right and an obligation of the civil servants, according to Law no. 188/1999 on the status of the civil servants. However, exercising this right is affected by the limited financial capacity and by the lack of a favourable development framework which can offer relevant opportunities in relation to the needs and interests of the civil servants, as well as encouragement measures to efficiently participate and study.

Government Decision no. 1066/2008 on the approval of the norms regarding the professional training of the civil servants, normative act that arises from Law no. 188/1999 on the status of the civil servants, that creates the normative framework and stipulates the rights and obligations of the civil servants, the training providers and the public institutions.

This decision sets the principles applicable to the professional training system of the civil servants, namely, efficiency, effectiveness, coherence, equal treatment, decentralised management, of the training process, free access to training services, planning and transparency.

Through the Order of the president of the National Agency of the Civil Servants (ANFP) no. 2323/2013 the priority areas, are set, in which training programs are organised for the civil servants that hold general public offices of execution and management, as well as public offices assimilated by these.

3. Priority Areas

The priority areas for the training and the professional development of the civil servants in the year 2014 are:

- Management;
- Communication and decisional transparency;
- Personal development;
- Community Law and legislation;
- Information and communications technology (ICT);
- Public resources and services.

The training programs are made on topics such as: public acquisitions, public internal audit, marital status and the record of people, the management of documents in the public institutions, training of trainers, public entities managements and chance equality.

The public authorities and institutions have the possibility to identify other areas of training and professional development than the ones provided by the ANFP, according to the needs identified after the legislative modifications in the areas of competence of the civil servants or the modifications in the job description. These also have the role to detail these areas in the field of training, according to the institutional needs set through the annual plan on professional training of the civil servants.

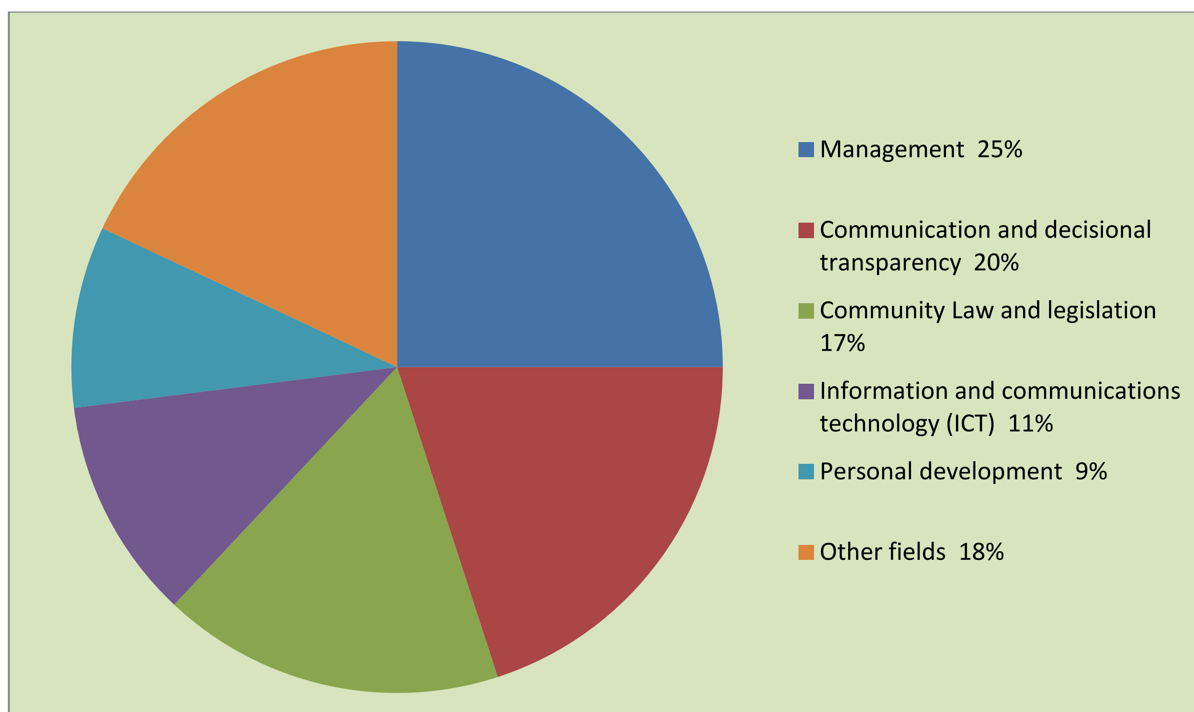

Figure 1. The training options of the civil servants at a national level

Source: adapted from the official site of The National Agency of Civil Servants (ANFP)

From the option of development of the civil servants both at the central and local level (Figure 1- The training options of the civil servants at a national level), it is apparent that the field of Management represents 25%, Communication and decisional transparency 20%; Community Law and legislation 17%; Information and communications technology (ICT) 11%; Personal development 9%.

In the field of Information and communications technology (ICT), in the year 2013, the majority of the civil servants have been educated in order to obtain a ECDL certificate - 1025 people, HTML Web Design - 1336 people, on E-learning have been educated only 19 people, and in the year 2014, the majority of civil servants have been educated for obtaining the ECDL certificate - 1430 people and on E-learning - 1336 people. In the least years, a sustained growth was felt, in the number of programs in the priority areas as well as in the number of civil servants that applied for this training.

4. Actors Involved in the Training and Development of the Civil Servants

The strengthening the institutional capacity of public authorities is determined by the level of training of the civil servants. They must receive adequate training in areas and topics of training / professional development that are adapted to the new challenges of society.

The training policies that have as a major aim the development of the innovation capacity of the civil servants. The **National Agency of Civil Servants (ANFP)** has a role in defining policies and strategies for training and professional development and in annual planning based on an analysis performed to identify the training needs of public administration personnel. Training and development services provided by ANFP are certified by ISO 9001/2008, following the implementation of the Quality Management System.

ANFP manages four Regional Training Centres for the local public administration, with the role of supporting the training process corresponding to the set programs established and to ensure the necessary quality standards.

These regional centres organize training programs for up to 90 days, develop and implement projects with non-refundable external funding in the field of local public administration, through which professional training programs can be achieved, also together with higher education institutions can develop, various activities such as the development of studies, projects, developing collaboration relationships with other institutions in the field of public administration.

Training and professional development is a priority at the national level, although in order to support this process both public authorities and institutions at the central and local level are important. They have competence in training planning, in training services and in monitoring and evaluation of the training of civil servants. Every year, public authorities and institutions are required to initiate the process of identifying the training needs of the civil servants.

Public authorities and institutions must take into consideration the ANFP Report on the proper planning of the process of training/professional development. Another document in which is reflected the training and professional development is the "Government Programme for the period 2013-2016" but also in other strategic documents. Among the main challenges in the field of civil service which are stipulated in the Government Programme 2013-2016 are: rising the efficiency of the public administration, professionalization of the civil servants, improving professional skills in the field of civil service.

Public authorities and institutions are required to inform ANFP each year, regarding professional training plan for civil servants, as well as regarding funds stipulated in its own annual budget to cover the costs of professional training of the civil servants, organized either at the initiative or in the interest of the civil servant.

According to the ANFP Report in the year 2014 only 4.4% of all the public institutions have provided an answer, a very low percentage, similar to the previous years, which signifies a lack of involvement of these in the development of the public administration. This report reveals that the funds allocated for training and professional development are insufficient in relation to the actual training needs this aspect is behind the lack of motivation of the public institutions.

The training and professional development activity of civil servants is funded from the budget of the public authority or institution and other sources, but in most cases the budget is insufficient. Apart from these sources allocated from the state or local budget there can also be sources from Structural Funds through the development of some projects with non-refundable external funding.

The possibility of adequate financial support for the training activities by some of the public authorities is still difficult due to limited funds, but they can be supported through EU funds inside projects with external funding. ANFP has been involved in developing and carrying out projects with external funding, which offers the possibility of training for civil servants.

5. The Role of Training and Professional Development and the Attitude of the Civil Servants towards them

Professional training supports the development and professional evolution because more frequent changes require rapid adaptation to situations more diverse and challenging.

According to the Report on the management of civil service and civil servants of the ANFP the year 2013, the public administration consisted of 89.30% public office of execution, 10.60% - public office of management and 0.10% - high civil servants. Around 80% of the civil service of execution were occupied by civil servants with higher education which shows the interest of the public institutions and also of the public servants in education.

From observing the behaviour of the civil servants, they need encouragement and incentives to adapt to changes and they adopt new approaches, with difficulty, even if in statements they say these are beneficial. The introduction of new interactive methods of individualization for training like in the field of e-learning are important, even if some of the personnel still pose resistance, they must be open, because the tendency is to replace the traditional method with the mixed ones. The difficulties in the process of training are determined by the people's perceptions on professional training, less open and even more reticent.

In the period 2009-2012, ANFP had had some European funded projects in the field of ICT, having as objectives the development of the PC utilisation skills and the implementation of the e-learning system in the public administration to support the information society.

In general, civil servants show openness towards professional training, given that often when faced, with the need to use new information technologies, they need to develop new skills. Another challenge is to "upgrade" permanently the information – they must always be in possession of the latest information. Civil servants are aware of these limitations and enrol in the training process when necessary, or when they have the chance or are urged - oriented towards the training courses.

Unfortunately reluctances are found both from the civil servants and from the public institutions inside which, the financial and temporal availability work, especially in times of economic crisis and the implications derived from it or there is a category of people reluctant to this training process and namely those that deny its benefits, arguing that basic training is sufficient, and the performance is achieved only if they are self-taught and through their experience of various work tasks.

Among identified weakness points of the training programs are that they are not sufficiently focused on the specific needs and are therefore only slightly based on best practices, these programs are made with advanced teaching technologies, there is a shortage of skills in providing specific training, there are also insufficient financial resources to fund timely and on specific needs training, and a lack of administrative tools necessary to fulfil the responsibilities that limit the utilisation of knowledge and achieving performance.

The training of civil servants is important in the public administration; it must be responsible on the long term, to ensure the necessary skills to efficiently develop activities and should focus on the directions that have the greatest impact on individual and institutional performance. The responsibilities regarding the training in public administration are divided between the ANFP, the civil servant-enrolee in the training and the institution that facilitates the training.

For the effectiveness and efficiency of training of the civil servants practical courses are needed, based on experiences and case studies on work instruments. Exchange of experience, internships at other institutions and participation in conferences are considered attractive learning methods. Heads of institutions and also senior civil servants need skills like leadership and applied management in the specific areas in which the civil servant performs his duties.

The success of any program of training and development depends on the correct identification of the problems of the public administration, on the objectives of training courses and on the chosen methods. A higher form of professional training is done by doing doctoral studies or by those that develop some studies or scientific papers in the field.

The added value of the investment in human capital consists of:

- Strengthening the administrative capacity of the administrative-territorial institutions in order to improve public service delivery;
- Development of cooperation among institutions involved in the regulation and provision of public services;
- Skills development, openness to new approaches and methods, creativity, ability to adapt to constant change;
- Development and implementation of quality standards which are result-oriented;
- Increase transparency of civil services provided by public administration authorities;
- Formation of a more complex vision and the training of specialists.

Investing in human resources is necessary to adapt to new socio-economic and administrative realities, of the legal framework of the civil service, for the training of civil servants in fields corresponding to Romania's status as a member state of the European Union, to strengthen the capacity of the public administration with the objective of professionalizing the civil service, in order to enable the civil servants to effectively assume the occupied position.

Through the means of programs, institutions and public authorities, they can remodel and adapt the training and the behaviour of management and execution civil servants in order to determine and implement the absolutely necessary changes in the public sector reform process.

The training and professional development of civil servants is one of the most important tools of managing the civil service and to increase the quality of public administration in any state.

Regarding the need for investment in the human resources from the public administration, fast paced development of human society, the acceleration process of history, the increase in the speed of change in the living conditions and environment, necessarily determines the structural change in the ratio between the basic training, necessary to ensure professional mobility in the future evolution and continuous training.

The public administration is a living phenomenon, ever-changing, evolving and moving. The public administration personnel, whether it is the civil servants, contract based or persons holding public positions, has the mission to always keep up with these changes. The services they provide must meet the evolving needs. To this end the Western doctrine theorizes the principle of civil service adaptability.

The idea of progress in social life is closely related to the efficient organization of civil services, and this in turn is related to the ability of civil servants to improve their professional training and management. Through training and professional development the civil servants improve their work efficiency, based on their skills and professionalism.

The increasing computerization of activities in the public administration determines the need for the continuous training of civil servants in order for them to have permanently the necessary flexibility to adapt to the level, structure and intensity of changes in the system of social needs and in the reform process.

6. Conclusion

“Education and professional training are the most important investments in the human capital" (Becker, 1995, 17). Author Gary S. Becker developed the theory of investment in human capital respectively the term of return rate on investment in human capital and the role of education. He considers that the human capital is similar to the physical means of production: additional investments in human capital - through education and training.

Studies in the field of human capital show that countries which invest more in human capital through education and research are those that register the most significant economic performance (Mursa and Ignat, 2009, p.10).

The importance of investing in human resources in general is also emphasized by the actions of OECD to develop the educational capital (Voicu, 2004, p. 6). Blaug (1972, p. 105) states that the individuals of a country must have a minimum level of education in order to take advantage of the technological progress at a given time.

You cannot talk about performance in public administration, nor about efficiency, without well-trained human resources. Investing in human resources is an equity investment, because the human being is a precious capital. Human resource is very important for the development and dynamic of the administrative processes, when they meet certain criteria of qualification and involvement in professional activities.

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Processes of Legislative Adaptation Undertaken by the Romanian Public Administration in the Context of the Global Economic Crisis

Ani Matei[1], Octavian Chesaru[2]

Abstract: As the economic crisis is further building the administrative burden of the Romanian public administration, the legislation is constantly reshaped in order to counteract the obstacles the crisis imposes. In order to counteract the effects of the economic crisis, the Romanian public administration has undergone a series of reforms that aimed at administrative simplification, normative simplification and reducing the public expenditures. The goal of the article is to uncover and analyze the courses of action proclaimed or adopted by Romania in the light of legislative simplification. Based on relevant literature, the parameters of empiric analysis are identified and used to acknowledge the types of measures adopted. These elements of change are depicted from relevant official documents of political or juridical power. The conclusion of the article represents an assessment of the legislative measures undertaken and points out the general action plan of the Romanian public administration.

Keywords: administrative burden, legislative simplification, new public management, reform

1. Introduction

The political, economic, social and technological challenges of the present impose for the public sector organizations to be flexible to changes, drawing up the answers that public sector consumers expect to receive. Thus the management of change in public administration implies a series of processes of legislative and institutional adaptation. The process of legislative adaptation of the public administration aims at reshaping the legislation in accordance with both the external and the internal influences at work.

The Romanian public administration provides answers to the challenges generated by the global economic crisis, reshaping its legislation based on these influences. From the very beginning of the economic crisis, the country has adopted a series of measures to counter its effects and to promote transparency and predictability.

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2. The Change and the Management of Change in the Public Administration

The public administration system is a structure that is based on social relations built between the individuals who elaborate the public administration, which is shaped under close observation of the public law regime, similar to all public organizations (Matei, 2003). Public administration systems undergo reform (change) processes, aiming at providing answers to both internal and external challenges. Osborne and Brown view change as the progressive development or improvement of the services that an organization offers, in response to the challenges of its environment. Such challenges are changes the global economy, the emergence of the new public management (NPM) and new management techniques that apply to the public sector, demographic changes and also the growing expectations of the civil society from the public sector (Osborne & Brown, 2008).

Elizabeth McMillan examines the change processes of the public sector and draws the conclusion that there are five types of changes (Elizabeth McMillan, 2008):

1. First degree change – a superficial change which does not affect culture or tasks;

2. Second degree change – a sector-level change

3. In-depth change (the transformation) – a 'radical' change generated by the implementation of changes throughout the entire organization and by modifying its structure

4. Closed change – a predictable and necessary process within an organization

5. Open change – an innovative process (which has not been employed by other managers), which can trigger any of the above-mentioned changes.

Pollitt and Bouckaert consider that, beginning with the early 90s, the coordination guidelines of public administration system reforms have been coagulated under the notion of new public management (Pollitt & Bouckaert, 2011). The authors evaluate the new public management through its specific reforms, which aim at empowering public sector managers with greater decision-making autonomy, promoting flexibility and innovation in public administration, setting priorities in public sector economies, reducing the task spectrum of the executive power, decentralization of management processes, augmenting efficiency, reducing expenses, and so on (Pollitt & Bouckaert, 2004). In the context of change processes in the public sector, Professor Lucica Matei scrutinizes the presence of such processes at the organization level, the human resources level, the result evaluation level and the financing level (Matei, 2006).

Therefore, the relevant literature offers the framework of empirical analyses of the main legislative adaptation measures that the Romanian public sector has undergone due to the economic crisis. The following section of this article underlines these change processes and analyses them based on the criteria set up by the relevant literature in the field of change management in the public sector (as viewed by Lucica Matei, Elizabeth McMillan or Pollitt and Bouckaert).

3. Legislative Measures of Adopted

In the timeframe set by the global economic crisis, Romania has undergone a series of normative reforms in order to achieve a better legislative simplification. These reforms have been proclaimed by political documents or by new legal acts, and aim at reshaping both normative text, as well as regulatory techniques.

Concerning organizational measures (those targeting the coordination processes of the public administration), the most notable are the political decision to reduce the number of ministries, as well as the number of secretaries of state. Such decisions can be classified as in-depth changes designed to enhance the efficiency of the executive power.

Reducing and merging government agencies, an adaptation process which also implies recalibrating competencies in the public administration, is a process which can be analyzed both at a sectorial level (merging the agencies with an activity field under the same public policy), and at a general level (as a process of adapting the public administration as a whole). Due to these modifications, structural reforms or privatizations of state companies have been done. The most important such measures are connected to the Romanian Post Office, Hidroelecrica and Oltchim.

The Strategy for a Better Regulation at the Level of Central Public Administration 2008-2013 represents a political document issued by the Boc Cabinet and aimed at setting the background for administrative and legislative simplification of the Romanian public sector.

As the document describes the level of openness to external models has increased in the Romanian public administration and projects such as MATRA, funded by the Netherlands were implemented. MATRA focused on standardization regarding costs in the private sector. The outcome of this project consists in adopting Government Decision 1425/2006 establishing the Methodology of Applying Law 319/2006 regarding labor security and health. Such legal documents not only bring greater clarity to laws, but also increase predictability, aiding to better simplifying the normative basis. These kind of sectorial-level changes argument the efficiency of the Romanian legislation.

When it comes to in-depth organizational changes, the executive power increased efficiency of the public sector in supporting the activity of citizens or companies by adopting new rules that simplify the normative basis, regulating an electronic system of private company registration, faster procedures for real estate transactions and building authorizations, faster procedures for citizens through personal statements, faster foreclosure procedures, better transparency regarding the activity in the private sector, or simpler procedures in the case of bankruptcy or insolvency.

With respect to the human resource in the public administration, the governing programs during the economic crisis have expressed objectives that are specific to NPM implementation processes. An example of these objectives is the depoliticization of the public sector. Through the chapter named 'The Commitment for the good governance of Romania', the 2009 – 2012 government program aimed at not involving politics in matters of Justice, making this a main objective by means of which it was believed that a good governance was going to be achieved. The 'Human resources' chapter obliged the executive to take clear steps towards the professionalization and depoliticization of the management career in education. These can be identified as closed change measures aiming at an in-depth change of the Romanian public sector.

The Boc Cabinet also adopted Emergency Government Ordinance no. 37/2009 on some measures aimed to improve public administration activities, to reform the recruiting process for public functions. In spite of it, under the pressure of the economic recession, Emergency Government Ordinance no. 34/2009 on the 2009 budget rectification and regulation of financial and fiscal measures was formulated, which states that 'exam based employment in public institutions is suspended' . These measures can be viewed as first degree changes, which do not affect the culture, however they can generate a reduction of public expenditure.

These measures were implemented following the political impulse set by *The Strategy for a Better Regulation at the Level of Central Public Administration 2008-2013*, in which the Government

proclaimed under section 7.5 that the national legislation shall be simplified through 1) the reduction of the number of legal documents (through codification and repeals of similar regulations); 2) the reclamation of active norms (by repealing desuete norms); 3) increasing legislative stability (by counteracting excessive regulations and legal modifications); 4) guaranteeing unicity and unity of regulations (by codification); 5) providing the background to better understanding and applying of legal acts; 6) providing full access to legal documents (increased transparency); 7) conserving traditional Romanian normative values.

With regards to budgetary processes, through EGO 26/2012, the public protocol spending have been diminished; such expenditures were generated by consultancy services, if they could be sustained by the state institutions, by travels abroad, and so on. These measures are specific to new public management implementation processes and their objective is to make public spending efficient.

Law 118/2010 adopted a set of austerity measures which resulted in a profound change regarding careers in the public administration, as well as regarding public spending planning. These measures meant salary reductions and job perks elimination in the case of some civil servants with incomes derived from the state budget.

Regarding the measures to stimulate the business environment, Emergency Government Ordinance no. 39/2010 has diminished sanctions for the economic agents that do not respect their fiscal obligations. Moreover, the central budget has been used to sustain local authorities to pay their financial obligations towards the private suppliers of goods and services.

Furthermore, through the Emergency Government Ordinance no.28/2009 on the regulation of certain social protection, fiscal pressure has been relieved for some categories of economic agents. EGO no. 13/2010 regulating certain measures to stimulate the creation of new jobs and to reduce unemployment in 2010 was also adopted, as a vehicle of increasing the efficiency of the public sector in the fight against the unwanted effects of the crisis.

In support of these courses of action, the codification and unification process, a vital instrument for administrative simplification, is sustained by new unified regulations such as Law 284/2010 regarding the standards of wages for the personnel sustained by public funds, Law 263/2010 regarding pensions, Law 287/2009 regarding a unified Civil Code, Law 85/2014 regarding insolvency, etc.

The Ponta Cabinet traces similar objectives and proclaims by *The Strategy for a Better Regulation 2014-2020* that the legislation has to undergo further reforms in order to achieve a profound simplification. This strategy proclaims three steps in achieving such a goal: 1) Establish an inventory of the existing legislation; 2) Establish priorities of legislative simplification and set up methods of action; 3) Implementing the methods and courses of actions set up with the aid of instruments such as republication, repealing parallel norms, codification. The priorities will be set up based on the frequency of applications of norms, the economic impact, the regulatory level, number of reforms suffered by the legal document, and the level of difficulty in applying the norms. Furthermore, a new legislative project has undergone aiming at establishing a new fiscal code, proclaiming a series of innovative measures in assisting the private sector in counteracting the effects of the economic crisis.

4. Conclusion

To conclude, in time of the economic crisis, several documents with a political foundation have set the courses of action aiming at legislative simplification in order to sustain the overcoming of obstacles generated by the economic crisis and the continuation of the implementation processes of the new public management reform. The outcome consists of new legal documents adopted in order to assist codification, repeal parallel regulations and desuete norms, and counteract excessive regulations and increase clarity and predictability.

These processes of legislative simplifications are shaped as reforms that focus mainly on sector-level change rather than in-depth changes. As well as this, these reforms can be considered elements of closed change, as they are predictable and necessary. However, political documents and normative projects highlight the possibility of adopting in-depth open change actions in the near future.

Regarding the implementation of the new public management these reforms have effects at the organization level, the human resources level, the result evaluation level and the financing level, demonstrating the flexibility of the Romanian public administration, the capability to priorities action plans and to reduce the spectrum of executive power, as well as the impulse to reduce public expenditure and increase the efficiency of the governmental decisions.

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Flexicurity in the Current Economic and Social Context

Georgeta Modiga[1]

Abstract: The flexicurity concept - an abbreviation between flexibility and security - appeared in the early 90s, being used for the first time by the Danish Prime Minister Poul Nyrum Rasmussen. The concept refers to a social state model that promotes a pro-active policy in the labour domain and the access to employment. Flexicurity can be defined as a strategy integrated by the simultaneous consolidation of flexibility and security on the labour market. According to the definition given by the European Commission, which establishes the guidelines and “paths” typical for the Member States in order to develop their own strategies in the field, flexicurity is an integrated strategy of simultaneous strengthening of flexibility and security on labour market. This concept arose as a result of socio-economic changes registered in the last decades in Europe: globalization and European integration, development of new technologies, the demographic aging of European society, the segmented development of labour markets.

Keywords: flexicurity; social security; labour market

The concept of flexicurity comprises a series of considerations regarding different social systems and their ability to meet the current challenges that our society and economy are facing, at European and Member State level. Globalization is one of the main factors of context supporting this desire to increase labour market flexibility, without jeopardizing at the same time the security of workers. Other factors include the demographic challenge represented by a rapidly aging society and the increase of feminising the workforce.

The pressures of these factors require adapting the economic and social system. Demographic change means that Europe will have to counteract the economic pressures intensified with a stable or declining population with legal age to work. This implies the need to increase employment rates and also to encourage a climate in which people can combine work and family life. (Avram & Avram, 2010, pp. 375-381)

Although the European social model is characterized by a diversity of national social systems, there can be identified at the same time more common values that define the model: universal access, solidarity and equality / social justice. These common elements have contributed to the development of a modern welfare state whose original objective was mitigating the negative consequences of industrialization.

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The extent and form of flexicurity that is applied in labour markets are determined mostly by governments and employers, through national policies and internal policies of companies. There are different ways that a company can become more flexible: quantitative/qualitative flexibility and internal/external flexibility. In practice, companies use a combination of different forms. Labour legislation in all Member States has evolved in this issue. The flexicurity term has appeared even in the context of discussing the associated risks and changes within the society.

In Denmark, for example, the social partners have supported flexicurity, considering that it has a positive impact on overall employment. In the Danish example it is considered that flexicurity combines the need for flexibility and security in a manner acceptable for all parties involved in the negotiation of collective contracts and labour market policy[1], as they become involved in its development.

The Dutch system tries to incorporate this idea by providing more social protection rights for the non-standard workers (especially part-time workers, and workers on temporary contracts) and by improving their rights (social security, pension, etc.) in order to reach levels comparable to those of workers with permanent contracts in the labour market. Other countries have similar patterns and they take into consideration the increase of rights of the "atypical workers" (the fixed-term contracts, temporary contracts, part-time contracts) in those states.

Flexicurity is also a policy approach that attempts to combine flexibility of labour markets to the benefit of employers and job security to the employees' benefit. Thus, for example, the Danish flexicurity model, which is often cited, combines a protection legislation of casual employment, with income protection for unemployed people and high levels of expenses for the active policies of the labour market. (Avram, 2008)

At the moment, there are taken into account different formulas at national level. A first approach is the flexibility of the entire workforce. This includes the 80% of workers who are employed in traditional forms of employment, permanent work or with "typical contracts". There are two main ways of implementing this flexibility: through new ways of organizing work or through new ways of working time programming. At the same time, they must be complemented by some form of employment security. (Boeri, Conde-Ruiz & Galasso, 2007)

The option on some form of flexicurity is mainly related to the historical development of labour markets, collective contracts and the role of governments in these contracts and the basic considerations of public policy in the field of employment and social protection[2]. Policy development depends very much on the national traditions and the country's ability to generate resources for paying r the chosen solutions.

Specifically, the application of flexicurity measures means that in a labour market increasingly dynamic, the needs of employers for flexibility and the employees' needs for their job security will be satisfied at the same time. Therefore, the latter will accept to change their working hours,in exchange for ensuring that they will not spend too much time in unemployment.

With the implementation of the Lisbon Strategy and the 2020 Strategy, flexicurity has become a key element of European policy for the right to work.

The implementation of this concept is based on four pillars of European policy:

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[1] http://ec.europa.eu/employment_social/labour_law/publications_en.htm.
[2] http://eurofound.europa.eu/eiro/2006/05/articles/es0605019i.html

1. flexible and reliable contractual arrangements;
2. lifelong learning strategies as completely as possible;
3. active and effective policies in labour domain;
4. modern social security systems.

These principles are applied by the Member States on the principle of progressive implementation starting from the initial situation of each state in area.

The flexibility has certain features:

- it allows all citizens to adapt to transition periods of life (from school to work, from one job to another, between unemployment or professional inactivity and work and from work to retirement);
- it comprises the organisation of work so as to suit the needs in terms of production and skills;
- it creates a balance between work and personal life.

The security has certain features as well:

- equipping with the skills necessary to advance in their career or obtain new jobs;
- providing adequate unemployment benefits in order to facilitate the transition periods;
- increasing opportunities for all workers, especially for those who risk being excluded from the labour market, such as those with few skills or those of age.

Flexibility and security should not be seen as opposites, but complementary. Flexibility refers on the one hand to the successful transition from school to work, from one job to another, from unemployment and inactivity to employment, from the active life to retirement[1].

Flexibility requires the flexible organization of work within the organization so that employees can easily combine the responsibilities of professional and family life and to be able to constantly improve the skills within a flexible working schedule.

Security refers not only to job security, but also to "employment security" - developing the capacity to remain committed, but not necessarily in the same job, by providing training to the continuous updating of skills and valuing the employers' talents, providing at the same time adequate benefits during unemployment.

The Flexibility of Forms and Working Hours

The flexibility of forms and working hours may include however various forms of part-time; job sharing; bank hours; subsequent generous management practices during periods of illness; flexible scheduling during summer holidays; teleworking; the possibility of working from home several days a week; Friday afternoon off in summer or during the holidays.

[1] Riedmann A., Bielenski H., T. and Wagner A. Szczurowska, Working time and work-life balance in European companies (working time and the balance between work and private life in European companies), European Foundation for the Improvement of Living and Working Conditions, Office for official Publications, Luxembourg, 2006, available at http://www.eurofound.europa.eu/publications/htmlfiles/ef0627.htm.

Labour Market Flexibility

This concept refers to the speed at which the labour market succeeds in adapting to the changes that could reach the society, economy or production. For a long time, the only available definition for this concept was a neo-liberal provenance, which assumed that the institutions correlated to it could allow the labour market to attain a certain equilibrium determined by the intersection between supply and demand. In addition to the the flexibility of the company towards the demand or to own production cycles, this concept refers also to employee's flexibility in relation to the taken job.

Moreover, this new dimension of flexibility is seen in terms of balancing professional and personal life. Moreover, the companies adapt their needs on the labour market based on their business cycles, so the workers adapt their labour needs according to their personal life.

Flexicurity and Gender Policies

Despite the increased publications on flexicurity, quite a few of them address the relation between flexicurity and gender issues. However, the gender equality is one of the points included in the document "Common Principles on Flexicurity" (EC 2007). It is missing or it is not included systematically when it comes to discussing some initiatives or their implementation[1]. However, gender should be considered, if it is really desired for the policies of flexicuritary type to be consistent with gender mainstreaming.[2]

Principle number 6 of the quoted document states that "flexicurity should support gender equality by promoting equal access to quality jobs for both women and men. In addition, there should be taken into consideration the measures allowing the reconciliation of private life, family and job."

Of course, apart from issues of reconciliation, other aspects are equally important in terms of gender mainstreaming and flexicurity. Among them we can mention the access to independent sources of income, associated with reduced working schedules and avoiding issues of segregation type at work (both horizontal and vertical). Therefore, an egalitarian approach in terms of gender policies in the flexicuritary domain should assess the gender impact of all analyzes and legislative proposals in the flexicurity field.

According to some researchers (Rubery, The National Reform Programme and the gender aspects of the European Employment Strategy, 2006), "Gender mainstreaming of policies of promoting flexicurity and safety at work should recognize the tension between these objectives and the crucial role of genre in terms of employment market. A gender perspective on issues related to flexicurity could help avoid the risk of segregation of the labour market. In addition, a gender approach of policies in this area could lead to the recognition of the role of these issues in the inequalities that could be created when it comes to working hours.

Numerical or contractual flexibility consists in the use of temporary contracts concluded by enterprises in order to benefit from a more flexible workforce. The most common forms of temporary contracts are fixed-term contracts (including seasonal work), temporary work (including temporary work through agencies) and casual labour.

[1] Wilthagen T., "Dutch flexicurity Policies: normalization of atypical work" (Dutch flexicurity policies: the standardization of atypical work), paper presented at the seminar series *Eurofound flexicurity and the employability of a job*, European Foundation for the Improvement of Living and Working Conditions, Dublin, May 2006, available http://eurofound.europa.eu/docs/events/fss/060522/Wilthagen_.

[2] http://eurofound.europa.eu/eiro/2006/05/articles/es0605019i.html.

Following the temporal or financial flexibility, companies can benefit from greater levels of flexibility through more flexible arrangements of working time or remuneration. These may include, for example, overtime, part-time work, weekend work, irregular or variable hours. The different forms of working time arrangements can be grouped according to whom has the initiative, the employers or employees. Some schemes are included in both categories and the effect of economic cycles may reverse this categorization. One aspect that may be favourable to one party during a period of economic growth may be less advantageous during times of recession. Similarly, what appears to be a right may become a risk.[1] Part-time work, flexible working hours, gradual retirement and early retirement can be beneficial to both enterprises and employees. (Avram & Avram, 2011, pp. 178-186)

Unusual working hours (night shifts, work on Saturdays or Sundays or working in shifts in general), overtime and temporary employment (including fixed-term contracts, employment through temporary working agencies and activity as independent) are generally adopted at the request of the employer, while parental leave and other types of leave (medical, for studies, sabbatical years) and records of working time are generally required by the employee. Records of annual working time can be achieved either at the employer or the employee's request, but it is often associated with fluctuations in workload and business cycle variations.

Functional flexibility consists of forms of organizing the work such as staff working by turns, the polyvalence of tasks, and involvement of workers in planning or in establishing the budget (team autonomy).

These forms of work organization aimed primarily at work flexibility within the company, allowing workers to change their workstations according to their needs (job rotation). However, this can also lead to more skills development, in the sense that workers can update their skills in a way that it is beneficial for them and for the enterprise[2]. This would led to the increase of job security and employment security. Workers should be allowed to perform several tasks in their workplace and in the company (which increases their job security) and it would thus increase their ability to be employed, in terms of finding another place work (within the company or outside it).

On 10 June 2008, the International Labour Organization unanimously adopted the ILO Declaration on Social Justice for a Fair Globalization. It is the third major statement of principles and policies adopted by the International Labour Conference of the ILO Constitution by 1919. It is based on the 1944 Declaration of Philadelphia and the ILO Declaration on Fundamental Principles and Rights labour in 1998. The 2008 Declaration is the expression of the contemporary vision of OIM mission in the age of globalization.

The statement comes at a crucial political moment, reflecting the broad consensus on the need to grant a strong social dimension of globalization so that the results are better and it should be distributed more fairly among all.

It represents a beginning for promoting a fair globalization based on decent work, as well as a practical tool for accelerating the implementation of the Decent Work Agenda at the level of states. It is also a

[1] Riedmann A., Bielenski H., Szczurowska T. and Wagner A., Working time and work–life balance in European companies, European Foundation for the Improvement of Living and Working Conditions, Office for Official Publications, Luxemburg, 2006, available at http://www.eurofound.europa.eu/publications/htmlfiles/ef0627.htm.

[2] Parent-Thirion A., Fernandez E., Hurley J. and Vermeylen G., Fourth European Working Conditions Survey (Fourth European survey on working conditions), European Foundation for the Improvement of Living and Working Conditions, Office for Official Publications, Luxembourg, 2007, available at http://eurofound.europa.eu/publications/htmlfiles/ef0698.htm

reflection of a productive vision as it highlights the importance of sustainable enterprises in creating more opportunities for employment and earning income for all.

The Declaration expresses the universality of the Decent Work Agenda: all the member states of the Organization must implement policies based on strategic objectives - employment, social protection, social dialogue and labour rights. In parallel, it emphasizes a holistic and integrated approach, recognizing that these objectives are "inextricably linked, interdependent and mutually strengthened", and it ensures that these international labour standards fulfil their role in achieving is objectives.

The Declaration calls on the ILO to assist the members in their efforts to ensure its implementation according to national needs and circumstances. To this end, it presents a challenge for the International Labour Conference, the Board Administration and the International Labour Office, noting that "The organization should review and adapt the institutional practices in order to improve its governance and to strengthen its capabilities, in order to use in the best way the qualities of its human and financial resources and the unique advantage that it has its tripartite structure and its system of standards. Consequently, the organization and its members must mobilize all available action means, at national and international level, in order to promote the objectives of the Declaration and the implementation of commitments in the most effective and efficient possible way.[1]

The Declaration provides to the Heads of State and their descendants a balanced approach that connects people and productive solutions nationally, offering equally a common platform for governance on international scale (Bogdan, 2007). It contributes to the coherence of policies in favour of sustainable development in national strategies, including the international organizations and development cooperation, bringing together the social, economic and environmental objectives. In this regard, it stresses that international and regional organizations, whose mandates are related in complex areas, can make an important contribution to the implementation of an integrated approach, inviting to the promotion of decent work.

It shows that due to commercial exchanges policy and financial markets it has repercussions on the labour, it requires for the ILO to assess these effects in order to achieve the objectives which consist of placing the work at the centre of economic policies. The declaration also calls for the development of new partnerships with non-state entities and economic actors and multinational companies or unions that operate globally in order to improve the effectiveness of programs and operational activities of the ILO.

Conclusion

The Declaration on Social Justice for a Fair Globalization is a declaration of confidence in the ILO. It is based on the values and principles contained in the ILO Constitution and it reinforces them, allowing them to face the challenges of the 21st century.

The Declaration reflects the Organization's confidence in the relevance of its mandate and vision, through a full decision to assume its current responsibilities. The Declaration appears in a context of widespread uncertainty in the world of labour, of the workers' rights abuses, increased concerns during globalization and the need for international organizations to work together better in addressing these issues.

[1] Parent-Thirion A., Fernandez E., Hurley J. and Vermeylen G., Fourth European Working Conditions Survey (Fourth European survey on working conditions), European Foundation for the Improvement of Living and Working Conditions, Office for Official Publications, Luxembourg, 2007, available at http://eurofound.europa.eu/publications/htmlfiles/ef0698.htm.

It particularly emphasizes the unique comparative advantage and legitimacy of ILO based on tripartism and on practical rich and complementary experience, acquired through its constituents - governments, employers and workers - in addressing economic and social policies that affect lives and people. It calls for the long-term strength of the working method based on social dialogue as a key element of building consensus, which is a sign of hope in a world where dialogue is nowadays so difficult to establish.

The Declaration on Social Justice for a Fair Globalization marks the most important renewal of the Organization of the Declaration of Philadelphia. The Declaration's aspirations can be achieved through an effective convergence of national and international policies that could lead to a fair globalization and an easier access to decent work for women and men all over the world, contributing to the achievement of these goals, in order to respond to the needs and hopes of individuals, families and communities worldwide.

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E-Cohesion – a Simplification Method within European Union Rules

Paul Zai[1], Cristina Nicoleta Caranica[2]

Abstract: The e-cohesion is according to European Commission (EC) a set of common rules for simplifying the accountancy and more precise reporting for European structural funds and European investment funds by using the digital technologies and public databases for all exchanges of information between the beneficiaries of projects financed with European funds and audit authorities, intermediate bodies, certifying authorities, managing authorities. The budget allocated for investments of the European Union (EU) for period 2014-2020 is of approximately a trillion Euros for sustainable growth, new jobs and competitiveness, solidarity and cohesion for an important role of EU in world. One of the ten points of reforms related with the cohesion politics refers to e-cohesion. The article outline the EU and Romania regulations prepared for e-cohesion target that is established for all EU countries in 2016. The paper is presenting the main opportunities and limits in the e-cohesion process for the horizon 2014-2020 using as methodology of study the computing and analysis based on the documentation published by EU, Netherlands and Romanian regulators. The study is also presenting the stage of e-cohesion changes reported by Netherlands and Romania.

Keywords: EU member states; sustainable growth; e-cohesion; digital technologies

JEL Codes: C88; H83; I38; M15

1. Specific Regulation Related to E-cohesion Rules

The "history" of the process of adopting the e-cohesion into European Union (EU) regulations for the framework 2014-2020 began on 29 June 2011 when the European Commission (EC) presented a proposal for making the EU funding simpler, more transparent and fairer.

On 8 February 2012, the EC launched the Simplification Agenda for the Multiannual Financial Framework (MFF) 2014-2020. The Simplification Agenda was built from two parts of simplification: the reviewed financial regulation and 57 sectorial proposals for specific programs. After consulting with citizens and stakeholders for designing, the programs were released on 1 January 2013. On 26 February 2013 was released the 2nd Simplification Scoreboard. (European Commission, 2013)

By using the digital technologies is considered by EU to reduce amount of work with 11% and to reduce the risks in the process of funding. The applications for e-cohesion are considered to permit the

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interchange of papers only electronically, reducing the burden of the administration costs for the funds beneficiaries. The main challenges for the period 2014-2020 are presented schematically in Appendix 1.

According to the article 125.2.d from the EU regulation no. 1303/2013 is necessary to establish technical specifications for the applications used for registering and storage of data for the operations with European funds in this way to be at disposal for monitoring, evaluation, financial administration, control and audit. Within EU Regulation no. 1303/2013 the minimum requirements on e-Cohesion are:

- Minimum technical requirements: authentication of the sender, data integrity and confidentiality (also according with the EU Directive 1999/93/EC) and the storage must comply with the retention rules (article 140) → E-submission component
- Electronic audit trail (article 122 and 140 and other requirements referring at the document availability) → E-signature component
- 'Only once' submitting of all information using same Operational Program (article 122.3) also it will be assured electronic exchange for post-award processes (article 122.3) and no technical requirements on software platforms and protocols are yet established (article 122.3)→Security web portal (EIPA & ECORYS & PwC, 2014)

An important administrative burden for the period 2007 – 2013 was the administrative cost (for the implementation of the projects financed by EU national and regional), related to projects selection and management of verification (because these are repetitive actions and executed throughout all the period of the projects). (European Commission & SWECO, 2012)

The economic crisis, not yet overcome (according to Janusz Lewandowski, member of EC responsible with the financial and budget programs) has impact into the MFF 2014-2020. The EC considered also other facts to reduce the costs with management and control as complementary to the e-cohesion tools (European Commission & SWECO, 2012):

- Existence of one responsible organism for administration and control (accredited body) and just one authority of accreditation, an annual closing of accounts;
- Ex-ante evaluation of system administration and control: the replacement of the conformity evaluation with a national accreditation together with a proportional revision by the EC;
- Final closure at the end of the programming period with a rolling process for each annual closing of accounts.

The below numbers are presenting the diminishing of the EU budget from MFF for period 2007-2013 to MFF period 2014-2020:

Table 1. Comparison of engagements and payments in billion Euros in 2011 prices for the funding period 2007-2013 vs. 2014-2020

Prices in 2011		2007-2013	2013	2013*7	2014-2020
Commitment appropriations	In billion Euros	993.60	146.40	1,024.80	959.99
	% of GNI	1.12%	1.12%		1.00%
Payment appropriations	In billion Euros	942.80	137.80	964.40	908.40
	% of GNI	1.06%	1.05%		0.95%

Processed data with primary data retrieved from: http://www.fonduri-structurale.ro

For the new period the EU budget allocation is 1025 billion Euros, from which 336 billion is dedicated for the cohesion policies, and 40 billion is facilitating the programs for European connections like information technology projects together with energy projects and cross border projects. (The budget of the Cohesion policy 2014-2020, 2015)

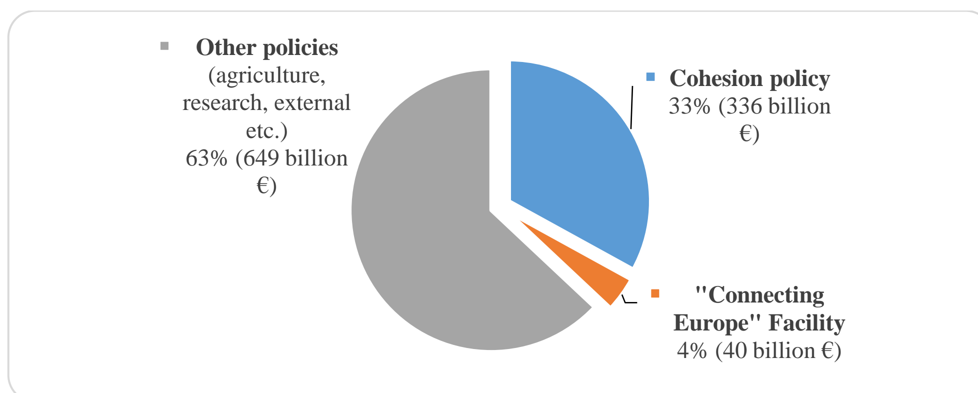


Figure 1. The EU budget allocation by policy for 2014-2020 period

Source: The budget of the Cohesion policy 2014-2020 (2015) retrieved from http://www.fonduri-structurale.ro/detaliu.aspx?eID=10117&t=fs2014-2020

Elements not yet analysed in the design of MFF 2014-2020 budget, which impact the administration cost analysis and the allocation of the budget (European Commission & SWECO, 2012):

- The changes related to the programs proposed for the period 2014-2020 that are different organized than the ones from 2007-2013, this effect was not measured as impact into the new budget;
- Reduction of the functions and responsibilities that overlap in the systems of administration, control and motorization;
- A proportional use of audit according with the risks and operations dimension for reducing the administrative costs;
- Introduction of common plans of action for diminishing the administrative costs through the simplification of financial management

In the Partnership Agreement 2014-2020 signed by Romania with EU (2014) at the point 1172 the „Mechanisms to ensure effective implementation of ESI funds" was presented by the evaluators the importance of using the new technologies in order to obtain: less administrative tasks, easy access of data, quality and security of data, make queries for research of data.

2 Research Methodology

The methodology of the study conducted is represented by the analysis of the documentation and data published by the EU and the two countries regulators, on this topic. The analyzed data was presented using tables and graphics for presentation by comparison of the systems used in the e-cohesion process. The paper aims to present the status of the e-cohesion process for the horizon period 2014-2020, reported until this moment by two EU countries (Netherlands and Romania) taking into consideration the main limits and the opportunities of this process.

3 The E-cohesion Status in Netherlands and Romania – Case Study

The web design of systems used in Romania for the period 2007-2013 according with the Partnership Agreement 2014-2020 signed by Romania with EU (2014) is described in the figure below (applications and functions):

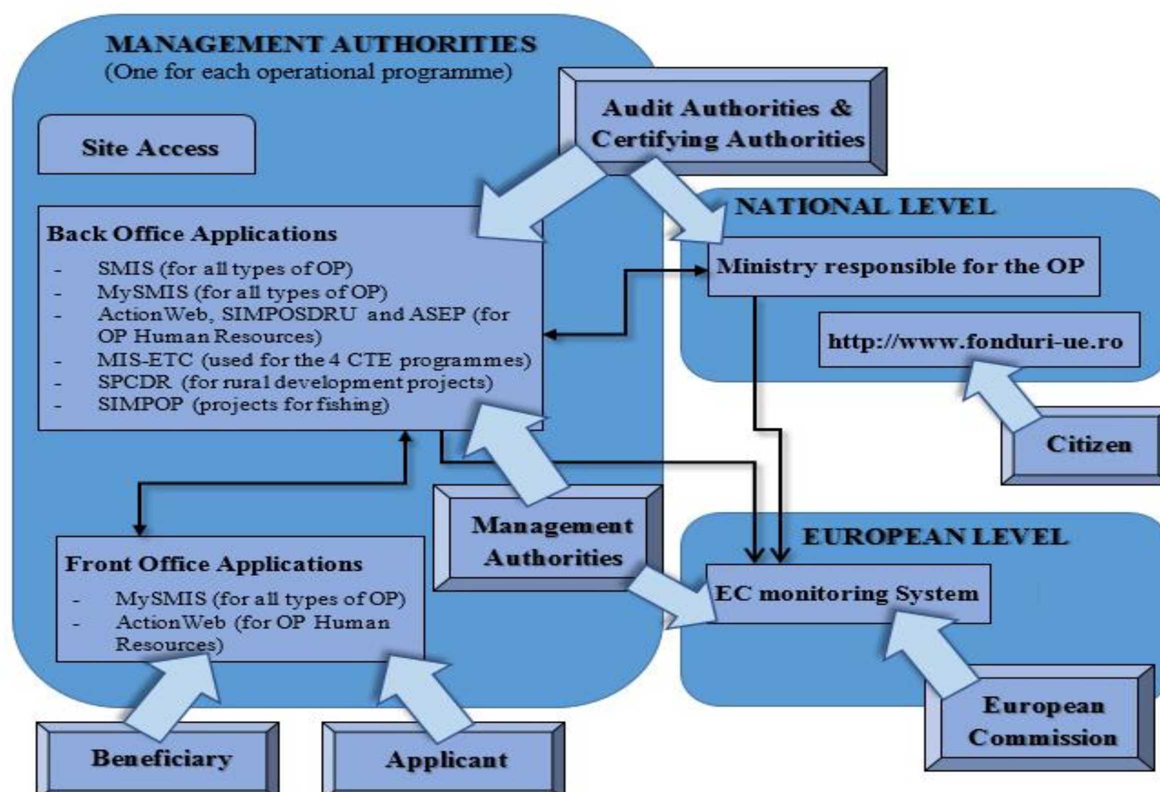


Figure 2. System Overview 2007-2013 for Romanian Operational Programmes

Source: Processed data with primary data from Partnership Agreement 2014-2020 (2015), retrieved from http://www.fonduri-ue.ro/res/filepicker_users/cd25a597fd-62/2014-2020/acord-parteneriat/Partnership_Agreement_2014RO16M8PA001_1_2_ro.pdf

As it can be seen from the above representation SMIS web application and the MySMIS application can be used for all OPs, the last one being also able to ensure the contact with beneficiaries.

In the same figure 2 we can notice that for the period 2007-2013, 6 applications were used for data input and reporting and other 2 applications only for reporting in Romania. The Action Web application and My SMIS application were the front office applications. Taking into consideration the last fact, the Action Web application was the first in being developed in the new period in order to become a useful electronic tool in facilitating the transmitting of electronic information (Annex 2 of the Action Web manual, 2014).

Already in June 2014 Netherlands reported more than 57.000 electronic documents regarding funds administrated by one of the OP's, OP West for a total of 45 GB of data. In the new period (2014-2020) Netherlands will use a more centralized model for inputting and reporting data (see below figure), where all involved parts in the process respectively citizens, beneficiaries, management authorities from each OP, audit authority and certifying authority will have access to the same back office application that will be enquired also by SFC2014 administrated by EU and will have data available from the national authorities such as Chamber of Commerce of Netherlands. (EIPA & ECORYS & PwC, 2014)

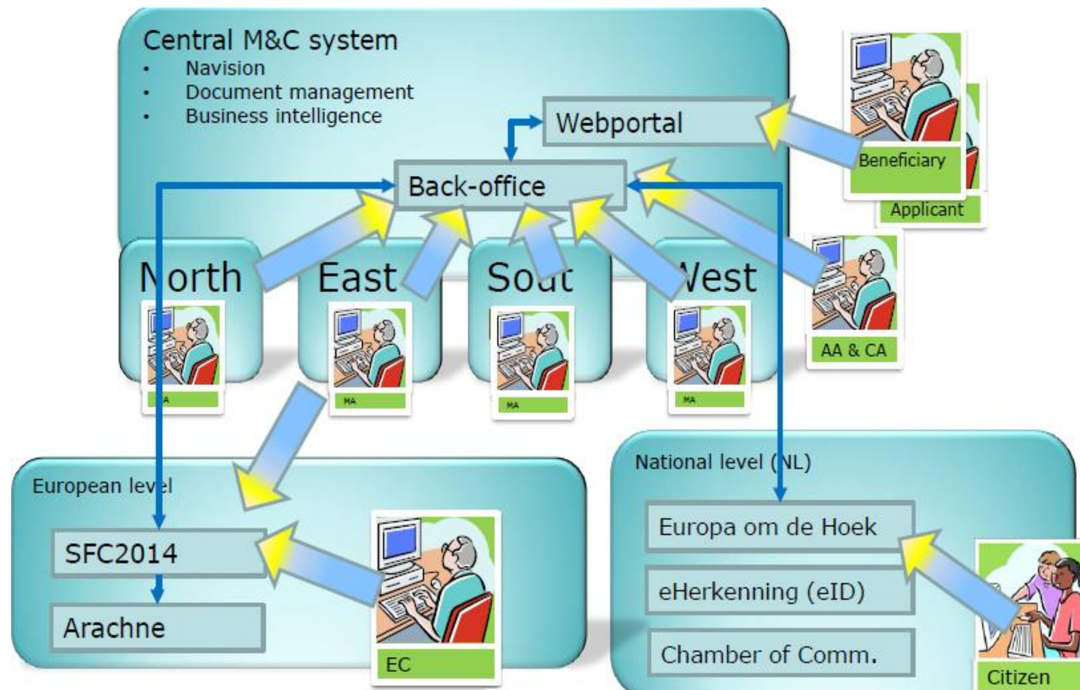


Figure 3. System Overview 2014-2020 for Netherlands Operational Programmes

Source: Fulfilling e-Cohesion requirements, retrieved from http://www.eipa.eu/files/DGREGDay%201-5%20e-cohesion.pdf

For the period 2014-2020 OP West reported the development of a Dutch system for hosting the components of e-cohesion (EIPA & ECORYS & PwC, 2014):

- E-submission component : application forms, authentication by login and user, use of Excel file for mass-upload of documents referred to hours spent and invoices, refuse for physical paper documents;
- E-signature component: use of national signature;
- Security web portal component: to login with user and password, possibility of management of users for the beneficiaries and secure connection with the My-site;
- E-storage component: online real-time data, storage of documents in a Document Management System (for different type of document extension), complete digital dossier, no maxim of documents for store, all documents can by accessible for audit reasons;
- Only once encoding 2014-2020, it is considered useful the pre-filled html forms, for reports that are using the previous reported data and JavaScript validation and connection with the Commerce Chamber for data regarding beneficiaries;
- Interoperability assured by EC monitoring system and MA Control System through xml file exchange.
- Audit trail assured by work flows for the MA and need to do, chronological view of the documents, strong authorization in the system.

The Romanian strategy for the next period is to use the MySMIS application for e-cohesion scope and is considered that the Romanian laws regarding the electronic signature, archiving electronic data, data registration on electronic documents and protection of personal data are matching with e-cohesion

policy. The users' necessity in Romania is considered to be of predefined reports, functions and data contain (Partnership Agreement 2014-2020 signed by Romania with EU, 2014).

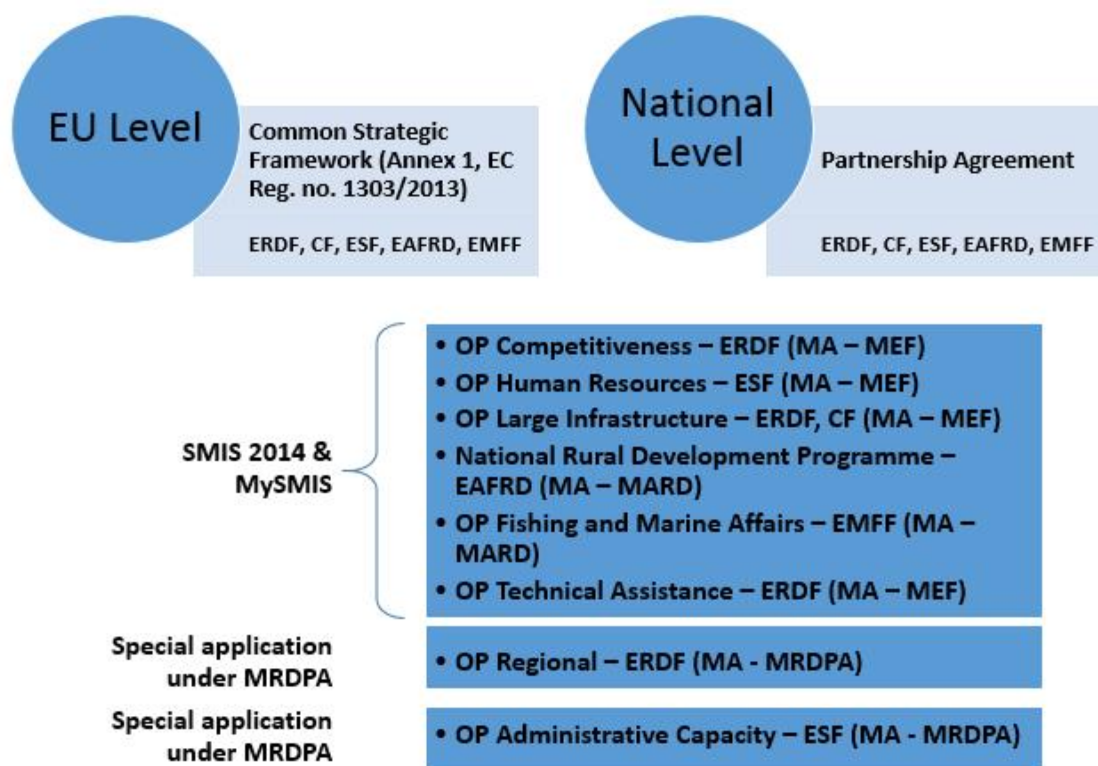


Figure 4. Web applications used for each OP for the period 2014-2020 in Romania

Source: Processed data with primary data from Partnership Agreement 2014-2020 (2015) retrieved from http://www.fonduri-ue.ro/res/filepicker_users/cd25a597fd-62/2014-2020/acord-parteneriat/Partnership_Agreement_2014RO16M8PA001_1_2_ro.pdf

Only two types of applications will be used for 6 of the OPs (SMIS 2014 and MySMIS). The MySMIS application was reported as implemented but not used so the new applications will be tested and implemented for the new OPs. At the national level, MRDPA will develop and implement two special applications for the OP Regional and OP Administrative Capacity, two applications that will be implemented according to new requirements of these two OPs.

The new applications must assure according with the deficiencies reported a simpler process. In this matter we recommend online submission of projects, computerization and simplification in public procurement process, auditing, reimbursement, computerization process of implementation, giving up paper format, use of electronic signatures, creating databases, storing project documents on electronic media with low accessibility and applications use in decision making. Other measures related to automating release or availability of fiscal information of applicants for funding to improve the efficiency of submitting project applications for funding and reducing the administrative burdens and the number of documents to be transmitted, electronic archiving.

Limits and opportunities of the e-cohesion process identified through documentation analysis:

- A broad framework of documentation of the OPs is diminishing the total impact of the e-cohesion policy;

- Frequent changes of the regulation can increase the costs of implementation and to update the applications for e-cohesion;
- Using applications cross-border can diminish the costs of development of the applications for e-cohesion;
- Using the application for a big sector of programs for convergence can diminish the cost reported for each OP;
- The number of the authorities and the control system can influence the costs of the implementation and update;
- The cultural and organizational conditions of each state member can influence the costs of training and familiarization with the applications for e-cohesion.

4. Conclusions and Limits of the Analysis

Increasing the level of the information integration is used for facilitating compliance, monitoring and audit of the projects funded with European funds. The EU requirements must be followed by both EU countries, Romania and Netherlands, as presented in our study.

In case of The Netherlands, the applications already using electronic documentation are mixed into a single system that is subject of additional development.

In Romania, the applications used in the first period after EU adherence (2007-2013) are now analysed and developed in order to comply with the e-cohesion components presented in our study that will be used in period 2014-2020.

The development process for the application using electronic documentation began in Romania in 2014. First documents are available on one of the web applications, but currently the application is under new developments in order to be successfully used for the new period. In case of Romania the applications will be reduced to two systems that will be used for 6 of the most important OPs and other two applications under MDRPA minister for 2 other OPs.

The European countries are now in a process of analysing the past period experience (2007-2013) and making decisions for the new period 2014-2020. Using an application that can diminish the administration costs of the projects for beneficiaries but also for the management authorities is consider to be a powerful tool for impel the funds absorption process.

The article has some limitations regarding the number of the systems of e-cohesion analysed and regarding the period of the analysis as we are referring to one of the further developments of those systems. When more documentation will be available related to the implemented development further analysis is strongly recommended in order to facilitate the understanding of the e-cohesion process strengths.

5. Glossary of Terms and Acronyms

ARACHNE – Operational tool to identify the most risky project

CF – Cohesion Fund

EAFRD – European Agriculture Fund for Rural Development

EHerkenning (eID) – e-Recognition authentication for companies and government

EMFF-European Maritime and Fisheries Funds

Europa om de Hoek – site for publicity

ERDF – European Regional Development Fund

ESI – European Structural and Investment Funds

ESF – European Social Funds

GNI – Gross national income

MA – Management Authority

MARD – Ministry of Agriculture and Rural Development

MEF – Ministry of European Funds

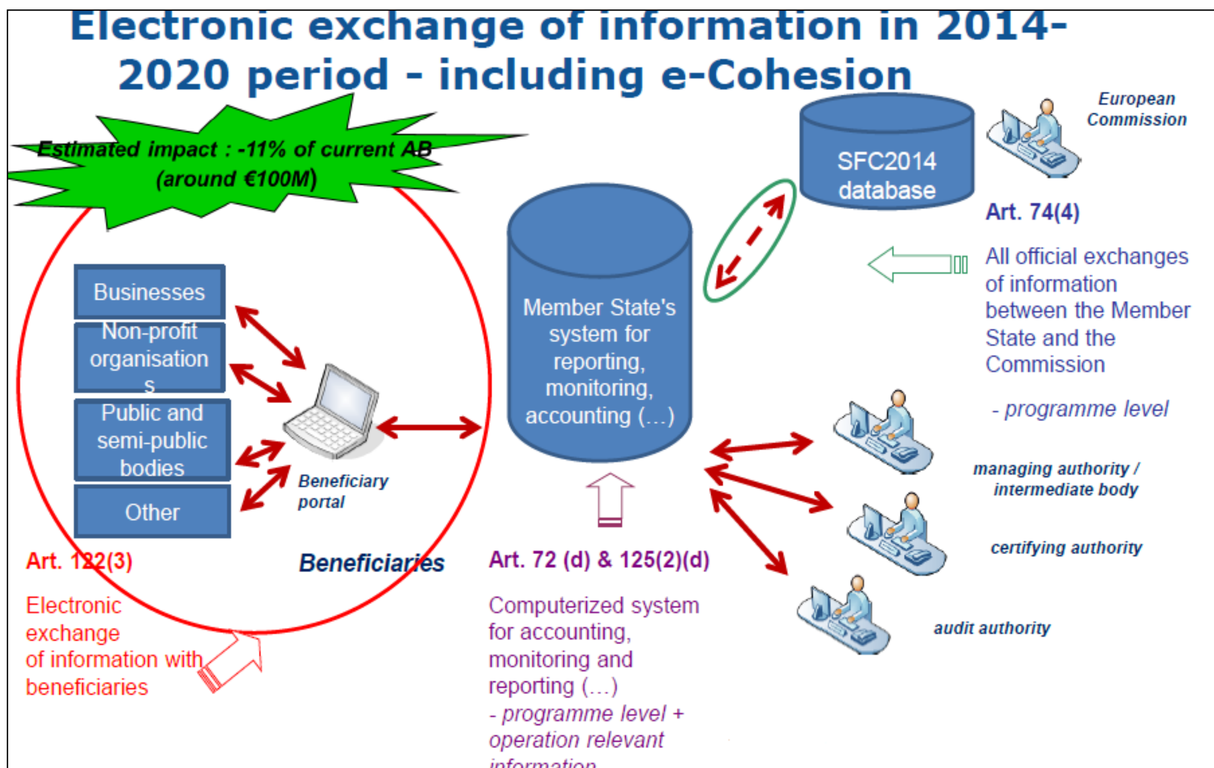
MRDPA – Ministry of Regional Development and Public Administration

Navision – Accounting application

OP – Operational Programme

SFC 2014 – System for Fund Management in the European Union

6. Appendix 1. Key differences between the 2007-2013 and 2014-2020 programming periods (European Parliament & European Council, 2014)



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Political Party Funding in Romania - One Step Forward, Two Steps Back?

Iulian Georgel Savenco[1]

Abstract: Within political life, the determining role is given to political parties in their capacity as actors in the electoral campaign and in the race for political power. This is the reason for which we believe that the means of financing political parties and the electoral campaigns in which they partake is an important aspect within the electoral reform, as without an adequate funding their chances of winning the electoral race are drastically reduced. On the other hand, funding of political parties is of great interest as the lack of transparency which usually encircles this process can lead to a dangerous phenomenon, namely corruption. Throughout this article we present the current situation and critically analyze the changes which the Romanian legislature plans to apply to the political party financing law.

Keywords: political party; funding; Romanian Constitution; freedom of association

1 Introduction

Throughout time, myriad of definitions were issued on the term "political party". Currently as we try to define this concept we must start from the idea stipulated in the doctrine (Muraru & Tãnãsescu 2013, p.24), namely that "the party is an association, thereby expressing the means of formation (through the exercising of the citizens' right of association) and its composition (it is a grouping of citizens, a collective)". This expression of the citizens' free will to associate themselves in order to form a political party also results from the provisions of the Romanian Constitution[2] that in the art. nr. 40, paragraph 1 states that citizens may freely associate in political parties, trade unions, employers' associations and other forms of association.

In regards the concept of political party we should note that, in a broad sense, the specialized literature (Ionescu, 2008, p.403) believes that the political party is "a permanent group or association of individuals freely inter-united through ideological affinities and common political beliefs, created at

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[2] Romanian Constitution published in the Romania's Official Monitor, Part I, no. 233 from November 21, 1991, came into effect after its approval through the national referendum of December 8, 1991. Subsequently, it was amended and supplemented by the Law for the revision of the Romanian Constitution, namely Law no. 429/2003, published in the Romania's Official Monitor, Part I, no. 758 from November 29, 2003, republished by the Legislative Council, pursuant to the art. 152 from the Constitution, the terms being updated and the texts renumbered (art. 152 became, in its revised form, art. 156).

the local level based on strict principles of organization and discipline, designed, the stipulations being listed in a program or status, to promote and participate in electoral and parliamentary campaigns with other parties of a particular doctrine or with political views on the development and management of a given society."

In our case we will concur to the view (Dănişor, 2003, p.304) according to which the political party is defined as "a form of structure, initially based on an ideology, which links the state and the civil society, aimed to order and to participate or at least to direct the public power, in the public interest and using constitutional means." The same author states that if the means provided by the constitution are not followed in order to accede to power, we are no longer talking of a political party but of a group which wants to stage a coup.

The legal definition of the political party is given by art. 1 from Law no. 14/2003 of political parties[1]. Thus political parties are considered to be associations of a political nature of Romanian voting citizens, freely participating in the materializing and in the exercising of their free political will, fulfilling a public mission guaranteed by Constitution. We believe that this definition should be supplemented with the provisions of art. 2 of the same law which stipulates that by their activity, political parties promote national interests and values, political pluralism, contribute to the shaping of public opinion, participate with its candidates in elections and to the establishment of public authorities and stimulate the participation of citizens in the polls, according to the effecting legislature.

The main purpose of political parties is totally different from that of other associations and consists in the conquest of power, and the manner in which they can achieve this goal is represented by the electoral process. Following the unfolding of the electoral campaign some parties will come to power, others will find themselves in the opposition. The role of the opposition parties in the political arena should not be minimized because they continue their struggle for power by means of constructive criticism to the parties that hold the majority in the parliament.

Based on the role that the Constitution[2] assigns to political parties or their contribution to the definition and expression of the political will of the citizens we conclude that their presence in the political arena is vital. However, in order to be able to "play" their role in this competition, the political parties need funding.

In the present study we will try to present the changes[3] that the legislator wishes to bring to the political party funding law, amendments explained by the fact that the effective regulations are too permissive, giving political parties the opportunity to obtain funding outside the legal framework.

2 A New Source of Funding

The topic of political party funding is of utmost interest in our country given that, in recent years, the political scene has been afflicted by scandals that had as a starting point the corruption revealed within the process of funding various political parties. Moreover, in the explanatory memorandum to the

[1] Political parties Law no. 14 published in the Official Monitor no. 25 from 17.1.2003, republished on Official Monitor no. 347 from 12.05.2014.

[2] Art.8 paragraph 2 from the Constitution of Romania.

[3] The legislative proposal entitled Law for the amendment and the completion of Law no. 334/2006 on the financing of political parties and electoral campaigns was adopted by the Chamber of Deputies on 18.03.2015 and on 25.03.2015 the law was sent for promulgation to the President of Romania - http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=13537 accessed on 27.03.2015.

legislative proposal the initiators argued the implementations of the recommendations of the Group for Fighting Corruption (GRECO).

Currently the funding of political parties is regulated by the Law on financing of political parties and electoral campaigns[1] that mention from its beginning (Article 1, paragraph 1) that its purpose is to ensure equal opportunities in political competition and transparency in funding. Likewise, the law states that according to the source, we can talk about two types of funding:

a) public funding - is accomplished by subsidies from the state budget;

b) private funding - its sources of funding are: party membership quotas, donations, legacies and other liberties, income from their own activities (editing, writing publications, organizing meetings and political seminars, economic activities, sports activities, entertainment, domestic service, renting their owned premises for conferences, parliamentary offices, sublease, etc.)

The new proposed amendments provide, among others, a new source of funding for political parties namely borrowing money from natural and legal persons. The loans can be contracted by political parties only through authentic notarial papers, under the penalty of nullity, accompanied by the delivery-receipt documents, in the agreement being provided the manner and due date of their refund. The loans that have a value greater than 100 minimum gross basic salaries per country are subject to the terms of publicity set out in the law. Likewise, lending by political parties, political or electoral alliances and by independent candidates to natural or legal persons is prohibited.

The matter which needs clarifying is whether in this new source of political parties funding - the loan in cash – there will be the possibility to "hide" certain "suspicious" transactions, especially in the absence of a maximum term of loan repayment. Natural or legal persons[2] can lend to a political party stipulating a small interest rate or less than that of the banks as to subsequently acquire certain advantages from that political party. The persons who do not want to give their support for certain parties public can lend them sums of money that have lesser value than 100 minimum gross salaries without having to disclose their name, thus maintaining the lack of transparency. What will happen if a party cannot repay the loan and the related interest given when not all political parties have valuable real estate? What kind of "services" will that party provide in exchange for that debt? The legislator's proposal to amend the legal provisions is seen as beneficial in what concerns the support given to political parties, which require funding, but it is thought that the law's text should be rephrased in order for political parties to be able to receive loans only from Romania's lending institutions[3], with responsibilities in the field and with the condition that the granting of loans should not be made following preferential conditions. Thus the political parties will solve the issue of funding and the suspicions that may arise with crediting of a loan will vanish.

3 Financing the Electoral Campaign from the State's Budget

Another amendment that is intended to be brought to the law of political parties funding refers to the refunding of sums of money spent by the political parties during the electoral campaign. Thus, within 90 days from the date of the elections for the Chamber of Deputies and the Senate, the Permanent

[1] Law no 334 from the 17th of July 2006 concerning funding of the political parties' activities and electoral campaigns, republished in the Official Monitor, Part I, no. 510 from 22.07.2010.

[2] The proposed amendments provide that the amounts of money related to the received loans by a political party from a natural person in a year can be up to 200 minimum gross salaries per country and from one judiciary person up to 500 minimum gross salaries per country.

[3] Banks, lending companies, etc.

Electoral Authority must reimburse to political parties, political alliances and national minorities organizations (in accordance with the principle of non-discrimination - see extensively Maftei 2010), based on the documentary evidence provided by the financial agent within 30 days of the election date, the amounts of expenditure incurred in all electoral constituencies, as well as those carried out at the central level in the case that the political party, political alliance, electoral alliance or organization of national minorities obtained at least 3% of the valid votes, cast nationally, for each of the two chambers of Parliament. If at least 3% of the valid votes, cast on a national level, were not obtained, the Permanent Electoral Authority must reimburse those parties, on the basis of the documentary evidence provided by the financial agent, only the amounts of expenditure incurred at the level of the constituency in which at least 3% of the votes cast was obtained.

Currently, political parties are subsidized by the state budget (public financing), according to the law, the amount received by the parties having a limit of 0.04% of the income provided in the state budget. The criteria for granting the subsidy from the state budget are the number of votes received in the parliamentary elections (75% of the annual budget) and the number of votes received in local elections (25% of the annual budget). As seen in the table below the amounts that political parties that are currently subsidized is quite high, the growth not being justified.

Table 1. Total subsidy from the state budget for each political party –March 2015[1]

Criteria no.	Political party	Amount(lei)
1.	Social Democrat Party	164.731,56 164,731.56
2.	National Liberal Party	197,282.80
3.	Conservator Party	16,011.36
4.	National Union for the Progress of Romania	7,532.39
5.	Christian Democrat National Peasants' Party	1,387.34
6.	The People's Party - Dan Diaconescu	69,221.55
TOTAL		**456,167.00**

Based on the above stated we adhere to the opinion (Gilia 2012, p.68) according to which "an exclusive funding from the state budget is extremely costly, especially for a country like Romania that faces multiple financial problems and has trouble in allocating amounts of money in critical areas to the development and the evolution of a nation (e.g. education, health, development, etc.)". Professor Claudia Gilia also notes that there can be stated myriad of tools in electoral laws in order to determine a more rigorous selection of candidates, to prevent electoral bribery, to establish clear rules on principles which should govern any choice, like the eligibility conditions, the organization and development of elections, the electoral disputes, funding and control of electoral campaign accounts all these eventually leading to a clean political class.

Proving that an exclusive funding of electoral campaigns is not necessary we will to show the fundamental role of other sources of funding in the election campaign of the President of Romania, namely the donation.

[1]http://www.roaep.ro/finantare/wp-content/uploads/2015/03/PAGINA-TOTAL-SUBVENTIE-LUNA-MARTIE-2015_SITE1-EX.pdf, accessed on 7.04.2015.

Centralizer for the received and declared donation by political parties, electoral alliances and independent candidates for the presidential election campaign in 2014[1]

ELECTION CAMPAIGN - TOTAL

I.	Political party	Total donations		
		Legal persons	Natural persons	Total
1	Electoral Alliance PSD-UNPR-PC	768,794	2,961,175	**3,729,969**
2.	Christian Liberal National Liberal Party - Liberal Democratic Party Alliance	622,140	3,035,099	**3,657,239**
3.	Popular Movement Party	96,000	721,510	**817,510**
4.	Democratic Union of Hungarians in Romania	0	67,302	**67,302**
5.	The People's Party - Dan Diaconescu`	1,000	17,714	**18,714**
6.	The Socialist Alternative Party	0	0	**0**
7.	Hungarian People's Party of Transylvania	100	19,800	**19,900**
8.	Romanian Green Party	0	0	**0**
9.	PRODEMO Party	0	0	**0**
10.	Great Romania Party	0	4,393	**4,393**
	Total donations for political parties	**1,488,034**	**6,826,992**	**8,315,026**

II.	Independent candidate	Total donations		
		Legal persons	Natural persons	Total
1.	Teodor - Viorel - Meleșcanu	0	164,960	**164,960**
2.	Călin - Constantin - Anton Popescu Tăriceanu	50,300	785,968	**836,268**
3.	Monica - Luisa Macovei	78,892	218,028	**296,920**
4.	Gheorghe Funar	4,400	4,200	**8,600**
Total donations for independent candidates		**133,592**	**1,173,156**	**1,306,748**

As shown in the table above the amounts received as donations by political parties, independent candidates, political and electoral alliances for the presidential electoral campaign in Romania are quite consistent and can relieve the state budget from additional subsidies for political parties. In our case we believe that the exclusive financing of electoral campaigns from the state budget is not the solution, the real solution means creating a set of clear and stable rules and procedures that prevent the apparition of "black money" in election campaigns. For example, maintaining the confidentiality of donations (amounts below 10 minimum gross salaries per country) continues to raise suspicions and leads to criticism about the lack of transparency etc.

4. The Danger of External Funding

Another important aspect of the legislative proposal that must be debated is the amendment of provisions regarding the possibility of funding the electoral campaign from external sources. The current provisions[2] prohibiting funding by natural or legal persons from abroad are still kept, but an

[1] http://www.roaep.ro/finantare/wp-content/uploads/2014/11/21-noiembrie-2014-FINAL.pdf, accessed on 7.04.2015.

[2] Currently the law states that campaign funding by foreign natural or legal persons, be it direct or indirect, is illegal (art. 24 paragraph1). Likewise, accepting donations from other states or foreign organizations as well as from foreign natural or legal persons is prohibited (Article 11 paragraph 1) - Law no 334 / 2006 concerning funding of the political parties' activities and electoral campaigns.

exception is introduced namely that funding from Member States of the European Union citizens, residing in Romania, who hold political party membership to whose electoral campaign they financially contribute, is accepted.

Funds from external sources of the electoral campaigns is a vulnerability of the entire electoral process because if that party wins the elections or is in a position to influence the government the possibility that it will be "constrained" to make some "concessions" (contrary to the national interest) by and to the external sponsors.

We understand the desire of the legislator to amend the law in the spirit of the European Union, but we believe that there are several aspects that remained unclear. According to the proposed amendments donations from citizens of the European Union Member States which meet the conditions relating to residence and party membership are accepted but their mere membership in a European Union Member State is not a sufficient guarantee, they still being citizens of a foreign state.

Likewise, the proposed amendment being unclear, there is a possibility that political parties will be externally funded through donations or through the new source of funding - the loan. Romanian companies can finance electoral campaigns even if foreigners or stateless persons or other foreign firms are amongst their shareholders. In these circumstances we believe that it is necessary that the text of the law should provide in the case of these companies a limitation of foreign participation to 20-30% or a more radical solution, eliminating legal entities with foreign or mixed capital from the list of potential donors or from those who can lend money to political parties. In order to endorse this idea, we mention the recent suspicions aroused by a loan given by a Russian bank to the National Front Party (FN) in France given the fact that the Marine Le Pen (the party's leader) constantly praised Russia's actions in Ukraine and blamed the West for the crisis, the FN Members of the European Parliament voting against an European Parliament resolution condemning Russia[1].

5. Conclusion

The present realities have shown that it is no longer possible to fund political parties solely from quotas paid by party members, multiple sources of funding being required for their activities to function normally. Under these circumstances it is imperative to diversify the sources of funding (public and private) and also to ensure transparency thereof in order to avoid any further suspicions.

The proposed amendments to the law on funding of political parties solves some of the current problems (the so-called "electoral charity" etc. being eliminated), but as was shown throughout this article, it does not eliminate them completely, there still being the possibility that the funding will convert itself into corruption. Funding of election campaigns exclusively from the state budget will not solve the problem of corruption, on the contrary there being the possibility that the subsidies managers will not behave like "good managers" which will lead to corruption and create discontent among the population. Keeping the confidentiality of donations and loans, maintaining law vulnerabilities throughout its content by permitting external funding, allows us to conclude by saying that although the modernization of the law was wanted through the proposed amendments, it was not accomplished. We still need clear provisions that cannot be subjected to interpretations and more transparency in the process of funding of political parties.

[1] http://www.hotnews.ro/stiri-international-18652783-frontul-national-partidul-extremist-din-franta-imprumutat-9-milioane-euro-banca-apropiata-kremlin.htm, accessed on 7.04.2015.

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Civil Servants Liability

Iulian Georgel Savenco[1]

Abstract: Today it is inconceivable life under normal conditions without a set of rules that members of society have the obligation to respect. Violation of any rules leads to call to account (political, legal) a person who is guilty of breaking the rules. If civil servant in Romania, as well as for a normal citizen, violation of legal provisions leads to legal liability, because civil servants, even if they have a special status, are obliged to respect them. In this paper we present forms of liability that is committed by civil servants, their particularities and the way to avoid hiring such liabilities namely professional activity in an efficient way, exacting and specific to an administration from a democratic society characterized by the rule of law.

Keywords: legal liability; civil service; civil servant; ethics; deontology

1 Introduction

From the beginning, it is necessary to make the distinction between the concepts of responsibility and accountability in the field of legal sciences. Doctrine (Dabu, 2000, p. 39) defines legal responsibility as “a legal institution which the legislator expresses vocation of persons legally liable for incidental facts and legal acts committed directly or indirectly by other people or by things that are in their administration”. The same author states that unlike responsibility (which he sees as a liability in the abstract, a capacity, a vocation liability) legal liability is “actual responsibility” which the competent authority (court or administrative authority) shall determine after procedures, and finishes with a specific penalty that may be with or without cancellation of the illegal act, return to the previous situation, establishing damages to compensate for damage, respect of the procedure provided by law in relation to taking safety measures (Dabu, 2000, p. 39).

According to specialized literature (Iorgovan, 2005, p.636) this distinction between the two concepts is highlighted in terms of administrative law in several respects. Professor Antonie Iorgovan stated that: “First, administrative law examines responsibility and liability of state administration, secondly, administrative law examines this phenomenon in relation to civil servants and, third, administrative law is concerned by the research of responsibility of citizens to legal norms and to their responsibility for their violation”.

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Based on the above doctrine (Nedelcu, 2009, p.427) it is concluded that the responsibility is the attitude that civil servants adopt in relation to civil authority and beneficiaries, it appears as a "volatile nature and educational event" something that is acquired after a period of time, consciously, that can be modeled, the civil servant must learn to improve himself to cope with all situations that may arise in carrying out specific tasks they occupy in civil service.

In the legal responsibility we share the view (Zaharia, Gh.T. & Budeanu-Zaharia, O. & Budeanu, T.I. & Chiuariu, T.Al., 2001, p.343) that it is "a form of social responsibility consisting of complex rights and related obligations which, regarding law, are born as a result of the occurrence of illegal acts and that form the frame in which the legal sanctions take place to ensure the restoration of order". It follows that the main element that leads to its involvement is committing an illegal act or the existence of a conduct contrary to the law.

Under the legislation[1], violation by civil servants, with guilt, of service duties entails disciplinary, administrative, civil or criminal liability after case. We see thus, that it can be identified four forms of accountability of civil servants:

- disciplinary liability;
- contravention liability;
- civil liability;
- criminal liability.

Given the branch of law that legal rules can be included in by violation of which it undertakes legal responsibility, "distinguished by their different legal nature of protected value", liability can be classified as follows (Cărăușan, 2012, p.396):

a) public liability: disciplinary, administrative, criminal.

b) liability of private law: civil.

We must mention that culpable violation of service duties for themselves can draw one or more forms of accountability, with one exception, namely liability and criminal contravention that cannot be cumulated (Clipa, 2013, p.320).

2 Civil Servants Liability Forms

2.1 Disciplinary Liability

The Civil Service Regulations (Article 77 paragraph 1) provides that culpable violation of duties by civil servants appropriate to civil service that they hold and of the rules of professional and civic conduct provided by law, constitutes misconduct and will result in disciplinary liability. According to the doctrine (Trăilescu, 2010, p. 167) disciplinary misconduct is "a breach of administrative law concerning the correctness of carrying out duties by civil servants".

Also, Mrs teacher V.Vedinaș defines disciplinary liability as "culpable act committed by public civil servants that violates the obligations deriving from the public report or in relation to it and affecting its socio-professional and moral status" (Vedinaș, 2009, Administrative…, p.470).

It constitutes misconduct under Art. 77 paragraph 2 of the Status the following facts:

[1] Art. 75 Law no. 188/1999 regarding the status of public (r2) published in the Official Gazette of Romania, First part, no.600 from 8 Decembre 1999.

a) systematic delay in carrying out the work;
b) repeated negligence in solving tasks;
c) unjustified absence from work;
d) repeated failure of the work program;
e) interventions or insisting on solving applications outside the legal framework;
f) failure to secrecy or confidentiality of work with this character;
g) events affecting the prestige of public authority or institution in which they operate;
h) conduct during the working hours of political activities;
i) failure to perform duties;
j) violation of legal provisions relating to duties, incompatibilities, conflicts of interests and prohibitions established by law for civil servants;
k) other acts provided for misbehavior in the normative acts of the civil service and civil servants.

In the following, we will try to clarify some issues related to consideration of some of the facts presented above as misconduct. Thus, the terms that we find in the Status "systematic delay", "repeated negligence," "repeated failure", were not made by chance but have a particular significance. According to specialized literature (Clipa, 2013, p.324) "misbehavior of facts such as those mentioned, has to be committed as similar multiple acts forms or comparable, showing persistence, consistency, perseverance in illicit conduct".

Regarding the repeated failure of the work program it is considered that it is nothing but a customization (Vedinaș, 2009, p.286) of the offense referred to in letter c) i.e. unjustified absence. In this case, the civil servant does not comply with the work program and he interrupts the normal conduct of his activities through unjustified departures from work for certain periods of time unlike unauthorized absence, situation in which he does not appear to work at all.

If civil servant interferes to resolve claims outside the legal framework, it is the case of misconduct because it always performs with guilt, civil servants legal behavior excluding from the start such requests. On the other hand, failure to secrecy or confidentiality of work refers to the obligation of civil servant not to transmit data or information that he has knowledge, in the exercise of his duties, information that is not publicly available.

Conduct, during working hours, of political activities is a disciplinary offense because civil servants must be politically neutral and they should not favorise any political party. The politicization of the civil service (see Savenco & Pușcă & Lupșan & Gîscă, 2011) almost always led to the emergence of negative consequences in the smooth functioning of public administration, made public servant no longer enjoy stability etc.

This last provision, letter k) of Article 77, paragraph 2, of the Status indicates that the list of acts that constitute misconduct is "limiting" because it mentions the existence of other facts provided as misbehavior in regulations of the civil service and civil servants. Based on Article 73 paragraph 3 letter j) of the Constitution which provides that Civil Service Regulations, shall be regulated by an organic law, we share the view (Clipa, 2013, p. 325) that such provision is unconstitutional because "it allows lower normative acts (in terms of their legal power) to organic law be described and sanctioned misconduct".

For disciplinary offenses aforesaid, legislator provided in the Status (art. 77 par. 3) a series of disciplinary sanctions such as: written reprimand, reduction of wages by 5-20% over a period of up to 3 months, suspension of advancement in wage rates or, where appropriate, to promote public service for a period of 1 to 3 years, demotion in the public service for a period of up to one year, dismissal

from public service. They serve as to “convince” the civil servant to perform properly duties of service.

The concrete reference in the text of the Status of facts that constitute misconduct, and ways of disciplining them, shows the concern of legislator to eliminate any infringement of administrative law as such misconduct prevent the effective exercise of administration.

2.2 Contravention Liability

Contravention liability of civil servants engages in if they have committed an offense during and in relation to the duties of service (Article 83 paragraph 1 of the Status). Contravention, as defined by Government Ordinance no. 2/2001[1], is the offense committed with guilt, established and sanctioned by law, ordinance, by Government decision or, where appropriate, by decision of the local council of the village, town, city or sector of Bucharest, of the county council or of the General Council of Bucharest.

We note that the commission of an act in contravention of the civil servant during and in relation to job duties is “the essential condition” for its liability offenses (Cărăușan, 2012, p.400).

2.3 Civil Liability

Civil liability is the responsibility for damage caused to natural or legal persons by another person who is a civil servant, by failure to fulfill their public duties or their faulty.

This type of liability of civil servants undertake, according to the Status (Article 84) in three situations, namely: a) to damage caused, with guilt, to heritage of public authority or public institution in which they operate; b) for failure to return within the statutory period the amounts that were given unfair; c) for damages paid by the public authority or public institution, as principal, of third parties, under a final and conclusive judgment.

2.4 Criminal Liability

According to art. 86 paragraph 1 of the Status, civil servants liability for offenses committed while on duty or in connection with the duties of civil service they occupy is engaged in criminal law. In this case we can talk about crimes such as bribery, receiving undue benefits, abuse of service, influence peddling, etc.

3 Avoiding the Liability of Civil Servants

In their capacity as carriers of discretional power of public administration, civil servants may manifest abusively by violation of the rights and interests of citizens (Bocănială, 2010, p. 17). In these circumstances, as mentioned above, comes the responsibility of civil servants if the act by which their service duties are violate is committed with guilt. Officials may avoid liability by showing a correct and honest behavior while conducting their duties. This behavior is also found in the doctrine (Albu, 2009, p.90) expressed by the deontological exercise of civil service and “it represents that situation where the civil servant fulfills his legal duties and tasks in a spirit of respect for obligation and meeting the legitimate rights and interests of individuals, natural or legal persons in their capacity as beneficiaries of civil services”.

[1] Government Ordinance no.2/2001 on the legal regime of contraventions, approved and amended by Law no. 180/2002, with subsequent amendments.

Civil service ethics has been defined as "a set of rules of conduct for civil servants to work in public administration, in a post of specific activity, using responsibly, training, qualities and individual skills for implementation of laws correctly, in the interests of citizens and progress of the country" (Mocioi, 2001, p.9 apud Ivanoff, 2010, p. 78).

Specialized literature (Albu, 2009, p. 227) states that unlike other law topics, civil servant liability undertakes responsibility in relation to the two categories of offenses, as were or were not committed in the line of duty or in connection with its function as a civil servant. Thus, if the civil servant commits outside acts unrelated to its quality or performance of duties, he will answer in common law. On the other hand, when the facts are affecting the prestige of public authority or institution where they work, or are committed in the exercise of service duties or in connection therewith, it will result in the liability of the civil servant.

Finally we can say that "civil servant liability occurs both for breach of professional duties derived from labor relation, and for breach of professional and civic conduct provided by law" (Vedinaș, 2007, p.128).

4 Conclusion

From the above, it appears that one of the forms of liability mentioned above to be engaged, several conditions must be fulfilled in: the person who commits the offense has to be civil servant and by its action violated one or more duties and last but not least, this act has to be committed with guilt.

Breach of duties by civil servants, in addition to the liability of the person who committed the act, prevent the development of law enforcement process and lead to decreased citizens confidence in government's ability to meet their needs.

To avoid liability of civil servants and all other negative effects, it is important that the civil service to be performed in compliance with all rules, both those related to moral and especially the legal provisions which outline professional conduct that civil servants must take in performing their duties.

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Linking Government to Academic Research: Lessons from the American Progressive Era

Valentin Filip[1]

Abstract: This paper intends to explore why and how the U.S. government involved academic scholars in the policy-making process during the Progressive Era, with a focus on President Woodrow Wilson's formation and use of the Inquiry. It further attempts to draw upon the lessons learned from this case study in history in order to stimulate new thinking with regard to the interest of the governmental decision-makers in exploiting academic potential. The paper rests mainly on the research dedicated to Progressivism and Wilsonianism and it consists of an analysis based on the literature review and the case study of The Inquiry. The conclusions highlight the impact that the intellectual potential from within universities and research centres might have in informing policies, revealing alternative tracks and finally supporting the process as a whole. Thus, the paper aims to offer "food for thought" for further debates, raise the awareness on the issue of benefiting from a stronger and deeper government-academia relationship and nurture the mutual interest for partnership and even possible integration.

Keywords: government and academia; Progressivism; Wilsonianism

1 Introduction: Progressives and Progressivism in America

At the turn of the 19th and 20th centuries, Progressivism appeared as a reform movement in the United States and evolved for almost four decades to transform the American government and society as a whole. It came in many shapes, as Progressives were equally scholars (John Dewey and Lester Ward) or artists (Woody Guthrie and Upton Sinclair), politicians (Woodrow Wilson and Theodore Roosevelt) or trade unionists (Samuel Gompers and John Lewis), activists (Jane Addams and W.E.B Du Bois) or journalists (Herbert Croly and Ida Tarbell). They all had in common the belief in the idea of Progress and placed a premium on the role of the Government as the main driver of reform.

Born from an era of political turmoil and social unrest, suggestively entitled "The Gilded Age", when America, under the guise of demographic and economic growth, was being predated by corrupted political machines and rapacious corporate trusts, the Progressives took on the mission of "purifying" both politics and the societal dimension. They shared the idea that the changes brought by the Industrial Revolution and modern capitalism needed to be matched with thorough reforms targeting political, administrative, social, and economic issues. The pursuit of Progress called for a new thinking and revision of the intellectual and cultural principles upon which the American state and society were built. Otherwise, graft and waste would have continued to plague a system lagging behind the

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technological advances and entrepreneurial tradecraft brought in with the development of a capitalist system that engendered the risk of running unchecked.

Education was considered a key catalyst of the envisaged changes, since the "living", rational government that the Progressives were attempting to set up was heavily based on the input of educated and skilled civil servants, on the one hand, and intellectuals, on the other. Thus, the whole system, from schools to universities, was redesigned so that their product – education – would constitute the much needed ingredient for reform. Moreover, researchers and professors from the academia were given a bigger part to play in the societal and governmental transformation process.

This paper attempts to examine the Progressive perspectives on education and review how the American administration and government harnessed the energies emerging from the academia in order to project them in the policy- and decision-making realm. It is thus trying to set an example to be further elaborated on. Understanding the making of the American societal and political system and its successful evolution as a democratic regime with a functional market and acknowledging the vital part played by the government-university "partnership" may provide a useful map for the decision-makers and researchers in Romania and elsewhere. They would be able to apprehend the challenges of the American Progressive Era, to reciprocate the positive lessons and avoid the negative ones, by adapting the model to the specificities of their own countries. The more so as the Progressive ideology continues to be an inspiration for contemporary academic debates and political thinking in the United States, In this respect, the case of the Inquiry is indicative of this governmental practice of filling its knowledge gaps and informing its decisions by taking advantage of academic thought.

2 Literature Review

Progressivism

The Progressive movement constitutes an appealing topic for the political scientists and philosophers in the United States due to its long-lasting impact on the American society and politics. Explaining who the Progressives were, what were their central ideas and how their thoughts were put into practice involved the use of secondary sources, primarily, as they have the advantage of hindsight in assessing the main traits and implications of Progressivism. In this respect, the use of such works that document the era provide a valuable contribution and supports process tracing as a tool of qualitative analysis. Hence, Tim McNeese examines the context that led to the emergence of the Progressives in the American society and politics, elaborates on their central tenets and sets forth the effect their perceptions, thoughts and actions had with regard to the system of government and the state-society relationship (McNeese, 2010). Likewise, Karen Pastorello approaches the roots of the movement, its development and lasting impact, but with a focus on Progressive recognition of the social, political, and economic demands of a society and system in the midst of sudden changes brought by the rapidly developing capitalism (Pastorello, 2014). Walter Nugent provides a brief but detailed description and explanation of the American Progressivism, starting with the critical exploration of its origins, then chronologically tackling its representative figures and the endeared principles they shared, and finally assessing their accomplishments (Nugent, 2009). Faith Jaycox elaborates on a step-by-step development of the Progressive movement, chronologically arranged, and distils the main issues situated at the heart of the reformers' thought and action by using eyewitness accounts (Jaycox, 2005).

Primary sources are additionally employed when addressing the Progressive debate in the field of education, either from original texts or from tertiary sources that compile excerpts from major works

of the main Progressive thinkers and actors. John Dewey, as the "father of Progressive education", is a must in this respect. His selected volume is both a landmark exposition of Progressive educational theory and a philosophical study on the role of education in a democratic regime, aiming to discuss the public education reforms and trigger their implementation (Dewey, 1930). Dewey's advocacy of the democracy was a special and interesting endeavour, as in his views democracy was built upon and centred on schools and civil society, two main ingredients that, fused together, would produce an educated citizen able to actively and constructively engage in public affairs, in the very making of the society, the political system and the economical conditions that would ensure his own security and prosperity. Moreover, education would also impact on the citizen's advancement of the self which gives another argument for reflecting on the topic and reconstructing the concrete reality. To complement the understanding of this seminal contribution to Progressivism, Jay Martin's biographical research captures the birth of Dewey's ideas and work in the context of his own life experience, his family and entourage, based on the published papers in the Center for Dewey Studies (Martin, 2002). William and Susannah Link, in their documentary work that collected and interpreted major readings from the Gilded Age and the Progressive Era, expand the horizon with regard to Dewey's thinking, by presenting his views on the integration of schools into a democratic society, on the fusion of civics and politics through education, as a necessary step in order to fulfil the needs of a modernizing America (Dewey, The School and Society, 2012). Widening the context to the whole Progressive movement, David Labaree's article is vital for understanding the differences Progressive views on education, explaining their divergences and similarities, and assessing their reification in the policy-making process (Labaree, 2005).

Wilsonianism

Due to his huge impact upon world politics, in both theory and practice, Woodrow Wilson is a very popular figure among researchers and authors in the field of political science and international relations. In fact, his valuable contribution to both academic research and concrete politics was so highly appreciated that it gained him the addition of the suffix "-ism" to his name. Wilsonianism was thus born and although it is generally associated with the formulation of foreign policies in the international realm, this paper proposes a wider interpretation of the concept, placing Wilson's thought and action in the Progressive and Liberal environment from which Wilson emerged as a man, intellectual and politician. Therefore, Wilsonianism is considered from a dual perspective encompassing both the internal and external dimension of Wilson's influence on American politics and policies. Ronald Pestritto offers a precise account of Wilson's role in rethinking and reshaping American domestic society and international behaviour (Pestritto, 2005). Moreover, Pestritto's work added value consists in determining the connection between the ideas that Wilson nurtured during his academic career, as student and professor, and the actions he undertook as a public leader in office, first Governor of New Jersey and then President of the United States. From a different angle, Paul Gottfried examines the Wilsonian legacy and defines Wilson's policies as revolutionary, aiming to transfer the democratic reforms at home to the world stage: he was thus attempting to bridge what in international relations terms was dubbed as "the Great Divide" between the domestic and foreign political realms (Gottfried, 1990).

Biographical writings bring also depth and scope to the attempt of examining the genesis of Wilson's ideology and its actual implementation. Scott Berg laboriously defines Wilson as a true architect, one that offered a model for higher education when he was leading Princeton, a model for a different type of government, still liberal but more interventionist, when he took his mandates at the White House,

and a model for a new international system, based on a democratic world order, when he rose on the world stage at the Paris Peace Conference in 1919 (Berg, 2013). Charles Zorgbibe vividly portraits Wilson as a crusader, always campaigning in the name of democracy for the weak and the poor, be it students at Princeton, ordinary American people, or nations around the world (Zorgbibe, 2003). Less objectively documented but equally important are the half-biographical half-testimonial writings authored by witnesses to Wilson's life and evolution since they are more endowed to make the readers feel and have a grasp of the era. William Allen White, himself a prominent Progressive leader, attempts to uncover the man behind the facade of the political leader, unveiling Wilson's temper and feelings, his ideals and troubles, and placing him as a part of the higher forces which were moulding America at the time (White, 1925). Joseph Tumulty, Wilson's former private secretary, provides a biography, based on his own personal observations, that sketches a decision-maker willing to be counselled, to accept third views, and to inform himself or be informed by different perspectives (Tumulty, 1921).

The Inquiry and the Peace Conference

A great deal of research was dedicated to the Paris Peace Conference of 1919, as one of the most intense, long-lasting, all-encompassing and high-impact diplomatic events in world history. The U.S. delegation to the peace talks presented an interesting feat: prior to the departure to Europe, it was informed by the research of a group of scholars from the academia set up by Wilson – the Inquiry, and their work continued during the conference itself. The aim is to study the role of this group, virtually a think-tank, in the decision-making process that produced the American official position papers and projects. Lawrence Gelfand offers one of the most in-depth studies with regard to the Inquiry, a masterpiece of documentary research, displaying how the group was formed, how it worked and how it was connected to the policy-making process, as well as a critical analysis, anatomizing the lack of expertise and/or professionalism revealed throughout the Inquiry's evolution, from its structural inception to the final delivery of its products (Gelfand, 1963). Peter Grose briefly pictures the context which led to the creation of the group but, more importantly, presents the Peace Conference from a different angle, the backstage of the experts and scholars that were preparing the meetings of the high officials (Grose, 1996). Focusing on this unofficial perspective, on the peace-making rather than the formal texts of the treaties is the main reason for choosing personal accounts from participants to the Conference in 1919 as references. Ray Stannard Baker offers both selective glimpses of the American delegation in action, with the aim of clarifying the understanding of Wilson's work in Paris, together with his experts and scholars (Baker, 1919), and a documentary record of the activity of U.S. representatives, consisting of original letters and minutes, that expose the informative process that led to decisions and actions (Baker, Woodrow Wilson and World Settlement (volume III), 1922). David Hunter Miller collected an impressive number of documents, a great deal of them elaborated by members of the Inquiry, circulated at the Peace Conference among the members of the American delegation, allowing for a potential correlation of what has been proposed by scholars and adopted by decision-makers (Miller, 1924). Edward House, a proponent of the group that actually established its composition, and Charles Seymour, a senior member of the Inquiry that took part in the American Commission to Negotiate Peace in Paris, tell the inside story of the American delegation in Paris by compiling a series of essays from the participants, most of them previously members of the Inquiry, and reveal how their recommendations constituted the foundation upon which the political decisions rested (House & Seymour, 1921).

3 New Views on Education: Government and Academia during the American Progressive Era

Progressivism: a brief outlook

By the end of the 19th century, the United States were in the midst of complex changes. In the decades that followed the Civil War, an urban and multicultural society had emerged, fueled by the industrial growth and immigration. But the phenomenon of technological and economic modernization was also accompanied by less desirable evolutions, in that a handful of politicians and businessmen sought to control most dimensions of the Americans' life and thus enormously prosper. It was at this time when voices from different backgrounds and in different circles started to be heard, asking to reclaim "a decent society from the forces of economic rapaciousness by expanding the role of collective social action" and "a decent politics – and even democracy – from the forces of corruption that had seized it" (Jaycox, 2005, p. iv). They were warning of the dangers presented by the unlimited power wielded by economic trusts and corrupted politicians and felt that, although America was still "a great nation, but one that still had flaws, gaps in opportunity, and where many people lived in poverty" (McNeese, 2010, p. 90). Their perception was that "the individual and even democracy itself appeared to have been swallowed whole by a huge new economy and a new way of life" (Jaycox, 2005, p. viii) and they simply felt "it was unfair and unjust" that "the rich were getting richer – far richer – than most people" (Nugent, 2009, p. 6). And "most people" was the focus of choice for many of these critical voices; obviously, "this emphasis on ordinary Americans meant that previously unrecognized or marginalized groups attracted" (Pastorello, 2014, p. 9) the attention: debates on women, Native and African Americans, immigrants from around the world, even the workers, added to the already discussed WASP (White-Anglo-Saxon-Protestant) community.

Given their natural propensity to foster hope and to seek progress through changes, these reformers were later labeled Progressives, although they did not constitute a monolithic community but rather a very diverse one. "Progressivism manifested itself in everything from railroad regulation to woman suffrage to immigration control to realist art and literature to the first real mass media and paved roads" (Nugent, 2009, p. 3) and as such included sympathizers and activists from a wide spectrum: "religious leaders, businessmen, professionals, civic leaders, settlement women, suffragists, African Americans, civil right advocates, union members, nativists, immigrants, workers, farmers, and politicians" (Pastorello, 2014, p. 12). In politics they were both from the Republican and Democratic parties and ran as wide as Socialists and Radicals, not to mention that they have even established a short-lived Progressive Party. The bottom line is that "there were many varieties of Progressivism and Progressives" (Nugent, 2009, p. 3) which made it difficult to provide a general, valid definition of the whole ideology. In fact, "the fundamental question of how to define progressivism continues to perplex scholars to this day", realizing that "Progressivism is not a cohesive, unified movement but, instead, the sum of a variety of reform efforts" (Pastorello, 2014, p. 10). In this respect, some may even find adequate the simplistic approach put forth by Justice Potter Stewart: "I know it when I see it" (Murphy, 2013, p. 7).

However, there are some common traits generally tying Progressives together, in terms of motivation or belief. The belief of virtually all Progressives was that there really existed a common good and a public interest (Nugent, 2009, p. 3), specifically that "a society should be fair to its members" (Nugent, 2009, p. 5). They "embraced a religious and secular faith in individual self-determination that infused every area of human behavior" (Murphy, 2013, p. 11), a feature that would become a central theme of Wilsonian action abroad, and strove "to first identify and then to remedy the problems" (Pastorello, 2014, p. 7) emanated from a society that was industrializing, urbanizing and receiving a

growing number of immigrants. The pitfalls of these economic and social changes consisted in the emergence of “unwelcome, un-American imbalances in their society”: “a new class of ostentatious millionaires, monopolistic and out-of-control corporations, conflict (often violent) between workers and capitalists and supine responses from governments” (Nugent, 2009, p. 2). Governmental languor to these ills was caused both by the lack of institutional and legal instruments, specific to the de-regulated environment of the late 19th century, and, to a greater extent, to a corrupted system that paralyzed all levels of government: local, state and federal. One source of corruption consisted in “the spoils system of job distribution: few publicly funded jobs were funded competitively on the basis of qualifications, abilities, or merit” (Jaycox, 2005, p. 78). The jobs were instead distributed by political machines, the major urban political organizations, and their bosses on the basis of political loyalty or financial support. Then was graft, an ordinary practice at the time, even normal: “men who were otherwise honorable saw no conflict in accepting financial rewards, gifts, commissions, or retainers from businesses and individuals whom they assisted” (Jaycox, 2005, p. 78). Hush money was the virtual currency from both organized crime and legit businessmen and it was given for “inside knowledge of future business or public projects” or “for petty offices and for utility franchises”, be it “transit, paving, street cleaning, police protection and in some places even public schools” (Jaycox, 2005, p. 78). This black, invisible administration controlled the existence of entire communities and even the whole nation and its architecture was resistant to change: the bosses were not elected, but instead they were supporting the actual candidates, sometimes nominated by them, and as a result the election process. Bettering the society, politics and economics through reform was then the key dimension of the Progressive spirit, “the very openness to change, that conviction that something needs to be done” (Nugent, 2009, p. 3).

“Good governance” and scientific administration

Government was not only a part of the problem – it was also a part of the solution and most Progressives shared the belief that it was the tool of choice “to regulate economic problems, ameliorate social ills, and reconcile change with tradition” (Nugent, 2009, p. 3). But a different government was needed, since the older one was ill-qualified and corrupted, a new kind of government that “would rely on experts – well educated, highly trained, social and political scientists” (McNeese, 2010, p. 90) to bring knowledge and expertise in the public affairs. On the other hand, the moral dimension would be preached and overseen by “social gospellers”, teachers/priests that “merged the sacred and the secular” to address social problems and promote social change “by following Christian doctrine” (Pastorello, 2014, p. 66), “muckrakers”, pioneers of investigative journalism that were revealing social problems to the public opinion, and other philosophers or sociologists.

Governmental regulation was thus considered a vital condition for the quality of life of individuals, communities, and the nation. Progressives demanded “a more streamlined and efficient activist government that involved itself in American life”: the state was practically required “to step in to play a more active role in solving social, economic, and political problems” (Pastorello, 2014, p. 8), since it was imagined as the most effective means of “social action on behalf of the people” (Jaycox, 2005, p. viii) that could counterbalance selfish private interests. In this respect, “an active and enlarged government” (Jaycox, 2005, p. viii), an interventionist one in modern terminology, was the best instrument to protect ordinary citizens and democracy itself from “the behavior of trusts and the powerful businessmen who had manipulated the traditional language of individual rights to assume unprecedented control over the economy and even the government itself […] and the political malfeasance” of the corrupted and potent political bosses (Jaycox, 2005, p. viii). Disinterested

activism, private charity and pure research were not enough by themselves; they needed to be supplemented by new legislation and public services in order to provide better standards of living. The main functions of the government were to bring social justice, "through redistribution of resources, anti-trust laws, government control over details of commerce and production", and to ensure the development of its citizens, "through protection of the environment, education, and spiritual uplift" by promoting arts and culture (West & Schambra, 2007).

Government started to appeal to Progressive intellectuals as a topic of research and sometimes even as a profession. Reform activism had a particularly strong intellectual inspiration. James' and Mead's "theory of pragmatism emphasized applied knowledge rather than abstract concepts […] and stressed the importance of using practical action to press for societal reform" (Pastorello, 2014, p. 67). Reforms were assessed in measurable terms of success and the job of the reformers was to push for positive changes "with the assistance of the government to right the wrongs of American life" (Pastorello, 2014, p. 68), and to inform the policy- and law-making processes. In time, these intellectuals, as well as activists from civic groups, turned into "quasi-official and later even official arms of government" (Jaycox, 2005, p. viii), as "investigative bodies and expert advisers", or "brain trusts", intended to help public authorities to alleviate corruption and implement reform (McNeese, 2010, p. 91).

The entire political and administrative system, as a "dynamic, evolving instrument of social change", was built upon "scientific knowledge and the development of bureaucracy" (West & Schambra, 2007). In this context, education was indispensable to government and to the whole reform process of both state and society. It was not just a recruitment pool for professional, competent bureaucrats, but a source of knowledge and expertise for policy. Moreover, it was crucial for the creation of an educated, informed and thus empowered citizen as the actively engaged resource in democratic politics. As such, education as a domain became the focus of Progressive debates and proposed reforms.

Progressive education in a democratic society

The heterogeneous character of Progressivism was also present in the education field. Some historians point at administrative and pedagogical progressives, others divide them into conservative and liberal, while a last category define three schools of thought focusing on social efficiency, child development and social reconstruction (Labaree, 2005, p. 279). Despite similarities such as the dissatisfaction with traditional education or the belief in developmentalism, which meant adapting education to "the capacities of students at particular stages of intellectual and social growth" (Labaree, 2005, p. 283), these strands were fundamentally divergent. While contemporary debates revolve around progressive pedagogy, centered on the nature of learning, needs of the students, and class methodology, the debate in the Progressive Era was won by administrative progressives and their utilitarian vision grounded in scientific curriculum-making and efficient management practices (Labaree, 2005, pp. 281-282). Their success was determined by their better appeal to "people in power, because business and political leaders were attracted to a mode of educational reform that promised to eliminate waste, to organize and manage schools more efficiently, to tailor instruction to the needs of employers, to Americanize the children of immigrants and to provide students with the skills and attitudes they would need to perform and to accept their future roles in society" (Labaree, 2005, pp. 284-285). Utility also had the upper hand over the romantic vision that held in high regard the will and needs of the child (Labaree, 2005, p. 285). Another powerful argument was the authority of science preached by the administrative progressives, eager "to prove the value of their reforms" as well as their "focus on the management of schools and the structure of the curriculum" (Labaree, 2005, p. 285). Last but not least, the fact that

Dewey, a major figure in the camp of the pedagogical progressives, moved early to the higher education system (Labaree, 2005, p. 285), was a decisive blow. However, his ideas on learning and schooling were to become a legacy of the era and in the same time penetrated in the upper spheres of the education realm: universities.

Impelled by the state and societal support, American institutions of higher education encouraged "a scientific approach to agriculture, science and engineering", while in the liberal arts "concentrated on research and developing new disciplines" (Pastorello, 2014, p. 89). In their quest for recognition and capital, universities "professionalized" the social sciences field, providing graduates with skills and ideas for policy-making and public affairs. In the same time, "professors sought public recognition and influence as policy experts in their chosen fields of government and public administration" (Pastorello, 2014, p. 90). The result was that in the Progressive Era, more children and students attended schools and universities than ever in the educational history of the United States (Pastorello, 2014, p. 135) in order to satisfy the rapidly growing needs for "better-educated and trained public, as the society became more urbanized and, at least in certain sectors, more technological" (Nugent, 2009, p. 56). The new research establishments held a different view on societies, economies and policies, in that they were treated as a whole organism. Previously adherent to a rationalist dogma, they now considered that reforms and policies "should be based on empirical evidence, evaluated and sifted by experts in sociology, political economy and allied sciences, who would then devise programs and policies that governments would effectuate for the benefit of the social organism" (Nugent, 2009, p. 59).

John Dewey stood tall among the Progressives. He emphasized the role of schools as social settlements and the need to discuss educational reforms "in a broader, social view" (Dewey, The School and Society, 2012, p. 244). Viewing "public schools as potential agents for social change" (Pastorello, 2014, p. 68), he proposed "radical reforms in public schools curricula" (Pastorello, 2014, p. 133). He had a wider vision than most, projecting schools as "a vital tool to encourage students to become active, responsible citizens who could and would engage as members of a social group in their neighborhood and wider communities" (Pastorello, 2014, p. 134). Thus, educational institutions were a vibrant part of the democratic society, and constituted in themselves "a miniature community, an embryonic society" that needed to be "freed from all economic stress" in order to "open all the possibilities of the human spirit" (Dewey, The School and Society, 2012, p. 244). Education was imagined in its multidimensionality, as "a necessity of life", "a social function" securing "direction and growth in the immature" individual or nation, but in order to fulfill its true purpose it needed to democratize itself in terms of both management and pedagogy (Dewey, Democracy and Education. An Introduction to the Philosophy of Education, 1930). His principles never became dominant in educational philosophy in terms of class practice oriented toward the student, but they have contributed to the proliferation of the view that schools and universities are the means for the development of critical, applied, socially engaged intelligence that increases the awareness of the citizens with regard to public affairs, their understanding of the matter and the competences to effectively participate in decision-making.

4 Wilson and the Inquiry at the Paris Peace Conference (1919)

True to the Progressive spirit, Woodrow Wilson, himself a highly reputable scholar, infused the politics and policies he pursued with the beliefs and ideas of the time. "Exposed to the historical, progressive thinking" of the age, Wilson's most eloquent stance as a Progressive was visible in his opposition to the more libertarian conception of the constitutional system, as proposed by the

Founding Fathers (Pestritto, 2005, p. 10). He wanted a stronger interventionist state, capable of fighting private interests, surging from politics or economics, as the only representative of the common will. In the foreign realm, two capital legacies of Wilsonianism – self-determination and the League of Nations – were based on the historicist and humanist view of the Progressives that believed democracy was the next logical step in the evolution of humanity towards greater civilization and progress.

A case in point is the work a group of scholars and experts – the Inquiry – that Wilson accepted, greeted and used as a basis for policy and action. Moreover, he encouraged their participation to the Paris Conference as members of the American Commission to Negotiate Peace. "It all started as an inquiry, indeed, […] of a working fellowship of distinguished scholars tasked to brief Woodrow Wilson about options for the postwar world" (Grose, 1996, p. 1). Although there is some debate with regard to the actual proponent of creating this "academic band", Colonel House, Wilson's "proto-national security advisor", is credited with this idea aimed at arranging "the U.S. presence at the Peace Conference" and establishing "reliable sources of information about conditions in Europe" (Grose, 1996, p. 3). It is also worth mentioning that the Department of State, led by Bryan, also had the intention to create such a group but (Gelfand, 1963, pp. 14-15), due to "turf-battles", the move was patronized by the White House. In other words, the administration lacked the knowledge and expertise on a number of issues it was expecting and anticipating to discuss in Paris. In fact, even Wilson "had received little formal training in international affairs, nor had he previously manifested any serious involvement in questions of foreign policy" (Gelfand, 1963, p. 1). Anyhow, the President clearly welcomed their recommendations. In fact, six of his famous "Fourteen Points" are based on a report produced by the Inquiry in January 1918 (Baker, Woodrow Wilson and World Settlement (volume III), 1922, pp. 23-41). Since the pursuit of American war and peace aims "might have easily hinged on the very preparations placed by President Wilson in the charge of Colonel House" (Gelfand, 1963, p. 32), the composition of the group was critical. The decision was then to recruit and select mainly professors, since the work of preparing the Conference was intended "to fall within the province of academic scholarship" (Gelfand, 1963, p. 33). Indeed, this "doctrine of government planning making use of expert counselors had emerged as a salient feature of progressive thought" (Gelfand, 1963, p. 33). The result is obvious from the anatomy of the Inquiry (Gelfand, 1963, pp. 53-68): 65% of the members studied in four top universities – Harvard, Yale, Columbia, Chicago – and approximately half of them were researchers and professors in five academic centers of excellence: Harvard, Yale, Columbia, Chicago, Stanford and the American Geographic Society. The human resources "recruiters", most of them renowned intellectuals (Sidney Mezes, Walter Lippmann, Newton Baker, Archibald Coolidge, James Shotwell), who also played the role of leaders and moderators in the group, complained about the difficulty of identifying "qualified talent", "genius" on specific issues. Even though some of the enrolled experts might have been the result of compromise, it may still be concluded that the Inquiry was trying to select "the cream of the crop" from the American academia. It is also worth mentioning that openness and interest were not displayed only by the government, the same response came from the academia: academic societies and universities offered donations and provided logistics, while political scientists, law and economics professors, sociologists, historians and philosophers rushed to provide their CVs in order to "serve the country" (Gelfand, 1963).

In Paris, the former members of the Inquiry left their study groups and libraries in order to work on multinational committees not for research but for pragmatic solutions: "they found themselves down from the ivory tower, testing something with their feet that might be either rock or quicksand" (Grose, 1996, p. 5). Although the story of the Peace Conference is generally told from the political and diplomatic perspective, different talks were held in parallel, "in congenial and civilized encounters"

where ideas were shared and expertise was forged. These scholars redrew frontiers, arranged for economic treaties, formulated principles and designed institutions (Grose, 1996, p. 5). Although their work was eventually altered due to national interests and political action, their contribution was nevertheless valuable. “The final decisions rested with others, but these decisions were largely based upon facts and opinions” provided by scholars and it may be said that “the voice of the United States during the memorable Conference at Paris […] found its first comprehensive and authoritative expression” (House & Seymour, 1921, pp. vii-viii) in the collaborative work and reflection of the “academic band”. In fact, House’s and Seymour’s volume stands proof for the input of the academic laboratory into the political decision-making process.

Learning the lessons from the American Progressive Era leads to an obvious conclusion: good governance is depending on an increasing flow of talented scholars and knowledgeable expertise from the academia. Leaving common interest and openness aside, public authorities simply do not possess a better alternative to academic study as a guide and framework for statecraft.

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