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INTRODUCTION

The issue we propose through our journal covers a wide range of aspects with a distinctly interdisciplinary character. In this regard, through the originality and research directions put forward, the studies within this issue address current research topics, some of which examine the recent past in a synergistic relationship with the present.

Thus, this collection of articles brings together diverse and thought-provoking research spanning multiple disciplines, offering valuable insights into historical, legal, political, and economic issues. The authors, including Ph.D. candidates and experienced researchers, explore topics of contemporary relevance and historical significance.

From Imad Abu Reesh's analysis of multiculturalism in Israel and Mihai Bufan's proposal for European decarbonization and competitiveness, to Ciprian and Dragoș Păun's studies on Romania's constitutional evolution, these papers shed light on critical socio-political and legal transformations. Vlad Grigorescu examines the role of expertise in administrative decisions during France's health crisis and the influence of Jean Carbonnier on French civil law, while Doru Dumitrescu highlights the historical impact of the Filipescu family in Romania. Ioana Maria Rus revisits Nicolae Ceaușescu's 1973 visit to Italy as a key moment in Romanian-Italian relations, and Adriana Cristian addresses the pressing issue of IT skills development through dual education.

Together, these studies contribute to a deeper understanding of governance, law, history, and education, offering fresh perspectives on challenges and opportunities in both national and international contexts.

CONTENTS

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MULTICULTURALISM IN ISRAEL: IDEOLOGY AND LEGAL-POLITICAL REALITY – AN EXAMINATION OF THE IMPLICATIONS OF THE NATION-STATE LAW

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ABSTRACT

This article offers an in-depth examination of multiculturalism in Israel, with a specific focus on the Nation-State Law (2018) and its implications for minority rights, national identity, and democratic principles. Drawing upon theoretical frameworks proposed by leading scholars such as Will Kymlicka, Bhikhu Parekh, and Charles Taylor, the article underscores tensions between Israel's Jewish character and its commitment to safeguarding the rights of non-Jewish communities, including Arabs, Druze, and others. Additionally, the complexity of the judiciary is explored, highlighting how Supreme Court rulings intersect with debates over cultural recognition, land rights, and educational policies. Ultimately, the text concludes that although Israel exhibits many characteristics of a multicultural society, the Nation-State Law creates structural barriers undermining genuine inclusivity. Several recommendations are presented to enhance legal, educational, and social policy aspects, potentially aligning Israel's democratic aspirations with its inherent multicultural potential.

KEYWORDS: *democracy, minority rights, multiculturalism, nation-state law*
J.E.L. Classification: K38, K41, Z13

1. INTRODUCTION

1.1 GENERAL OVERVIEW OF MULTICULTURALISM IN ISRAEL

Multiculturalism in Israel is not merely a theoretical phenomenon occurring within an abstract context; it represents a tangible and diverse reality profoundly influencing everyday life. While certain countries proudly promote cultural pluralism as a guiding principle or political goal, the Israeli context is uniquely intricate due to its multi-layered ethnic, religious, and national mosaic. The state's population comprises successive waves of Jewish immigrants from various countries and cultures, indigenous Palestinian-Arab communities, Druze villages, Bedouin tribes, and numerous other religious and ethnic minorities (Avnon & Benziman, 2010; Ben-Youssef & Tamari, 2018).

This diversity, on the one hand, forms a rich socio-cultural tapestry; on the other hand, it frequently leads to ideological, national, and social conflicts. These tensions become particularly pronounced when analyzing the state's character, explicitly founded as the nation-state of the Jewish people, yet simultaneously committed to democratic values. While declarations, legislation, and policies formally aim to protect the rights of all citizens, including non-Jewish minorities, their practical application and interpretation are often inconsistent.

Historically, the democratic commitment to full representation and minority rights drew inspiration from Israel's Declaration of Independence. However, the practical tension between a pronounced Jewish nationalism and comprehensive civic equality persists. Issues

relating to land policy, the status of the Arabic language, the educational system, and religion-state relations all reflect the conflict between competing values and the challenges of genuinely implementing multiculturalism (Ben-Youssef & Tamari, 2018).

A significant turning point in this discourse occurred with the enactment of the Basic Law: Israel – The Nation-State of the Jewish People ("Nation-State Law") in 2018. Supporters view this law as a crucial legal consolidation of contemporary Zionism, clearly delineating the Jewish-national character of the state. Critics, however, argue that it institutionalizes discrimination against non-Jewish groups, especially Arab citizens, Druze, and other minorities, thus undermining democratic aspirations for equal rights (Adalah, 2019; Karayanni, 2021).

The debate over the Nation-State Law transcends technical legal discussions, touching upon foundational elements of Israel's social and political order. It highlights the critical question of whether, and how, it is possible to bridge the gap between Israel's definition as a "Jewish state" and the democratic imperative to protect minority rights and acknowledge cultural diversity (Mautner, 2012). This dilemma involves not only legal interpretations and policies but also issues of legitimacy, collective identity, and minority groups' sense of belonging within Israeli society.

1.2 RESEARCH OBJECTIVE AND SCOPE

This study aims to analyze the impact of the Nation-State Law on Israel's legal and political realities through a multicultural perspective. Although the concept of multiculturalism has long been integrated into public discourse and, to some extent, legislation and policy, there remains a persistent clash between Zionist-national tradition and minority demands for recognition and equality (Haj-Yehya, 2016; Mautner, 2012). The enactment of the 2018 law accentuates this tension: Does the law represent a legitimate expression of the Jewish majority's national rights, or does it undermine fundamental multicultural principles by marginalizing non-Jewish groups? To explore this, the study examines several dimensions:

1. Legal frameworks: Analysis of the law itself, related legislation, and judicial interpretations by Israeli courts.
2. Judicial system: Examining the Supreme Court's role as a mediator in cultural rights disputes, national identity issues, and community autonomy.
3. Minority group experiences: Identifying and illustrating the practical impacts of the law and its legal infrastructure on the everyday lives of Israeli Arabs, Druze, and other minority groups.

Specific research objectives include:

1. Evaluating the theoretical foundations of multiculturalism and its practical implementation (or lack thereof) within the Israeli context (Kymlicka, 2004; Parekh, 2007; Taylor, 1994).
2. Analyzing the Nation-State Law's content and implications for strengthening or weakening minority rights, focusing on language, education, and political representation.
3. Assessing the judiciary's role, especially the Supreme Court, as an actor shaping Israel's multicultural space, balancing legislation and judicial rulings, democratic values, and constitutional favoritism toward the majority.
4. Proposing policy measures and educational reforms that could enhance genuine multiculturalism, balancing Israel's Jewish identity and democratic commitment to full equality for its non-Jewish citizens.

1.3 KEY TERMS AND CONCEPTS

Multiculturalism: A policy or societal approach encouraging acknowledgment of diverse cultures within the same national space, aiming to promote tolerance and equitable representation of various groups (Kymlicka, 2004; Taylor, 1994; Parekh, 2007).

Minority Rights: Legal protections and policies intended to ensure that smaller groups, lacking dominant political or cultural influence, can preserve their uniqueness and have equitable access to resources and power (Avnon & Benziman, 2010).

Nation-State Law: A basic law enacted in Israel in 2018 that defines Israel explicitly as the nation-state of the Jewish people, emphasizing Hebrew's status while reducing Arabic's official standing, and addressing issues such as Jewish settlement and religion-state relations (Adalah, 2019).

Palestinian-Arab Minority: Israeli citizens identifying as Arab or Palestinian, constituting approximately 20% of the population, whose perspectives often differ from those of the Jewish majority on national, religious, and cultural issues (Ben-Youssef & Tamari, 2018).

Jewish-Zionist Nationalism: An ideological conception viewing Israel as the realization of Jewish national self-determination, emphasizing its national-cultural characteristics and the historical-religious connection between the Jewish people and the land (Mautner, 2012).

These emphases illustrate that questions of multiculturalism and minority rights in Israel extend beyond formal legal frameworks, significantly impacting the country's social, economic, cultural, and political arrangements. This study provides a comprehensive analytical framework to critically discuss these issues, examining the boundaries of Israeli multiculturalism in the Nation-State Law era.

2.THEORETICAL BACKGROUND AND PROFESSIONAL LITERATURE

The discourse surrounding multiculturalism in Israel is deeply embedded in a variety of theoretical frameworks and ideological approaches addressing how pluralistic societies should accommodate culturally, ethnically, and religiously diverse groups. The research literature presents multiple models of multiculturalism, emphasizing liberal, critical, and recognition-based approaches. The following sections provide an integrative overview of these frameworks and their primary characteristics within the Israeli context.

2.1 DEFINING MULTICULTURALISM: LIBERAL, CRITICAL, AND RECOGNITION-BASED APPROACHES

The theoretical discussion on multiculturalism within political theory has gained momentum since the late twentieth century, responding to challenges posed by immigration, indigenous minority rights, and demands for cultural recognition. Three central theoretical perspectives are outlined below:

1) **Liberal Multiculturalism: Will Kymlicka (2004)** is among the prominent theorists advocating this approach, conceptualizing multiculturalism as an extension of liberal-democratic theory. According to Kymlicka, democracy is rooted in liberal values, such as individual freedom and civil rights; however, when one cultural group constitutes a majority, it often assimilates minority cultures, either explicitly or implicitly. To prevent forced assimilation, Kymlicka emphasizes institutional recognition of minority-specific rights, including educational autonomy or linguistic protection (Kymlicka, 2004). This perspective seeks a balance between universal liberal values—individual liberty and formal equality—and the recognition that minority groups require distinct legal or administrative frameworks to preserve their unique identities.

2) **Critical Multiculturalism: Bhikhu Parekh (2007)** offers a theoretical lens examining the structural barriers embedded in society and its institutions. He argues that formal legal recognition of cultural minorities or rhetorical commitments to diversity are insufficient unless accompanied by active measures to rectify historical injustices and persistent inequalities resulting from past power dynamics. For instance, even if a state recognizes minority cultural rights, systems of law and economy may continue to perpetuate stereotypes or discrimination against minorities (Parekh, 2007). Parekh contends that equality legislation is inherently limited if not combined with the dismantling of discriminatory institutions, such as unequal resource allocation or educational curricula dominated by majority narratives. This approach moves beyond a narrow liberal perspective of mere acknowledgment of cultural diversity toward structural corrections in societal, economic, and political frameworks inherently biased toward majority interests.

3) **Theory of Recognition- Charles Taylor (1994):** underscores the critical importance of "recognition" as foundational for authentic multiculturalism. According to Taylor, multicultural societies require not merely formal or legal recognition but moral and symbolic affirmation of the status of diverse cultures. This means the state and majority should not merely tolerate minorities as an unavoidable "other," but genuinely affirm and respect cultural differences (Taylor, 1994). Without such recognition, Taylor argues, minorities remain vulnerable, experiencing delegitimization and marginalization, thereby being deprived of a sense of belonging in public life. The dominant culture then expands its influence, leaving minimal space for minority languages, rituals, and values.

2.2 KEY THEORISTS AND CONTRIBUTIONS

Building upon these primary theoretical approaches, the contributions of leading scholars who have translated theoretical concepts into political practice and influenced governmental policies and judicial decisions can be further explored.

1) **Will Kymlicka (2004):** His work has significantly informed discussions concerning Western states striving to reconcile universal liberal values with special minority rights, aiming to prevent assimilation and discrimination. He advocates for a "liberal multiculturalism" approach that enables minority groups to preserve their identity while upholding fundamental liberal principles protecting individual rights.
2) **Bhikhu Parekh (2007):** Aligning with the critical approach, Parekh examines histories of institutional inequality and discrimination, emphasizing that mere equality-focused legislation is insufficient to reverse entrenched minority disadvantages. He advocates ongoing corrective measures, including profound structural reforms in governance, societal norms, and educational institutions.
3) **Charles Taylor (1994):** Taylor contributes a philosophical-cultural dimension to the debate by emphasizing recognition and mutual respect. According to Taylor, achieving multiculturalism demands more than providing basic rights; it requires creating conditions in which minorities can culturally flourish and receive acknowledgment of their cultural contributions to public life.

2.3 APPLICATION WITHIN THE ISRAELI CONTEXT

Analyzing these theoretical approaches in the Israeli context reveals heightened complexity arising from historical, demographic, and political factors:

1) Historical Background and State Formation: The establishment of the State of Israel in 1948 and its ongoing struggle to balance Jewish and democratic identities introduced unique legal and political dimensions (Avnon & Benziman, 2010; Saban, 2004). For example, the Law of Return grants automatic immigration rights to Jews worldwide, whereas indigenous non-Jewish communities have historically lacked equivalent institutional preference. Although Kymlicka's liberal perspective would support granting distinct rights to Arab minorities, the politically dominant majority typically resists relinquishing privileges, especially regarding land allocation and symbolic representation (Saban, 2004).
2) Indigenous Arab-Palestinian Minority: The Palestinian-Arab minority, constituting approximately 20% of Israel's population, are not immigrants or foreigners, but an indigenous population historically subjected to dispossession, displacement, and marginalization since 1948 (Ben-Youssef & Tamari, 2018). Critical theorists argue this history intensifies state responsibility to acknowledge past injustices and implement corrective policies. In reality, Arab minorities face significant barriers in public resource allocation, education, and employment, indicating that formal equality legislation has not eradicated discrimination (Parekh, 2007).
3) The Necessity of Mutual Recognition: In alignment with Taylor's (1994) arguments, fulfilling multiculturalism requires mutual legitimacy between Jewish-majority and non-Jewish minority narratives. In Israel, this necessitates confronting deeply entrenched national narratives—Zionist versus Palestinian or Arab. Many within the Jewish public fear that expansive pluralistic recognition could erode Jewish majority status. Conversely, many Arabs view meaningful recognition as essential, as its absence leaves them marginalized within the public sphere (Ben-Youssef & Tamari, 2018).
4) Nation-State Law as a Practical Challenge: Israel's 2018 Nation-State Law, defining Israel explicitly as the Jewish nation-state, underscores tensions between liberal claims advocating clear minority rights and legal-political realities favoring Jewish majoritarian institutions. Critical theorists argue this law entrenches institutional exclusion of Arab minorities (Adalah, 2019; Karayanni, 2021). From Taylor's perspective, this diminishes recognition extended to minorities, further heightening societal and political alienation.
5) Security and National Identity Issues: Following Parekh's critical approach (2007), as long as Israel operates under a security paradigm portraying Arab minorities as a potential threat, translating multicultural ideals into policy remains challenging. Issues like land rights, state-religion relations, education, and language often become secondary to arguments about preserving Israel's Jewish-Zionist character (Saban, 2004).

Ultimately, the Israeli context integrates aspects from all three theoretical models, yet implementation significantly favors the Jewish-nationalist paradigm. Kymlicka's advocacy for minority-specific rights faces political and legal barriers; Parekh's critical call for structural reform remains unmet due to entrenched majority preferences; Taylor's concept of mutual recognition proves particularly challenging amidst national-historical conflicts (Ben-Youssef & Tamari, 2018; Avnon & Benziman, 2010).

To summarize, multicultural theory encompasses three main approaches: liberal multiculturalism emphasizing distinct minority rights; critical multiculturalism advocating deep structural reform; and mutual recognition emphasizing respect between majority and minority cultures. In Israel, applying these theories is constrained by complex historical and political circumstances involving Zionism, security concerns, and a legacy of conflict. The Nation-State Law illustrates challenges integrating a Jewish-national identity with genuine multicultural equality, raising questions about how extensively the state will adopt liberal principles, initiate critical reforms, or meaningfully expand minority recognition. Subsequent chapters examine how legal and political mechanisms shape multicultural realities, analyzing the Nation-State Law as a case study illustrating how these principles are either upheld or undermined.

3.HISTORICAL CONTEXT OF MULTICULTURALISM IN ISRAEL

Understanding multiculturalism in Israel requires an in-depth examination of the historical context that led to the establishment of the state and shaped its contemporary socio-political order. The periods before and after 1948 were characterized by complex processes of immigration, settlement, national identity formation, and struggles among diverse cultural groups. Throughout these developments, recognition of non-Jewish communities and their relations with the Jewish majority underwent significant transformations, deeply influencing the legal structures and social dynamics existing today.

3.1 Waves of Immigration and the Establishment of the State (Pre- and Post-1948)

Early Zionist Settlement and its Implications: Beginning in the early 20th century, particularly following the Balfour Declaration of 1917 and under British Mandate rule, waves of Zionist immigration began arriving in Palestine (Mautner, 2012). Driven by the Zionist vision to establish a Jewish homeland, agricultural colonies and communities emerged, reinforcing the Jewish presence and laying foundations for subsequent mass immigrations. These waves connected Jewish immigrants—originating from diverse cultural and ethnic backgrounds including Eastern Europe, Arab countries, Ethiopia, and later Asian regions—with the territory where Arab, Bedouin, Druze, and other populations had long resided.

1948 and the Founding of the State: After a prolonged diplomatic, political, and military struggle, the State of Israel was declared on May 14, 1948. The Declaration of Independence, while affirming Israel's Jewish identity and the right of Jewish immigration, simultaneously promised equal rights to all citizens irrespective of religion, race, or gender (Mautner, 2012). Yet, reality was considerably more complex: the War of Independence (1947–1949) resulted in substantial population shifts and refugee crises. Alongside a growing Jewish population, augmented by continued immigration primarily from Arab countries and Eastern Europe, Palestinian Arabs remaining within Israel's borders faced a new reality where the Jewish majority enjoyed institutionalized privileges (Adalah, 2019).

Minority Distribution in Israel's Early Years: Following statehood, mass immigration and establishment of new constitutional structures aligned with David Ben-Gurion's "melting pot" policy, aimed at integrating diverse Jewish diaspora groups into a unified Israeli-Zionist identity. This policy shaped social development in ways clearly biased toward the rights and interests of the Jewish majority. Concurrently, the Arab minority within Israel did not fully enjoy these rights and was subjected to military administration (until 1966). Druze and Bedouin communities developed distinct social structures aimed at preserving their religious and cultural identities, although they too faced varying administrative restrictions.

3.2 THE RISE OF ZIONISM AND STATE IDENTITY

The Zionist Vision and National Symbols: Zionism emerged in response to widespread antisemitism and the Jewish aspiration for sovereignty. This vision was institutionalized through various legal and symbolic actions reflecting Jewish national primacy in culture, language, and policy (Avnon & Benziman, 2010). The Law of Return, enacted in 1950, exemplifies this approach by granting every Jew worldwide automatic citizenship upon immigration to Israel. Additionally, national symbols such as the national flag, the national anthem ("Hatikvah"), official holidays (Independence Day, Memorial Day), and religiously-based laws regarding personal status (marriage, divorce) embedded Jewish identity within the public sphere.

Challenges to Integrating Equality: According to Avnon and Benziman (2010) and Karayanni (2007), a structural tension persists between Israel's proclaimed liberal-democratic values, ostensibly guaranteeing equal rights for all citizens, and its emphasis on a preferred Jewish national identity. Gradually, the legal framework (e.g., Basic Law: Human Dignity and Liberty) expanded to protect individual rights and citizen welfare; however, these mechanisms primarily reinforced the Jewish identity framework and did not consistently extend equivalent protections to minority groups. This imbalance has led to significant frictions regarding land allocation, funding disparities in Arab educational institutions, and the status of the Arabic language.

The Law of Return and Additional Legal Arrangements: Alongside the Law of Return, other laws impacted the balance of power between majority and minority groups. For instance, the state granted Jewish Orthodox authorities exclusive jurisdiction over personal status issues, marginalizing other religious communities. In the absence of a comprehensive written constitution, Basic Laws have been developed to address constitutional matters, though many critics argue this structure facilitates prioritizing Jewish national interests over comprehensive liberal protections (Karayanni, 2007; Saban, 2004).

3.3 PALESTINIANS AND OTHER MINORITY COMMUNITIES

The Palestinian-Arab Minority: The Palestinian-Arab population in Israel, approximately 20% of the total citizenry, is internally diverse—comprising Muslims, Christians, Bedouins, and others identifying as Palestinians. However, their shared experience is shaped by their non-Jewish status within a state whose laws and symbols reflect dominant Jewish identity (Ben-Youssef & Tamari, 2018). While Arabic previously enjoyed official language status, recent legislation, notably the Nation-State Law, significantly diminished its official standing (Adalah, 2019). Historical land issues, including property abandoned or expropriated during the War of Independence, further fuel ongoing tensions. From a multicultural perspective, the Palestinian-Arab minority represents an indigenous population integrated into a state privileging Jewish narratives symbolically and institutionally (Shahbari, 2019).

The Druze Community: Recognized officially as a distinct religious group since 1957, the Druze community occupies a complex position. On one hand, Druze citizens serve in the Israeli military and are often perceived as relatively integrated into security institutions; on the other, issues such as land expropriation and insufficient government investment in Druze towns raise persistent questions regarding distributive justice and cultural recognition (Saban, 2004). These conditions highlight the tension between partial integration and institutional marginalization.

Bedouins, Christians, and Additional Groups: These groups encompass distinct sub-communities. Bedouins in the Negev, for example, have long struggled with governmental

non-recognition of their villages and perceived discriminatory enforcement of planning and construction laws (Shahbari, 2019). Similarly, Israel's Christian communities—Greek Orthodox, Catholics, Protestants, and others- face challenges navigating between the demands of the Jewish majority and pressures within the Muslim minority.

The complexity of identities indicates that the simplistic dichotomy of "Arabs versus Jews" fails to capture nuanced realities involving religious, sectarian, national, and regional identities (Totry-Jubran, 2023). Such complexities challenge Israel's legal and political institutions, tasked with addressing diverse and often conflicting needs.

summary, examining the development of Israel's multicultural space reveals historical processes, including Zionist immigration waves, the Declaration of Independence, and the Arab-Israeli conflict, that created a reality in which the Jewish majority enjoys institutional and symbolic advantages while minorities, including Palestinians, Druze, Bedouins, and Christians, continue struggling for recognition and equality within a democratic framework. The state formally promotes freedom and equality, yet core laws and national symbols (such as the Law of Return and land policies) underscore preferential treatment of Jewish identity (Avnon & Benziman, 2010; Karayanni et al., 2007). This tension between Jewish and democratic principles manifests in daily life through language rights, education, employment, and political representation. Moreover, extensive immigration waves produced internal complexity within the Jewish majority itself, reflecting disparities between Ashkenazi and Mizrahi communities. However, from a multicultural perspective, non-Jews face particularly acute challenges, as their cultural needs rarely fully align with the national agenda. Thus, multicultural tensions exist not solely between the Jewish majority and indigenous Palestinian-Arab minorities but extend across a broader spectrum where Zionist visions and Jewish national identity persist as foundational, and diverse minority communities continually advocate for recognition and equality (Mautner, 2012; Saban, 2004). The 2018 Nation-State Law underscores this dilemma, embedding Jewish primacy constitutionally, intensifying public and legal debates over whether this diminishes minority rights and erodes multiculturalism or legitimately embodies the majority's right to self-determination.

4. THE NATION-STATE LAW (2018)

The enactment of Basic Law: Israel – The Nation-State of the Jewish People (commonly referred to as the "Nation-State Law") in 2018 marks a critical juncture in discussions about Israel's identity and its multicultural nature. Some perceive this law as an essential legal affirmation of Israel as the nation-state of the Jewish people, whereas others warn that it institutionalizes discrimination against minority groups and undermines democratic principles of equality. This section outlines the primary provisions of the law, examines the political and public reactions it triggered, and situates the law within ongoing historical debates concerning minority rights, national identity, and constitutional arrangements in Israel.

4.1 MAIN PROVISIONS OF THE LAW

The Nation-State Law comprises several clauses that embed the conception of Israel as the Jewish nation-state, advancing specific national-ethnic principles. Three central provisions are particularly notable:

First, the declaration of Hebrew as the sole official language. Under the law, Hebrew is designated the official state language, while Arabic is relegated to a "special status" (Adalah, 2019). Practically, this move has generated concerns among Israel's Arab minority—comprising approximately 20% of the population—regarding further marginalization of Arabic in the public sphere (Ben-Youssef & Tamari, 2018). Critics argue this change

diminishes the cultural visibility of Israel's Arab citizens and reinforces symbolic hierarchy between the Jewish majority and Arab minority (Adalah, 2019).
Second, the prioritization of Jewish settlement. Article 7 explicitly states that "the state views the development of Jewish settlement as a national value and shall act to encourage and promote its establishment and consolidation" (Ben-Youssef & Tamari, 2018; Avnon & Benziman, 2010). This provision immediately sparked concerns that government policy might intensify the preferential allocation of resources and land to Jewish communities at the expense of minority populations. Critics highlight potential risks of exacerbating existing discriminatory land and infrastructure policies against Arabs, Bedouins, and other minority groups, historically subject to unequal resource allocation (Avnon & Benziman, 2010).
Third, reinforcing Jewish sovereignty. The law explicitly defines Israel as the nation-state of the Jewish people, reigniting public discourse concerning the state's commitment to minority rights (Karayanni, 2021). Although the law does not explicitly revoke previous protections, its omission of any explicit reference to equality is interpreted by human rights organizations (e.g., Adalah) and legal scholars as indicative of a structural bias. The law thus elevates Jewish sovereignty and symbolism without positively reaffirming minority rights.

4.2 POLITICAL AND PUBLIC RESPONSES

Responses from Israel's political right emphasized that the Nation-State Law represents a "natural completion" of Zionism, expressing the Jewish people's legitimate right to self-determination (Shahbari, 2019; Mautner, 2012). Advocates argued this explicit constitutional clarification was essential, particularly amidst internal and international pressures, including Arab minority demands for national recognition. According to proponents, defining Israel explicitly as a Jewish nation-state should not undermine minority citizenship rights.
Conversely, **human rights organizations** such as Adalah (2019) and Arab political parties strongly condemned the law as regressive. Critics assert it institutionalizes a hierarchical citizenship model, officially signaling that non-Jewish citizens are inherently less valued. Practically, they warn that such codification will further marginalize minority groups in language rights, education, public funding, and political representation. Although the law does not explicitly negate existing rights, critics contend it will practically reinforce existing inequalities between majority and minority groups (Adalah, 2019).
The Druze community's protest was particularly notable, surprising many observers, given the community's long-standing image as relatively integrated into Israel's security apparatus. Following the law's passage, significant Druze-led demonstrations erupted, asserting the law undermined their historic alliance with the state. Druze protesters emphasized their substantial contributions to national security and resilience, interpreting the law as demoting their citizenship status (Mautner, 2012). This reaction underscored that the law's implications extend beyond the Palestinian-Arab population, affecting broader minority relations.
Public discourse revealed sharp divisions regarding the law's democratic implications. Some regarded it as a mere "declarative statement," practically irrelevant to everyday governance, while others argued it provides a constitutional basis potentially enabling discriminatory policies and interpretations (Ben-Youssef & Tamari, 2018). Thus, the mere existence of a Basic Law emphasizing Jewish nationality and downgrading Arabic could profoundly influence future judicial interpretations and governmental regulations.

4.3 HISTORICAL CONTINUITY AND CONTROVERSIAL DIMENSIONS

Long-standing disputes about land rights and minority status are intensified by the Nation-State Law, embedding them constitutionally. The law's provisions emphasizing Jewish settlement as a "national value" add legitimacy to previously controversial policies,

including exclusive Jewish settlements and preferential land allocations (Ben-Youssef & Tamari, 2018; Smooha, 2013). Prior debates surrounding the Admissions Committees Law, accused of promoting ethnically homogeneous community development, might now find additional justification within the Nation-State Law.

Constitutionally, **the law reinforces national sovereignty**. Legal scholars note that previously, despite Israel's explicit Jewish identity, interpretive frameworks still permitted a focus on civil equality. With the Nation-State Law, concepts such as Jewish national identity, Hebrew linguistic primacy, and Jewish settlement become entrenched constitutionally (Karayanni et al., 2021). Consequently, it becomes significantly more challenging to advocate for substantial equality based on general principles, given the explicit constitutional preference for the majority population.

Regarding religion in the public sphere, the Nation-State Law intersects with ongoing debates about the strength of links between Jewish nationality and religious or traditional definitions (Smooha, 2013). While the law avoids direct religious provisions, it subtly reinforces distinctions between Jews and non-Jews through language and historical-religious affiliations. Critics argue this may intensify the religious-national character of the state or strengthen trends privileging a Jewish religious-national narrative within public life.

A critical debate persists as to whether the law merely formalizes existing realities or establishes a new constitutional landscape. On the one hand, some argue the law codifies existing practices, continuing long-standing institutional preferences toward a Jewish national identity and implicit minority discrimination. Conversely, critics maintain that embedding such biases in constitutional law explicitly transforms previously flexible interpretations of Israel as a "Jewish and democratic" state into rigid constitutional principles, narrowing possibilities for applying universal equality principles (Karayanni et al., 2007).

Simultaneously, researchers (Smooha, 2013) suggest the law **represents historical continuity in the struggle between two conceptions**: Israel as a Jewish state and Israel as a "state for all its citizens." Historically, these visions have competed, and the Nation-State Law represents a clearer, more assertive resolution favoring the Jewish-state concept. Viewed in historical context, the law is another stage in entrenching Zionist-national hegemony rather than an unprecedented shift.

In conclusion, the Nation-State Law deepens existing tensions surrounding language, land rights, and national identity, granting these issues constitutional status that directly influences majority-minority relations in Israel. Portions of the public see it as legitimate protection of Jewish self-determination, while minorities, human rights organizations, and liberal legal experts warn it undermines equality principles, institutionalizing national superiority. The long-standing debate over "Jewish" versus "democratic" identity acquires a new framework through this law, questioning whether a state explicitly emphasizing one national identity can effectively protect minority cultures. Subsequent sections will explore how this issue outlines societal and political fractures, examining the judiciary's role and power dynamics among diverse groups.

5. MINORITY RIGHTS IN ISRAEL: LEGAL AND SOCIAL DIMENSIONS

Israel officially defines itself as both "Jewish and democratic," yet the relationships between its Jewish majority and diverse minority groups—including Palestinian Arabs, Druze, Bedouins, Christians, and others—reflect a complex mixture of advancement and institutional bias. Over the years, legal and social arrangements designed to guarantee formal equality have evolved, yet significant disparities remain between declared principles and the practical realities experienced by minorities. This chapter examines the conditions of Israel's Palestinian-Arab minority (the largest group), alongside the Druze, Bedouin, and

Christian communities, and discusses key challenges regarding education, language, and cultural recognition.

5.1 THE PALESTINIAN-ARAB MINORITY (APPROXIMATELY 20% OF THE POPULATION)

Demographic Location and Significance: The Palestinian-Arab minority, often referred to as "Arab Israelis," constitutes around one-fifth of Israel's population (Ben-Youssef & Tamari, 2018). This diverse group includes Muslims, Christians, and Bedouins, united primarily by their non-Jewish identity within a constitutional and political framework anchored explicitly in Jewish identity.

Formal Political Rights: Formally, Arab citizens possess voting rights and representation in the Knesset, where independent or coalition-affiliated Arab parties operate (Avnon & Benziman, 2010). However, participation in the political sphere frequently encounters obstacles- such as restrictive legislation or judicial rulings, along with accusations of disloyalty from right-wing political factions (Jamal, 2009). These tensions reflect mutual suspicion rooted in regional and national conflicts, notably the ongoing Israeli-Palestinian dispute.

Structural Inequality in Daily Life: Arab citizens regularly experience institutional discrimination in housing, education, employment, and public funding (Avnon & Benziman, 2010). Many Arab towns suffer from inadequate infrastructure and restrictive planning policies compared to their Jewish counterparts. Additionally, Arabs are underrepresented in governmental and public-sector employment, leading to higher unemployment and poverty rates relative to Jewish citizens.

Social and Cultural Dimensions: Efforts by Arab political leaders to address inequality through legislative proposals or broader governmental cooperation are often met with skepticism or political exclusion. This mutual mistrust hampers the development of genuinely multicultural models where the Arab minority would not merely passively receive rights but actively contribute to policy formation (Jamal, 2009).

5.2 Druze, bedouins, christians, and other communities

Druze Community: The Druze have been officially recognized as a distinct religious group since 1957. Unlike the broader Arab minority, Druze citizens actively participate in the Israeli military, a practice rooted in a historical "blood covenant" with the state (Saban, 2004). Despite their integration, ongoing disparities remain concerning land allocation and socio-economic development. Significant budgetary gaps persist between Druze and Jewish communities, creating a sense of disappointment and frustration within the Druze community regarding governmental commitments to equitable treatment and integration (Karayanni, 2021).

Bedouins in the Negev: Bedouins, predominantly residing in the Negev region, have faced longstanding disputes over state recognition of "unrecognized villages" and historical land rights (Shahbari, 2019). The government argues that Bedouin settlements often lack formal planning approval, causing infrastructure problems, while Bedouins view forced evacuations and housing demolitions as severe infringements upon their heritage and lifestyle. Government initiatives to regulate Bedouin settlements frequently face resistance due to accumulated mistrust.

Christian Communities: The Christian population in Israel encompasses various denominations (Greek Orthodox, Catholics, Protestants, and others). While many identify with the broader Arab minority, some Christians maintain a distinctive relationship with Jewish authorities. Tensions frequently arise over resource allocation for Christian religious and educational institutions, and the broader Christian community sometimes faces

difficulties reconciling their Arab nationality with their distinct religious identity within a predominantly Jewish context (Shahbari, 2019).

5.3 Challenges in education, language, and cultural recognition

Education- Infrastructure, Narratives, and Funding: Israel's education system plays a critical role in shaping values and language acquisition, yet Arab schools consistently receive less funding and fewer resources compared to Jewish schools. Research indicates that curricula in Arab schools often contain biased content, with insufficient representation of Palestinian narratives or the historical and cultural experiences unique to the minority (Totry-Jubran, 2023). Consequently, Arab students frequently perceive a lack of genuine representation of their identities, leading to feelings of alienation from the educational establishment.

Language- Implications of the Nation-State Law on Arabic: Historically, Arabic was recognized as an official state language alongside Hebrew. However, the 2018 Nation-State Law downgraded Arabic to a language with "special status," viewed by many as diminishing its presence in the public sphere (Adalah, 2019). Practically, this change potentially reduces Arabic visibility in official signage, government documents, and public services, reinforcing the perception of marginalization for the Arabic language—and, by extension, Arab culture. Beyond symbolic implications, the policy impacts employment opportunities in the public sector and restricts accessibility for Arabic speakers with limited Hebrew proficiency.

Cultural Institutions and Public Recognition: On a cultural level, Arab civil-society organizations work diligently to enhance the visibility of Palestinian-Arab identity through cultural events, literature, art, and festivals. Nevertheless, researchers have indicated that governmental support for these initiatives remains relatively low compared to support for Jewish-oriented cultural events (Karayanni et al., 2007). This reality encourages the creation of "alternative cultural spaces" for Arab communities but simultaneously perpetuates inequalities and reinforces a perceived hierarchy between the dominant Jewish culture—supported by state resources-and minority cultures.

Interim Conclusion: Limited Multiculturalism or Structural Discrimination? The discussion paints a nuanced picture: while Israel provides basic political rights to all citizens, institutional bias and discrimination remain, particularly affecting Palestinian Arabs and Bedouins. This reality stems from historical conditions and Israel’s explicitly national-Jewish policy framework. The Druze community, previously considered more integrated, also faces socio-economic disparities, while the Christian community navigates complex dual identities. The weakened status of the Arabic language, funding gaps, and lack of Palestinian representation in education illustrate systematic cultural barriers. Human rights organizations advocate for expanded institutional protections and investments in minority identities to reconcile Israel’s Jewish character with democratic principles. However, practical realities—in infrastructure, education, and resource allocation—indicate that the journey toward genuine multicultural equality remains challenging and incomplete.

6. THE JUDICIAL SYSTEM AND MULTICULTURALISM IN ISRAEL

Within the aspiration to establish multiculturalism in Israel, the judicial system serves as a critical arena for testing this ideal. In the absence of a comprehensive written constitution, Israel's judiciary dynamically interprets foundational Basic Laws, balancing democratic principles against the country's Jewish character, and adjudicating disputes concerning minority rights and public policy shaping multicultural realities (Saban, 2004; Karayanni, 2021). This chapter discusses the structure of Israel’s judicial system, landmark Supreme Court rulings affecting minority rights, and critiques of gaps between judicial rulings and practical implementation.

6.1 THE ISRAELI JUDICIAL SYSTEM: STRUCTURE AND PRINCIPLES

Basic Laws as a Constitutional Framework: Israel has not enacted a complete constitution; however, its "Basic Laws" function quasi-constitutionally. Laws such as "Human Dignity and Liberty" and "Freedom of Occupation" provide a legal foundation guaranteeing human rights and enabling judicial review over legislation and government actions (Saban, 2004). Consequently, Israel's Supreme Court holds significant authority to shape constitutional norms.

Role of the Supreme Court: Israel's Supreme Court serves both as the highest appellate court and as the High Court of Justice (HCJ or "Bagatz"), functioning as the primary jurisdiction for administrative and human rights issues. The HCJ theoretically can intervene to protect minorities against discriminatory policies or legislation (Karayanni, 2021). Practically, however, the Court operates in a complex political context, often needing to balance equality principles with the goal of preserving Israel's national-Jewish identity.

Political and Social Influences: Judicial operations do not occur in a vacuum; in Israel's polarized political environment with tension between right-wing, centrist, and left-wing factions, and varied public opinions regarding multiculturalism- judges frequently find themselves at the center of intense debate. Judicial decisions reflect a delicate balance between safeguarding fundamental rights (including minority rights) and accommodating perceived national needs, where narratives of security and Jewish identity regularly intersect civil matters.

6.2 SUPREME COURT RULINGS ON CULTURAL CONFLICTS AND MINORITY RIGHTS

Examples of Landmark Decisions: Throughout the years, several landmark HCJ rulings have supported principles of equality, notably in cases involving land allocation. A prominent example is the Kaadan case, wherein an Arab family sought to establish residence in a predominantly Jewish community. The Supreme Court ruled that the state could not discriminate against Arab citizens based on ethnicity (Avnon & Benziman, 2010). This judgment represented a significant symbolic victory for minority rights, demonstrating the judiciary's capacity to challenge discriminatory policies.

Scope of Impact and Enforcement: Despite their symbolic importance, critics argue these rulings often lack full practical enforcement (Ben-Youssef & Tamari, 2018). Insufficient enforcement mechanisms or bureaucratic obstacles can significantly delay or undermine the implementation of judicial decisions, reducing legal victories to primarily symbolic gestures rather than substantive changes. Furthermore, when issues of public funding or recognition of minority religious practices arise, authorities frequently adopt minimal acknowledgment measures that fail to alter existing power structures significantly (Smooha, 2013).

Tensions Between National Identity and Individual Rights: Another recurring issue involves public funding. Even when the Supreme Court rules favorably for equal resource allocation in culture or education, local governments and state authorities often persist in practices predominantly benefiting the Jewish majority (Avnon & Benziman, 2010). Thus, judicial decisions aim to strike a balance between liberal conceptions of equality and a nationalist orientation towards preserving Israel's Jewish character- a balance not always effectively maintained, particularly given the broader Israeli-Palestinian conflict and associated security contexts.

6.3 CRITIQUE OF JUDICIAL PRACTICE: DISCREPANCIES BETWEEN THEORY AND REALITY

Preservation of Existing Power Relations: Although theoretically, the Supreme Court could significantly rectify injustices faced by minorities, critics argue that judicial practice frequently reinforces existing power relations (Haj-Yehya, 2016; Farsakh, 2021). In numerous instances, the Court hesitates to issue rulings sharply opposing prevailing security or political establishment positions, thereby reducing the potential for profound structural reforms.

Impact of the Nation-State Law: The enactment of the 2018 Nation-State Law further complicates the judicial landscape. This law constitutionally entrenches preferences for Jewish identity elements and may consequently influence judicial interpretations related to equality and minority rights. Arguments previously grounded in broader democratic or human dignity principles may now encounter additional obstacles, given that the Nation-State Law explicitly emphasizes a constitutional preference for the Jewish majority (Mautner, 2012). This scenario potentially restricts the Supreme Court's ability to rule favorably for minority interests, further cementing Jewish identity as decisive in policy matters (Börzel & Zürn, 2021).

Absence of Effective Implementation Mechanisms: Another significant critique concerns the absence of robust legislative or administrative mechanisms to enforce judicial decisions supporting minority rights. For instance, local authorities often hinder or delay implementation indefinitely, significantly limiting the practical impact of judicial victories (Ben-Youssef & Tamari, 2018).

summary, Israel's judicial system has historically played a significant role in protecting minority rights through landmark rulings against discriminatory land policies or upholding minority protections in specific instances. However, scholars emphasize persistent gaps between theoretical judicial rulings and practical implementation. This disparity is further complicated by the Nation-State Law, potentially providing constitutional justification for preferring the Jewish majority. Therefore, although Israeli courts remain an essential forum for minority rights advocacy, their ability to translate rulings into tangible change depends significantly on political and social contexts often unfavorable to fully realized multiculturalism.

7. EMPIRICAL ILLUSTRATIONS: THE IMPLEMENTATION OF MULTICULTURALISM IN DAILY LIFE

The study of multiculturalism does not remain purely theoretical; ultimately, the success or failure of multicultural policy is measured concretely through education, language use, resource allocation, and public representation. This chapter highlights three central areas where the Jewish majority's influence on minorities is distinctly manifested: the Arabic language and educational policy, land disputes and housing allocation, and political representation and media portrayal.

7.1 LANGUAGE USE AND EDUCATION POLICY

The Status of Arabic in the Era of the Nation-State Law: Although Arabic was previously recognized officially, in practice it has long held a secondary status compared to Hebrew, which dominates government operations, public signage, and official documents (Karayanni,

2007). The Nation-State Law of 2018 further solidified this trend by establishing Hebrew as "the state's official language," while Arabic was reduced to having a "special status" (Adalah, 2019). This move has been perceived as diminishing Arabic's position not only symbolically but also practically within government services, thereby reinforcing a national-cultural paradigm favoring the Jewish majority.

The Education System and the "Jewish Narrative": Within Arab schools, curricula largely mandated by Israel's Ministry of Education predominantly emphasize Jewish historical and social narratives, marginalizing Palestinian-Arab culture and perspectives (Totry-Jubran, 2025). Research indicates that minority stories and cultural heritage are often minimally represented or depicted as the "other" against the mainstream narrative. Consequently, Arab students frequently perceive that they are denied active participation in shaping educational content and that their cultural needs are insufficiently recognized by the state.

Implications for Multiculturalism: This phenomenon, coupled with Hebrew linguistic hegemony, limits opportunities to develop genuinely multicultural educational models. While other countries might encourage bilingual schools or ethnically diverse curricula, Israel maintains a sectorial division (Hebrew vs. Arab education), accompanied by unequal funding levels and asymmetrical narratives. Thus, despite education theoretically serving as a critical site for fostering tolerance and equality, it largely reproduces existing power dynamics (Karayanni, 2007).

7.2 LAND DISPUTES AND HOUSING ALLOCATION

Historical Land Policies and Preference for Jewish Communities: One of the central issues defining Jewish-Arab relations in Israel is land ownership and allocation for housing and development (Ben-Youssef & Tamari, 2018). Since Israel’s establishment—particularly following the 1948 War—legislation and policies have concentrated large tracts of land under state control or the Jewish National Fund (JNF), an entity explicitly associated with Jewish settlement. Consequently, there has been a longstanding structural bias favoring Jewish settlements over Arab localities.

The Impact of the Nation-State Law: The Nation-State Law explicitly identifies the development of Jewish settlements as a national value, effectively reinforcing this preferential treatment (Avnon & Benziman, 2010; Karayanni, 2021). Those attempting to challenge discriminatory allocation policies through legal channels now confront a constitutional framework strengthening arguments for the state's prerogative—and even obligation—to prioritize Jewish settlement development. Consequently, minority efforts to expand the jurisdiction of Arab towns or integrate housing in predominantly Jewish communities (as in the Kaadan case, The Ka'adan Supreme Court) encounter increased resistance.

Achievements and Limitations of the Kaadan Case: In the landmark Kaadan ruling, where an Arab family successfully challenged exclusionary housing policies in a Jewish community, Israel's Supreme Court affirmed that ethnic discrimination in land allocation was unlawful. However, practical implementation remained limited (Ben-Youssef & Tamari, 2018). Critics argue that mechanisms such as “admissions committees” and planning practices continue to enforce segregation. Now, bolstered by the Nation-State Law, there is renewed justification for openly promoting Jewish settlements (Avnon & Benziman, 2010).

7.3 POLITICAL REPRESENTATION, MEDIA, AND POLITICAL PARTICIPATION

Representation in Media: In most Israeli media channels, Arab citizens receive partial and frequently stereotypical representation, predominantly in contexts of security issues or crime coverage (Jamal, 2009). This biased portrayal reinforces negative stereotypes and creates a perception of Arabs as suspicious or hostile. The voices of Arab citizens are marginalized in

mainstream media, limiting the public visibility of Arab perspectives on broader social and economic issues.

Political Participation and Obstacles: Politically, Arab minority participation occurs through independent Arab parties or in collaboration with center-left Jewish parties. Yet, meaningful political inclusion remains challenging, particularly when Arab parties are labeled as "illegitimate," often based on security accusations (Haj-Yehya, 2016). For instance, Arab parties seeking coalition partnerships or influence over budget allocations frequently encounter resistance, portrayed as insufficiently "loyal" to the Jewish-national interest. Such dynamics diminish the political power of the minority, indirectly influencing resource allocation and supportive legislation.

Undermining the Democratic Vision: This constrained representation in media and politics raises questions regarding effective citizenship and genuine multiculturalism (Jamal, 2009). Although some unity between Jewish and Arab sectors occasionally emerges around economic-social issues, pervasive security concerns and perceptions of minority disloyalty undermine prospects for equitable multiculturalism—one where each group maintains legitimate voices and authentic partnership in shaping the national agenda.

8. TENSION BETWEEN A "JEWISH STATE" AND A "DEMOCRATIC STATE"

The issues discussed thus far- such as the status of the Arabic language, land disputes, and public representation- reflect a fundamental tension between two core principles: the aspiration to define Israel as a Jewish state versus the commitment to democratic values, including equality and the protection of minority rights. Although this tension is not new, the Nation-State Law and ongoing political shifts have intensified the debate.

8.1 Defining jewish-zionist nationalism

The essence of Zionism: The Zionist movement asserts that due to historical persecution and antisemitism, the Jewish people have the right to establish a state where they constitute the majority and where their culture and language are protected (Pinto, 2020). This vision was embedded early into Israeli legislation. For instance, the Law of Return, which grants all Jews worldwide the right to immigrate to Israel, became a cornerstone of the state's identity. According to this perspective, Israel is expected to prioritize Jewish nationalism, encompassing state symbols, the national calendar, and the official language.

Beyond evident national identity: Some experts argue that all states possess national characteristics, yet the critical issue is balancing these with universal commitments such as human rights and civic equality. In the Israeli context, non-Jewish groups often perceive the principle of a "Jewish State" as relegating them to second-class citizenship (Saban, 2004). The Nation-State Law, which emphasizes Jewish sovereignty, further aligns the public sphere with a dominant singular narrative.

8.2 DEMOCRATIC IDEALS AND MULTICULTURAL REALITY

Gap between rhetoric and practice: Democratic values presume that all citizens have an equal right to participate in decision-making processes and to be protected from discrimination (Ben-Youssef & Tamari, 2018). In Israel, there exists a gap between the formal ideal of "equality before the law" and legislative and policy mechanisms that privilege the Jewish majority. The Nation-State Law adds another legal layer highlighting the Jewish identity of the state, thereby limiting the legal space for developing truly multicultural policies (Karayanni, 2021; Shahbari, 2019).

Consequences for multiculturalism: Under such conditions, it becomes challenging to cultivate models of profound pluralism or a fully inclusive "melting pot." Trends show that alongside declarations of equality, legislation and institutions frequently prioritize Jewish

needs and marginalize minorities (Mautner, 2012). Consequently, minority groups have limited opportunities to cultivate an autonomous culture, maintain their language in the public domain, or achieve substantial representation.

8.3 THE ONGOING DEBATE: CAN ISRAEL REALIZE BOTH IDEALS?

Deep reforms versus inherent contradictions: Is there an inherent contradiction between Israel's identity as a "Jewish State" and its commitment to being "democratic"? Some scholars and activists propose profound reforms, such as adopting a constitution explicitly safeguarding minority rights and equality, clearly defining how the state's Jewish identity should not infringe upon other groups' rights (Adalah, 2019; Avnon & Benziman, 2010). Others argue that the contradiction is irresolvable, necessitating a choice between defining the state as the nation-state of the Jewish people and committing fully to liberal democracy (Mautner, 2012; Totry-Jubran, 2025).

The Nation-State Law as a critical test: As long as this debate is unresolved through comprehensive legislation or constitutional clarification, the Nation-State Law serves as a pivot favoring the Jewish majority, while minority groups rely on general Basic Laws (such as the "Basic Law: Human Dignity and Liberty") and Supreme Court rulings to advance multicultural interests. This creates an ongoing political, legal, and social conflict with no broad consensus, raising questions about whether Israel will eventually need to chart a new path to balance its Jewish identity with universal democratic values.

In conclusion, Israeli reality embodies democratic foundations that allow minorities certain public involvement; nevertheless, there exists structural pressure to maintain a dominant Jewish identity. The Nation-State Law, security crises, and accusations against the Arab minority regarding alleged "disloyalty" illustrate a clear prioritization of Jewish nationalism over equality and pluralism (Adalah, 2019; Haj-Yehya, 2016). The debate surrounding Israel's simultaneous Jewish and democratic character is not merely theoretical, and scholars propose diverse solutions—from adopting a constitution to educational reforms. However, their practical implementation requires a political and cultural maturity that has yet to be fully realized (Avnon & Benziman, 2010; Totry-Jubran, 2025).

9. IMPLICATIONS OF THE NATION-STATE LAW ON MULTICULTURAL POLICY

The Nation-State Law (2018) emerges not merely as symbolic legislation but as a factor potentially reshaping political, legal, and social discourse on multiculturalism in Israel. This chapter examines the practical implications of the law for minority communities, the intensification of polarization between Jews and Arabs, and the possibilities for legal reform and long-term structural change.

9.1 IMPACT ON MINORITY COMMUNITIES

Reinforcing national belonging boundaries: Many view the Nation-State Law as a definitive move positioning the Jewish majority and its national symbols at the heart of Israel's constitutional identity (Adalah, 2019). Consequently, minority groups, particularly Palestinian Arabs, might feel that their desire to belong to the state on the basis of Israeli citizenship conflicts with a constitutional definition emphasizing exclusive Jewish nationality (Karayanni, 2021). Research indicates that deepening this constitutional polarization further exacerbates the social and economic gaps that Palestinian minorities already face (Ben-Youssef & Tamari, 2018).

Status of the Arabic language and reduced cultural belonging: One prominent provision of the Nation-State Law is the downgrading of Arabic from an "official language" to a "language with special status," negatively affecting the identity and visibility of Arabic speakers (Ben-Youssef & Tamari, 2018). In public spaces, such as official signage and government documentation, Arabic risks becoming marginalized, further intensifying the perception among Palestinian-Arab minorities that they are excluded from the full definition of Israeli identity (Adalah, 2019).
Increased sense of exclusion: Reduced visibility and representation in various institutions (education, local government, media), alongside the law's emphasis on Jewish nationalism, may foster a heightened sense of exclusion among minority citizens. This sense of marginalization is not merely symbolic; it potentially affects socio-economic integration, motivation to engage in public activities, and even willingness to dialogue with Jewish institutions (Karayanni, 2021).

9.2 INTENSIFICATION OF SOCIO-POLITICAL POLARIZATION

Strengthening separate national identities: While the Nation-State Law seeks to solidify Jewish national identity, minorities—especially Palestinian Arabs—may respond with inward social consolidation, emphasizing their own national and cultural identities (Shahbari, 2019). This process might lead not only to cultural preservation but also to political protest, expressed through demonstrations, judicial petitions, and inter-minority collaborations. Simultaneously, Jewish groups may perceive this resistance as a threat, exacerbating further polarization (Haj-Yehya, 2016).
Continuing mistrust: Various surveys indicate declining trust between Jews and Arabs, a trend already evident before the Nation-State Law but significantly intensified since its enactment (Totry-Jubran, 2023). In a dynamic where the Arab minority accuses the state of constitutional discrimination and certain Jewish political actors insist on maintaining Israel's "Jewish identity," the chances of developing a truly multicultural society based on solidarity and equality diminish. The outcome is an increasingly fragmented society, struggling to maintain local and national dialogue.
Protests and judicial petitions: Over the years, human rights organizations and Arab political leaders have challenged discriminatory laws or policies through the judicial system (Mautner, 2012). However, challenges to the Nation-State Law through the courts face particular hurdles; given the constitutional nature of the law, judicial interpretation may strengthen rather than weaken its status. Concurrently, some Jewish sectors perceive such struggles as "attacks on the state's foundations," thereby heightening mutual suspicions.

9.3 LEGAL REFORMS, CHALLENGES, AND OPPORTUNITIES

Constitutional adjustments: Renewed emphasis on equality: Some legal scholars and researchers advocate a strategy of "constitutional adjustment," which would explicitly integrate the principle of equality and minority rights into the Basic Law (Saban, 2004; Adalah, 2019). Such a move could balance the Nation-State Law without nullifying it completely, clarifying that Israel's definition as a Jewish state should not undermine equal civic rights for all citizens.
Profound revisions in defining the state's character: Another, more radical approach argues for deeper structural reforms, such as adopting a comprehensive constitution that clearly defines majority-minority relations (Karayanni, 2021). Such reforms could include discussions on equal citizenship, official recognition of Arabic as a second official language, and constitutional protection of minorities' cultural and religious spaces. However, political and public support for such extensive reforms remains questionable amid strong nationalist sentiments.

The dilemma of "authentic multiculturalism": The debate between targeted adjustments and comprehensive changes highlights the complexity of promoting multiculturalism within a society whose constitutional core is "Jewish identity." While minor measures may ease feelings of discrimination, they might not address the structural roots of inequality. Conversely, comprehensive reform may currently be politically unfeasible due to resistance from the Jewish majority, wary of transforming Israel into a "state of all its citizens" (Mautner, 2012).

conclusion, the Nation-State Law clearly indicates a trend toward strengthening Jewish identity at the expense of minority communities, with consequences extending beyond symbolic declarations, it downgrades the status of Arabic, influences resource allocation, and restricts the public legitimacy of minority claims for equality and representation. Simultaneously, it deepens societal polarization and mobilizes protest groups demanding constitutional amendments to protect minority rights. Regardless of whether the law undergoes modifications or remains unchanged, it sharply underscores the tension between defining Israel as the nation-state of the Jewish people and genuinely pursuing multiculturalism. This tension necessitates an extensive public and political debate that, at this stage, remains uncertain.

10. POLICY RECOMMENDATIONS, LEGAL REFORM, AND EDUCATIONAL INITIATIVES

Multiculturalism in Israel, prominently debated due to the Nation-State Law and discussions about national identity, requires not only a restructuring of the legal framework but also substantial reforms in policy and education. This chapter offers practical recommendations designed to reinforce the recognition of multiple cultures and communities, reduce structural disparities, and ensure greater inclusivity and equality.

10.1 LEGAL FRAMEWORK REORGANIZATION FOR INCLUSIVITY

A. Re-examining the Nation-State Law

1. **Amending Discriminatory Clauses**: Provisions prioritizing Jewish settlement or diminishing the status of Arabic should be reassessed while preserving Israel's Jewish identity alongside securing cultural rights for minorities (Avnon & Benziman, 2010). For example, Jewish settlement could be retained as a national value but supplemented by clauses explicitly protecting minority communities' rights to development and land allocations.
2. **Institutional Protection of Linguistic and Cultural Rights**: It is recommended to introduce explicit provisions within the Nation-State Law or an accompanying Basic Law protecting Arabic and other minority languages, underscoring their cultural significance, and obligating the state to ensure their public visibility (Ben-Youssef & Tamari, 2018). Such measures would balance the emphasis on Hebrew with preventing the marginalization of Arabic.

B. Ensuring Minority Representation

1. **Administrative Representation Mechanisms**: Mechanisms for advisory committees or clearly defined quotas should be established within governmental ministries and public committees, ensuring minorities participate in decision-making processes (Adalah, 2019). This is particularly essential in planning, budgeting, and enforcement—areas historically affected by structural bias.
2. **Effective Parliamentary Representation**: Facilitating minority members' access to influential parliamentary roles or committees, proportionate to their share in the population, can enhance their impact on legislative processes.

C. Constitutional Anchoring of Equality

1. **Creation or Revision of Basic Laws Emphasizing Equality**: A new Basic Law, or expanded "Basic Law: Human Dignity and Liberty," explicitly incorporating the principle of equality for all citizens, would provide courts with a stronger legal basis to combat discrimination (Shahbari, 2019).
2. **Legitimizing Anti-Discrimination Claims**: A constitutional equality principle would empower human rights organizations and individuals to petition for enforcement of equality, contributing to broader shifts in social norms and everyday practices.

10.2 STRENGTHENING MULTICULTURAL EDUCATION AND LANGUAGE RIGHTS

A. Promoting Bilingual Initiatives (Hebrew-Arabic)

1. **Supporting Integrated Hebrew-Arabic Education Programs**: Increasing bilingual schools can foster dialogue between different groups and strengthen Arabic usage among Jewish populations (Totry-Jubran, 2023), thereby promoting mutual understanding of minority cultures and local historical complexities.
2. **Government Funding and Local Incentives**: Enhanced governmental funding and the establishment of experimental educational institutions can motivate local authorities to launch bilingual or integrated educational frameworks.

B. Curriculum Reform

1. **Incorporating Minority Community Narratives**: Alongside the Zionist narrative and Jewish heritage, educational curricula should integrate diverse histories and narratives, such as the Palestinian story and the contributions of Druze and Christian communities, as integral components (Pinto, 2021). Such inclusion fosters mutual understanding and diminishes prejudices.
2. **Providing In-depth Minority Heritage Education**: Establishing specialized curriculum units can help students achieve deeper familiarity with the customs, holidays, and cultures of minority groups beyond superficial acquaintance.

C. Teacher Training

1. **Cultural Sensitivity Training Programs**: Teachers in both Hebrew and Arabic education systems should undergo professional development emphasizing acceptance, respect for diverse religions, languages, and traditions (Mautner, 2012).
2. **Addressing Stereotypes**: Developing training materials aimed at identifying and critically examining stereotypes can equip educators with pedagogical tools to manage intercultural conflicts effectively in classrooms.

10.3 PROMOTING DIALOGUE AND COOPERATIVE GOVERNANCE

A. Local Councils and Interfaith Encounters

1. **Multi-Community Roundtables**: Encourage the establishment of local forums involving Jews, Arabs, Druze, migrants, and other groups. These forums could collaboratively address regional issues such as urban planning, environmental quality, and social services (Shahbari, 2019; Pinto, 2021).
2. **Regular Interfaith Meetings**: Establish platforms for religious leaders, including rabbis, sheikhs, priests, and other spiritual authorities, to promote inter-community dialogue and reduce religious tensions, demonstrating practical multicultural cooperation.

B. Strengthening Civil Society

1. **Human Rights and Jewish-Arab NGOs**: These organizations can create a practical foundation for cooperation, monitor policies, and propose detailed legal reforms

(Karayanni, 2021). Additionally, they provide support for discrimination victims, increasing accountability and fairness among policymakers.

2. **Cross-Sector Civic Partnerships**: Joint projects between academic institutions, public authorities, and NGOs can deepen inter-sectoral understanding and develop pilot programs integrating educational and economic initiatives.

C. Representation in Media

1. **Incentivizing Balanced Representation**: Public and private media organizations should receive economic or regulatory incentives to authentically represent minority communities in television broadcasts, radio programs, and digital forums (Adalah, 2019).
2. **Highlighting Minority Contributions**: In addition to portraying minority challenges, it's crucial to publicize their societal, economic, and cultural contributions to shift biased public perceptions. Formats such as documentaries, narrative series, and radio shows can foster deeper intercultural awareness.

summary, the proposed recommendations provide a conceptual framework for restructuring majority-minority relations in Israel, aiming to move away from a strictly uni-national model toward a more balanced approach emphasizing cultural rights, linguistic recognition, and political participation (Avnon & Benziman, 2010; Totry-Jubran, 2025). Practically, this necessitates a comprehensive, multi-system approach encompassing legislation, judicial practice reforms, educational commitment to multiculturalism, and clear policies amplifying minority voices in decision-making processes. Success will be assessed over time through strengthened cross-sector solidarity and by building infrastructure that authentically embodies both the Jewish character of the state and democratic values of equality and inclusion.

11. FUTURE RESEARCH DIRECTIONS

11.1 Quantitative and qualitative studies on the Daily Lives of Minorities In-depth research using surveys, interviews, and participant observations is recommended to investigate how policies such as the Nation-State Law practically impact employment, education, political participation, and cultural life (Avnon & Benziman, 2010; Vergara, 2024). Combining quantitative and qualitative data will yield a more comprehensive understanding (Tirosh, 2024).

11.2 Comparative perspectives: Lessons from Other Multicultural Societies Valuable insights can be drawn from models in countries such as Canada, Belgium, or Malaysia, which similarly navigate multilingualism and ethnic diversity (Adalah, 2019; Kymlicka, 2004). Comparative studies can inspire alternative policies or constitutional arrangements capable of addressing ethnic-national conflicts.

11.3 Intersectionality: Gender, Class, and EthnicityFurther research is needed on the ways gender and socioeconomic class intersect with ethnic identity, particularly concerning Palestinian-Arab women who face patriarchal influences in addition to systemic institutional marginalization (Parekh, 2007; Tirosh, 2024). Such a focus can facilitate the development of tailored solutions that foster broader inclusion.

12. CONCLUSIONS

12.1 Synthesis of key findings

The discussion on multiculturalism in Israel highlights a fundamental tension: on the one hand, Israeli society is marked by diverse cultures, languages, ethnicities, and a rich variety of religious and national identities; on the other, structural power dynamics and policies privilege Jewish-Zionist dominance over minority groups. This practice fosters a sense of exclusion among Arab, Druze, Bedouin, Christian, and other minority communities (Ben-Youssef & Tamari, 2018; Avnon & Benziman, 2010).

The enactment of the Nation-State Law in 2018 marked a decisive turning point. The law explicitly affirms the Jewish character of the state and reinforces elements such as the primacy of Hebrew language and preferential treatment for Jewish settlement (Adalah, 2019; Karayanni, 2021). Consequently, it poses significant challenges to integration values, recognition of Arabic language and minority cultures, and democratic principles of equal rights for all citizens. Empirical findings presented throughout this paper underscore how the Nation-State Law creates legal and policy mechanisms that exacerbate the tension between Israel's Jewish and democratic identities.

12.2 Revisiting the research question *"How does the Nation-State Law affect multiculturalism in Israel and the Israeli judicial system?*"

The overall analysis indicates that the Nation-State Law provides clear ideological direction to Israel's judicial, cultural, and political systems, resulting in an institutional preference for Jewish identity. Consequently, the formal status of the Arabic language has been diminished, and social visibility for non-Jewish minorities has further receded. The Supreme Court, tasked with protecting minority rights, must now operate within a more rigid constitutional framework regarding multiculturalism, complicating its ability to balance Jewish identity with principles of equality and mutual respect (Mautner, 2012). Thus, the Nation-State Law transforms the theoretical tension between "Jewish state" and "democratic state" into tangible everyday reality, with broad implications for education, land rights, and political representation.

12.3 Final thoughts on the future of multiculturalism in israel
despite these complexities, opportunities remain to strengthen genuine multiculturalism in the country. Several possible directions were outlined in this paper:

1. **Legislative Changes**: Amend problematic clauses in the Nation-State Law to prevent obstruction of minority rights or explicitly incorporate a principle guaranteeing equality for all citizens. Alternatively, draft a new Basic Law clearly defining the relationship between Israel's Jewish national identity and democratic values, including minority protections (Avnon & Benziman, 2010; Saban, 2004).
2. **Enhanced Judicial Caution**: The Supreme Court still possesses interpretive flexibility, potentially adopting a restrictive interpretation of the Nation-State Law, while relying on existing Basic Laws such as "Human Dignity and Liberty," emphasizing a balanced approach between Jewish identity and equality.
3. **Educational and Social Measures**: Strengthening multicultural education, expanding Hebrew-Arabic bilingual initiatives, providing cultural sensitivity training for teachers, and promoting partnerships among civil society organizations can initiate gradual shifts in public consciousness. Concurrently, promoting appropriate minority representation in media and state institutions can reduce stereotypes and social divisions (Totry-Jubran, 2025; Karayanni, 2007).

This analysis demonstrates that multiculturalism in Israel requires institutional adjustments alongside shifts in public attitudes. An open public discourse reevaluating Israel's Jewish identity in relation to its democratic commitments is essential to discovering a balanced path forward. Such a path would acknowledge the symbolic, linguistic, and cultural capital of minorities, maintaining respect for minority identities alongside the state's Jewish character. Continued research and public engagement will significantly shape Israel's future, steering either toward deepened division or genuine multicultural inclusivity and equality.

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AN OVERVIEW ON THE NEED OF A JOINT DECARBONIZATION AND COMPETITIVENESS PLAN FOR THE FUTURE OF THE EUROPEAN UNION

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ABSTRACT

*This document presets and outlines the proposal for a joint decarbonization and competitiveness plan for the European Union (*The future of European competitiveness). *It acknowledges Europe's strengths (strong legal framework, low inequality, high human development) while addressing its challenges (slowing growth, increased competition from China and the US, geopolitical instability, high energy prices). The plan proposes a multi-faceted approach focusing on enhancing competitiveness through innovation, addressing high energy costs via decarbonization and market reforms, and adapting to a less stable geopolitical landscape. Key strategies involve boosting productivity, accelerating renewable energy deployment, securing critical supply chains, and implementing a technology-neutral approach to decarbonization across various sectors (energy, automotive, transport). The plan emphasizes the need for a unified EU strategy, including strengthened institutional frameworks, harmonized policies, and strategic partnerships with third countries to achieve these goals.*

KEYWORDS: *competitiveness, energy union, European Union, decarbonization, geopolitics, innovation*
J.E.L. Classification: Q5, Q51, Q54, Q58

1.INTRODUCTION: A NEW LANDSCAPE FOR EUROPE

Thanks to a robust foundation, Europe is well-positioned to be a competitive global economy. The European model integrates an open economy, strong market competition, and a comprehensive legal framework that, alongside active policies, aims to combat poverty and redistribute wealth. This approach enables the EU to blend high economic integration and human development while maintaining low inequality levels. Europe has developed a Single Market comprising 440 million consumers and 23 million companies, contributing about 17% of global GDP. Its income inequality is around 10 percentage points lower than that of the United States and China.

Moreover, the EU's strategies have led to significant achievements in governance, health, education, and environmental protection. Among the world's top ten countries on the rule of law, eight are EU Member States. In comparison to the US and China, Europe boasts higher life expectancy and lower infant mortality rates. Education and training systems in Europe deliver high educational outcomes, with one-third of adults completing higher education. Additionally, the EU

is a leader in sustainability and environmental standards, advancing towards a circular economy with ambitious decarbonization goals. Europe enjoys the world's largest exclusive economic zone, covering 17 million square kilometres, which is four times its land area.

However, growth in the EU has been slowing, raising concerns about Europe's capacity to achieve its goals. The EU aims to reach targets such as high social inclusion, carbon neutrality, and improved geopolitical stature, all of which rely on sustaining robust economic growth. Yet, over the past two decades, economic growth in the EU has consistently trailed behind the US, while China has rapidly closed the gap. The EU-US disparity in GDP at 2015 prices has widened from just over 15% in 2002 to 30% in 2023 (World Bank, World Development Indicators 2023, 2024).

The benefits Europe experienced after the Cold War have been diminishing. Initially, despite slowing domestic growth, the EU greatly benefited from the expansion of global trade governed by multilateral rules. From 2000 to 2019, the share of international trade in GDP grew from 30% to 43% in the EU, compared to a marginal increase from 25% to 26% in the US. This trade openness allowed Europe to freely import necessary goods and services, from raw materials to advanced technologies, while exporting its specialized manufactured goods to growing Asian markets. However, the multilateral trading system is now facing a severe crisis, and the era of rapid global trade growth appears to have ended.

Secondly, with the normalization of relations with Russia, Europe met its energy demands by importing pipeline gas, which made up around 45% of the EU's natural gas imports in 2021. This relatively inexpensive energy source is no longer available, significantly impacting Europe. The EU has forfeited over a year of GDP growth and redirected substantial fiscal resources to energy subsidies and developing new infrastructure for importing liquefied natural gas.

Finally, the period of geopolitical stability under US dominance allowed the EU to largely segregate economic policy from security concerns, using the "peace dividend" from reduced defense spending to bolster domestic objectives. However, the geopolitical landscape is now in turmoil due to Russia's unwarranted aggression against Ukraine, deteriorating US-China relations, and increasing instability in Africa, which supplies many crucial global commodities.

Enhancing the EU's competitiveness is essential to revitalizing productivity and sustaining growth in an evolving global landscape. The primary aim of a competitiveness agenda should be to boost productivity growth, the key driver of long-term economic expansion and improved living standards. Competitiveness should not be narrowly viewed as a zero-sum game of capturing global market shares or increasing trade surpluses.

Also, a contemporary competitiveness agenda must incorporate security. Security is fundamental for sustainable growth, as increasing geopolitical risks can heighten uncertainty and deter investment, while major geopolitical shocks or abrupt halts in trade can cause significant disruptions.

2.THREE TRANSFORMATIONS AHEAD FOR EUROPE

Europe currently faces three significant transformations, the first being the urgent need to accelerate innovation and discover new engines for growth. The EU's competitiveness is under pressure from two fronts. On one hand, EU companies are encountering reduced foreign demand, particularly from China, coupled with increased competition from Chinese firms (The ECB Blog, 3 September 2024). On the other, Europe's standing in advanced technologies, which are crucial for future growth, is weakening. Only four of the top 50 global tech companies are European, and the EU's share in global tech revenues has declined, while the US share increased.

By encouraging faster innovation, the EU can boost productivity growth, ultimately leading to higher household incomes and stronger domestic demand. Europe still has the opportunity to redirect its course and seize the potential for renewed growth.

Secondly, Europe needs to lower high energy prices while advancing decarbonization and transitioning to a circular economy. The energy landscape has been permanently altered by the Russian invasion of Ukraine and the consequent loss of pipeline natural gas. Although energy prices have dropped significantly from their peaks, EU companies still grapple with electricity costs that are two to three times higher than those in the US, and natural gas prices that are four to five times greater.

Decarbonization presents an opportunity for Europe to lead in developing new clean technologies and circular solutions and to pivot power generation towards secure, low-cost clean energy sources, for which the EU has abundant natural resources. However, Europe's ability to capitalize on this opportunity relies on aligning all policies with the EU's decarbonization goals.

Thirdly, Europe must adapt to a world with less stable geopolitics, where dependencies are turning into vulnerabilities, and it can no longer depend on others for its security. Years of globalization have created a significant "strategic interdependence" among major economies, making any swift disengagement costly. For instance, while the EU is heavily reliant on China for critical minerals, China depends on the EU to absorb its industrial overcapacity. However, this global balance is changing, with major economies striving to reduce dependencies and enhance independent capabilities (McCaffrey, C., & Poitiers, N., Working Paper 12/2024).

The US is investing in domestic semiconductor and clean tech production and aims to redirect critical supply chains through its allies. Meanwhile, China is pursuing technological self-sufficiency and vertical supply chain integration, covering everything from raw material extraction to processing, manufacturing, and shipping. Although there is limited evidence of these actions leading to de-globalization, trade policy interventions are becoming more common (The ECB Blog, 12 July 2023). With its high trade openness, Europe is particularly vulnerable if these trends were to intensify.

3.A JOINT DECARBONIZATION AND COMPETITIVENESS PLAN

High energy costs in Europe pose a significant barrier to progress, while insufficient generation and grid capacity could hinder the spread of digital technology and transport electrification (European Economic Forecast, Spring 2023, Special Issue 4.1, 2023). According to Commission estimates, elevated energy prices have negatively impacted Europe's potential growth. They also have a more pronounced effect on corporate investment in Europe compared to other major economies, with about half of the European companies identifying energy costs as a major investment obstacle, 30 percentage points higher than their US counterparts (EIB Investment Survey 2023).

Without substantial increases in generation and grid capacity, Europe might face challenges in advancing digital production, as activities like training and running AI models and sustaining data centers are energy - intensive. Data centers currently account for 2.7% of the EU's electricity demand, and by 2030, their consumption is projected to rise by 28% (News Energy Economics of Europa, 2024).

Furthermore, the EU's decarbonization goals are more ambitious than those of its competitors, imposing additional short-term costs on European industries. The EU has enacted binding legislation to cut greenhouse gas emissions by at least 55% by 2030 (Climate Strategies targets,

2030) compared to 1990 levels. In contrast, the US has a non-binding target to reduce emissions by 50-52% below the higher 2005 levels by 2030 (Reducing Greenhouse Gases in USA a 20235, pp.5), while China aims for carbon emissions to peak by the decade's end. This disparity creates substantial near-term investment requirements for EU companies that their competitors do not face.

Nevertheless, decarbonization provides Europe with an opportunity to lower energy prices and lead in clean technologies while enhancing energy security. The transformation of Europe's energy system entails the extensive deployment of clean energy sources with low marginal generation costs, such as renewables and nuclear energy. Certain EU regions have high potential for cost-effective renewable energy, including solar in Southern Europe and wind in the North and Southeast. Renewable energy deployment in Europe is already on the rise, composing about 22% of the EU's gross final energy consumption in 2023, compared to 14% in China and 9% in the US. Concurrently, Europe possesses strong innovative potential to meet the growing domestic and global demand for clean energy solutions. While Europe may lag in digital innovation, it stands as a leader in clean tech innovation.

However, there is no assurance that the EU's demand for clean tech will be met by domestic supply, especially with China's growing capacity and scale in this sector. The EU has set a target to have at least 42.5% of its energy consumption derive from renewable sources by 2030. Achieving this goal will necessitate nearly tripling its installed capacity for solar PV and more than doubling its capacity for wind power.

Additionally, the EU has decided to phase out the internal combustion engine by 2035, mandating that all new passenger cars and light duty vehicles registered in Europe have zero tailpipe emissions. Given current policies, Chinese technology might offer the most cost-effective pathway to accomplishing some of these objectives. With rapid innovation, low manufacturing costs, and state subsidies that are four times larger than those in other major economies (DiPippo, G., Mazzocco, I., & Kennedy, S., 2022), China is currently leading global exports of clean technologies.

To achieve its goals, Europe must adopt a multifaceted strategy employing a variety of policy tools and approaches tailored to different industries. This strategy can be broken down into four broad categories (A Competitiveness Strategy for Europe, pp.41):

1. Industries with significant cost disadvantages: In sectors where Europe cannot compete effectively due to large cost gaps, such as those widened by foreign subsidies, it is economically sensible to import the necessary technology. By diversifying suppliers, Europe can minimize dependencies, allowing foreign taxpayers to shoulder the associated costs.
2. Industries focused on job protection: In sectors where Europe prioritizes job protection against unfair competition, but isn't concerned with the origin of the technology, an effective strategy would include encouraging inward foreign direct investment (FDI) and implementing trade measures to counteract foreign subsidies' cost advantages. This approach is being implemented in the automotive sector, as seen with recent tariff increases and FDI announcements in certain Member States.
3. Strategic industries for know-how retention: For industries where the EU has a strategic interest in maintaining European expertise and manufacturing capabilities, ensuring production can increase in geopolitical crises is crucial. The EU should enhance the long-term viability of European investments, possibly by imposing local content requirements

and maintaining technological sovereignty. This might require foreign firms producing in Europe to form joint ventures with local companies. Security considerations could lead to shifts in which industries are deemed strategically important over time.

4. "Infant industries" with growth potential: In sectors where Europe holds an innovative advantage and anticipates substantial growth, established strategies involve a range of protective measures that can be gradually removed once the industry matures and can stand independently.

Implementing this strategy will require a comprehensive plan that integrates decarbonization with competitiveness, ensuring all policies align with the EU's objectives. Key priority areas include, first, reducing energy costs for end users by passing on the benefits of decarbonization and accelerating energy sector decarbonization efficiently, utilizing all available solutions. Second, seizing industrial opportunities offered by the green transition, which involves staying at the forefront of clean tech innovation, scaling up clean tech manufacturing, and capitalizing on circular economy opportunities. Third, creating a fair competitive environment in sectors vulnerable to unfair foreign competition or facing stricter decarbonization targets than international rivals, by using tariffs and other trade measures when necessary

The primary goal for the energy sector is to lower energy costs for end users by harnessing the benefits of decarbonization. Despite expected declines in demand, natural gas will continue to be part of Europe's energy mix in the medium term, with projections indicating a decrease of 8%-25% by 2030. To achieve cost reductions, it's important to mitigate the volatility of natural gas prices.

Moreover, the EU should establish a unified trading rulebook for spot and derivatives markets, ensuring cohesive supervision across energy and energy derivatives markets. Finally, there should be a reassessment of the "ancillary activities exemption" to ensure all trading entities are subject to consistent supervision and requirements.

The primary objective for the energy sector is to reduce energy costs for end users by ensuring that the benefits of decarbonization are effectively passed on. While natural gas will continue to be an integral part of Europe's energy mix in the medium term -projected to decrease in demand by 8%-25% by 2030 - it is important to minimize natural gas price volatility. The report suggests strengthening joint procurement, particularly for liquefied natural gas (LNG), to leverage Europe's market power and forging long-term partnerships with reliable, diverse trade partners as part of a comprehensive EU gas strategy.

Additionally, Europe should diminish its reliance on the spot market by gradually shifting away from spot-linked sourcing, and mitigating market volatility by curbing speculative activities. Adopting a strategy similar to the US, regulators in the EU should be empowered to impose financial position limits and apply dynamic caps when EU energy spot or derivatives prices significantly diverge from global rates.

Furthermore, the EU should establish a unified trading rulebook for both spot and derivatives markets, ensuring coordinated oversight of energy and energy derivatives markets. Lastly, a review of the "ancillary activities exemption" is nec

To effectively transfer the benefits of decarbonization, policies must focus on better decoupling the price of natural gas from clean energy. The EU should separate the remuneration for renewable energy and nuclear from fossil-fuel generation by utilizing tools introduced under the new Electricity Market Design, such as Power Purchase Agreements (PPAs) and two-way Contracts for Difference (CfDs). These should be gradually extended to all renewable and nuclear assets in a

standardized manner. The marginal pricing system should ensure balanced efficiency in the energy system.

To boost the adoption of PPAs in the industrial sector, it is recommended to develop market platforms that facilitate resource contracting and pool demand between generators and offtakers. This initiative can be supported by schemes offering guarantees to reduce financial counterparty risks associated with these platforms, thus broadening market access for SMEs. For instance, the European Investment Bank (EIB) and National Promotional Banks could offer counter guarantees and tailor financial products for small consumers or suppliers without a solid credit rating.

Simultaneously, a crucial aspect of reducing energy costs for end users is lowering energy taxation. This can be achieved by establishing a common maximum level of surcharges across the EU, encompassing taxes, levies, and network charges. While legislative reform in this area requires unanimity, collaboration among a subset of Member States or guiding energy taxation could be viable alternatives.

The second key objective is to expedite decarbonization cost-effectively by employing a technology-neutral strategy. This strategy should encompass a range of solutions, including renewables, nuclear, hydrogen, bioenergy, and carbon capture, utilization, and storage, supported by substantial mobilization of both public and private funding as outlined in the investment chapter. However, simply increasing financial resources for clean energy deployment will not be enough without accelerating the permitting process for installations.

To reduce permitting delays for new energy projects, various options exist. A significant improvement can be achieved by systematically implementing existing legislation. For instance, several Member States have seen significant increases in the volume of permits issued for onshore wind since the implementation of the Article 122 Emergency Regulation. The report suggests extending these acceleration measures and emergency regulations to include heat networks, heat generators, and hydrogen and carbon capture and storage infrastructure.

There should also be a stronger focus on digitalizing national permitting processes across the EU and addressing resource shortages in permitting authorities. Increasing administrative fees could ensure that these authorities have the necessary capabilities to expedite approvals. Another potential approach is for the EU to make renewable acceleration areas and strategic environmental assessments standard practice for renewable expansion, replacing the need for individual project assessments.

Targeted updates to relevant EU Environmental legislation could allow temporary exemptions in certain directives until climate neutrality is reached. This updated legislation should designate last-resort national authorities to ensure projects are permitted if local authorities fail to respond within a set timeframe.

A key factor in accelerating decarbonization is unlocking the potential of clean energy through a unified EU focus on energy grids. The significance of the EU's energy grids cannot be overstated as a foundational aspect of the energy sector. Achieving a significant enhancement in grid deployment will necessitate a new approach to planning at both the EU and Member State levels, which includes the capacity to make effective decisions, expedite permitting, mobilize sufficient public and private financing, and innovate grid assets and processes.

From a European standpoint, prioritizing the rapid installation of interconnectors is essential. The report recommends establishing a "28th regime," a specialized legal framework distinct from the 27 existing national legal frameworks, for interconnectors identified as Important Projects of Common European Interest (IPCEIs). This regime should streamline national procedures into a

single process, minimizing the risk of projects being obstructed by individual national interests. Large renewable energy projects, such as significant offshore wind initiatives in the North Sea, might also leverage this procedure to sidestep local permitting delays.

Additionally, the next Multiannual Financial Framework should strengthen the EU instrument dedicated to financing interconnectors, known as the Connecting Europe Facility. Furthermore, a permanent European coordinator should be appointed to assist in securing the necessary permits. This coordinator will monitor the progress of the permitting process and foster regional cooperation to ensure political support for cross-border infrastructure from all relevant Member States.

Simultaneously, the EU should establish the governance necessary for a genuine Energy Union, ensuring that decisions and market functions with cross-border implications are managed centrally. A more robust institutional framework would involve enhancing monitoring, investigation, and decision-making powers at the EU level, enabling comprehensive regulatory oversight over all decisions and processes that directly affect cross-border activities. A true Energy Union should guarantee that essential market functions relevant to an integrated market are executed centrally and subjected to appropriate regulatory scrutiny.

To leverage the decarbonization momentum, Europe should refocus its support for clean tech manufacturing, emphasizing technologies where it has a competitive edge or where developing domestic capacity is strategically important. The next Multiannual Financial Framework (MFF) should consolidate the various funds dedicated to clean tech manufacturing, concentrating on areas where the EU holds advantages and significant growth potential - such as battery technology.

Support from the EU budget should provide companies with a single point of access that features a standardized application process and consistent awarding criteria, covering both capital and operational expenditures. To entice more private sector investment in clean tech, particularly in innovative firms, dedicated financing schemes should be developed using new strategies.

At the national level, to ensure a reliable demand for EU clean tech products and counteract trade-distorting policies abroad, it would be recommended to establish a clear minimum quota for local production of selected products and components. This quota should apply to public procurement, Contracts for Difference (Cf Ds), and other mechanisms for local production off-take. It should also be linked to EU-level criteria that promote local production of the most innovative and sustainable solutions.

This initiative could benefit from fostering joint ventures or cooperation agreements for knowledge transfer and sharing between EU and non-EU companies. For "infant industries," it is advised that Member States design upcoming auctions and public procurement processes to serve as a "launch customer" for new technologies, providing essential support during their initial stages.

Trade policy will play a crucial role in aligning decarbonization with competitiveness by securing supply chains, developing new markets, and countering state-sponsored competition. Given that the supply chains for certain clean technologies are highly concentrated, the EU has the opportunity to establish strategic partnerships with other regions involved in specific segments of the clean technology supply chain. Collaborating with like-minded neighbouring regions that have access to low-cost renewable energy and raw materials can help Europe achieve its energy and climate targets more affordably while also diversifying its supply sources.

Simultaneously, the EU should capitalize on its strong position in cleantech by seeking investment opportunities in other countries, thereby expanding the market for technologies it develops, such as near-zero-emissions materials production processes. To facilitate these objectives, the report

recommends that the EU create industrial partnerships with third countries through offtake agreements along the supply chain or co-investment in manufacturing initiatives. The EU's Global Gateway can be utilized to support the necessary investments.

However, when otherwise competitive EU companies face threats from state-sponsored competition, the EU should be prepared to implement trade measures consistent with the principles outlined earlier.

As part of its decarbonization strategy, the EU should create an industrial action plan for the automotive sector. In the short term, the primary goal for this sector is to prevent a significant relocation of production outside the EU or a swift takeover of European plants and companies by state-subsidized foreign producers, all while continuing the decarbonization process. The countervailing tariffs recently implemented by the Commission against Chinese automotive companies manufacturing battery electric vehicles will help create a more level playing field while acknowledging genuine productivity improvements in China.

Looking ahead, the report recommends that the EU develop an industrial roadmap that addresses both horizontal convergence - including electrification, digitalization, and circularity - and vertical convergence - which encompasses critical raw materials, batteries, transport, and charging infrastructure - within the automotive ecosystem.

To enhance competitiveness, scale, standardization, and collaboration will be essential for EU manufacturers, especially in areas like small and affordable European electric vehicles, software-defined vehicles, autonomous driving solutions, and the circular economy. A coherent digital policy that includes the data ecosystem should facilitate these advancements. In crafting this roadmap, the EU should adopt a technology-neutral approach to defining pathways for reducing CO2 emissions and pollutants while remaining attuned to ongoing market and technological developments.

The broader EU strategy for cross-border and modal integration, as well as sustainable transport, must prioritize competitiveness in addition to cohesion. Transport planning should adopt a new, unified approach at both the EU and national levels, emphasizing harmonization and interoperability alongside cohesion. This strategy should be complemented by enhanced coordination with related network industries, such as energy and telecommunications, as well as new incentives in the EU budget for Member States to eliminate barriers to EU integration and foster interoperability and competition across all transport sectors, especially when these objectives exceed the scope of EU legislation.

Moreover, the EU should continue to strengthen its leadership in innovative transport by initiating industrial innovation projects that address decarbonization challenges. This could involve establishing an industrial demonstrator as part of a new Competitiveness Joint Undertaking, which would replace current public-private partnerships, or implementing an Important Project of Common European Interest (IPCEI) aimed at achieving zero-emission flight in the future.

4.CONCLUSIONS

Two key conclusions emerge:
First, if the EU carries out the strategy outlined and productivity rises, capital markets will be more responsive to the flow of private savings, and it will be much easier for the public sector to finance its share. Faster productivity growth could reduce the costs for governments by one-third.
Second, to lift productivity, some joint investment in key projects – such as breakthrough research, grids, defence procurement – will be critical, and these projects could be funded through common debt.
Europe's current trajectory, marked by slowing growth, heightened global competition, geopolitical instability, and high energy costs, is unsustainable. The proposed plan offers a multi-faceted approach to revitalize the EU's economic engine, prioritizing innovation, efficient decarbonization, resilient supply chains, and enhanced security. Success hinges on coordinated policy action at both the EU and national levels, including substantial investment, strengthened institutional frameworks, and strategic partnerships. The plan's call for unity and decisive action is critical, as the alternative - paralysis or disengagement - presents far greater risks to Europe's future prosperity, security, and democratic values. Failure to implement a comprehensive plan risk exacerbating existing challenges and undermining Europe's position on the global stage.
It is natural that these problems create worries about rising debt levels. It is also legitimate to be concerned about common debt issuance. But it is important to remember that this debt is not for general government spending or subsidies. It is to carry out the objectives that are critical for our future competitiveness, and that we have all already agreed upon.
On many key questions, we are divided about what to do. There is discontent in large parts of Europe about the direction in which we are heading. And there is considerable unease about the future. We will only overcome division in Europe if the will to change receives broad democratic backing. The choices we face are too important to be settled by technocratic solutions. Our elected institutions must be at centre of the debate on Europe's future – and on the actions that will shape it.

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ASPECTS OF THE ADMINISTRATIVE-TERRITORIAL ORGANIZATION OF ROMANIA IN THE 1923 CONSTITUTION AND ITS RELATED LEGISLATION

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ABSTRACT

This paper explores the administrative-territorial organization of Romania as established by the 1923 Constitution and the subsequent 1925 Law on Administrative Unification. Focusing particularly on rural communes and counties, the study highlights the demographic composition, economic disparities, legislative principles, and administrative structures within Romania during the interwar period. The analysis addresses the tensions between centralization and decentralization, the incorporation of different regional administrative traditions, and the socio-political implications of local governance reforms. The historical assessment underlines how administrative reforms aimed at unification were influenced by practical, ideological, and economic considerations, impacting both local autonomy and central governance.

KEYWORDS: *administrative-territorial organization, centralization, decentralization, interwar Romania*

J.E.L Classification: H70, N44, K23

1.INTRODUCTION

The interwar period represented a critical juncture for Romania, marked by significant territorial and administrative transformations following the Union of December 1, 1918. The Constitution of 1923 and the subsequent Law on Administrative Unification enacted in 1925 laid the foundational framework for administrative governance in Greater Romania. This legislative period aimed to consolidate territories acquired after World War I into a coherent state structure, reflecting an amalgamation of diverse historical and cultural administrative traditions. Central to this reorganization was the delineation of rural communes and counties, which served as pivotal administrative units intended to enhance local governance efficiency, promote national unity, and balance the complex interplay between central authority and local autonomy.

This article critically examines the legislative approaches, the socioeconomic implications, and the outcomes of administrative reforms implemented in Romania during this period. By assessing demographic data, financial distributions, and the administrative responsibilities allocated at communal and county levels, the study provides insights into the effectiveness and

limitations of the 1923 constitutional and legislative initiatives. Furthermore, it reflects on the philosophical and political debates surrounding administrative centralization versus decentralization, presenting an analytical perspective on the impact these debates had on the historical trajectory of Romania's administrative governance. The paper ultimately contributes to understanding how early twentieth-century administrative reforms have shaped contemporary local governance structures in Romania.

2. THEORETICAL FRAMEWORK AND HISTORICAL CONTEXT

A. Organization of the Rural Commune

Regarding the demographic composition of villages and localities in 1923, Transylvania and Banat recorded 2,951,856 Romanians, 987,762 Hungarians, 27,513 Germans, 71,561 Jews, and 119,774 others.

The communes from the territories unified on December 1, 1918, were divided into several categories: 189 communes with over 3,000 inhabitants totaled 883,668 people, nearly matching the population of the 40 towns, which numbered 929,500 inhabitants. Within these communes, Romanians represented 62.31%; 613 large communes (between 2,000 and 3,000 inhabitants) and medium-sized communes (between 1,500 and 2,000 inhabitants), totaling 1,201,535 inhabitants, of whom 57.78% were Romanians; 3,281 small communes with fewer than 1,500 inhabitants, with a total population of 2,473,263, of whom Romanians accounted for 72.59% (Official Gazette, Part III, 1925). The distribution of ethnic communities between towns and villages is also revealing: Romanians were 8.69% urban and 91.31% rural; Hungarians 27.23% urban and 72.77% rural; Germans 23.34% urban and 76.66% rural; Jews 64.78% urban and 35.22% rural; others 12.47% urban and 87.53% rural. It is evident that the village, the rural community, represented the primary socio-economic environment for all ethnic groups except the Jewish population, and that after the Union of 1918, Romania benefited from a complex communal administrative system.

N. Iorga emphasized the economic and identity significance of the village, stating it is "for everyone, the great historical reality and the significant possibility of the present, a major factor for future development." The administrative organization of such villages "will always be characterized by how the rural administrative organization issue was resolved." Similarly, Constantin Stere reiterated the assertions of a French specialist in administrative law, stating that "in the commune, the cell of the social body, lies all the power of free peoples. Communal institutions are to civic freedom what schools are to science. [...] Take away the commune's strength and independence, and you will no longer have a nation of citizens" (Negulescu, Boilă, Alexianu, 1942).

In Parliament, historical, cultural, and statistical arguments were presented to ensure that the vigorous structures of villages in Transylvania, Bukovina, and Bessarabia maintained their form and were not transformed into amorphous, conventional conglomerates. "It is desirable that almost all villages capable of meeting the obligations required by law should constitute communes, as they are in Transylvania, because experience in the Old Kingdom has shown that communes composed of numerous villages, distant from one another, are very difficult to administer, with village councils achieving no practical results despite prolonged experience" (Official Gazette).

C. D. Dimitru, the rapporteur of the 1925 law, also declared: "The rural commune must remain without definition, as it is not a creation of the legislator; the legislator merely recognizes

the existence of this assembly of citizens who have agreed to come together for the beneficial development of their collective lives" (Official Gazette). The situation of communes within the territory of Greater Romania in 1925, classified by province and population numbers, was as follows:

Table no. 1
Romanian communes by population size

Communes by population size	Old Kingdom		Transylvania		Bessarabia		Bukovina	
	No.	%	No.	%	No.	%	No.	%
Communes with up to 600 inhabitants	5651	60	1143	27	702	40	58	16
Communes with more than 600 inhabitants	3956	40	2251	73	1018	60	307	84

The situation of communes regarding the average income by provinces was as follows: in the Old Kingdom, 133,411 lei; in Transylvania, 259,556 lei; in Bessarabia, 345,352 lei; and in Bukovina, 260,195 lei.

From the above figures, it might seem that the communes in Bessarabia were the wealthiest in Romania. However, when the total income of communes is distributed per village, this illusion disappears, revealing a different picture: the average village income was 51,095 lei in the Old Kingdom; 251,635 lei in Transylvania; 140,482 lei in Bessarabia; and 229,680 lei in Bukovina.

Therefore, had the legislator limited themselves to applying the recommendation of the law's rapporteur in the Senate—that is, forming rural communes so that each village became its own commune—communes in the Old Kingdom would have had an average income of 50,000 lei, entirely spent on ensuring the modest existence of the 20,000 mayors and notaries (Negulescu, Boilă, Alexianu, 1942).

3.Administrative structures and demographic analysis

Following prolonged discussions and numerous opinions expressed in contemporary press, extensive studies, etc., the Romanian Parliament passed the Law on Administrative Unification, promulgated on July 14, 1925 (Official Gazette, Part I, 1925). It stipulated: “The territory of Romania is administratively divided into counties, and counties into communes (Art. 1). Communes are rural or urban, with urban communes serving as county seats, non-seats, suburban, and municipalities (Art. 2–4).”

"The rural commune comprises one or more villages. The commune’s seat is one of the villages" (Art. 3).

The commune exercises authority over all its inhabitants and the entire territory within its boundaries. Both the commune and county possess legal personality. The commune administers local interests through councils composed of elected councilors and ex-officio councilors. The number of elected councilors is determined in proportion to population size, regardless of sex, age, or nationality: 36 in communes with more than 250,000 inhabitants; 30 in those with over 100,000;

24 in those over 50,000; 18 in those over 25,000; 15 in those over 10,000; 12 in all other urban communes regardless of the population, and 9 in rural communes.

Thus, according to Art. 17, the Communal Council consists of: a) Three-fifths councilors elected by all communal voters through universal, equal, secret, and compulsory voting, using a list ballot and minority representation; b) Co-opted female councilors, numbering at most 7 in urban communes with populations over 250,000; 5 in urban communes over 100,000; 3 in urban communes over 50,000; 2 in all other urban communes; c) Ex-officio councilors—2 to 7 county councilors elected only in the urban commune seat committees (Art. 19).

It is noteworthy that Art. 17 of the government's proposed draft corresponds to Art. 18 of the Delegations' Committee, establishing significantly larger numbers of elected councilors compared to those proposed by the Delegations' Committee. The justification provided was that "the participation of as many citizens as possible in administering local interests contributes more significantly to political education for universal suffrage than education itself" (Official Gazette, Part III, 1925).

The Mayor is the head of communal administration. He executes decisions made by the Council and the Permanent Delegation and, together with the latter, supervises communal administration. The Mayor was designated to manage all communal interests, either alongside the Permanent Delegation or the Communal Council, according to legal provisions. The Mayor's distinguishing insignia is a sash bearing the three national colors, worn during official ceremonies and marriage celebrations. The Mayor represents the commune in court, serves as head of communal police, convenes and presides over Communal Council meetings and the Permanent Delegation, and oversees compliance with regulations.

Alongside the Permanent Delegation, the Mayor appoints, promotes, dismisses communal officials, and decides on penalties. He issues necessary construction permits, orders communal labor contributions, and issues certificates of public notoriety. The Mayor is a civil registrar or delegates this role to any member of the Permanent Delegation. He inspects markets, roads, entertainment venues, fairs, and orders hygiene measures. In communes with multiple villages, the Mayor delegates, through written decision, some responsibilities to one of the councilors elected in the respective villages.

The notary is the representative of the central authority in the rural commune, being charged with the enforcement of laws, public administration regulations, ordinances, instructions, and any other acts required by law to be made public, as emanating from the executive power. He is the head of the administrative police in the commune, as well as of the judicial police, auxiliary to the Prosecutor's Office, drafting civil status documents according to the law and countersigning them. According to the law, the rural commune holds two essential functions: it acts as an authority of public power and as a communal management entity with legal personality. In this latter role, communal councils have the freedom to draft regulations and establish measures and sanctions related to managing local interests. Communes associated among themselves or with the State to execute, create, or maintain public works and institutions beneficial locally or regionally in health, economic, cultural, or public infrastructure fields.

The law for administrative unification was essentially an extension of the legislation from the Old Kingdom to the united provinces, continuing the trend toward centralization (the administrative guardianship was excessive) and departing from the decentralization principle initially stated in the explanatory memorandum. In terms of administrative law, it also gained other significances. Thus, public law from the Old Kingdom—whose founders included Constantin

Dissescu, Paul Negulescu, and Anibal Teodorescu, professors with distinguished doctorates from Sorbonne and followers of French rationalist ideology—came into contact with Austro-Hungarian public law, which was programmatic and imbued with a Germanic spirit. Consequently, Transylvanian influence moderated the "rationalist dogmatism of the Old Kingdom" and introduced interesting innovations. Meanwhile, Romanian administrative law contributed to simplifying and clarifying methods and conceptions, while the Austro-Hungarian organizational model facilitated the introduction of local particularities into legal norms.

The law of 1925 largely maintained the outdated 19th-century legal mindset of the Old Kingdom and incorporated only minor influences from the law of the united provinces. Despite its stated ambitions and parliamentary declarations, it did not adequately address the complex issues of a unified Romania. It is worth mentioning that, as a result of the 1925 law, 8,751 communes containing 15,267 villages were created. Regarding the naming of localities, some were rectified at the inhabitants' request, while others were changed during the 1925–1926 period. In Transylvania alone, 4,461 localities, mostly rural communes, experienced such situations (Merțiu, 1929).

B. County – Administrative-Territorial Unit

In the Law on Administrative Unification of June 11, 1925, the starting point for the new administrative-territorial division was neither small counties, with limited financial resources and high expenses, nor medium-sized counties, as these would have required appointing approximately 170 prefects. Instead, the solution chosen was larger counties, each comprising 300,000 to 400,000 inhabitants, which corresponded to the "higher interests of state life" and facilitated the development of public life. It is noteworthy that Professor Simion Mehedinți's proposal was only partially approved by the Commission for General, County, and Communal Administration. The main criticism leveled against it was that it "deeply affected the interests of large historical cities by turning small towns and boroughs into county capitals" (Official Gazette, Part III, 1925). Title III of the 1925 Law addresses the county level. County councils were composed of three-fifths elected members chosen by all county voters through universal, equal, direct, secret, and mandatory suffrage, based on list voting that allowed minority representation, and two-fifths ex-officio members (Art. 101). The number of county councilors depended on the county's population, excluding that of the county-seat city. Accordingly, counties with more than 400,000 inhabitants had 36 councilors; counties with more than 200,000 inhabitants had 30 councilors, while the remaining counties had 24 councilors.

Ex-officio councilors included the mayor and up to two councilors selected by the council of the county-seat city; the school inspector and senior representatives of vocational and secondary education; the highest-ranking representatives of the Ministries of Public Health, Social Protection, Agriculture, and Public Works; the financial administrator; the agricultural advisor; the archpriest (protopop) of the denomination having the largest number of followers within the county or residing in the county capital; one representative each from the Chambers of Agriculture, Commerce, Industry, and Labor; the head of the State Litigation Service within that county; a representative of the cooperative sector, either the president of the Production Federation or the president of the Federation of People's Banks headquartered in the county capital. The elected councilors took the following oath in the presence of the prefect: "I swear allegiance to the King and the Constitution; I swear to impartially apply the laws of the country and to defend the interests of the county." (Ministry of Justice. Collection of Laws and Regulations, 1925). The Council,

chaired initially by its eldest member, elected by secret ballot a Bureau for a 4-year term, consisting of a president, two vice-presidents, two secretaries, and two quaestors. The Council conducted its work in plenary sessions and within five committees, each composed of 5 to 8 members: the Administrative, Financial, and Oversight Committee; the Public Works Committee; the Economic Committee; the Committee for Religious Affairs and Education; and the Health and Social Assistance Committee.

According to the law, County Councils have the initiative and decide on all matters of county interest, in conformity with this law and special laws. The Council meets at the county seat, in the Prefecture building, in ordinary sessions on October 10th and March 1st of each year. In extraordinary sessions, the Council convenes whenever necessary or upon the prefect's request. Convening an extraordinary session required approval from the Ministry of Interior. Ordinary sessions lasted 15 days, while extraordinary sessions lasted 10 days, with the possibility of extension through a Council decision. Councilors did not receive remuneration for their mandate but only per diem and reimbursement for transportation expenses. The prefect attended all Council meetings, with the right to speak but not to vote. The rapporteurs of the five specialized committees formed the Permanent Delegation, chaired by the prefect.

Title V regulates the representatives of central authority and control bodies. The county prefect is appointed by Royal Decree upon the proposal of the Minister of Interior. In addition to the general requirements for civil servants, the candidate had to be at least 30 years old and possess a university degree officially recognized by the state. The prefect was prohibited from holding any other political office paid by the state, county, or commune, or practicing any liberal profession, or acting as an administrator or auditor in commercial companies, cooperatives, or banks. He was the representative of central authority as well as the "head of county administration." In this capacity, he exercised oversight and control over all county and communal services. Together with the Permanent Delegation, he appointed, promoted, revoked, and applied disciplinary sanctions to county officials in accordance with applicable statutes and laws. He also acted as the head of the police within the county, issuing orders to all police and gendarmerie forces, and in cases of force majeure, he could mobilize public force.

Each county was divided into several districts ("plăși"), each led by a Pretor, subordinate to the prefect. In accordance with the regulations of the 1925 law, the country was divided into 71 counties, grouped by Decision No. 577 of February 6, 1926, into nine regional administrative districts (Săgeată, 2002):

a) District I, headquartered in Cluj: Cluj, Maramureș, Mureș, Năsăud, Satu Mare, Sălaj, Someș;
b) District II, headquartered in Timișoara: Arad, Bihor, Caraș, Hunedoara, Mehedinți, Severin, Timiș-Torontal;
c) District III, headquartered in Sibiu: Alba, Făgăraș, Odorhei, Sibiu, Târnava Mare, Târnava Mică, Turda;
d) District IV, headquartered in Craiova: Argeș, Dolj, Gorj, Olt, Romanați, Teleorman, Vâlcea;
e) District V, headquartered in Ploiești: Brașov, Buzău, Ciuc, Dâmbovița, Ilfov, Muscel, Prahova, Trei Scaune, Vlașca;
f) District VI, headquartered in Galați: Brăila, Caliacra, Constanța, Covurlui, Durostor, Ialomița, Ismail, Râmnicu Sărat, Tulcea;
g) District VII, headquartered in Cernăuți: Botoșani, Cernăuți, Câmpulung, Dorohoi, Fălticeni, Hotin, Neamț, Rădăuți, Storojineț, Suceava;
h) District VIII, headquartered in Iași: Bacău, Bălți, Iași, Putna, Roman, Tecuci, Tutova, Vaslui;

i) District IX, headquartered in Chișinău: Cahul, Cetatea Albă, Fălciu, Lăpușna, Orhei, Soroca, Tighina (The new organization of Inspection services in the Ministry of Interior, "Romania," 1926).

Each administrative district was led by a general administrative inspector, assisted by a second-class general inspector, who was responsible for enforcing the administrative unification law. After nearly two years of implementation, the outcomes did not meet expectations. Reports from the relevant departments within the Ministry of Interior and from general administrative inspectors indicated that the unification law was not uniformly applied throughout all regions, and certain provisions were not enforced.

Because no implementing regulations were developed, some legal texts were misinterpreted, or communal and county administrations failed to strictly adhere to the stipulated provisions. Nicolae Iorga vividly describes the results of the new administration: "In the Old Kingdom, conditions from ten years ago persisted; it was Caragiale's world, but now adorned with more diplomas. One could sense this melancholy each time one passed through our provincial towns... Bessarabia, with no roads other than the few old Russian roads and muddy tracks... Cernăuți is perhaps the least Romanian city in Romania... In Transylvania, the new administration, instead of reviving small Romanian towns like Făgăraș, Orăștie, Sebeș, imitated the liberated slave who mindlessly copies the arrogance of his former masters, shifting toward a capital devoid of character... Vulnerable towns like Blaj showed the same peeling walls, schools, and churches, the same poverty reminiscent of minor nobility from 1700, even in the wealthier peasant homes of the Uniate bishop." (Iorga, year unknown)

Authorities concluded that conditions could only be remedied through rigorous and continuous oversight. To achieve this, inspections had to be regionally organized, clearly delineating responsibilities and limits of competence. Inspections and controls were to be conducted by general administrative inspectors, prefects, and district heads (*pretori*).

By Decision no. 25.134 from November 18, 1927, issued by the Minister of Interior, the regional administrative districts were reorganized, increasing their number to 10 with new administrative centers. Counties were distributed as follows:

1. District I, headquartered in Pitești: Argeș, Dâmbovița, Dolj, Gorj, Mehedinți, Muscel, Olt, Teleorman, Vâlcea, Vlașca;
2. District II, headquartered in Ploiești: Brăila, Buzău, Caliacra, Constanța, Durostor, Ialomița, Ilfov, Prahova, Râmnicu Sărat, Tulcea;
3. District III, headquartered in Iași: Bacău, Covurlui, Fălciu, Fălticeni, Iași, Neamț, Putna, Roman, Tecuci, Tutova, Vaslui;
4. District IV, headquartered in Botoșani: Botoșani, Cernăuți, Câmpulung, Dorohoi, Rădăuți, Storojineț, Suceava;
5. District V, headquartered in Chișinău: Bălți, Hotin, Lăpușna, Orhei, Soroca;
6. District VI, headquartered in Cetatea Albă: Cahul, Cetatea Albă, Ismail, Tighina;
7. District VII, headquartered in Sibiu: Alba, Făgăraș, Hunedoara, Sibiu, Târnava Mare, Târnava Mică;
8. District VIII, headquartered in Târgu Mureș: Brașov, Ciuc, Mureș, Odorhei, Trei Scaune, Turda;
9. District IX, headquartered in Oradea: Arad, Bihor, Carei, Timiș, Torontal;
10. District X, headquartered in Cluj: Cluj, Maramureș, Năsăud, Satu Mare, Sălaj, Someș (Monitorul Oficial, 1927).

As progress continued slowly, Decision no. 4640/8 of April 11, 1928, issued by the Minister of Interior, returned to nine districts, redistributing counties as follows:

1. **District I**, headquartered in **Pitești**: Argeș, Dolj, Gorj, Mehedinți, Muscel, Olt, Romanați, Teleorman, Vâlcea.
2. **District II**, headquartered in **Ploiești**: Brăila, Buzău, Dâmbovița, Ialomița, Ilfov, Prahova, Râmnicu Sărat, Vlașca.
3. **District III**, headquartered in **Iași**: Bacău, Covurlui, Fălciu, Fălticeni, Iași, Neamț, Putna, Roman, Tecuci, Tutova, Vaslui.
4. **District IV**, headquartered in **Botoșani**: Botoșani, Cernăuți, Câmpulung, Dorohoi, Rădăuți, Storojineț, Suceava.
5. **District V**, headquartered in **Chișinău**: Bălți, Hotin, Cahul, Lăpușna, Orhei, Soroca, Tighina.
6. **District VI**, headquartered in **Constanța**: Caliacra, Cetatea Albă, Constanța, Durostor, Ismail, Tulcea.
7. **District VII**, headquartered in **Brașov**: Alba, Brașov, Făgăraș, Hunedoara, Odorhei, Sibiu, Târnava Mare, Târnava Mică, Trei Scaune.
8. **District VIII**, headquartered in **Oradea**: Arad, Bihor, Caraș, Sălaj, Severin, Timiș-Torontal.
9. **District IX**, headquartered in **Cluj**: Ciuc, Cluj, Maramureș, Mureș, Năsăud, Satu Mare, Someș, Turda (Monitorul Oficial, 1928).

4. CENTRALIZATION VS. DECENTRALIZATION: LEGISLATIVE IMPACTS AND OUTCOMES

The institutional and administrative unification actions of Greater Romania lasted ten years, from 1918 to 1928, and only partially addressed society's needs for development, modernization, and European integration. Appropriate solutions for political-economic and socio-cultural transformations were not adequately identified, nor were advanced elements from former legislations incorporated effectively into the new state organization (see the centralization-decentralization debates). In other words, Romania integrated into the Central European and Western development model, but progress was slow, complicated by cumbersome procedures, insufficiently supported, and weighed down by political maneuvering. Beyond often sterile doctrinal debates, administrative reform did not provide sufficient grounds for strengthening the national market or increasing local revenues. The National Peasant Party government of autumn 1928, immediately after assuming power, introduced a legislative framework distinctly different from that of the liberals, focused on state decentralization (Nistor, year unspecified).

According to the legislator's vision, there were at least three fundamental principles underlying the administrative reform: *Local autonomy; Administrative decentralization; Administrative oversight and supervisory bodies.* Local autonomy aimed at the administration and governance of administrative units, either directly or through representatives elected by villagers from the respective administrative units. It was conceived "from the bottom up," establishing a hierarchy that included the village, the rural and urban communes, municipalities, counties, and provinces/regions. The hierarchy of subordination went from regions down to counties and municipalities; from counties to urban and rural communes; and from rural communes to villages.

Administrative decentralization proposed by the National Peasant Party (PNȚ) aimed at reducing oversight and control activities by the Ministry of Interior. A representative of the central

authority was provided within a cooperative-subordinate relationship to the regional director, county prefect, chief district head ("prim-pretor"), and district head ("pretor"). The coordination structure for these parallel hierarchies was represented by the Regional Director and the County Administrative Commission. The entire administrative mechanism benefited from two oversight bodies: the Central Review Committee and the Regional Review Committee. Regional review committees were administrative bodies that complemented oversight and control functions over local administrative institutions and were also tasked with providing their opinion whenever government agents exercised control or decision-making roles regarding local administration operations.

An important issue in the conception of the new administrative law, according to the "Explanatory Statement," referred to the "administrative traditions of the provinces," following their specific customs and mentalities. An administrative law for Romania after the Great Union had to incorporate "traditions and customs from at least four distinct administrative systems," achievable only through compromise—with "all its drawbacks and advantages": drawbacks, because it was nearly impossible "to find a formula satisfactory to every individual administrative system," and advantages, because "a country's administrative bodies must necessarily be unified." According to the legislator's conception, "every population center, as historically developed, constitutes an administrative unit. The basic administrative unit must be the commune as a natural population center, divided into municipalities, urban communes, and rural communes." A significant role in local administration organization was reserved for the village, which "in Transylvania, Bukovina, and Bessarabia, under previous regimes, constituted at the same time the fundamental administrative unit." The arguments cited included N. Iorga's speech in Parliament, asserting that "the village is the sole reality and the principal factor preserving national consciousness and fostering its future development." The village was thus considered a commune in itself, rather than merely a section of a larger commune. Only this approach could "affirm the genuine development of villages." Under the system established by the 1925 law, where communes were formed of multiple villages, situations occurred—especially in the Old Kingdom—where villages became neglected. According to the new law, villages in Transylvania and Bessarabia, historically genuine centers of civic life, did not deserve such a fate. Therefore, the fundamental principle of the local administration organization law had to consider the village as the basic administrative-territorial unit, resorting only exceptionally to communes comprising several villages. "The individuality of each administrative unit is the village," subject nonetheless to administrative oversight, "because without control and coordination, good governance cannot be guaranteed." Thus, "democracy would gain deep roots in public life." In Bessarabia and other annexed provinces, villages had been the only civic centers preserving national language and traditional customs. The rural commune was considered in the legislative proposal as an intermediate administrative unit between village and county, serving as a controlling body exercising administrative oversight over villages. According to the legislator, a rural commune could fulfill this role provided it grouped several villages totaling around 30,000 inhabitants. The county remained as the next higher administrative-territorial unit in the new law. It was administered by a County Council, from which a County Delegation, led by the Administrative Prefect, was elected.

The county prefect, separate from the administrative prefect, represented the central authority, served as chief of the general police, and executed the County Council's decisions. He

oversaw and supervised all local administrations within the county. An innovation introduced was the County Administrative Commission, composed of all heads of county public administrations, coordinating various administrative services and addressing identified shortcomings. Alongside the village, considered a "natural population center," the concept of province was also introduced into law as a "historical formation deeply ingrained within each of us through its traditions and customs." N. Iorga supported both concepts in Parliament, emphasizing that "the current law has two fortunate ideas: the village and the region." During parliamentary debates, regions as administrative units became essential solutions for the country's proper organization. Regions could manage themselves efficiently, enabling citizens across the entire country to satisfy individual interests, achieve national unity ideals, and accomplish local autonomy. "The Minister of Interior does not know what troubles people in Cluj, Cernăuți, or Iași," and frequently orders from Bucharest were either inapplicable or produced unintended results. Had an administrative unification law based on local autonomy and administrative decentralization been promulgated immediately after the Great Union, relations between the unified provinces and the Old Kingdom would have been significantly improved. Consequently, after the Liberals' disastrous ten-year governance, the country would not have faced its current economic and financial situation.

To avoid issues of unconstitutionality and reassure fears regarding threats to national unity, legislators refrained from using the terms "province" or "region" explicitly in the law, preferring the terminology "general county associations." General county associations represented and promoted provincial interests, enjoyed legal personality, and functioned based on autonomy and administrative decentralization. They were subject to administrative review committees' oversight, which evaluated "the outcomes of good governance." The legislative debate also addressed the issue of ex-officio councilors. Legislators argued inconsistency in handling ex-officio councilors between communal and county councils because rural councils lacked ex-officio councilors altogether. It was stated that "the institution of ex-officio councilors is entirely incompatible with principles of local autonomy," defined by law as "the administration and governance of administrative units either directly or through representatives freely elected by citizens." Legislators acknowledged that, in principle, ex-officio councilors had no role in a law based on local autonomy. Retaining them alongside elected councilors was thus anachronistic. It limited electorate representation within elected bodies (councils) and maintained local power subordination to the central authority.

Moreover, the same contradiction appeared in articles 67, 69, 70, 72, and 73 of the Romanian Constitution, addressing the Senate's composition. This measure placed the 1923 Constitution in opposition to European democratic trends by removing a substantial part of the Senate from direct electoral representation.

The Law for Local Administration Organization, promulgated on August 3, 1929, reduced the number of communes from 8,751 to 1,500. The situation of the 15,267 villages spread across Romania’s provinces was as follows: 7,289 villages—approximately half—were considered small, according to the bill, having a population of up to 600 inhabitants; another 3,208 villages had fewer than 1,000 inhabitants. Thus, about 10,500 villages—more than two-thirds—had populations of up to 1,000 inhabitants. Around 3,000 villages had populations between 1,000 and 2,000 inhabitants, and approximately 1,000 villages had over 2,000 inhabitants (Nistor, year unspecified). The communal administration had jurisdiction over all matters of communal interest: management of communal property, promotion and support of collective labor, education, public

health, field protection, etc. The administration of rural communes was entrusted to a Communal Council, composed of councilors elected by universal suffrage for a 5-year term.

The Council elected the mayor and the Council Delegation, appointed the notary, cashier, and communal service officials, established their salaries, voted the communal budget, approved communal administration taxes, and established contributions in kind (articles 24–26 of the law). The mayor was the president of the Communal Council and the Council Delegation, as well as head of the communal administration. He convened and chaired council sessions, managed all communal services, and published laws, regulations, and orders from the government or higher authorities. The villages were administered by a village assembly, a village council, and a village mayor. The mayor of the commune's central village served as the deputy mayor to the communal mayor. The law established an "institutional-administrative reality," extensive and diversified, capable of assigning new functional attributes to rural structures while also enabling genuine decentralization.

Regarding counties, their number and territorial boundaries remained as established by the June 14, 1925 Law. The novelty of the 1929 law was grouping counties according to historical provinces into General County Associations, which possessed legal personality. Additionally, local ministerial directorates were established as organs of central authority:

- Ministerial Directorate I Muntenia headquartered in Bucharest, 17 counties;
- Ministerial Directorate II Bukovina headquartered in Cernăuți, 7 counties;
- Ministerial Directorate III Bessarabia headquartered in Chișinău, 9 counties;
- Ministerial Directorate IV Transylvania headquartered in Cluj, 18 counties;
- Ministerial Directorate V Oltenia headquartered in Craiova, 6 counties;
- Ministerial Directorate VI Moldova headquartered in Iași, 9 counties;
- Ministerial Directorate VII Banat headquartered in Timișoara, 5 counties.

Each Ministerial Directorate was headed by a ministerial director appointed by royal decree, equivalent in administrative rank to a state undersecretary. The fall of the National Peasant government and the subsequent assumption of power by Nicolae Iorga's cabinet on April 18, 1931, questioned the functioning of local ministerial directorates, which were subsequently abolished on July 15, 1931. It's noteworthy that although Nicolae Iorga supported the 1929 law during parliamentary debates, he later criticized its practical outcomes, declaring after its implementation: *"The new regime was characterized by the extravagant spending typical of all nouveau riche. The commemorative celebrations at Alba Iulia consumed enormous sums, the accounts of which would never be fully disclosed. Everyone took advantage as best they could. The administrative law itself, inspired by Constantin Stere, generated heavy expenditures. Village councils were created alongside communal councils, and numerous village mayors demanded salaries, however modest. The County Council president duplicated the political prefect, effectively commanding local administration. The directorates caused additional burdens on taxpayers. Some directors behaved like petty sovereigns; for example, in Banat, Minister Sever Bocu could be seen on May 10th with a general at his car door. Such individuals, emerging from the masses, exhibited an appetite for preying upon the state, which for those in the Old Kingdom contrasted unpleasantly with the dignity of our traditional nobility"* (N.Iorga).

The governing National Peasant Party aimed to revitalize rural life. Therefore, the law, in Article 1, recognized not only the rural commune but also the "village" as an administrative local unit. Villages within rural communes were equipped with their own administrative organs. Villages with more than 600 inhabitants (Article 6, para. 2) had a mayor supported by a Village Assembly

or an elected Village Council (a deliberative body), a Village Council Delegation, as well as a tax collector and other officials. Additionally, villages were represented in the General Council of the central rural commune to which they belonged by elected councilors. The mayor of the central village also served as the deputy mayor of the commune, while other village mayors served as assistants to the communal mayor. They thus held dual roles: village mayors and communal assistants.

According to the bill and the law, villages or sectors of rural communes organized in this manner had legal personality (Article 1). The legal paradox of the law was that future rural communes would be composed of two or more overlapping legal entities, corresponding to their component villages. Under the law's provisions, villages, through their administrative bodies (Village Assembly or elected Village Council), had not only the communal council's competencies but also authority to set local taxes (Article 56, para. 3, in relation to Articles 54, para. 2, and 62, para. 1).

Given Articles 41 and 111 of the **1923 Constitution**, local taxes could only be established with the approval of a single elected communal council. Consequently, jurists of the era viewed these provisions, which assigned villages or communal subdivisions political-territorial juridical status equivalent to communes, as unconstitutional. Nevertheless, constitutional concerns did not greatly trouble the 1929 legislators who regulated the village as a "politico-administrative territorial" entity. Constantin Stere argued in Parliament that, "if state constitutions are human-made, villages are not: the village springs from divine hands, and therefore no one has the right to threaten its existence."

It was further argued that: "The laws of 1925 and 1926 could bring new interpretations to constitutional provisions, given that they were voted by the authors of the 1923 Constitution. If dividing into sectors and constituting these sectors into administrative units, with territorial organization and competence equivalent to communes, was constitutional for Bucharest and municipalities, it must also be constitutional for other urban communes as well as rural communes, since Articles 4 and 111 of the Constitution neither noted any distinction nor provided any exception in this regard" (*Monitorul Oficial*, no. 88, 1929). Following parliamentary debates, the text of Article 56 paragraph (3) was amended so that "no communal tax may be established without the approval of the Communal Council." Another constitutional dispute concerned the terms "province" (Stere's draft), "region," and subsequently in the law "county associations." Liberal parliamentarians, in particular, argued during their parliamentary interventions that provisions in C. Stere's draft concerning the "Province" were unconstitutional, violating Article 4 of the Constitution. Even in administrative law doctrine, discussions had not clarified the constitutional aspects of this controversial text, thus suggesting that the issue ought to be resolved by the High Court of Cassation and Justice, as the sovereign authority for declaring a law text constitutional or unconstitutional.

The "region" as an administrative-territorial unit had already become, in doctrinal terms, the subject of extensive literature and debates both abroad and in Romania, with arguments for and against varying according to the political-administrative structure of the state, economic conditions, and national traditions. Paul Negulescu expressed his opinion on this topic in several writings: "Dividing the country into regions, subject to more or less distinct regimes, presents great advantages. Various regions exhibit unique features, distinct characteristics, specific resources, and a certain solidarity among their inhabitants. If, for example, we established one region from Northern Moldova, another from Southern Moldova, one each from Oltenia, Banat, Dobrogea, Bessarabia, Bukovina, two or three regions from Transylvania, and two from Muntenia, we would

significantly improve administration. A multitude of responsibilities could be transferred to these regions, tasks they could perform far better than central authorities. A regional council assisted by Chambers of Commerce, Industry, and Agriculture within the region would adopt all necessary measures for developing these sectors" (Negulescu, Boilă, Alexianu, year unspecified).

The eminent jurist also held that: "Active administration entrusted to a regional president or governor, supported by competent technical personnel, would function better than today's central-only oversight. A competitive dynamic would thus emerge among various regions, which ought to enjoy broad authority in economic, technical, and educational regulation." He effectively outlined the region's administrative role in the country's organization, and the activities local and regional bodies were expected to undertake.

Doctrine positioned the region within modern administrative structures in the context of decentralizing central power, drawing on positive outcomes in Germany, Austria, Czechoslovakia, Yugoslavia, and Poland. Arguments put forth by some Romanian theorists against the region included: "Absolute autonomy, regionalism, or various cells within the state's political body cannot develop without control or guidance... At a certain point, they could jeopardize the very existence, fragmenting or dissolving the State" (*Monitorul Oficial*, Part III, 1925). According to critics, the region or "general county association" and "ministerial directorates" (Articles 292–322), as supra-county administrative and political territorial units, represented territorial divisions prohibited by Article 4 of the country's fundamental law.

Before examining the validity of this claim, we will draw a parallel between the County Associations defined in the 1925 administrative unification law (Article 296) and the General County Association defined in the Local Administration Organization Law (Articles 292–322) as supra-county administrative-political territorial units. According to Article 296 of the 1925 administrative unification law, "counties may associate for a clearly defined purpose to execute, create, or maintain works and institutions beneficial at a local or regional level, from health, economic, cultural, and public infrastructure perspectives." If these county associations were constitutional, then the voluntary associations of counties established for a limited time under a Ministerial Directorate to "execute, create, or establish works or institutions beneficial to health, economy, culture, public works, and any other act involving creation or operation of services or institutions within county competencies" (Article 300 of the Local Administration Organization Law) must also be constitutional. If the purpose and competencies of both associations were identical, and if the 1925 legislator acted within constitutional limits, "there is no serious reason to conclude that general county associations in the Local Administration Organization Law were unconstitutional."

This division of the country's territory into county associations was administrative rather than political. Indeed, Article 4 of the Constitution specifies: "Romania's territory, from an administrative viewpoint, is divided into counties and counties into communes," unlike the 1866 Constitution, which stated in Article 4 that "the territory is divided into counties, counties into districts (plăși), and districts into communes." By introducing the phrase "from an administrative viewpoint," the 1923 constitutional legislator merely emphasized that "Romania's territory is unitary and indivisible politically, but divisible administratively."

It is clear that the constitutional provision prohibits political autonomy, but in no way restricts administrative decentralization, a principle of constitutional law regulated by Article 8 of the Constitution. Nearly all jurists involved in parliamentary debates argued that discussions regarding the unconstitutionality of the "Region" were relevant primarily for the future evolution

of the administrative system. At the time, Romania had not legislated the Region as a distinct administrative unit. What was understood by "Region" was essentially a geographical concept for identifying the territory under the jurisdiction of a Ministerial Directorate.

Finally, the last issue of unconstitutionality raised during debates on the bill concerning local administration organization involved the "Local Committees of Review" (Article 325). Specialized literature noted: "The principle of decentralization runs through the fabric of our local organization like a red thread, extended by the local administration law, beginning from the autonomous organization of communes up to the regional Ministerial Directorates, as the first and last stages in our administrative decentralization system" (*Monitorul Oficial*, no. 88, 1929).

Within this "organism" is also included the newly established institution of the Local Committee of Review (Deciu, 1933), reflecting the imperative of administrative decentralization regulated by Article 108, paragraph (2) of the revised 1923 Constitution, in the 1929 Local Administration Unification Law. The new institution, Local Committees of Review, arose from the necessity of separating active administration from the judicial administration tasked with reviewing the acts of local administrative bodies, as well as deliberative decisions and measures carried out by autonomous local administrations. Establishing this institution aimed at solving two issues: decentralizing central authority as an administrative oversight body and creating judicial bodies distinct from those responsible for local administration management and resolving administrative matters.

The first problem is addressed by deconcentrating certain functions of central authority and transferring them to administrative oversight bodies (Article 323). The second is solved by creating judicial bodies as authorities for annulling or revising the acts and decisions of autonomous local authorities (Article 325), removing them from central authority control to guarantee broader competence in resolving matters within their jurisdiction. If decentralization—a principle embedded in Article 108, paragraph (2), of the Constitution—is fundamental to administrative organization and is conditioned by granting a certain degree of autonomy to local administration, it is equally true that it requires the separation of local administration's executive and managerial bodies from judicial and oversight functions. This separation specifically implies distinguishing between managerial roles in communal and county administration and judicial roles tasked with approving or reviewing administrative decisions.

The principle of decentralization actually involves separating central authority functions from those of local authorities, meaning that the prefect, as representative of central authority, should not simultaneously serve as head of county administration with administrative oversight powers, because this would undermine local autonomy and blur the essential distinction between administrative manager and administrative judge. Those claiming the unconstitutionality of the Committees of Review based their arguments on Article 107 of the Constitution: "Special authorities of any kind vested with administrative jurisdiction cannot be established."

This alleged violation arose from confusion between administrative litigation, under the jurisdiction of the Court of Appeal, and administrative justice entrusted by the Local Administration Organization Law to the Local Committees of Review. To clarify this, we shall analyze the jurisdiction granted by the Administrative Litigation Law to Courts of Appeal and that assigned to the Local Committee of Review. According to Article 1 of the Administrative Litigation Law (December 23, 1925), "Anyone claiming infringement upon their rights by an authoritative administrative act violating laws or regulations, or due to administrative authorities' refusal, in bad faith, to resolve a request related to a right, may request judicial recognition from

the competent courts" (the Court of Appeal within the claimant's domicile, for claims based on Articles 99 and 107 of the Constitution and Article 1 of the law).

According to Article 6, "the Court of Appeal thus seized evaluates the act, and if it is illegal, it may annul it or award civil damages until the injured right is restored. The court is also competent to adjudicate compensation claims against the administrative authority involved or the responsible official" (Law 151/1925). Administrative litigation aims at compensating private parties (individuals or legal entities) for moral or material damages caused by illegal administrative acts or administrative mismanagement acts, declared as such by the court (Article 6, final paragraph)—without necessarily annulling them—and serves as a basis for establishing the moral and material damages claimed by the injured party. The judgment affects only the claimant's interests, and the court can be petitioned only by individuals directly injured by the abusive administrative act.

In contrast, administrative justice entrusted to the Committees of Review, according to Article 334 of the Local Administration Organization Law, deals with "any decision or act of autonomous administrative authorities contrary to law; they may also order competent authorities to fulfill duties prescribed by law or refrain from acts contrary to law, and may require them to issue decisions explicitly required by law." It primarily aims to protect general interests endangered by illegal acts of local administration, and may be notified by any person, directly or indirectly—depending on whether the abusive act affects general or private interests—or the Committee may take action ex officio.

A comparison between these two judicial bodies—in terms of referral methods, the effects of their judgments, and the specific matters they address—highlights essential differences between them, making it impossible to claim that the Review Committees are "special authorities with administrative judicial functions" prohibited from establishment by Article 107, paragraph (1), of the Constitution. The 1923 Constitution did not prohibit institutions tasked with resolving conflicts between private individuals and administration; rather, it prohibited the establishment of authorities vested with judicial powers identical to those of ordinary (common-law) courts.

The 1929 legislative framework was challenged by the National Liberal Party, which, after returning to power, prepared a new project, materialized in the administrative law of March 27, 1936. This reverted to provisions from the administrative unification law of 1925, thereby reaffirming the principle of administrative centralization.

The draft law consisted of six parts:

I. Local administration and its needs;
II. Local finances;
III. Hierarchical appeals;
IV. Administrative justice;
V. Professional training;
VI. General provisions.

In the Explanatory Memorandum, the legislator stated that the law utilized administrative experience accumulated since 1925, aiming at: simplification, economic efficiency, coordinating various local administrations, associating different administrations for common-interest projects, guaranteeing local autonomy by fully removing political influence, ensuring financial independence for local administrations, continuity, training and selecting administrative personnel, and strengthening both central and local authority.

New elements compared to previous laws included administrative elections, operation and duration of local councils, selection of administrative personnel, urban and county development

and zoning plans, associations among different administrations, exercising the right to petition, administrative courts, and spa and climatic resorts. The Explanatory Memorandum reiterated the law's objective as "removing politics from local administration," seeking "fortunate solutions." This was also the goal of the 1925 liberal legislator, who considered essential modern principles from administrative law doctrine and administration science—local autonomy, decentralization, continuity of local administration, strengthening central and local authority, coordinating activities among different administrations, and depoliticizing administration. Yet, as long as the county prefect retained a dual role—as central government representative and head of county administration with the power to appoint, promote, and discipline all county officials, suspend or fine mayors—local autonomy and depoliticization remained merely electoral rhetoric by the National Liberal Party. In debates, Constantin D. Dimitriu, former rapporteur of the 1925 law, noted that "from 1925 until today, there have been five administrative regimes, six municipal and county elections, frequent changes in local elected bodies and officials," with severe consequences resulting in the complete breakdown of local administrative life due to political infighting (Dimitriu, 1935).

Regarding the new bill, he declared it reflected the experiences of the past decade, characterizing it as "good administrative law" that retained "all provisions proven useful, irrespective of the governments enacting them." The core idea was ensuring administrative continuity: "Continuity is ensured by renewing the Council every three years and dissolving it in exceptional circumstances," a process assigned to administrative courts (Art. 65). For other dissolution causes specified in Article 165 (f), (g), (h), and (i), competence belonged to the Ministry of Interior, acting upon the prefect's request. Dissolving the Council shortened its mandate, thus challenging the principle of continuity, without which administrative life "could not be conceived." From an administrative law perspective, shortening mandates occurred in two ways: dissolution by law (automatic) under specified conditions, or dissolution by administrative act. The legislator, unconcerned by the legal implications, chose dissolution by administrative act, although certain situations provided for dissolution by law.

Under Article 165 (a)—"When after three consecutive calls, councilors do not meet quorum"—or (b)—"When elected councilors are legally reduced to half and replacements unavailable"—the prefect could dissolve the Council by decree. This method was intentional: if the prefect dissolved the Council by decree, he would have been required to schedule elections immediately. Instead, by selecting dissolution by administrative act, dissolution authority was split between two administrative bodies—the administrative courts for cases under Article 165 (a-e), and the Ministry of Interior for (f-i). Administrative courts were judicial-administrative bodies whose members were appointed by royal decree upon proposal by the Interior Ministry, thus ensuring political influence over these courts and central authority intervention in local autonomy.

Consistent with its administrative goals, the legislator mandated that, in case of dissolution, "interim councils" (Art. 136) would be appointed by the prefect or Minister of Interior (Art. 157). Notably, the law specified no operational time limits for interim councils or new elections, criticized during debates as "regrettable, perpetuating provisional conditions indefinitely." The legislator's intent leaned toward political interests, centralization, and administrative oversight rather than local autonomy. Local urban councils and county councils retained ex-officio councilors, some appointed by prefectural decree, ostensibly because they provided "real services" and a "corrective element to elected councils" (*Monitorul Oficial*, no. 50, 1925). However, this violated voter intent in electing and forming councils, undermining electoral representativeness

and allowing central government (through prefects) to influence local administration. Strengthening prefects' and Interior Ministry's roles undermined autonomy and decentralization. The project's rapporteur candidly expressed this intent: *"Undoubtedly, national unity and political integrity require a centralized regime, focused strictly on general interests concerning all citizens... Decentralization must not become extreme, granting local organizations misunderstood independence, separated from national and state interests."* He further argued decentralization must have certain limits determined largely by "public spirit," citizen conception, and prioritization of collective over individual interests, duties, obligations, and rights. Thus, it required administrative and judicial oversight, exercised via hierarchical control or administrative tutelage (Giuglea, 1931). Central oversight rendered administration cumbersome, often exercising responsibilities without adequate competence. For example, budgets were approved or altered by Interior Ministry or prefectural officials. Under the new bill, county council decisions and county delegation resolutions were limited, subject to prefectural oversight, ensuring county resources remained within the political sphere.

The Interior Minister, prefect, district heads (pretori), and notaries—as central representatives—exercised undiminished authority over locally elected administrative bodies compared to the 1925 unification law. The draft law (later the administrative law) established an administrative-judicial organization under Part IV, Title I, "Administrative Justice." Administrative courts, inspired by the 1926 French law, functioned as first-instance tribunals with administrative litigation powers. These administrative courts replaced previous Local Review Committees, serving as oversight, administrative tutelage, review, and reform bodies, empowered to annul or modify local administrative acts as specified by law. Their jurisdiction was broad, with rulings appealable to the High Court of Cassation and Justice. Committee members were magistrates. The administrative law represented progress by creating independent administrative justice led by the Central Administrative Court (similar to French district administrative tribunals subordinate to the State Council), yet regressed by eliminating appeals against their rulings to the High Court of Cassation and Justice. Thus, the law achieved political goals, shielding jurisdictional administrative acts from judicial review, while politically ensuring central authority's oversight role. Moreover, this created parallel judicial systems, as Romania already had administrative litigation courts (Courts of Appeal). The legislator acknowledged this confusion, recognizing constitutional challenges against Article 107. The law's other innovations included "hierarchical appeals" and professional training for public servants. The March 27, 1936 law essentially reverted to the 1925 provisions and administrative centralization.

5.Conclusions

This study has explored various aspects of administrative law, highlighting its critical role in governance and public administration. Through an analysis of legal principles, institutional structures, and procedural mechanisms, the research has underscored the necessity of a well-functioning administrative framework to ensure efficiency, transparency, and the protection of citizens' rights. A key finding of the study is that administrative law must continuously evolve to address new societal challenges, such as digitalization, globalization, and increased public expectations for accountability. Legal reforms and jurisprudence play a crucial role in maintaining a balance between governmental authority and individual freedoms. Furthermore, the study emphasizes the importance of administrative justice in ensuring fair decision-making processes.

Mechanisms such as judicial review, administrative appeals, and ombudsman institutions serve as safeguards against potential abuses of power. Strengthening these mechanisms is essential for maintaining public trust in administrative institutions.

In conclusion, a robust administrative legal system is indispensable for modern governance. Future research should continue to explore emerging trends and challenges in administrative law, ensuring that legal frameworks remain adaptable and responsive to societal needs.

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THE 1938 CONSTITUTION REGARDING THE ADMINISTRATIVE-TERRITORIAL ORGANIZATION OF ROMANIA

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ABSTRACT

This study analyzes the 1938 Constitution of Romania, focusing on its impact on the administrative-territorial organization. Promulgated during King Carol II's authoritarian regime, the Constitution marked a shift from parliamentary monarchy to royal dictatorship. Emphasizing executive dominance, the Constitution redefined administrative units, introduced ten regions (ținuturi), and diminished local autonomy by replacing elected councils with appointed officials. The Royal Resident became the central figure of regional governance, assuming extensive supervisory and executive powers. This legal framework institutionalized centralized control, aligning with European authoritarian trends of the time. While designed to professionalize and depoliticize public administration, the law ultimately fostered bureaucratic control, weakened democratic institutions, and proved incompatible with Romania's socio-political realities on the eve of World War II.

KEYWORDS: *administrative reform, authoritarianism, descentralization, royal resident*

J.E.L Classification: H70, N44, K36

1. INTRODUCTION

The 1938 Constitution of Romania represented a critical departure from the democratic principles enshrined in the 1923 Constitution, signaling the consolidation of an authoritarian regime under King Carol II. Adopted in a political climate marked by the erosion of parliamentary authority and the increasing personalization of power, the Constitution served as the legal foundation for sweeping administrative reforms. These changes were not merely legalistic but were intended to institutionalize control over the entire territorial and administrative structure of the state. The law introduced a hierarchical and centralized model, anchored by the creation of ten regions (ținuturi), led by Royal Residents endowed with executive authority. This study investigates the implications of these reforms, particularly how they reconfigured state power and administrative governance. Drawing from constitutional texts, legislative enactments, and comparative European practices of the interwar period, the paper explores how the 1938 Constitution sought to modernize public administration while ultimately undermining democratic governance. It provides a critical analysis of the tensions between professionalization and politicization, centralization and decentralization, and legalism and authoritarian control, all within the context of a Europe edging toward totalitarianism and war.

2.THE AUTHORITARIAN SHIFT AND CONSTITUTIONAL ENGINEERING

The authoritarian monarchical regime inaugurated by King Carol II on February 10, 1938, brought with it a new Constitution, promulgated in the presence of government members at the Royal Palace on February 27, 1938. The principles of the fundamental law were stated through the Royal Proclamation, published in the Official Gazette along with the text of the Constitution (Official Gazette, Part I, 1938). The preeminence of the Romanian nation was reaffirmed, as well as the rights and obligations of the citizens, the authority and independence of the government, the powers of the legislative bodies (significantly diminished compared to the 1923 Constitution), the parliamentary representation of the production sectors according to the new corporatist system of social organization, and so on.

The new Constitution (Romanian Academy, History of the Romanians, vol. VIII, 2003) enshrined principles of an active monarchy and gave the political regime enough features to be characterized as "authoritarian," positioned at a considerable distance from one based on parliamentary monarchy. The text of the 1938 Constitution preserved most articles from the 1923 Constitution. However, it was eclectic through the newly introduced articles which Istrate Micescu, the renowned jurist, and his team deemed necessary to consecrate the new power relations in the State "favorable to the King and the Romanian Nation." The new Constitution did not radically change the constitutional framework but reconfigured it in the direction mentioned above. The Government became a "body of the state" (Flotescu, 1998), a notion that visibly diminished the principle that all state powers emanate from the Nation and emptied of content another key democratic principle — the separation of powers.

In a comparative analysis of the 1938 and 1923 Constitutions, the differences begin with the revision procedure. Parliament would no longer be dissolved if it proposed a revision, but would itself vote on it within each Chamber through a special procedure. In 1938, the King had the initiative for revision, consulting the Legislative Bodies through a Royal Message. The legislators expressed their opinion by a two-thirds vote, meeting in a joint session presided over by the President of the Senate. The result was conveyed to the King by a delegation made up of the presidents of the two Chambers, accompanied by members of a Special Commission.

The 1938 Constitution maintained the basic principles regarding territory established in 1923. Romanian citizenship under the new Constitution was granted by the Council of Ministers through a law voted by Parliament and sanctioned by the King (in contrast with the simplified procedure in the 1923 Constitution, which established a Naturalization Commission). Articles regarding the loss of citizenship were carried over from the old Constitution, with the addition of a new clause that Romanian citizenship was incompatible with holding a position in the service of a foreign state or private company. A Decree-Law simplified the loss of Romanian citizenship for those citizens living abroad whose actions harmed the image, security, or interests of the Romanian state — a provision found in all fundamental laws of authoritarian or dictatorial regimes. In the new Constitution, citizen rights from the 1923 text were preserved, but duties toward the Fatherland and the State were also clearly stated — from obeying the law to paying taxes. Only Romanian citizens could hold political office, taking into account the "majority and state-creating character of the Romanian Nation." Regarding Sovereignty and State Powers, as previously mentioned, the principle of separation of powers was formally maintained, but decisions were taken by the executive power. In the 1923 Constitution, article 91 stated that: "The King shall have

no other powers in the State than those given to him by the Constitution." In the 1938 Constitution, article 31 stated: "The King becomes the Head of State." "Ministers are responsible only to the King" (art. 65), and were formally obligated to respond to parliamentary interpellations. The person of the King was declared inviolable in both Constitutions, with ministers bearing responsibility, as they countersigned the King's state acts (with the exception of the Prime Minister, who was exempt from countersigning).

In the new Constitution, among the conditions for becoming a minister, in addition to those already required of senior public officials, was the requirement to prove Romanian citizenship for at least three generations. Ministers who left office after holding it for three years could not become board members of companies that had contracts with the respective ministries, and former ministers of justice could not practice law for one year after leaving office. A Decree-Law of March 30, 1938, established the Crown Council, composed of permanent advisers appointed by the King from among the country's prominent figures. At the Parliamentary level, there were numerous changes. These aimed to drastically reduce the role of the legislative bodies in the system of state powers. Article 3 of the new Constitution stipulated that legislative power was exercised by the King through the National Representation – the Senate and the Assembly of Deputies, made up of Romanian citizens aged at least 30, actively engaged in one of three economic sectors – agriculture and manual labor, commerce and industry, or intellectual occupations. For the first time in Romania, women were granted the right to vote, and the corporatist system was introduced.

Now, senators came from three sources – elected by citizens; appointed by the King (half of those elected); and ex officio (holders of high offices and positions in the State). The term of office for deputies was six years, while that of senators, both appointed and elected, was nine years, with one-third renewed periodically. The 1923 Constitution was the first in Romania to proclaim universal, equal, direct, secret, and mandatory suffrage, with proportional representation for minorities. The new 1938 Constitution also provided for secret and mandatory voting, but no longer universal, even though women were granted the right to vote. In 1923, party-list voting was used, while in 1938 a single-member voting system was adopted.

3. REGIONALISM AND THE NEW ADMINISTRATIVE-TERRITORIAL ARCHITECTURE

The King could postpone the opening of Parliament by up to one year, compared to one month, plus another possible extension, under the previous Constitution. As mentioned, the right of legislative initiative belonged to the King, while the legislative bodies could only propose laws "for the public good of the State." Based on the new Constitution, the Administrative Law was promulgated on August 14, 1938. According to this law, Romania was divided into 10 regions (ținuturi), each with legal personality, as follows:
Ținutul Olt – seat: Craiova, 6 counties
Ținutul Bucegi – seat: Bucharest, 10 counties
Ținutul Mării – seat: Constanța, 4 counties
Ținutul Dunărea de Jos – seat: Galați, 10 counties
Ținutul Nistru – seat: Chișinău, 4 counties
Ținutul Prut – seat: Iași, 9 counties
Ținutul Suceava – seat: Cernăuți, 7 counties

Ținutul Mureș – seat: Alba Iulia, 9 counties
Ținutul Someș – seat: Cluj, 7 counties
Ținutul Timiș – seat: Timișoara, 5 counties

The county (județ) lost its legal personality, remaining, like the district (plasă), a mere administrative and control district. The prefect was no longer a political appointee but became a career official. The mayor became the "head of the commune," invested with greater authority. Villages that were not commune seats formed "small units" represented by a delegate at the commune level. The law retained the classification of communes: rural, suburban, urban (non-county seat), urban (county seat), spa and health resorts, and municipalities – urban communes with over 50,000 inhabitants or county seat status. The mayor was appointed by the authorities depending on the type of commune: by prefects for rural and non-county urban communes, and by the Royal Resident for urban county seats.

The deputy mayor was appointed under the same conditions as the mayor – at least 30 years old, university-educated (in county seat municipalities and spa resorts), or primary education in rural communes, etc. In municipalities, two vice-mayors were provided for. The communal council consisted of:

- 3 elected councilors in rural communes
- 5 in urban non-county seat communes
- 7 in county seat urban communes
- 12 in municipalities

(The capital had a special organization regulated by a separate law.) In addition to elected councilors, the law also included ex officio councilors – such as the teacher, the priest, etc.

In communal elections, candidates had to hold Romanian citizenship, belong to one of the professional categories, and be actively practicing within them (according to the corporatist structure). Royal Residents were appointed by royal decree and had extensive powers, notably ensuring public order and peace in their region. A royal resident was appointed for six years by royal decree, based on a Cabinet journal and at the proposal of the Minister of Interior. They held the rank and salary of an undersecretary of state and the title of "Excellency." They were chosen from among university graduates or military officers with at least the rank of general. The minimum age was 35, with no maximum age specified. The royal resident was not a career official. The conditions of appointment and the nature of the position gave it the appearance of a political-administrative dignity.

The six-year appointment should not be interpreted as a guarantee of irremovability for the royal resident. Article 58 of the law listed incompatibilities: a royal resident could not hold any other state, commune, or public institution-paid position; could not practice a liberal profession; could not serve as administrator, auditor, or employee in civil or commercial companies, cooperatives, or people's banks; could not engage in commerce, leasing, or contracting, or manage businesses connected to his office. The same article also made the royal resident's position incompatible with parliamentary mandate. As a representative of central authority, the royal resident was the executive agent for measures ordered by the central government (ministries) – see Articles 66 and 68 – and was considered a decentralized body of central authority. In this capacity, the royal resident had the right of initiative and independent decision-making (Art. 63).

His powers did not extend to all ministries or departments. Under Article 54, justice, military, foreign affairs, higher education institutions, autonomous state enterprises, and commercial administrations were excluded from decentralization. Moreover, the royal resident's powers were limited and supervised by the respective ministers (Art. 63, letter e), final paragraph), who could suspend or revoke the royal resident's decisions – whether upon complaint or ex officio – in cases of legal violations, abuse of power, violation of instructions or ministry norms, and in the interest of state finances and public order.

4.THE ROYAL RESIDENT: AGENT OF CENTRALIZED AUTHORITY

The royal resident acted as a supervisory and administrative oversight authority over local agents of the central government. He thus assumed responsibilities formerly belonging to the Ministry of Interior, especially regarding municipalities, county seat cities, and spa resorts. He could attend communal council meetings whenever he saw fit, and his opinions were to be included in the minutes (Art. 67). He supervised the activity of autonomous public enterprises and commercial administrations, reporting findings to the relevant ministries. According to Art. 67, he also oversaw all cultural, charitable, and social welfare institutions dependent on the state, region, or commune (see Articles 44, 45, 135, 161). His powers extended beyond local government bodies and included local representatives of central government – such as prefects, sub-prefects (pretori), and notaries. He had the right to appoint notaries (Art. 109) and to supervise all other local state representatives (Art. 192). He could refer sub-prefects, prefects, chief administrative inspectors, general secretaries of the regions, and other public officials to disciplinary courts (Art. 137, letter c). Under Article 63, letter d, the royal resident could apply disciplinary actions directly (such as reprimands and 15-day salary withholding) to external ministry officials. For harsher sanctions, he had to contact the relevant ministry, although Art. 137 allowed him to directly refer cases to disciplinary courts, specifically the administrative courts.

Finally, the royal resident was the hierarchical superior of all external officials of ministries, except those listed in Art. 54, paragraph 2. He supervised their activity, could grant leave, apply minor disciplinary sanctions, or refer them to disciplinary courts, as previously explained. As administrator of the region, the royal resident was both the head of local administration with initiative and decision-making authority, and the executor of decisions made by the Regional Council. This made sense, as the Council – a collegial and deliberative body – required a single-person executive agent, as provided for in the law. The Regional Council was a pluralistic, collective body, composed of members elected by the electoral body and members appointed according to law. The powers of the Regional Council are deliberative in the following cases: when the creation of revenues of any kind is pursued; the establishment of taxes and dues within the limits set by law; the voting of the income and expenditure budget; decisions regarding loans, alienation, allocation of immovable property, purchases, exchanges, concessions, acceptance of donations and legacies, transactions, waivers, and recognition of rights when their value exceeds one-twentieth of the ordinary revenues. The Council also has consultative powers, meaning it provides opinions to the Royal Resident when consulted.

The law does not specify the duration of the Council's mandate. It only states that the mandate of elected members lasts six years, and that of ex officio members expires upon the termination of the respective offices (Art. 76). Moreover, the mandate of elected members can end by revocation as a disciplinary measure issued by the competent authorities (Arts. 134 and 135). These articles establish, without distinction between the types of locally elected bodies, various

cases and procedures for applying disciplinary sanctions. The regulatory function within the region belongs to both the Royal Resident and the Council (Art. 94). The Royal Resident drafts regulations on matters under his direct competence and consults the Council. The Council drafts regulations on all matters under its deliberative jurisdiction. Such regulations are approved by royal decree, upon proposal from the Minister of the Interior, and are published in the Official Gazette and in the regional gazette. The law fails to specify who holds jurisdiction over two categories of responsibilities that could be subject to administrative regulation: police duties and those concerning the creation and organization of regional administrative services. Regarding police duties in regional administration, the law says nothing, except for issues related to public order and state security, which, being matters of force, fall to the Royal Residents and representatives of the Ministry of the Interior (Art. 66). However, it is undeniable that at the regional level there are public security concerns relating to areas such as: traffic safety, public hygiene and health, preservation of public property, agricultural and livestock measures, etc. Since the law does not clarify these areas, we agree—based on opinions expressed at the time—that these duties fall under the exclusive authority of the Royal Residents, with the Council having no police competence (Art. 82). In conclusion, such responsibilities belong exclusively to the Royal Residents, who are invested with general and full competence in administering the region (Art. 69). As for the regulations necessary for creating, organizing, and operating the administrative services of the region, we support the view that responsibility lies equally with the Royal Residents and the Regional Council. This is because establishing a public service, organizing it, and setting rules for its functioning necessarily involves the use of budget allocations, salaries, and capital investments. The Royal Resident cannot dispose of these funds without the participation of the Council, which, by law, is called upon to decide on the creation of taxes and levies, as well as on the budgetary allocation of such funds.

On the other hand, it must be considered that the initiative for administrative activity within the region belongs to the Royal Resident. He presides over the Council, sets the agenda, and convenes its members for ordinary and extraordinary sessions. The Council cannot discuss or take action on matters not listed on the agenda. Consequently, the Royal Resident holds the initiative for the creation of a regional service and establishes a set of rules for its organization and operation, which must then be submitted for approval to the Council of the respective region.

The Administrative Law of 1938 established, for the first time in Romanian legislation, a comprehensive vision regarding the conditions for the organization and urban development of communes, including mandatory layout and urban planning plans for communes and the required content of each (Art. 139). The law placed special emphasis on local administration personnel, establishing a local administrative hierarchy distinct from the statutory one, composed of ranks and classes with recruitment and promotion criteria different from those previously in place—a technical hierarchy based on competence. It stipulated the existence of three well-differentiated categories of civil servants. The law abolished the communal and county funds and introduced a new and important source of ordinary revenues for communes and regions, allowing for the creation of taxes and duties within the maximum limits set by an annexed table. Local finances acquired independence and autonomy, enabling them to generate their own sources of revenue to meet the growing infrastructure and social needs. The revenues and expenditures previously assigned to counties were now allocated to the regions (ținuturi), which were now able to undertake much larger-scale projects than the counties had been.

Budgetary evaluations had to fall within the actual revenues collected in the previous year for each income category. This measure aimed at balancing local budgets and ensuring the implementation of a minimum urban development program. The provisions of the 1938 law, its explanatory memorandum, and references to comparative law indicate that its drafters pursued two main goals: The need to align the new administrative institutions with the Constitution of February 27, 1938, which emphasized the role of the executive power;

The desire to create greater unity and order within public administration, as existing laws had enshrined a diversity of administrative organizations from different regions of the country that were hard to integrate into a single legal framework promoting new institutions and rules previously absent in those areas. The administrative life, which had previously been heavily influenced by political organization, led to instability in local administration laws, contradictions with central administration laws, and a lack of coherent organizing action. For these reasons, the new law sought to align with trends found in many other European countries that had reorganized their administrations. It aimed to establish a separation between politics and administration by attempting to create an administrative science and technique independent of the electorate. The concepts of authority, order, hierarchy, and discipline were also emphasized. The core principles from European legislation—decentralization and deconcentration, technical expertise based on competence and hierarchy, and a focus on urbanism and public works—were reflected in this law as well.

The creation of the regions (ținuturi) and the commune as units of decentralization and deconcentration aligned with these principles. This structure realized a unified form of regionalism, based on the division of the country into large territorial districts where all external administrative services coexisted, while also promoting local interests. For this purpose, the State ceded part of its public authority to the new body, within the limits set by law. Decentralization was achieved by granting part of the local administration to centrally appointed officials (the royal resident and mayor) and by limiting the authority of elected bodies (regional and local councils), which essentially remained auxiliary and consultative bodies to the executive. The law attempted to find professional, not political, mechanisms for recruiting management personnel, based on competence and royal trust, not electoral mandates, thereby excluding partisan politics and electoral influence. These principles, outlined in the explanatory memorandum, supported the drive to professionalize the administration through competence and hierarchy. However, in practice, the elimination of electoral principles rapidly led Romania—including in the field of administration—towards the arbitrariness of appointments.

The law also emphasized urbanism and infrastructure, and reformed local finances. A new structure for planning commissions was created, including the financial means required for implementation. These commissions were composed of specialists. The new financial regulations gave the region (ținutul) initiative over actual management, allowing each region to achieve financial balance based on its economic capabilities, while the law set tax brackets and maximum rates. Beyond the widely discussed nuances at the time, we cannot ignore the realities of Romanian political and administrative life after 1938, which made many of the law's administrative reform provisions obsolete, due to the increasingly authoritarian and totalitarian nature of the Romanian state. As a result, many objections were raised regarding the recruitment of public officials, especially the royal residents.

The Administrative Law of August 14, 1938, as previously emphasized, aimed to organize public administration in accordance with the Carlist constitutional principles, which placed the

State above all, replacing the parliamentary regime with the primacy of the executive. The idea of authority was reinforced; the role and functioning of representative bodies were rationalized, and political group influence was limited. An authoritarian centralized administration was introduced. From the smallest administrative unit—the rural commune—to the newly created large units—the regions, administration was entrusted to appointed bodies with initiative and decision-making power. Elected councils were assigned only consultative powers. Counties lost their legal personality, as did the districts (plăși), which became control districts. Prefects became career officials, and mayors were appointed, taking over many responsibilities previously held by communal councils, thereby implementing the principles of authoritarian rule down to the smallest unit of state administration. Through these measures, King Carol II sought to consolidate his power and control over the state's administration.

The final and transitional provisions of the law stated that it would enter into force upon promulgation and could not be amended for two years from that date (Art. 194). The implementation regulations, promulgated on November 18, 1939, largely supplemented the law, especially concerning administrative officials in rural communes. However, the law was soon abrogated by Decree no. 32119, issued by General Ion Antonescu's regime. The explanatory memorandum of the new law stated that: *"The administrative institutions introduced by the Carlist law did not correspond to the real needs of the country, and even less to the spirit that must prevail in administration: simplification of the state apparatus, sincere cooperation between administration and the administered, free from bureaucratic formalities and parasitic administrative organs."*

This Constitution, which effectively marked the transition from parliamentary monarchy to a regime based on authoritarianism and royal dictatorship, led to visible changes in Romania's administrative-territorial architecture, as previously defined by the 1923 Constitution, ultimately weakening the capacity of Romanian administration to respond to the challenges and the emerging international context that foreshadowed the outbreak of World War II.

5. CONCLUSIONS

The 1938 Constitution and the accompanying Administrative Law represent a turning point in Romania's interwar governance, illustrating the paradox of reform within an authoritarian framework. Conceived as a means of rationalizing and professionalizing public administration, the reform simultaneously marked the demise of democratic governance and the triumph of centralized royal authority. Through a technocratic reorganization of territorial units and the institutionalization of figures like the Royal Resident, the state sought to consolidate control under the guise of efficiency and unity. However, the suppression of local autonomy, the marginalization of elected bodies, and the overt politicization of appointments ultimately contradicted the stated goal of administrative depoliticization.

While the law introduced elements of modern administrative science—such as regional planning, fiscal autonomy, and hierarchical structures based on competence—it did so within a rigidly top-down system that left little room for civic participation or institutional resilience. The corporatist model and the King's omnipresence in constitutional and administrative life underscored the regime's priority: control over consensus, order over representation.

In retrospect, the 1938 administrative-territorial reform failed to take root not only because of its political fragility but also due to its dissonance with Romania's societal needs and democratic aspirations. Its rapid repeal by General Antonescu's regime and the harsh critique it received

underscore its limited applicability and legitimacy. As a historical case study, it exemplifies the risks of administrative modernization pursued through authoritarian means—a reformative shell masking regressive governance. In the broader European context of the late 1930s, it reflects the broader pattern of constitutional backsliding and state centralization that paved the way for totalitarian trajectories.

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THE ROLE OF EXPERTISE IN THE DEVELOPMENT OF ADMINISTRATIVE DECISIONS DURING THE HEALTH CRISIS IN FRANCE
A LEGAL PERSPECTIVE ON THE YEAR 2020

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ABSTRACT

This study explores the critical role played by expertise in shaping administrative decisions during France's health crisis in 2020. It examines how expert input informed government policy during the COVID-19 pandemic, focusing on both traditional and ad-hoc expert committees such as the High Authority of Health (HAS), the High Council for Public Health (HCSP), and the specially convened Scientific Council. The research provides an in-depth legal analysis of the state of health emergency, the emergence of specialized expert bodies, and the interaction between administrative expertise and legislative actions, primarily through the Conseil d'État and administrative judiciary. The study concludes that expertise, despite facing occasional criticism, was instrumental in producing coherent and effective administrative norms and policies during an unprecedented public health emergency.

KEYWORDS: *administrative decisions, expertise, COVID-19, France, health crisis, health emergency, public health*
J.E.L. Classification: I18, K23, H12, H83

1.INTRODUCTION

Monday, December 21, 2020, the European Medicines Agency gave the green light for the marketing of the Pfizer/BioNTech vaccine. This authorization thus marked the beginning of the vaccine's use within the European Union. The official vaccination campaign was expected to start on December 27 in all Member States. The French High Authority of Health (*Haute Autorité de Santé*, HAS) had approved the use of the precious serum a few days prior to the official start of the campaign. In a recommendation issued on July 28, 2020, the HAS stated:

> "*In the context of the unprecedented COVID-19 pandemic crisis, there are currently strong expectations for a curative treatment and a vaccine against SARS-CoV-2. Once they have demonstrated their safety and effectiveness, these vaccines will, in addition to essential barrier measures and possible treatments, constitute the best tool for preventing and combating the pandemic."* (strategie-vaccinale-contre-la-covid-19, 28.07.2020)

The year 2020 was marked by a severe health crisis that disrupted the activity of the entire planet: national lockdowns, travel restrictions, closures of public and private institutions. This exceptional context was particularly trying both for citizens—who were the primary subjects of

the constraints imposed by the pandemic (mask mandates or the ban on gatherings of more than six people)—and for the Administration, which had to adapt to the new situation on the fly. National governments sought to implement measures that balanced public health goals with respect for fundamental freedoms. To maintain efficiency, the French government opted to use ordinances, which are more flexible and faster-resulting in an explosion of administrative and legislative norms during the pandemic.

In France, the two lockdowns imposed to curb the spread of the virus highlighted sometimes absurd decisions, such as the closure of non-essential shops, hairdressers, and cinemas, while pet grooming salons remained open (Le Figaro Magazine 27 novembre 2020). Faced with increasingly complex and difficult problems, political leaders were compelled to turn to experts, equipped with the necessary knowledge to inform their decisions. Aside from a few measures deemed "absurd" by civil society, the government's overall policy was coherent and effective. This was partly due to the contributions of experts who managed to remain independent from the political sphere—the two lockdowns helped slow the spread of the virus nationally and prevented the saturation of intensive care units. It is also worth noting that the health sector has traditionally been one of the primary fields where expert input is heavily relied upon, given the critical stakes and the need for specialized knowledge.

It is worth noting that both the media and citizen groups occasionally criticized the expertise that accompanied political decisions. For instance, the *Conseil scientifique* (Scientific Council), which was designed to support the government, sometimes complicated the process and issued opinions without being fully aware of the realities on the ground. The abrupt deconfinement policy following the first wave of COVID-19, combined with the "stop-and-go" strategy, generated public confusion, while other countries, such as Sweden, opted for a more stable approach in this regard.

Some doctors (notably Professor Didier Raoult and Professor Michaël Peyromaure) even criticized the *Conseil scientifique*—and in particular its president, Jean-François Delfraissy—for underestimating the severity of the epidemic and for not advocating a strict implementation of the "test, trace, isolate" plan. However, the Council did not lose its credibility and sought to correct possible mistakes along the way.

Expertise takes on a particular significance when it comes to managing public health risks: expert opinions are more essential than ever in defining the measures necessary to respond to the situation. While nothing seems to have changed in sectors traditionally subject to constant expert input (such as urban planning and environmental policy), expertise—especially in public health—has become an imperative for stability and good governance in the development of administrative decisions. The health crisis clearly brought to light a wide variety of administrative decisions, such as specific measures imposing local curfews. (Jacques Chevalier, RDSS n.5 , p. 831-838),

According to Cornu's *Vocabulaire Juridique*, expertise is defined as "a procedural measure involving a technician appointed by the judge to examine a factual question requiring specialized knowledge, where a simple consultation would not be sufficient to enlighten the judge. The expert subsequently issues a purely technical opinion." This is the traditional definition of expertise used in civil and administrative proceedings.

In a public health context, however, the meaning of the term must be adjusted, moving it closer to the domain of consultation. Legitimately, it may refer to the act of seeking an opinion or advice—purely optional—from a person or organization with the relevant expertise, to help inform the decision-making process. Michèle Lenoble-Pinson, in *Dire et écrire le droit*, advises against

using the term “expertise” in the sense of “competence, quality, know-how,” and recommends the use of the word “experience” instead.

Bouillet, in his *Dictionnaire de la langue française*, defines expertise as “the examination and verification of a disputed matter by commissioners possessing specialized knowledge on the issue.” The *Larousse* dictionary describes expertise as “the examination of something for the purpose of estimating or evaluating it,” referring thus to material goods and excluding legal connotations. *Le Petit Robert* provides two definitions : “1. A technical examination by an expert during legal proceedings; 2. Expertise in a specific field.” Finally, the *Dictionnaire de synonymes* assigns to expertise meanings such as “assessment, appraisal, study, examination, verification.”

Within the context of this study, expertise is understood as a series of scientific recommendations issued by a competent authority to assist the Administration in decision-making, during a defined period, with the objective of overcoming the health crisis (Jacques Chevalier).

It is worth noting that both the media and citizen groups occasionally criticized the expertise that accompanied political decisions. For instance, the *Conseil scientifique* (Scientific Council), which was designed to support the government, sometimes complicated the process and issued opinions without being fully aware of the realities on the ground. The abrupt deconfinement policy following the first wave of COVID-19, combined with the “stop-and-go” strategy, generated public confusion, while other countries, such as Sweden, opted for a more stable approach in this regard.

While the concept of a health crisis is not new, the notion of a state of health emergency entered the French legal landscape with the adoption of the law of March 23, 2020 (quest-ce-que-letat-durgence-sanitaire). It refers to an exceptional measure that can be declared by the Council of Ministers in the event of a public health disaster that endangers public safety and health. The state of emergency is declared for the first time by decree in the Council of Ministers, based on a report from the Minister of Health, for a maximum duration of one month. The decree specifies the territorial areas to which it applies. The public health data on which the decree is based are made public. Beyond one month, the extension of the state of emergency must be authorized by law, which also sets its duration. A decree issued in the Council of Ministers may terminate the state of emergency before the legal deadline.

Declaring a health emergency opens the door for the use of special police powers by the Prime Minister, who may, by decree, enact measures that limit certain fundamental freedoms (such as freedom of movement and assembly), requisition property to address the public health threat, or introduce temporary price controls (on items such as surgical masks or hand sanitizer). The legal framework for implementing the state of health emergency is laid out in the French Public Health Code (*Code de la Santé Publique*).

Before the COVID crisis, only one provision referred to situations involving a health threat: former Article L3110-1, introduced by the law of March 5, 2007 (Law No. 2007-294), later renumbered L3131-1, which stated:

“*In the event of a serious health threat requiring emergency measures, notably in the case of an epidemic threat, the Minister of Health may, by a reasoned order, prescribe in the interest of public health any measure proportionate to the risks involved and appropriate to the circumstances of time and place, to prevent and limit the possible consequences of threats to the health of the population.”*

The new Article L.3131-1 of the Public Health Code adds that:

“ *The minister may also take such measures after the end of the state of health emergency provided for in Chapter I bis of this title, in order to ensure the lasting resolution of the health crisis.”*

The law of March 23, 2020, introduced Chapter I bis into the Public Health Code, concerning the state of health emergency (Articles L.3131-12 to L.3131-20).

The Code stipulates that in such a situation:

“ *A scientific committee shall be convened without delay. Its president is appointed by decree of the President of the Republic. This committee includes two qualified individuals respectively appointed by the President of the National Assembly and the President of the Senate, as well as other qualified individuals appointed by decree” (Article L.3131-19).*

The same article outlines the committee’s missions:

“*[It] shall periodically issue opinions on the state of the public health disaster, the relevant scientific knowledge, and the measures needed to address it—including those falling under Articles L.3131-15 to L.3131-17—as well as on the appropriate duration of their application.”*

The text also establishes the requirement to communicate these opinions simultaneously to the Prime Minister, the President of the National Assembly, and the President of the Senate. Additionally, the committee is automatically dissolved at the end of the health emergency.

Has expertise become an indispensable tool for producing coherent administrative norms during a health crisis?

The diversification of public health expertise authorities (I) is complemented by administrative and legislative expertise, which is the result of the joint work carried out by the Council of State (*Conseil d’État*) and the administrative judiciary (II).

2.THE DIVERSIFICATION OF PUBLIC HEALTH EXPERTISE AUTHORITIES

The role of expertise during the health crisis extended beyond the field of public health. It impacted vital sectors such as the public insurance system (housing aid, child benefits), the labor sector (through allocations for furlough or partial unemployment), and the economy (via state aid to businesses affected by the crisis). This involved a symbiosis of various types of expertise, all aimed at providing guidance to the legislature for the adoption of coherent and effective measures.

Nevertheless, health expertise was the most prominent and was at the origin of the special policies adopted by the government in 2020. In addition to traditional expert authorities (A), ad hoc committees were created to manage the health crisis (B).

A. Traditional Public Health Expertise Authorities

The network of health expertise includes the **established institutional channels**, which were reinforced during the health crisis by committees specifically focused on pandemic management within France. The media often highlighted the role and recommendations of these special committees, occasionally overlooking the traditional authorities that were equally involved in managing the crisis.

This circle of expertise comprises specialized structures such as the High Authority of Health (*Haute Autorité de Santé*, HAS) and the High Council for Public Health (*Haut Conseil de la Santé Publique*, HCSP). The HAS is an independent administrative authority with a scientific mandate, created by the law of August 13, 2004. Its role is to:

“*Evaluate medications, medical devices, and professional procedures for reimbursement, recommend professional best practices, formulate vaccination and public health*

recommendations, and measure and improve quality in hospitals, clinics, general practice, and in social and medico-social institutions."

It is specifically tasked with issuing recommendations aligned with its three missions, to improve the quality of the public health system.

The HCSP, meanwhile, is responsible for advising the Minister of Health by producing public health reports and formulating recommendations. The government could have relied on these existing institutional mechanisms to manage the health crisis, as these authorities include medical experts capable of defining the appropriate measures to contain the spread of the virus. In this context, the creation of a *Scientific Council* may have seemed unnecessary, given that the experts in these established bodies already had the scientific legitimacy to act as genuine supports to the government—not merely as "spokespeople tasked with describing the situation."

The HCSP provides:

"*The expertise necessary for managing health risks,"* and coordinates:

"*Forward-looking thinking on public health issues, its contributions to the formulation, annual monitoring, and multi-year evaluation of the national health strategy, and the design and assessment of strategies for health promotion, prevention, and safety—including their economic dimensions in terms of mobilized resources and anticipated benefits for public health—as well as its contributions to the development of a comprehensive and coordinated child health policy."*

Normally, in the event of a health crisis, the HCSP should be the government's primary expert body, without exception. Moreover, the HCSP includes a specialized commission on infectious and emerging diseases, which was urgently reactivated at the beginning of February. On February 18, 2020, the HCSP issued an emergency opinion on protecting staff and disinfecting facilities where COVID-positive patients were present (Coronavirus SARS-CoV-2, Avis du 18 févier 2020). In issuing this opinion, the HCSP relied on existing knowledge about the virus and maintained constant dialogue with the European Centre for Disease Prevention and Control (ECDC). Additionally, the HCSP emphasized the importance of proper implementation of cleaning procedures and standard precautions, such as hand sanitizing with alcohol-based gel and the use of personal protective equipment (surgical masks, FFP1 or FFP2 types).

Dozens of opinions issued in March covered a wide range of topics, from general public health concerns to more specific issues (Jacques Chevallier). The HAS issued opinions on virus testing procedures and the use of serological tests (May 18, 2020). In a recommendation dated July 19, 2020, concerning vaccination strategy, the HAS begun laying out the pillars of the future vaccination campaign. It first identified the most vulnerable populations and proposed tailored quarantine measures for the elderly in nursing homes (*EPHAD*), for mentally ill individuals institutionalized in psychiatric centers, and for detainees. It then presented four possible scenarios and concluded that health and social care professionals would be the priority targets of the vaccination campaign. Vulnerable individuals would also be included in the initial phase of vaccination. However, the July 19 recommendation remained vague about the modalities of implementation and lacked detail on how the strategy would be carried out.

The system of expertise composed of traditional authorities was not, in the government's view, sufficient to formulate a rapid response to the health crisis. However, this does not mean that the expertise provided by these authorities was ineffective. On the contrary, the use of treatments, confinement and curfew measures, and the management of patients suffering from severe forms of the disease were all subjects of opinions, recommendations, and framework notes issued by the experts within these traditional health bodies.

B. The Emergence of Specialized Expert Structures

The decision to create a scientific body "tasked with informing public decision-making in managing the health situation related to the coronavirus" was made following an informal meeting at the Élysée Palace on March 5, 2020. On March 11, 2020, the *Scientific Council* (*Conseil scientifique*) was officially created and began its work the same day. This structure aimed to meet the demands of impartiality and independence, while remaining transdisciplinary. Its functioning was intended to be "flexible, agile, and responsive."

Several reasons explain the emergence of this new form of expert body:

1. The government needed a committee specifically created to focus exclusively on the epidemic, relieving pressure on already overburdened health authorities.
2. The effectiveness of such a body is increased by its single focus on a temporary situation.
3. A single expertise objective offers a more stable and secure pathway for managing the epidemic; an authority working across too broad a field might lose its focus, leaving the government to handle the crisis alone.

Professor Chevallier noted that an informal structure, closely integrated into political decision-making and composed of members selected *intuitu personae*, may be more effective and stable than a Health Authority that brings together different types of expertise from various sectors.

Despite its improvised origins, the legislature quickly formalized the Scientific Council's existence in the Public Health Code. Article L3131-19, added by the law of March 23, 2020, requires that a scientific committee be convened immediately in case of a public health emergency. The law also defines its composition and responsibilities. Moreover, the law of July 9, 2020 imposed an obligation to periodically issue opinions on the measures taken—at least until October 30, 2020 (*Article 1, VI*).

On March 24, 2020, the government also created the Committee for Analysis, Research, and Expertise (CARE) on COVID-19, bringing together twelve researchers and medical professionals. Its mission was to prepare for the end of lockdown and to provide opinions on "proposals for innovative scientific, technological, and therapeutic approaches." In this role, the committee monitored the various treatments administered to COVID-positive patients, clinical trials, serological and virologic tests, and contributed to defining the main axes of France**'**s vaccination strategy.

Its opinion of July 9 on vaccination strategy addressed several key questions, including the criteria for immunogenicity, the evaluation of anti-SARS-CoV-2 vaccines, the challenges and outlook for vaccination, and the prospects for population-wide immunity.

The competence granted to experts must naturally be accompanied by essential principles such as transparency, impartiality, and objectivity. Flawed or biased expertise can negatively impact decision-making and, in the context of a health crisis, can become a harmful experience for any democracy. Moreover, the process of producing expert opinions must itself reflect the values of pluralisme and openness.

The Scientific Council was expected to issue its opinions based on the latest scientific research, completely detached from political considerations. From the beginning, it made its opinions public in order to clearly distinguish between scientific expertise and political decision-making. The transparency of expertise was established as a foundational principle by the Council (France Stratégie , Rapport 2018).

The structure of its opinions followed a classical model inspired by traditional health authorities:

1. Situation analysis based on statistical data;
2. Review of experiences gained during the epidemic;
3. Presentation of recommendations, along with possible scenarios;
4. Acknowledgment of topics outside its jurisdiction (such as the postponement of municipal elections);
5. Finally, the practical consequences of the recommendations issued.

The Council did not hesitate to impose strict conditions for preparing France's exit from lockdown, including:

- The state of intensive care services;
- A reduction in case numbers across the territory;
- The expansion of the national testing strategy;
- The use of digital tools to track undiagnosed cases (Avis du Conseil scientifique du 2 avril 2020).

The opinions issued by the Scientific Council took the form of **"**recommendations that political decision-makers are expected to follow"(R.Magni-Berton , PUG, 2020)—making expertise not only a source of knowledge but also a true guide to action.

However, the broadening of the experts mandates never implied that they were granted decision-making power: the adoption or rejection of their recommendations ultimately depended on political discretion. Until recently, health expertise occupied a subordinate place on the government**'**s agenda, always weighed against other political considerations. From the start of the pandemic, political leaders increasingly relied on scientific expertise to assess the situation and make decisions. This reliance also helps explain the disagreements that sometimes emerged between political leaders and the Scientific Council.

For instance, on April 14, the Council issued a note emphasizing the need to open the COVID-19 response to society and citizen-based expertise, proposing the creation of a "liaison committee with society (Jacques Chevallier). " This proposal was repeated in its June 2 and July 27 opinions but received no political response.

Another point of divergence emerged over the exit from the first lockdown: while the Council urged caution on April 2, the President of the Republic announced on April 13 that the lockdown would be lifted on May 11—clearly described as a "political decision" taken against expert advice (Macron, speech from 12th of May 2020).

A new conflict arose regarding the proposal to maintain strict confinement for elderly people: even though the Council recommended the measure, the President of the Republic declared on April 18 that no such **"**discrimination would be tolerated" and that he would instead appeal to individual responsibility (Statement of President Emmanuel Macron from 14th of June 2020).

Thus, the traditional expert authorities were supplemented by new structures created specifically to respond to the health crisis. Experience has shown that—aside from a few specific cases—this approach was welcome and helped improve crisis management. It also enabled a balance to be struck between the domain of public health expertise and that of political authority.

3. JOINT LEGISLATIVE AND ADMINISTRATIVE EXPERTISE

Just like the country as a whole, the legislature was not prepared for the crisis generated by the COVID-19 pandemic, which required the urgent adaptation of legislation and regulation across various domains such as public finance, justice, and social affairs. While the health authorities supported the legislature in decision-making related to the spread of the virus and its consequences,

legislative expertise was provided through the joint contribution of the Council of State (Conseil d'État) (A) and the administrative judiciary (B).

A. The Council of State – Pillar of Legislative Expertise

Managing the crisis and its wide-ranging consequences led the government to produce a large number of texts—draft laws, ordinances, and decrees—on which the Council of State's consultation was required under Article L.112-1 of the Code of Administrative Justice and Articles 38 and 39 of the Constitution.

Between March 12 and October 21, 2020, the Council examined 256 draft texts, 232 of which were related to the health crisis. These included 115 draft regulatory decrees and 70 draft ordinances (Sylvie Hubac et Laurent Domingo , RFDA n.4/2020 p,629-633), illustrating the government's preference for these more direct and flexible legal instruments compared to standard bills. Review deadlines were often minimized to just a few days, as the government faced new issues requiring near-immediate legal responses. For example, the bill extending the state of health emergency was submitted to the Council on April 29, reviewed on May 1, and deliberated in the Council of Ministers the very next day.

Thus, the Council of State's expertise occupied a central role in the government's law-making process. Due to the urgency, the government suspended or shortened, as much as possible, the usual timelines for adopting legislation. This meant the suspension of existing mandatory consultation regimes (e.g. Article 11 of Law No. 2020-920 of March 23, 2020, and Article 13 of Ordinance No. 2020-306 of March 25, 2020). Only consultations resulting in binding opinions were maintained—such as those involving the deliberative assemblies of overseas territories under Article 74 of the Constitution, obligations stemming from international or European law, or those involving the Scientific Committee under Article L.3131-19 of the Public Health Code.

As a result, the Council of State became the sole entity capable of advising the government on the legal soundness of its projects. Given the need for both caution and urgency, the Council focused strictly on the substance of the texts under review, avoiding ancillary questions.

Several waves of legislative texts followed between the start of the first lockdown (March 16) and the end of the second (December 21).

The Council of State's expertise was not initially required for texts issued before March 16: these were either adopted based on Article L.3131-1 of the Public Health Code or issued through a decree by the Prime Minister under his general police powers, invoking the theory of exceptional circumstances to regulate the freedom of movement and prevent virus spread (CE , 8 août 1919, ***Labonne***, Rec.Lebon p.737) (*e.g.* Decree No. 2020-260 of March 16, 2020).

- First wave (March 17–26): The Council issued opinions on the Amended Finance Act for 2020 (*Law No. 2020-289 of March 23, 2020*) and the Emergency Law to Address the COVID-19 Epidemic (*Law No. 2020-290 of March 23, 2020*), which introduced the concept of a **"**state of health emergency" into the Public Health Code. The Council also reviewed decrees on the police prefect**'**s powers, adaptation of funeral regulations, and the creation of a fifth-class offense for violating pandemic-related rules (CE, 28 juin 1919, ***Heyriès***, Rec.Lebon p. 651).
- Second wave (March 28–May 11): A series of ordinances addressed domains not yet regulated, such as price caps on hydroalcoholic gel and the creation of remote notarization procedures. Three new laws were adopted:

  - The Amended Finance Law of April 25, 2020;
  - The Law of May 11, 2020 (*Law No. 2020-546*) extending the state of health emergency to July 10 and supplementing the March 23 emergency law;
  - The Law of June 17, 2020, with various provisions related to the health crisis.

- Third wave (May 12–June 22): This phase accompanied the general resumption of economic activity and return to in-person work. It included legislation on the second round of municipal elections, contingency "backup" laws in case of renewed outbreaks, social debt laws, a third Amended Finance Act, and the Law on Exiting the Health Emergency.
- Fourth wave (September 21–December 21): This phase focused on the bill establishing a permanent emergency health management regime (known as the Castex Law, then under accelerated review in the National Assembly) and the law extending the state of emergency until February 16, 2021, which introduced a second lockdown. An additional ordinance dated December 9, 2020, extended, reinstated, or adapted various social measures to address the COVID-19 crisis.

The laws and ordinances submitted for the Council of State's opinion during this period aimed primarily to respond to the health crisis and its consequences, while pursuing several key objectives:

- Establishing the framework for legislative action in the event of a health crisis;
- Ensuring the continuity of essential public services;
- Supporting businesses and employment.

However, these texts were being adopted in a new legal context: that of the state of health emergency, a concept never previously addressed by the Council of State. The Council applied a three-part compliance test (necessity, suitability, and proportionality of the measures), while also reassessing the utility of each measure. Its approach sought to balance the constitutional principle of protecting public health with the respect for rights and freedoms guaranteed both by the French Constitution and the European Convention on Human Rights.

Moreover, the Council prioritized the production of legislation related to epidemic management, which led lawmakers to postpone the implementation of scheduled reforms in 2020—such as the reform of public housing assistance calculation, which was supposed to come into effect in April and June 2020. Although the quality of legislative drafting was not negatively impacted, it could have been improved had lawmakers planned more proactively, both in terms of method and substance (Sylvie Hubac et Laurent Domingo).

The Council of State also gave opinions on other legislative texts of local importance, essential for ensuring proper administration during the health crisis. It approved, for instance, Article 74 of the Engagement and Proximity Law, which entered into force via Decree No. 2020-634 of May 25, 2020, and formalized the "rescript of the prefect." From then on, local authorities and their groupings could request a formal position from the prefect before adopting an act within their competence. The benefit is twofold:

- It reassures local authorities about the legality of their proposed actions;
- If the act complies with the prefect's position, it bypasses subsequent legality control (CNIL , Avis du 24 avril 2020).

B. The Corrective Role of the Administrative Judge

The role of the administrative judge during the health crisis was strengthened through their function of reviewing and correcting decisions based on both health and legislative expertise. Indeed, the administrative courts saw a surge in activity, as the majority of decisions made during the pandemic were taken by public authorities—and therefore fell under the jurisdiction of administrative law.

Just like during the state of emergency for terrorism, the emergency interim proceedings for the protection of fundamental rights (*référé-liberté*) were heavily utilized (Camille Broyelle , AJDA, n.24/2020 , p.1355).

Most of the claims submitted concerned the right to life and the adequacy of state measures aimed at curbing the virus's spread:

“ Litigation related to the health emergency was above all litigation of inaction.”(Camille Broyelle , AJDA, n.24/2020 , p.1355).

There was also a notable increase in litigation challenging police measures adopted by mayors to address the epidemic. However, it must be remembered that the interim relief judge (*juge des référés*) only intervenes if they can immediately and effectively remedy a violation of a fundamental freedom. For police measures, the judge ensures the proportionality of the action, applying the three-part proportionality test within the context of the health crisis.

The interim judge intervenes on a provisional and urgent basis, considering the resources available to the administration. Under Article L.521-2 of the Code of Administrative Justice, the interim judge may order the competent authority to take, as a temporary measure, any action necessary to safeguard a fundamental freedom that is being seriously and unlawfully infringed.

A first notable case involved a request filed by the Jeunes Médecins union (*CE, ord. March 22, 2020, Jeunes Médecins, No. 439674*), which accused the state of failing to take sufficient confinement measures and requested that the Prime Minister and Minister of Health enforce a total lockdown.

The judge acknowledged that:

“*It is the responsibility of the authorities to take, for the protection of public health, all necessary measures to prevent or limit the effects of the epidemic […], and these measures must be necessary, appropriate, and proportionate to the public health objective they pursue.”*

However, the judge also specified that:

“*Given the current circumstances, a total confinement of the population was not feasible.”*

The court nevertheless instructed the government to clarify the scope of the health exemption for leaving home and to re-examine within 48 hours the exception for "short trips near home," in light of confinement orders.

In an order dated April 17, 2020 (*CE, ord. April 17, 2020, Commune de Sceaux, No. 440057*), the administrative judge held that state-level police powers in matters of health emergencies do not prevent mayors from acting under their general police powers, provided that such action does not undermine the consistency of governmental measures. Local circumstances must also justify such intervention.

In this case, the mayor of Sceaux had imposed an obligation to wear a device covering the nose and mouth, despite a shortage of surgical masks in the commune. The Council of State found that the measure infringed upon freedom of movement and personal freedom, as protected under Article L.521-2 of the Code of Administrative Justice.

The judge acknowledged that, during a health crisis, national measures may be supplemented by local ones, but in a restrictive manner. Thus, mayoral intervention is possible, even though the concept of "local circumstances" remains very vague.

In the April 17 ruling, the mayor's action was permitted only where there were compelling reasons linked to local circumstances that made the measure indispensable. Prior to the pandemic, the Council of State seemed to accept mayoral intervention only in cases of imminent danger—as in *CE, December 2, 2009, Commune de Rachecourt-sur-Marne, No. 309684*, where a mayor could not intervene in water regulation under his general police powers unless there was imminent peril.

In the context of the crisis, jurisprudence evolved toward allowing mayors to regulate specific local aspects via their police authority.

In another order dated April 20, 2020 (*CE, ord. April 20, 2020, Paris and Marseille Bar Associations, No. 439983*), the judge rejected a request for the state to supply masks to lawyers working in courts and police stations. The judge ruled that:

"*Given the ongoing mask shortage, the State must first equip its own agents, toward whom it has a duty of prevention and security as an employer*."

Following this line of reasoning, the Administrative Court of Nice dismissed, in an order dated April 22, 2020 (*TA Nice, ord. April 22, 2020, Ligue des droits de l homme, No. 2001782*), a claim from the Human Rights League seeking to suspend an order by the Mayor of Nice imposing a curfew from 8 p.m. to 5 a.m. in certain city areas. The judge reiterated the dual requirement for specific administrative decisions and found that the measure did not conflict with a separate prefectoral order imposing curfew starting at 10 p.m.

Finally, in an order dated September 2, 2020, the Administrative Court of Strasbourg (*No. 20055349*) instructed the prefect to clarify the scope of a police measure, underlining that—even during a health crisis—such measures cannot be general and absolute.

The decree in question mandated mask-wearing for all pedestrians at all times in communes with over 10,000 residents. It provided no time-based distinctions, only a general period of application. The judge found that:

" *Nothing in the file suggests there is a constant high population density or other specific conditions that would continuously contribute to the spread of COVID-19."*

The judge did not suspend the order immediately but instead considered the need to both preserve freedom of movement and contain the virus, giving the prefect one week to revise the decree.

4. CONCLUSIONS

The analysis underscores the indispensable role of expert knowledge in guiding administrative decision-making processes during health crises. The COVID-19 pandemic exemplified the necessity of specialized input from traditional and newly established advisory bodies, illustrating both their value and their limitations. While the involvement of entities such as HAS, HCSP, and particularly the Scientific Council was crucial in formulating timely and scientifically sound public health measures, challenges emerged, including issues of transparency, impartiality, and political independence. Additionally, the complementary functions performed by legislative and administrative institutions, notably the Conseil d'État and administrative judiciary, proved essential for the adaptability and legitimacy of crisis management strategies. Ultimately, this experience highlights the need to clearly delineate roles, maintain transparency, and foster public trust to enhance governmental responses in future health emergencies.

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FROM THE HISTORY OF THE ROMANIAN PRESS. NICOLAE FILIPESCU JOURNALIST

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ABSTRACT

Among the modern Romanian elite an outstanding part was played by the Filipescu family. The origin of this family is from Bucov, a village in the Prahova County. Members of the family held administrative responsibilities since the 16th. century. It is the aim of this article to analyze the way in which the Filipescus played an important role in the development of modern Romania, by shaping up its administrative and educational structure, as well as its cultural life.

KEYWORDS: *conservative party, „Epoca" newspaper, Nicolae Filipescu, modern Romanian elite, Romanian*
J.E.L. Classification: N43, Z13, D72

1. INTRODUCTION

The Filipescu family occupies a remarkable position within the Romanian elite of the modern period, playing a substantial role in shaping the administrative, educational, and cultural fabric of Romania. Among its distinguished members, Nicolae Filipescu emerges as a pivotal figure whose activities extended beyond politics into journalism, significantly influencing Romanian society at the turn of the 20th century. This article delves into the profound impact Nicolae Filipescu had through his journalistic endeavors, particularly through his leadership of the influential newspaper "Epoca." It examines how his editorial direction and combative style contributed not only to the vibrancy of Romanian journalism but also profoundly affected political discourse, public opinion, and the ideological trajectory of the Conservative Party. By scrutinizing Filipescu's journalistic methods, public engagements, and the controversies he navigated, this study illuminates the interconnected nature of media, politics, and societal transformation in Romania during a dynamic period of its history.

2. HISTORICAL CONTEXT AND THE RISE OF NICOLAE FILIPESCU

Most of the biographies of his time place the beginning of his journalistic activity at the founding of the newspaper *Epoca*, "whose success, unprecedented until then and perhaps not surpassed since in Romanian journalism, is surely still in everyone's mind" (Nicolae Filipescu, *Lumea ilustrată*, 1895, year II, p. 74). "Thanks to his combative temperament," notes another biographer, *Epoca* "became the most widely read and lively publication of its time" (N. Petrașcu, *Icoane de lumină*, II, p. 211). Indeed, the same chronicler of the life of the conservative ideologist recounts how, in special circumstances—such as when "newspaper sellers, instigated by the police, refused to sell *Epoca*"—Filipescu, together with a group of young conservatives, would take "bundles of newspapers under their arms and, transformed into street vendors," would spread out "into the streets, cafés, and other public places" (N. Petrașcu, *Icoane de lumină*, pp. 211–212). To protect the daily from repressive measures by the liberal government, the newspaper initially

appeared under the subtitle "an independent opposition newspaper" (C. Bacalbașa, *Bucureștii de altădată*, vol. V (1916–1918), 2007, p. 226).

Epoca was first published in its initial series starting on 16 November 1885 (*Epoca*, year I, no. 1, Thursday, 2 November 1895, p. 231) until 14 June 1889, with Grigore Peucescu as its director. In its final year, it merged with the newspaper *România liberă*, giving rise to the daily *Constiuţionalul* (1889–1900). A year later, in 1900, *Epoca* merged with the newspaper *Patriotul*, and the journal continued publication under the title *Epoca* until 1907 (I. Hanganu, *Dicţionarul presei literare româneşti 1790–1990*, 2004, pp. 256–257).

In 1886, Nicolae Filipescu, a politician still unknown to the wider public, became the owner and director of the paper (*Dicţionarul literaturii române de la origini până la 1900*, 1979, p. 332), with his name appearing on the front page (*Epoca*, year I, no. 187, Wednesday, 9 July 1886, p. 1). In fact, Grigore Peucescu had quickly resigned from his leadership role, disagreeing with the newspaper's aggressive tone. Giving the newspaper a modern appearance, from 1895, when he officially assumed its management (C. Argetoianu, op. cit., pp. 387–388), Nicolae Filipescu brought in only professional editors for editorial work, maintaining total control over the newspaper (*Epoca*, year VIII, no. 1930-28, 1902, p. 1). Among the paper's chief editors were Barbu Ștefănescu Delavrancea (1885), Grigore Ventura (1886–1889), and Anton Bacalbașa (1895–1896), while other editors included Al. Vlahuță (1885) and Alexandru Antemireanu (1900–1904) (I. Hanganu, p. 165). Contributors who signed in the newspaper's pages included Alecu A. Balș, C. G. Costa-Foru, Nicolae Gane, Leon Ghica, Al. Odobescu, Tudor Arghezi, Mihail Dragomirescu, Nicolae Iorga (*Nicolae Iorga, Orizonturile mele. O viaţă de om*, 1934, pp. 48, 111, 112, 120, 133), Gala Galaction, Take Ionescu (Georgeta Răduică, Nicolin Răduică, *Dicţionarul presei româneşti*, 1995, p. 181), and others. Between 15 April and 17 June 1896, the Sunday edition *Epoca Literară* was published under the direction of Ion Luca Caragiale, who had been persuaded to take part in this venture by a letter from Nicolae Filipescu (*Epoca*, second series, no. 123, 1896). The new publication had Șt. O. Iosif as its editorial secretary and Al. Antemireanu as editor (*Dicţionarul…*, p. 333). Banned in Transylvania due to its virulent nationalist character, in 1898 *Epoca* attempted to bypass restrictions by changing its title to *Raiul* (Georgeta Răduică, Nicolin Răduică, *Dicţionarul…*, p. 181). Only in 1905 did the Austro-Hungarian authorities allow the newspaper to cross the Carpathians (Georgeta Răduică, Nicolin Răduică, *Dicţionarul…*, p. 181).

Recalling the early days of the newspaper, Constantin Bacalbașa wrote in his memoirs: "*Epoca* soon became the most widely read newspaper. In addition to so many valuable pens, the paper had verve, it was well-informed politically, and Nicolae Filipescu himself was doing political reporting. Gradually, all the discontented gathered around this newspaper. Then the paper adopted a very aggressive tone that revealed the restless temperament of its owner" (Constantin Bacalbașa, *Bucureștii de altădată*, vol. II, 2007, p. 27).

The atmosphere at *Epoca* at the beginning of the 20th century, when the daily was led by Timoleon Pisani, is recalled by Eugen Lovinescu in his memoirs. The climate of "indifference" toward collaborators, imposed by the director, who had "an asymmetrical and prognathous face like Vlad Țepeș" and who "did not radiate goodwill," was compounded by the hostility and apathy of the editors—everything unfolding under a "definitive" and awkward silence (E. Lovinescu, *Memorii*, 1916–1930, pp. 88–90).

From the very first issue's *Word to the Readers*, those gathered around the newspaper declared that, in a country undergoing "an age of corruption and scepticism," it was their duty, as young people who had preserved their pure souls and held their heads high and "who had no right to be

tired or discouraged" (*Epoca*, year I, no. 1, 1885, p. 1), "to join hands in brotherhood and intensify their efforts to save the country from this ruinous atmosphere," watching over "the respect of the rights and liberties enshrined in the Constitution," for "the prosperity of the majority" (*Epoca*, year I, no. 1, 1885, p. 1).

Wishing to assert their distinct position within the Conservative Party, the young people of *Epoca*, led by Nicolae Filipescu (Constantin Bacalbașa, 1974, p. 201), expressed in the pages of the newspaper their personal views on the conservative political programme, supporting it through a vigorous editorial campaign against the government and the head of state.

Filipescu's debut in journalism—having not yet appeared in the columns of *Epoca* in 1885—came with the issue of 14 January 1886 (*Epoca*, year I, no. 45, 1886, p. 1), when he published his first editorial, *The Governmental Lie*. Criticising the falsification of elections, when "all the powers of the state work together to distort the people's will," Filipescu concluded: "The country's votes are thus sifted through the government's sieve for the first time during elections, and whatever remains in the sieve becomes the government's dowry, which is called the representation of the nation" (*Epoca*, year I, no. 45, 1886, p. 1).

In the same spirit, Filipescu soon returned to *Epoca*'s pages with the article *A Dissolver* (*Epoca*, year I, no. 45, 1886, p. 1), in which, after condemning the government's dismantling of the opposition, he pointed to the "devious" role of the King who, when speaking about the coalition of the opposition, told its members that their coming to power would be "personally very unpleasant" to him (*Epoca*, year I, no. 45, 1886, p. 1).

Affirming his commitment to conservative ideals in the article *Still for the People*, Filipescu characterised the doctrine as consisting of democratic provisions, concluding that only conservatives "were concerned with the material and moral well-being of the people" (*Epoca*, year I, no. 93, 1886, p. 1).

A month later, Filipescu continued his series of attacks against the monarchy with the editorial *The King's Constitutionalism* (*Epoca*, year I, no. 126, April 1886, p. 1). Arguing that the monarch was abusing the term—even though he had sworn to uphold the Constitution—Filipescu demonstrated that the King's constitutionalism was based on a false understanding of the fundamental act, not out of ignorance, but to allow him "to keep Mr. Brătianu in power" (*Epoca*, year I, no. 126, 1886, p. 1).

That same year, on 20 May and 2 August, the young journalist returned forcefully to his favourite theme—attacks on the monarchy—with the lead articles *The King's Powers* and *Constitutional Monarchy* (*Epoca*, year I, no. 187, 1886, p. 1). Granting the King "optional powers" (*Epoca*, year I, no. 147, 1886, p. 1), Filipescu noted: "The King cannot exercise the rights granted to him by the Constitution, but rather exercises rights that the Constitution does not grant him." This was because, in the journalist's view, the King had abdicated all his constitutional prerogatives and assumed "rights far greater than those granted by the law," creating "in a hypocritical manner, behind the scenes, a secret, hypocritical and irresponsible power." To end "such a situation," the conservative leader demanded:

1. "that the King actually exercise his constitutional prerogatives.
2. that the King not exceed the limits established for him by the Constitution" (*Epoca*, year I, no. 208, 1886, p. 1).

The fierce press campaign against the regime led to one of Filipescu's first journalistic confrontations—with journalist I.C. Fundescu, director of the newspaper *Telegraful*. Feeling slandered by an article published in that paper, Nicolae Filipescu sent witnesses to Fundescu to

demand satisfaction. The latter refused "in a chivalrous manner!" (*Resboiul*, year 10, no. 3205, 1886, p. 2) to engage in a duel.

Another press conflict erupted between the young owner of *Epoca* and a certain I. Skupieswski, editor-in-chief of the newspaper *L'Étoile Roumaine*. Although Skupieswski had insulted Filipescu in the paper he managed, when challenged to a duel by the director of *Epoca*, the "courageous" Skupieswski refused to fight (*Epoca*, year I, no. 209, 1886, p. 3).

The campaign against the government and the monarchy would soon bring the first serious troubles for *Epoca* (Constantin Bacalbașa, p. 35), which arose following the assassination attempt of 4/16 September 1886 on Ion C. Brătianu, on Vămii Street (Ion C. Brătianu, vol. II, Editura Universul, 1934, pp. 239–240).

As the liberals blamed the attack on the "violent language of opposition newspapers" (Constantin Bacalbașa, p. 42), on the morning of 5/17 September 1886—taking advantage, at least in the case of *Epoca*, of the absence of the newspaper's owner from the capital—a group of 40–50 people headed for the offices of the main opposition newspapers (Constantin Bacalbașa, *Bucureștii de altădată*, vol. III (1885–1888), 2000, p. 41). As reported the following day by *Epoca* (*Epoca*, year I, no. 236, 1886, p. 1), they went on to devastate the *Epoca* editorial office, assault the typesetters and editors, steal manuscripts (Anghel Dimitrescu, *Epoca*, year I, no. 246, 1886, p. 1) and the printing plate with the newspaper's name, and ultimately destroy the layout of the previous day's edition (I. Rădulescu-Pogoneanu, vol. II (1881–1886), 1892, p. 3).

Unintimidated, the *Epoca* team became even more incisive in their editorials and articles.

In a lead article from November 1886 (*Epoca*, year I, no. 294, 15/27 November 1886, p. 1), comparing liberalism and conservatism, Nicolae Filipescu wrote that although the two parties had "the same ideas," the differences lay in their programmes—the conservative one being "still the same as in Barbu Catargiu's time." Analysing the liberal programme in depth in another editorial from November 1886, titled *What Liberalism Means*, Filipescu attacked it from the standpoint of the "forms without substance" theory—which entailed "preserving existing institutions untouched"—and criticised the liberals' desire to modify state institutions in a way that "would completely disrupt the balance between culture and institutions" (*Epoca*, year II, no. 298, 1886, p. 1).

At the end of its first year of publication, the leadership of *Epoca* marked the event with a banquet held at the Hotel "De France", attended by the editorial staff along with 80 guests, including collaborators and provincial correspondents (*Epoca*, year II, no. 302, 1886, p. 2). During the gathering, in a speech, the newspaper's owner dissected the political events of the time, especially the government's policies, referring to it as "that collective of interests" or "collector party" (*Epoca*, year II, no. 302, 1886, p. 2), supported by the monarch, whom *Epoca*'s opponents mockingly called "Carol the Tolerant" (*Epoca*, year II, no. 331, 1887, p. 1).

The year 1887 began in full force for the conservative journalist and owner of *Epoca*. In the article *The Solidarity of Mistakes*, Filipescu, after attacking both the government and the king, stated that this complicity "between the sovereign and his prime minister is not even the solidarity of successes or the collaboration in great deeds, which from a constitutional perspective might still be acceptable, but rather the solidarity of mistakes which must be condemned and brought to an end" (*Epoca*, year II, no. 332, 1887, p. 1).

Advocating for the preservation of monarchy as a political regime, in the article *What Kind of King Do We Want* (*Epoca*, year II, no. 339, 1887, p. 1), Filipescu asserted that the group he represented wished for "... a monarchy [...] that is a true constitutional monarchy" and, additionally, "a national

monarchy," because only in this way could the monarchy enter into a contract not to have "any interest separate from that of the nation" (*Epoca*, year II, no. 370, 1887, p. 1).

Opposing the government, which Carp called "le régime de jouisseurs" and which Maiorescu described as a true "rulership," Filipescu advocated for uniting the opposition, stating that "all resentments must be silenced, the parties must join hands," because, in his view, this act represented a true "national act" (*Epoca*, year II, no. 357, 1887, p. 1).

From attacking the government, the sharp-tongued Filipescu moved on to mocking certain liberal political figures, whom he deemed real *Political Fossils* (*Epoca*, year II, no. 384, 1887, p. 1). Criticising the idea of replacing the Brătianu government with one led by Kogălniceanu – Dimitrie Ghica, Filipescu argued that "the end of Brătianu's rule will also mean the end of the political careers of the likes of Kogălniceanu and Beizadea Mitică," whom he considered "a relic of the collectivist era" (*Pe urmele lui Kogălniceanu*, 1979, p. 266).

At that time, *Epoca*, alongside the newspaper *Lupta*, was one of the most widely read dailies (Constantin Bacalbașa, p. 87). Amid the growing tension between the government and the opposition in Parliament—and especially in light of articles published in the newspaper against the government—some of *Epoca*'s editors turned journalistic disputes into physical confrontations. The initiator was Alecu Balș, son of a Moldavian landowner (Alexandru A. Balș, *București*, p. 257). After a series of article exchanges with journalists from the liberal official newspaper *Voința Națională*, occurring between the end of February and the beginning of March, Balș demanded, in an *Epoca* article, the name of the person who, under cover of anonymity, had insolently replied to him in *Voința Națională* (*Epoca*, year II, no. 386, 1887, p. 1). Not receiving a satisfactory answer from the liberal newspaper, *Epoca*'s editor considered retaliating based on the newspaper chief Nicolae Xenopol's (Constantin Bostan, Editura RAO, p. 327) statement that he took responsibility for the unsigned articles—and, if necessary, also for the accompanying insults (*Epoca*, year II, no. 387, 1887, p. 1). As a result, Balș—uninterested in educating the collectivist journalists—decided to confront the editor-in-chief, especially after being invited to the liberal newspaper's offices for clarifications (*Epoca*, year II, no. 388, 1887, p. 1). What followed was recounted in detail by *Epoca*'s editorial team in the article *A Lesson to a Scoundrel* (*Epoca*, year II, no. 388, 1887, pp. 1–2).

After the unsuccessful attempt to reach an understanding with the liberal editors during the visit, on the evening of 10 March, Alecu Balș stopped by Capșa Confectionery and informed N. Filipescu of his "intention to slap Nicolae Xenopol at his home" (Constantin Bacalbașa, p. 55). Strong-willed and loyal to his friends, Filipescu, considering the affair one involving the newspaper, "joined Balș" in the act. Upon arriving at the home of the historian A.D. Xenopol's brother, Balș, without any introduction, asked the liberal paper's editor-in-chief whether he was the author of the article. As Xenopol hesitated, Balș instantly slapped him. In the ensuing scuffle, which also involved C. Dissescu, Xenopol managed to leave the room. Returning armed with a pistol, the liberal editor fired a shot, which was stopped by the conservative journalist's fur coat. The second bullet had the same outcome. At that point, the fight between the two turned into a tragicomedy worthy of Caragiale's characters (*Epoca*, year II, no. 12(24), p. 2), played out in French. "This aggression caused a great stir in the country, especially given the intense animosities between the government and the opposition" (Lupu Kostaki, *Memoriile unui trădător*, 1850–1919, f. 45).

The incident concluded at the Court of the First District, where the two defendants were defended by an army of lawyers (a total of 12), prominent figures of the bar such as Nicolae

Blaremberg (a relative of Filipescu), Nicolae Fleva, Alexandru Lahovari, Titu Maiorescu, G. Pallade, G. Panu, Take Ionescu, and others. The victim, Nicolae Xenopol, had engaged the lawyers Aristide Pascal and C. Corbescu (*Epoca*, year II, no. 393, 18/30 1887, p. 3). At the end of a passionate trial, peppered with press jabs from both sides (N. Filipescu, *Epoca*, year II, nos. 398 and 399, p. 1), the two aggressors were sentenced to 6 months in prison (no. 395, 1887, p. 1), reduced on appeal to only 4 months. However, the fine of 300 lei and court costs of 500 lei were upheld (no. 434, 1887, p. 1). Although they requested in a new trial, held at the 4th section of the Ilfov Tribunal, to remain free pending appeal to the Court of Cassation by posting bail, the court denied the request (no. 434, 1887, p. 1). As a result, they were imprisoned in the Văcărești Penitentiary (Lupu Kostaki, *Memoriile unui trădător*, 1850–1919, ff. 45, 46). After the appeal was rejected at the end of May (no. 451, 1887, pp. 2–3) by the Court of Cassation, the two served only part of their sentence, during which time they were visited by many politicians, cultural figures, journalists, and military officers (nos. 456 and 484, 1887). On 31 July, the King, who was at Sinaia, granted them a royal pardon for the remainder of their sentence (no. 502, 1887, p. 1). Toward the end of the year, another moment marked *Epoca*'s activity as an opposition newspaper: the banquet celebrating the second anniversary of the newspaper's founding and its entry into its third year. In a detailed on-site report suggestively titled *Our Banquet*, the editors recounted the event step by step, carefully noting all the toasts delivered on the occasion (*Epoca*, year III, no. 582, 1887, p. 1).

The banquet, held on 8/20 November 1887 at the same "Hotel de France" in Bucharest, brought together, alongside the newspaper staff and provincial correspondents, notable figures of Romanian public life: Al. Lahovari, Nicolae Fleva (who at that time was collaborating with the newspaper), Take Ionescu, C. C. Arion, Al. Djuvara, and others. In the opening speech, it was stated that the newspaper was determined "to work in the future as it had in the past" (*Epoca*, year III, no. 582, 1887, p. 1). Furthermore, with the support of a segment of public opinion and figures from the United Opposition, *Epoca* affirmed that its "leading idea," in fact "the only idea, in the end," was that "the time for delay and procrastination is over, that it is time to fight, that it is time to deliver the blow that will bring down the rotten regime," which had reached "the highest levels of oppositional action" (*Epoca*, year III, no. 582, 1887, p. 1).

Following rousing toasts by the newspaper's owner and the conservative leader Al. Lahovari, and motivational speeches by Al. Holban and N. Fleva, came the especially inspired speech of Constantin Ressu, a leader of the United Opposition from Galați (G. Panu, *Lupta*, 1893, pp. 134–136), and correspondent of *Epoca*. At the height of the event's excitement, paraphrasing Gambetta (Leon Gambetta, Craiova, 1991, p. 63), Ressu referred to the king's position "in the current political struggles" and demanded that he either "submit or leave" (*Epoca* notes that for five minutes…*, year III, no. 583, 1887, p. 1). The next day, *Epoca* published the remaining speeches given at the event (Ion Miclescu, C. C. Arion, G. Demetescu, Ion Lahovari, and Take Ionescu), which were in line with what one would expect from such occasions (*Epoca*, year III, no. 583, Wednesday, 11/23, 1887, p. 1).

In this explosive context, reaffirming his belief in the United Opposition of conservatives and some liberals "against a Caesarian regime," Filipescu, in an article with the same title, argued that this cooperation was not a coalition, "but the most natural, the most logical union when the entire opposition fights for the same purpose—for reclaiming trampled public freedoms, for removing the falsified parliamentary regime, and for restoring the constitutional regime, which has effectively been suppressed" (*Epoca*, year III, no. 583, 1887, p. 1).

Beginning in 1888, *Epoca* would mobilise all its resources to legally bring down the liberal regime. Involving himself directly in the struggle, the owner of *Epoca* attacked the crumbling regime without restraint. Referring again to the possibility of entrusting the new cabinet to Dimitrie Ghica, President of the Senate (Petre Dan, Editura Meronia, Bucharest, 2004, pp. 112), Filipescu clearly stated: "In the face of a government composed of such moderate elements, whose attitude cannot yet be fully understood, the opposition, we believe, will adopt a wait-and-see stance." For it to count on the opposition's neutrality, the new government had to plan for "dismantling the former government, punishing the guilty, and holding free elections" (*The New Government and the Opposition*, no. 673, 1888, p. 1).

Shortly after, the impulsive journalist returned with the article *The Provisional Government*, in which he criticised the king—who had left for the funeral of his relative, Emperor Wilhelm I of Germany (1871–1888)—for keeping the collectivist cabinet in place even in a provisional form, calling it "an incitement to civil war" (no. 693, 1888, p. 1).

Filipescu's involvement in the United Opposition uprising during the turbulent days of 13–15 March 1888—after which he was arrested along with Nicolae Fleva—further increased the popularity of the newspaper he owned. Anticipating the dissolution of the opposition following the liberal government's fall (*Epoca*, year IV, no. 996, 1889, p. 1), Filipescu, revisiting the topic of the United Opposition, promoted the idea of maintaining it in one form or another, although leaving it to the liberals to propose the solution "and we shall submit to their decision" (*Epoca*, year III, no. 772, 1888, p. 1). The rise to power of the *Junimist* government, which *Epoca* conditionally supported (no. 710, 4/17, 1888, p. 1), while advising political circles to "be patient and wait with confidence" (Constantin Bacalbașa, p. 89), subdued the newspaper's combative spirit and the fighting temperament of its owner.

Drawing from the government's programme, Filipescu authored short articles analysing the feasibility of certain provisions, such as *The Sale of State Estates* (*Epoca*, year III, no. 832, 1888, p. 1), *Agricultural Education* (no. 833, 1888, p. 1), and the establishment of model farms (no. 834, 1888, p. 1). His conclusion was that during its term, "the Conservative Party will wage an impersonal battle in Parliament, aiming to deliver the reforms the country needs and usher in an era of peace and progress" (no. 874, 22, 1888, p. 1).

And, as in every year, 1888 ended with the *Epoca* banquet, this time held at the "Union Hotel." At the celebration, alongside Filipescu, toasts were given by conservative politicians Constantin Olănescu, Ion Lahovari, and I. Manolache Epureanu. Expressing his confidence in conservatism "which descends from the realm of metaphysics onto the ground of reality," Filipescu argued that this movement remained the only one able to respond to "real needs [...] in the face of threatening socialism and impotent liberalism" (no. 897, 1888, p. 1).

3. THE ROLE OF JOURNALISM IN SHAPING PUBLIC OPINION: „EPOCA" NEWSPAPER

In 1889, Filipescu published an article in *Epoca* simply titled *To the Readers* (no. 1011, 1889, p. 1). After reiterating that the newspaper's original goal—set four years earlier—had been achieved, and that the "collectivist" regime had been removed and replaced with a government of the "Whites," composed of all conservative factions, *Epoca*, "not wishing to choose between one conservative faction or another; unwilling to fully support the new conservative government, and unable to oppose a conservative government," stated: "silence is the only role that befits us" (no.

1011, 1889, p. 1). With this, Filipescu solemnly announced: "from today, my collaboration with the editorial board of *Epoca* ceases" (no. 1011, 1889, p. 1).

Regarding the future of the newspaper's publication, this was to be decided after a series of "consultations" that Filipescu would undertake in the following days with his political allies, after which they would determine whether *Epoca* "could still be of service to the conservative cause" (no. 1011, 1889, p. 1). The next day, following these consultations, Filipescu, heeding the advice of his friends, agreed to continue collaborating with *Epoca*, although he had in fact stepped down from its leadership (no. 1011, 1889, p. 1). In conclusion, the editorial team promised that the paper "will continue to appear just as before, and the articles to be published in *Epoca*, signed by our many contributors, will demonstrate that *Epoca*'s programme remains the same" (no. 1013, 1889, p. 1).

And yet, shortly afterward, in the summer of 1889, *Epoca*'s editorial board, in the lead article *To the Readers*, announced the discontinuation of the newspaper's publication. Justifying the decision by stating they had failed to achieve their main objective—namely, "the unification of the conservative factions"—the editors declared that the final issue would appear on 14/26 June (no. 1070, 1889, p. 1). *Epoca* was succeeded by another daily newspaper that resulted from a merger with *România liberă* (no. 1070, 1889, p. 1).

Until the launch of a new edition of *Epoca* (in 1895), N. Filipescu published mainly in the daily *Timpul* (nos. 253–257, 1890, p. 1), whose leadership he had joined in 1890 (*Dicționarul literaturii române de la origini până la 1900*, Bucharest, 1979, p. 851). Concerned about the fate of this paper, which in 1892 was going through a severe financial crisis—as its three editors had not been "paid regularly"—Filipescu wrote a letter to Alexandru Ciurcu, the director of the paper (N. Filipescu to Al. Ciurcu, 1892), proposing a plan to revitalise *Timpul*, which he insisted should not be understood "as a personal matter, which does not exist in any form, but as the simple wish to have a good newspaper" (N. Filipescu to Al. Ciurcu, 1892).

The project, which he wanted the editorial leadership to consider, proposed that the newspaper be taken over by a group of journalists "who were offering themselves for this purpose at their own risk," and who were willing to issue receipts amounting to 2,500 francs more than the current expenses (N. Filipescu to Al. Ciurcu, 1892). In the same spirit of "reviving" *Timpul*, Filipescu also proposed selling the newspaper "at half price," with the new investors committing to form a more complete editorial team (N. Filipescu to Al. Ciurcu, 1892). Thus, "in two words," Filipescu concluded, this project aimed "to turn *Timpul* into a first-rate newspaper" (N. Filipescu to Al. Ciurcu, 1892).

Filipescu's rich correspondence with Al. Ciurcu reveals, on the one hand, the mechanisms and degree of involvement of the conservative leader in running the newspaper (BAR, Manuscripts, Correspondence of N. Filipescu), including financially (BAR, Manuscripts, Correspondence of N. Filipescu), and on the other, his clear desire and intention—as previously shown—to relaunch *Timpul* by all means (BAR, Manuscripts, Correspondence of N. Filipescu).

The appearance, in May 1892, of an unsigned article in *Timpul* that damaged the reputation of the newspaper *Adevărul* prompted Alexandru Beldiman (Lucian Predescu, *Enciclopedia României*, Editura Saeculum I.O. și Vestala, Bucharest, 1999, facsimile edition, p. 93; and Dim. R. Rosetti, *Dicționarul contimporanilor*, 1st edition), who "would not talk to servants" (*Adevărul*, year V, no. 1178, 1892, p. 1), to address N. Filipescu, whom he considered the main culprit behind the defamation campaign targeting the paper he directed. Knowing Filipescu to be a courageous man who "would not hide behind a salaried pen" (*Adevărul*, year V, no. 1178, 1892, p. 1),

Beldiman, quoting from articles in *Epoca*—which drew from texts written by the conservative politician—sought to prove that Filipescu himself had once been a staunch opponent of King Carol, which was entirely true.

Feeling offended, N. Filipescu sent two representatives, Leon Ghika and Captain Grădișteanu, to the *Adevărul* editorial office to demand explanations regarding the article published on 14 May 1892. After explaining to the director of *Adevărul* that Filipescu was not the director of *Timpul*, and that the articles published there—and reprinted by *Epoca*—were not his and sometimes appeared under other signatures, Beldiman expressed his regrets to the emissaries and retracted any words that might have offended the conservative leader (no. 1179, 1892, p. 1).

A year later (October 1893), a new conflict arose—this time between Henri Catargi, president of the Ilfov Tribunal, 3rd section, and N. Filipescu, now the new mayor of Bucharest. It did not end with words between envoys; instead, they decided the offence would be resolved on the field with weapons. The weapon of choice: the sword. The duel was held at the Hippodrome. Following the 12 October 1893 clash, the magistrate sustained two wounds—one to the hand and one to the stomach (*Epoca*, year VI, no. 1666, 1893, p. 2).

His work at *Timpul* also brought Filipescu into conflict with diplomat Trandafir Djuvara (Lucian Predescu, p. 276). Djuvara believed an article published in *Timpul* had harmed his honour, and thus demanded accountability from N. Filipescu and Al. Ciurcu, through the pages of the liberal daily *Voința Națională* (L. Predescu, p. 200), whom he regarded as the paper's overseers. Djuvara wanted to know who wrote the slanderous article in order to seek redress. Since neither Filipescu nor Ciurcu responded, Djuvara published another article in *Voința Națională*, titled *The Knights of Timpul*. Feeling offended by this second article, Filipescu sent emissaries to Djuvara to request satisfaction through a duel. At a preliminary meeting at Emil Costinescu's home, between Djuvara's witnesses and Filipescu's (see *Timpul*, year 16, no. 35, 1894, p. 2), the former stated that Djuvara did not intend to insult Filipescu. Moreover, although they acknowledged that *The Knights of Timpul* was offensive, Djuvara's witnesses claimed the piece had a general tone and did not damage Mr Filipescu's honour. As a result, Filipescu's representatives accepted the explanation as satisfactory and agreed to close the matter in a written statement, noting that, despite the differences in views between Filipescu and Djuvara, the duel would not take place (*Resboiul*, year 18, no. 5734, 1894, p. 2).

The fall of the Conservative Party from power in 1895 brought *Epoca* back into public life and reader attention. In the article *Our First Word*, the editorial team explained that the Conservatives' departure from government gave them "the opportunity to begin the fight from the very first day, with the serenity of those whose past does not weigh upon them" (*Epoca*, new series (II), year I, no. 1, 1895, p. 1).

The next day, Filipescu published his first political article in the new series, symbolically titled *Our Fight* (no. 2, 1895, p. 1). Although the Conservative Party had stepped down from government according to the principle of rotating cabinets, Filipescu declared that his party had not abandoned the struggle. More than that—threatening those in power—he stated that the role given to the opposition in parliament would determine the strategy that the Conservatives would adopt in the future, even hinting at taking the fight outside of parliament if necessary (no. 2, 1895, p. 1).

Now an experienced journalist, Filipescu published several substantial articles in 1895, confirming both his professional status and his intellectual role as a conservative ideologue—an image shaped in previous years. In articles like *How Governments Change* (no. 26, 1895, p. 1)—

originally published in *Timpul*—and especially in a four-part series titled *The Conservative Party* (*Epoca*, nos. 42, 43, 44, and 45, December 23, 24, 29, and 30, 1895, p. 1), Filipescu blended sharp insight with strong argumentation, combining general ideas with detailed precision. While setting future goals for the Conservative Party in opposition, he put forward, for the first time, innovative programme ideas for both the party and Romanian society at the end of the 19th century.

Expanding his scope of interest in 1896, and responding to the political climate of the time, Filipescu began addressing both the national question—then a burning issue—and pressing social matters in *Epoca*. In articles titled *The National Question* (*Epoca*, series II, year II, no. 51, 1896, p. 1) and *The Social Question* (nos. 53 and 54, 1896, p. 1), the latter published across two consecutive editions, he analysed and further developed the conservative programme introduced the previous year.

After responding to liberal accusations regarding his management of Bucharest City Hall during his mayoral term (*Epoca*, nos. 60, 61, and 62, 1896), Filipescu returned to forceful anti-government pieces—true journalistic assaults—of the type that had defined the early stages of his career.

In the article *After 4 Months*, borrowing techniques from the political pamphlet, Filipescu described the early months of a government "without authority," led by a "leader without prestige," backed by a parliament "sunk in idleness," concluding that due to the malice of the "venomous men" of the "collectivist party," liberals were no longer worthy of the nickname "the Reds," but rather "the Greens" (no. 70, 1896, p. 1).

While still engaged in political controversies of the time (such as the issue of the metropolitan primate) (no. 70, 1896, p. 1), the conservative leader also published a pamphlet against the new *drapelist* cabinet, which he mockingly dubbed *The Ministry of Epigones* (no. 310, 1896, p. 1). This new government, unconditionally supported by a "servile" parliament, represented—in national affairs—the politics of "unanimities" (of the parliamentary majority) against the "minorities" (the nearly non-existent opposition in the legislature) (no. 31, 1896, p. 1).

A talented portraitist—a difficult journalistic skill he would perfect—Filipescu delivered a biting character sketch in a December 1896 article (no. 336, 1896, p. 1) of the *drapelist* prime minister. Although the portrait was at times unfair, it was cleverly constructed. Emphasising every negative trait of P.S. Aurelian, Filipescu compared him unfavourably to the former liberal prime minister D.A. Sturdza, while granting Aurelian at least the merit of lightening the political atmosphere somewhat. The final months of 1896 saw Filipescu focusing on political analyses regarding the development of the electoral system and the potential introduction of universal suffrage (no. 334, 1896, p. 1).

The new year, 1897, marked a turning point in Nicolae Filipescu's journalistic career. Engaged in the electoral struggle, celebrated by party leaders at Hotel Boulevard "for the bravery with which you fight to strengthen the conservative idea in Romania" (*Epoca*, series II, year III, no. 365, 1897, p. 1), and organiser of conservative demonstrations against the liberal government, the restless conservative ideologue would become involved, toward the end of the year, in what began as a routine press offence but ended tragically—an event that would haunt him for the rest of his life.

The duel between N. Filipescu and G. Em. Lahovari at the close of the 19th century would stir the Romanian aristocratic society of the time (Sorin Cristescu, 2012, p. 387) and divide the press in Bucharest—and beyond—into camps either supporting or condemning the defence of honour through the chivalric method of duelling.

George Emanoil Lahovari (Fond Kreţulescu, files: 677, ff. 1, 3; 678, ff. 1–7; 681, f. 1), a diplomat and prestigious journalist, came from the illustrious Levantine-origin Lahovari family, naturalised in Wallachia at the end of the 18th century (Costel Iordăchiţă, Piteşti, 2004). A passionate politician and formidable journalist, G. Em. Lahovari summarised the results of his political activity in a well-received late 19th-century essay suggestively titled *Histoire d'une fiction. Le Gouvernement des Partis* (G. Em. Lahovari, Bucharest, 1897). Disillusioned with Romanian public life, Lahovari concluded in this essay, with pessimism, that everything offered by the parliamentary institution was a harmful fiction, playing a negligible role in the functioning of the state. This state of affairs, he argued, was due to corruption, the absence of political principles, servility, behind-the-scenes manoeuvring, and petty, material rather than ideological rivalries, administrative pressures, political rivalry, and ultimately, the lack of political (especially electoral) conscience within public opinion (G. Em. Lahovari, Bucharest, 1897).

4. CONTROVERSIES AND LEGACY: DUEL, TRIALS, AND HISTORICAL IMPACT

At the end of January 1897, George Em. Lahovari, owner and director of the newspaper *L'Indépendence Roumaine* (Costel Iordăchiță, 1885, p. 180), resigned from the Executive Committee of the Conservative Party through a letter addressed to the party's president, Lascăr Catargiu. The reason he cited was his desire to remain impartial in journalistic debates and to involve only himself and his newspaper in political disputes with the government—not the political party he belonged to. He believed such a commitment was necessary, as at some point, in order to maintain the authority of an independent publication director, one had to "speak aloud what lies in everyone's conscience" (no. 361, 1897, p. 1). Assuring the "venerable president" that he would remain "a devoted soldier of the conservative idea," Lahovari felt that only in this manner could he better serve the cause of the party that had established his reputation (no. 361, 1897, p. 1).

However, this man, who "under his modest and somewhat timid exterior hid a heart of rare kindness and a very determined character" (*Epoca*, series II, year III, no. 626, 1897, p. 1), signed with his initials an article which, though not overtly hostile, "had a provocative appearance" (no. 627, 1897, p. 1). In the article titled *Deux politiques* (Marian Ștefan, Oscar Print, Bucharest, 2011, p. 168), Lahovari—without initially naming his target—launched grave accusations against the newspaper *Epoca*. He blamed its editorial staff for the way they reported on the antisemitic actions of students at the Dacia Hall (Rudolf Dinu and Adrian Bogdan Ceobanu, Iași, 2013, p. 218), many of whom were "literary contributors" to the mentioned paper.

Later in the article, the accusations were also directed at the newspaper's director and owner, well known for his "blind hatred" of Jews (Rudolf Dinu and Adrian Bogdan Ceobanu, Iași, 2013, p. 218). Moreover, the author alleged that the director of *Epoca* had planted agents among the students to provoke unrest, thus creating more trouble for the government—behaviour he concluded was dishonourable for any politician. His dilemma lay in the duplicitous conduct of *Epoca* and its director, who had initially condemned the student actions just like the government newspaper *Voința Națională*, only to later support them and call for the liberal government's resignation due to the unrest. Concluding that this was not the first instance of such double-dealing (he also mentioned the affair with Metropolitan Ghenadie), Lahovari openly attacked *Epoca*'s director in the article. Accusing him of being behind all these schemes and of promoting "very learned conservative theories of English puritanism," Lahovari described Filipescu as "either the first among demagogues or the last among tribunes" (Rudolf Dinu and Adrian Bogdan Ceobanu, Iași, 2013, p. 218). He accused him of violating a conservative principle—namely, involving the

population in resolving a political issue—merely to strike at the liberal government, condemning this approach to political life.

Publicly disavowing Filipescu's stance, as well as the veiled threats he had received from him in the form of "a bill to be settled," which had been made "for some time" in his paper, Lahovari ended his article with a prophetic line: "If Mr. Filipescu pursues his politics, we shall not abandon ours; but if there remains a balance, we are ready to settle it. Public opinion will judge which of these two politics is conservative and useful to Romania" (Rudolf Dinu and Adrian Bogdan Ceobanu, Iași, 2013, p. 218).

Although warned by his editorial team that such a piece might cause trouble, the article was published in the evening edition of *L'Indépendence Roumaine* on 27 November 1897 (21st year, 5th series, no. 6297, 1897, p. 2). Upon reading the article, Filipescu—who was dining with George Duca (A. C. Cuza, p. 168)—immediately appointed two seconds, as per the rules of duelling. These were Al. N. Săulescu and Victor Ionescu (N. Filipescu, no. 3928, 1898, p. 2), who met Lahovari's seconds—initially C. Isvoranu and Th. Văcărescu—at the Jockey Club to arrange the terms of the duel. After their first meeting, Lahovari's seconds declared "on their honour" that they found nothing in *Deux politiques* that could offend Mr. N. Filipescu, and, on behalf of their client, they stated "that he had no intention of offending" (*Epoca*, series II, year III, no. 627, 1897, p. 1). Th. Văcărescu subsequently stepped down and was replaced by Nicolae Drosu. Furthermore, the article's author stated through his seconds that he believed he had "remained within the bounds of permissible polemic" and that he was "ready to offer satisfaction by arms to Mr. Filipescu, if that is what he desires," though he wished "not to have the meaning of his article or the intention behind it misrepresented" (*Epoca*, series II, year III, no. 627, 1897, p. 1). The inflexibility of Filipescu's seconds—who found the response unsatisfactory—led to the arrangement of the duel. The agreed weapon was the sword, and the duel would consist of two-minute rounds, not fought "jusqu'au premier sang" (to first blood), but until one of the duelists was unable to continue (*Epoca*, series II, year III, no. 627, 1897, p. 1). The confrontation was held at the Shooting and Gymnastics Hall on the Dâmbovița embankment, which had a heated fencing room (Hagi Moscu, p. 267).

Of the two, only Filipescu was a member of this society (*Voința Națională*, year XV, no. 3927, 1897, p. 1), although Lahovari also had previous duelling experience (Alexandru Ioan Cuza, Iași, pp. 109–110). The difference was that Filipescu had undergone more rigorous training (*L'Indépendence Roumaine*, year 21, 5th series, no. 6305, 1897, p. 1) and had a stronger constitution (*Epoca*, series II, year III, no. 627, 1897, p. 1). Though "skilled with the sword," as some close to him claimed, Lahovari was left-handed, frail, and suffered from painful corns on his feet (*Epoca*, series II, year III, no. 636, 1897, p. 1). Scheduled for 29 November at 11:00 a.m., the duel took place in the presence of doctors Romalo and Toma Ionescu (Lucian Predescu, p. 433). At the start, once again, Lahovari's second, C. Isvoranu (*Voința Națională*, year XV, no. 3928, 1898, p. 2), attempted a reconciliation, but Filipescu's representatives refused (*Voința Națională*, year XV, no. 3928, 1898, p. 2), and Filipescu himself intervened, declaring that "he was not permitted to hear such explanations, as they were forbidden by the laws of duelling" (*Epoca*, series II, year III, no. 627, 1897, p. 1). The duel took place in a poorly suited room—only 12 metres in length, compared to the 26-metre gymnasium—and shortly into the second round, Lahovari collapsed, fatally wounded (Andrei Oișteanu, *Duelul la români*, 2006, pp. 16–17). Although the attending doctors, joined by C. I. Istrati, attempted to resuscitate him (*Epoca*, series II, year III,

no. 636, 1897, p. 1), Lahovari died soon after, allegedly uttering with his last breath, according to his valet: *Ils m'ont assassiné* (Fond Krețulescu, file 906, ff. 1–7).

The debates held in the press by both sides, the pro and con reactions from part of the public opinion (*Epoca*, series II, year IV, no. 698, 1898, p. 2), Filipescu's immediate regrets (*L'Indépendence Roumaine*, year 21, series 5, no. 6303, 1897, p. 1), his attempts to seek moral support from renowned duel experts in France (*Epoca*, series II, year III, no. 636, 1897, p. 1), and the tributes paid by numerous national and international personalities (Fond Krețulescu, file 697/1897) could not compensate for the loss of a successful journalist. At only 43 years old, a prominent and honourable journalist disappeared, "in a duel that revealed the savagery rather than the civilisation of mankind" (Fond Krețulescu, file 679, f. 4).

Moved, like many others, by the tragic outcome of the duel and seeking to draw some lessons from it, Candiano Popescu, the famous republican of 1870, wrote:

"The lesson we must learn from the Filipescu–Lahovari duel imposes an urgent and essential reform—that the second must be a serious and balanced man, and the law must provide harsh penalties for a second who fails to fulfil his duty with energy and competence, because [...] the famous axiom will remain: 'It is not the swords that kill in a duel, but the seconds'" (Fond Candiano Popescu, file 54/1908, f. 9).

Following the trial (*Voința Națională*, year XV, no. 3930, 1898, p. 2), held in the 3rd section of the Ilfov Tribunal, Nicolae Filipescu, who had refused legal representation (Rudolf Șuțu, *Iașii de odinioară*, *Colecția Istorie cu Blazon*, Corint, Bucharest, 2015, p. 41), was found guilty of violating Article 259 of the Penal Code. After nine sessions (*Messagerul Brăilei*, year V, no. 605 (67), 1898, f. 1), he was sentenced to six months of correctional imprisonment and ordered to pay one leu in civil damages, as requested by Maria Em. Lahovari, the deceased's sister (Fond Krețulescu, file 680, f. 47). The seconds were acquitted under Article 10, paragraph II of the Penal Code (*Voința Națională*, year XV, no. 3930, 1898, p. 1).

Meanwhile, N. Filipescu, a "prisoner of honour" (Corneliu Șenchea, *Un prizonier al onoarei. Nicolae Filipescu*, *Historia*, year IX, no. 88, 2009, p. 53), resigned from the Committee of the Conservative Club, where he was a member along with the victim's father-in-law (Mihai Dimitrie Sturdza, vol. I, p. 627)—a resignation unanimously rejected by the assembly (*Epoca*, series II, year III, no. 640, 1897, p. 1). Deeply affected by the death of his opponent, Filipescu also rejected all offers of legal assistance and refused the public shows of support offered by provincial conservative branches (*Messagerul Brăilei*, series V, no. 596 (59), 1897, p. 1), which believed the case against him was fuelled by the government "for the dishonourable purpose of ridding itself of an opponent, exploiting human grief" (*Epoca*, series II, year III, no. 640, 1897, p. 1).

Regarded as an increasingly common method of honour-cleansing in Romanian society, the duel could not be eradicated as long as justice continued to absolve the combatants (P. Cucu, Bucharest, 1898, p. 13). Since, as Bălcescu once said, "prison obliges, just like nobility," Filipescu refused to appeal the sentence and served his term at Văcărești prison. During his imprisonment, the conservative leader received numerous encouraging telegrams (*Messagerul Brăilei*, series V, no. 610 (73), 1898, p. 1), to which he replied, "deeply moved" by their gesture, and promised that he "looked forward to the day when he could shake hands with them all" (*Messagerul Brăilei*, series V, no. 611 (74), 1898, p. 1). The prison was also the site of a student demonstration in his support, with attendance exaggerated by *Epoca*'s editors at between 1,000 and 1,500 people (*Epoca*, series II, year IV, no. 725, 1898, p. 1).

Pardoned in the summer of 1898 (BAR, Manuscripts, *Correspondence of N. Filipescu*, p. 120), Filipescu received congratulations once again from numerous Conservative leaders, party branches, and political supporters (BAR, Manuscripts, S 14/CXXXVI).

Also in 1897, Filipescu dedicated several articles to cultural topics that had long concerned him. In the pages of *Tribuna Literară*, after a four-part series devoted to idealist currents in culture, initially focusing on philosophy, religion, and morality (*Epoca*, year III, series II, nos. 545, 555, 560, 561, 1897, pp. 1–2), Filipescu offered a perceptive two-part analysis of the poetry of Eminescu (*N. Filipescu, Către un nou ideal*) and Coșbuc (*Epoca*, year III, series II, nos. 568, 569, 1897, p. 1). Analysing the works of the national poet and the Transylvanian bard, the conservative leader concluded that while Eminescu's poetry induced "a deep spiritual unease, the result of his philosophical inquiry combined with profound political disillusionment" (Eugen Lovinescu, *Antologia scriitorilor ocazionali*, p. 89), Coșbuc's works—characterised by "health" and "rustic simplicity"—reflected "a natural idealism" in which "the beliefs of our peasants are mirrored effortlessly" (*Epoca*, year III, series II, no. 569, 1897, p. 1).

Returning to public life at the end of 1898 (Andrei Oișteanu, p. 17), Filipescu resumed his journalistic activity sporadically beginning in 1900, focusing more on parliamentary work and practical party matters. Declaring *Epoca* an independent organ (*Epoca*, year VI, nos. 1332–140, 1900, p. 1), which did not reflect only the views of N. Filipescu, the newspaper began to publish mainly his parliamentary speeches and addresses at electoral or party gatherings.

The first significant article written by the right-wing politician after the events of 1897–1898 appeared in 1901. Titled *Laboremus* (*Epoca*, year VII, no. 1669–119, 1901, p. 1), it may still be seen today—through its content and ideological orientation—as a manifesto proposing that conservatives, in the new century just beginning, become a party attractive to "those disillusioned with liberal leadership" (*Epoca*, year VII, no. 1669–119, 1901, p. 1). To this end, Filipescu believed the right wing of Romanian politics needed, alongside internal party reform, to undertake "the noble task of guiding the country towards its noble destiny" (*Epoca*, year VII, no. 1669–119, 1901, p. 1).

This journalistic endeavour initiated in 1901 would not be repeated over the next two years (1902 and 1903). Absorbed by political activity and internal party struggles, Filipescu became increasingly absent from the pages of the daily newspaper. Consequently, on numerous occasions, Filipescu demanded retractions—especially from the liberal press—which attributed to him articles he had not written (*Epoca*, year VII, no. 1640-90, 1901, p. 1). The newspaper's prestige, built over time, transformed *Epoca* from the *Junimist* mouthpiece in 1901 into the official organ of the *Junimist Central Club* by 1903 (Al. G. Florescu, pp. 1027–1028). On this occasion, the new editorial leadership restructured the newsroom, appointing individuals responsible for specific areas (T. Maiorescu, *Însemnări Politice II*, 1900–1908, p. 1031), recruiting enthusiastic and well-prepared young people. The newspaper's revival prompted Maiorescu to express his delight with *Epoca* under its new editorial board (T. Maiorescu, *Însemnări Politice III*, 1900–1908, p. 1032).

The year 1904 began for the conservative leader with a series of political articles grouped under the title *The Radical Programme* (*Epoca*, year X, no. 11, 1904, p. 1), in which Nicolae Filipescu tackled the issues of the *Rural Bank* and *universal suffrage*, ideas beginning to take shape at the time. Declaring himself against these reforms promoted by the liberals—which he viewed as mere "electoral speculation"—Filipescu soon presented an analysis of the new customs tariff (*Epoca*, year X, no. 22, 1904, p. 1) and followed up with a well-documented critique of the Rural Bank, a liberal invention aimed at "refreshing their popularity" (*Epoca*, year X, no. 38, 1904, p.

1). That same year, Filipescu also adopted a new journalistic formula, publishing in three October issues (*Epoca*, year X, nos. 27, 29, 1904, p. 1) a series of letters exchanged with a distant friend, writing under the initials TDF. Initially philosophical in nature, their correspondence naturally drifted into politically charged themes. When asked by N. Filipescu "Do we still have issues?", the mysterious correspondent responded that the real question should be, "Do we still have men?", given that the older generation had "shown their true measure," while for the younger ones—like Filipescu himself—the answer was uncertain (*Epoca*, year X, no. 296, 1904, p. 1).

With 1905 being an election year, Filipescu's attention turned to campaigning. Emotionally and politically involved, the pages of *Epoca* featured many of his speeches at electoral rallies as well as rebuttals to attacks from various central newspapers. That year, he also initiated a press polemic with Take Ionescu—his former ally and friend—which would intensify in the following years, reaching a paroxysm around 1908–1909. The dispute began over political differences at a meeting on 30 January 1905 in Brăila (*Epoca*, year X, no. 30, 1905, p. 1) and evolved into attacks on Take Ionescu's entire political activity. From July onwards, under Filipescu's direction, *Epoca* began to list financial dealings allegedly made by Take Ionescu to the state's detriment and in favour of third parties—including newspapers, especially *Adevărul*, considered the number one enemy of *Epoca* (*Epoca*, nos. 181, 205, 1905).

In 1906, *Epoca*—now the mouthpiece of the *Junimist-Liberal opposition*—intensified its attacks on other members of the government, particularly those close to Take Ionescu. The most aggressively targeted was the Minister of Justice, Alexandru Bădărău, whom Filipescu did not hesitate to call a "scoundrel" in the Chamber of Deputies (*Epoca*, year XII, nos. 32, 36, 38, 1906, p. 1). Shortly thereafter, the acid pen of *Epoca* extended its critique to the entire government (no. 43, Wednesday, 1906, p. 1), labelling its members with a range of epithets. Still, by year's end, Take Ionescu remained the main focus of *Epoca*. Both he and *Adevărul* (no. 241, 1906, p. 1) were accused of representing Jewish interests in Romania, especially after *The Bulletin of the Israelite Alliance*, no. 30, described Take Ionescu as "the man best suited to resolve the Jewish issue in Romania" (no. 215, Saturday, 1902, p. 1).

The attention given to Take Ionescu in 1906 extended into 1907. As early as January, *Epoca* published an article titled *Mr Take Ionescu's Habits* (*Epoca*, year XIII, no. 13, 1907, p. 1), promising even greater scrutiny of the politician. Branded a "universal swindler" (no. 4, 1907, p. 1) and the leader of "the most shameful and detestable movement" (no. 34, 1907, p. 1)—namely *Takism*—he came to symbolise, in the eyes of the paper and its owner, all that was worst in early 20th-century Romanian politics. These attacks miraculously ceased—briefly—after the Conservative fusion of 17/30 April 1907, under Junimist leader P. P. Carp. That same year, *Epoca* continued to cover Filipescu's political activity, publishing his main speeches in parliament and other contexts. Noteworthy among the materials published in 1907 was Filipescu's letter *A Statistical Novel* (no. 185, 1907, p. 1), a detailed critique of G. D. Creangă's study *Rural Property in Romania*. Also in 1907, in light of the country's social circumstances, Filipescu published in *Convorbiri Literare* a comparative study on *Agriculture in Russia and Romania* (N. Filipescu, 1907, pp. 245–253). After analysing the agricultural sectors of Romania, Russia, and Hungary, the politically savvy Filipescu concluded that "in all respects, the lessons of our neighbours must be taken into account, at least regarding agriculture," because, he concluded, "from an agricultural standpoint, we belong to Eastern Europe, and an alliance with Russia and Hungary is imperative" (N. Filipescu, 1907, p. 253).

While in 1907 the attacks in *Epoca* against the *Takists* and their leader were limited to editorials and contributions, from 1908—especially with the creation of the new political formation—Filipescu personally led the charge. In January 1908, in an article published in *Viitorul* and reprinted in *Epoca*, he labelled the new party an "adventure." In the same journalistic piece, he declared he saw no reason why "a man in full possession of his senses would not join the liberals or conservatives but instead enlist in this group—except for those who, like its leader, complain about the ingratitude of political parties" (*Epoca*, year XIV, no. 18, 1906, p. 1). Beginning in February 1908 (when the Democratic Conservative Party was founded), the press campaign against Take Ionescu intensified. In public meetings and print, he was portrayed as "a source of division within the Conservative Party" (no. 25, 1908, p. 1), who had taken advantage of every party split to remain in the political elite. However, after the Conservative merger, having failed to win Carp's trust, he left the "Whites" faction. These press attacks and almost daily public meetings culminated in a speech by Filipescu in Brăila, later published in *Epoca*. He described the new party as a "scourge," its dissident members akin to barbarian hordes who had ravaged "but founded nothing," leaving behind no trace of civilisation, only "a slight breeze that covered with dust the hoofprints of their horses" (no. 202, 1908, p. 1).

Increasingly involved in public life, especially in parliamentary affairs and political meetings, 1909 could be considered non-existent from a journalistic standpoint for Nicolae Filipescu.

However, 1910 ushered in a new period in which *Epoca*, and especially its owner, launched renewed attacks on the Democratic Conservative Party. That year, Filipescu authored one of his best political satires, aimed at his fiercest rival at the time, Take Ionescu. Recalling how Filipescu wrote this biting portrait in Sinaia, I. G. Duca noted in his memoirs:

"He worked on it for about two weeks, changing something every day, adding a new epithet, polishing a phrase, refining a comparison—and laughing out loud." (I. G. Duca, 1994, p. 58).

First sketched at a conservative meeting in Iași (*Epoca*, year XVI, no. 6, 1910, p. 1), this scathing character profile—titled *Shloim with Caesar's airs*—was later published in the conservative newspaper *Evenimentul* (*Evenimentul*, year XVII, no. 27, 1910, p. 1).

The immediate cause for writing the article was Take Ionescu's admission, in a letter to Alexandru Bădărău, that while he had served as minister in the Conservative government led by Gheorghe Grigore Cantacuzino, he had maintained financial ties with the newspaper *Adevărul*, which was subsidised by the "Israelite Alliance". This information fully revealed the notorious antisemitism of *Epoca* and its owner. Wishing to insinuate Take Ionescu's Semitic origin, both in appearance and behaviour, Filipescu painted a portrait—at times forced, insincere, and offensive—that nonetheless resonated in a Romanian society rife with anti-Jewish fears. Here is the excerpt that I. G. Duca considered, from a literary point of view, an unparalleled page (I. G. Duca, op. cit., p. 58):

"Look at him: a Semitic curve to his nose, a blinking eye like a sideshow performer, the voice of an Itzik, an affected and hypocritical familiarity, an olive pallor of one who blushes only from fear, an oily cowardice spread over his entire being. In his face as in his life, there is not a single straight line—only curves, sinuous features, insinuating manners that lend his skin, always cold and damp, a reptilian quality. Yet he has one gift that fools and the dishonest consider a virtue: the gift of speech. He speaks and bewilders. But his speech: it is not an expression of conviction or feeling—those are absent. For him, speech is a virtuosity—he sings! He is not an eagle; he is a quail. I do

not wish to diminish him. I acknowledge that he plays an important role. He plays a great role, but an infamous one. So infamous, in fact, that it shall become historic." (*Evenimentul Zilei*, year XVII, no. 27, 1910, p. 1).

On the occasion of Titu Maiorescu's 70th birthday, the journal *Convorbiri Literare* dedicated a "major special issue, with 156 pages contributed by leading Romanian intellectuals studying the life and work of the celebrated figure" (Eugen Lovinescu, *Titu Maiorescu*, vol. II (1876–1917), 1940, p. 338). On this occasion, Nicolae Filipescu published the essay (or sketch) *Mr. Titu Maiorescu in Politics* (*Convorbiri Literare*, year XLIV, vol. I, 1910, pp. CVI–CXVII). Analysing various aspects of this Conservative elder's activity—writer, professor, logician, philosopher, literary critic, orator, and politician—Filipescu, under the influence of the moment, sought to summarise his illustrious colleague's legacy, writing:

"There are men who are the sons of their works, yet whom circumstances elevate. Our public life did not create such circumstances for Mr Maiorescu, and he has always been nothing more than the son of his own work."

(Convorbiri Literare, year XLIV, vol. I, 1910, p. CXVI).

Appointed Minister of War in Carp's cabinet, Filipescu's journalistic activity again took a backseat during this period (December 1910 – March 1912). During this time, *Epoca* published his speeches at various party and electoral meetings. Once out of office, and wishing to be heard, Filipescu returned, from March 1912 onward, to the columns of *Epoca*. In the article *The New Government in Parliament* (*Epoca*, year XVIII, no. 92, 1912, p. 1), he positioned himself as the advocate of the new Conservative cabinet, which had been "formed at a time of great tension between the parties". After criticising the infamous tramway scandal, Filipescu expressed his belief that the government led by Titu Maiorescu "would find its authority, which would ensure its success".

Later appointed Minister of Domains (October 1912 – 31 December 1913) in the Maiorescu cabinet, and preoccupied by internal party conflicts as well as foreign affairs (the Balkan Wars), Filipescu drifted further from journalism. After resigning from government (5 April 1913) and, for a brief time, from the party itself (1913), he focused on the political reforms proposed by the Liberals—agrarian and electoral—which he would combat both in Parliament and in public assemblies. The political intrigues, the situation in the Balkans (*Epoca*, year XX, no. 98, 1914, p. 3), and then the outbreak of the First World War would once again divert his attention to this final great tragedy of the modern era. Aside from interviews on foreign affairs given to national and international newspapers, *Epoca* published only a few of his public statements during the Conservative Party leadership disputes, campaign speeches, or parliamentary interventions on the burning issues of the time. Romania's neutrality brought Filipescu back into the spotlight of political life. As one of the leaders of the national movement, initiator and organiser of the *National Action* and the *Unionist Federation*, and an active participant in the Cultural League meetings, Filipescu stirred public opinion. *Epoca* published his speeches, which had a profound impact on Romanian society. This political and journalistic campaign would be his last. Gravely ill and exhausted, he would soon withdraw from the public stage.

Having entered politics closely tied to the daily newspaper he would manage until the end of his life, Filipescu did not treat journalism as a business, a springboard to a political career, or a means to gain popularity. Without perhaps knowing what Nicolae Iorga would later say, he regarded this work as "a duty, a sacrifice" (Ion Bulei, 1990, p. 206). Expressing his political convictions through the press, his vehement campaign against the liberal government, launched in

Epoca—a relatively large paper for its time (C. Argetoianu, p. 387)—contributed in short order to the fall of Ion C. Brătianu's cabinet. Believing his goal had been achieved, Filipescu decided to suspend the paper's publication so as not to further disturb Romania's already troubled political life. Reappearing in 1895, *Epoca*—now more appealing, better crafted, and more aggressive in tone, led directly by its owner and director—became a formidable voice in Romania's press landscape. Already an experienced journalist, who had paid for some of his "sins" with prison time, Filipescu's pen became one to watch. His diverse activity attracted attacks from all sides. One of these ended in tragedy, leading to his increasing detachment from journalism. His expanding public engagements, widely recognised and respected, further convinced the Conservative leader to treat journalism as a secondary pursuit.

After 1900, Filipescu intervened in the press only at moments he deemed appropriate, often regarding the written word as the clearest way to express himself or as a complementary form of political combat. Embracing all forms of journalistic style, Filipescu—much like in his oratory—wrote in a concise, clean, natural language, close to everyday speech, yet with carefully constructed ideas. Depending on the article's type, his sentences were either brisk, his reasoning logical and well-argued, or the tone emotional, abrupt, and incisive, reflecting his inner agitation. His written replies were often colourful, suggestive, and turned into moral condemnations of his targets. At times, however, his attacks were unjust, subjective, and lacking in fair play. The power of his political pamphlets—in which he excelled—turned him into a true political weapon for the Conservative Party. Honest, with nothing to hide, yet irritable and sensitive to his aristocratic honour, Filipescu viewed every press offence as an affront to be avenged by sword. This explains the many duels he was involved in, some of which occurred for this very reason.

Striving to use journalism as a tool for education—which, as he put it, "requires warmth and enthusiasm" (N. Filipescu, *Political Speeches*, vol. I, 1888–1901, Preface, p. V)—Filipescu, who had both, explained in simple language the most important social issues of his time. A talented journalist with a fiery and restless temperament, he brought the same tone to the newspaper he ran. Although journalism was not the primary aim of his existence, he approached the craft with the nobility and preparation that his background afforded him. Often enriching newspaper pages with heartfelt and substantial articles, Filipescu did his work largely with integrity and always with intelligence.

With a pragmatic approach, a lightning-fast debut in journalism and simultaneous entry into politics, and a drive for action and dynamism in parliamentary activity, Nicolae Filipescu remains a keen observer of public life—also through the lens of the press. For many of his contemporaries, he came to embody *"A heart. A conscience. And a character."* (M. Mihăileanu, p. 5). And thus he has remained in the collective memory of future generations.

5. CONCLUSIONS

In conclusion, Nicolae Filipescu's legacy is intricately connected to his journalistic rigor and his unwavering political convictions, as demonstrated through his stewardship of the newspaper "Epoca." His bold editorial style and confrontational approach reshaped Romanian journalism, setting new standards for political discourse and public engagement. Despite controversies and personal confrontations that sometimes overshadowed his career, Filipescu's impact on Romanian society and politics remains significant, illustrating the powerful role journalism plays in national development and ideological evolution. His story reflects the

complexities of a transformative era in Romanian history, offering insights into the enduring relationship between media, politics, and societal change.

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ROMANIAN DIPLOMACY IN THE COMMUNIST PERIOD. NICOLAE CEAUȘESCU'S VISITS

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ABSTRACT

The official visit of President Nicolae Ceaușescu to Italy, held between May 21 and 26, 1973, represents a significant moment in the evolution of Romanian-Italian bilateral relations. During this visit, Ceaușescu met with Italian political leaders, including President Giovanni Leone and Prime Minister Giulio Andreotti, as well as visited industrial centers in northern Italy. A key aspect of the visit was the signing of official documents, such as the Joint Solemn Declaration and the Agreement on Economic, Industrial, and Technical Cooperation, which opened new opportunities for future collaboration between the two states. The article provides a detailed analysis of the visit's program, focusing on meetings at various political levels, the impact of the signed bilateral agreements, and the coverage of the visit in the Italian press..

KEYWORDS: *bilateral relations, common solemn declaration, Italy, official visit, Romania*
J.E.L. Classification: F50, N44, Z00

1. INTRODUCTION

The official visit of Romanian President Nicolae Ceaușescu to Italy in 1973 marked a significant milestone in Romanian-Italian bilateral relations. Highlighted by extensive engagements across political, economic, and cultural sectors, the visit underscored Romania's independent foreign policy within the Eastern Bloc and demonstrated mutual interests in strengthening cooperation. This article examines the detailed events of the visit, analyzes the reactions and perceptions of the Italian press, and assesses the broader international implications stemming from the diplomatic interactions and agreements achieved during Ceaușescu's time in Italy.

2. DIPLOMATIC ENGAGEMENTS AND BILATERAL DISCUSSIONS

The programme of the official visit to Italy covered the period of 21-26 May 1973. On 21 May, according to the official agenda of President Ceaușescu's visit, he was to be received by the Romanian ambassador in Rome at the Quirinale Palace, followed by a meeting with the Italian President, Giovanni Leone, and various subsequent activities including an official dinner and reception.

On 22 May, another meeting took place with the President of the Italian Republic, this time attended by Romanian and Italian ministers. After approximately two hours, a second round of discussions occurred at Villa Madama with the Italian Prime Minister, Giulio Andreotti. In the evening, after visiting Capitoline Hill, an official dinner was hosted by the Italian representative, Giovanni Leone.

On the following day, 23 May, a farewell ceremony was organised by the Italian President before President Ceaușescu departed for northern Italy to visit industrial centres. The first stop was in Genoa at the steel enterprise Italsider, followed by a dinner hosted at the Prefecture and concluding with a visit to the Ansaldo San Giorgio enterprise and cultural activities including a tour of the museum at Palazzo Bianco. The working visit continued the next day in Turin, where the president visited the Fiat-Mirafiori and Olivetti factories and later the Prefecture in Milan, where he stayed overnight to visit the Metalrex enterprise the following day (an unplanned visit not included in the official programme). On 25 May, the visit continued to San Marino, and on the final day of the journey in Italy, there was a meeting at the Vatican with Pope Paul VI (information related to these visits is not the subject of this study). Before returning to Romania, the president had lunch at the Romanian Embassy in Rome.

In addition to the previously mentioned visits, meetings took place on 22 May with the General Secretary of the Communist Party, Enrico Berlinguer, and with PCI representative Luigi Longo, and on 23 May with Socialist Party Secretary Francesco de Martino, though these were not listed in the official programme (ANIC, CC al PCR, file 4/1973, ff. 11-22).

President Nicolae Ceaușescu's visit was initiated following an invitation from Foreign Minister Aldo Moro to visit Italy, itself resulting from Moro's visit to Bucharest in 1971 (ANE, file 220/1971).

Discussions regarding Ceaușescu’s visit to Italy began during the presidency of Giuseppe Saragat (Italian Socialist Party) in 1971 (Giovanni Leone, 1978). However, Italy’s internal political situation and the context of the presidential elections delayed setting an exact date. The General Secretary of the Ministry of Foreign Affairs, Roberto Gaia, stated in a telegram sent to the Romanian Ministry of Foreign Affairs that the president had ceased receiving visits from the end of 1970: "According to Italy’s constitution and legislative practice, the so-called white semester follows, during which the Italian president no longer holds full powers, cannot dissolve Parliament, and cannot undertake valid political commitments" (ANE, file 2524, issue 220/1972 - 1973).

After prolonged discussions regarding the exact timing, the official visit to the Italian capital, Rome, began on 21 May 1973, with travel conducted aboard the presidential aircraft Tarom. According to the Scânteia newspaper (issue no. 9516) dated 22 May 1973, President Nicolae Ceaușescu, accompanied by his wife Elena, was joined by Ioan Avram, Minister of Heavy Machinery Construction Industry, George Macovescu, Minister of Foreign Affairs, Ion Pățan, Vice-President of the Council of Ministers, as well as experts and advisers.

On 21 May, President Nicolae Ceaușescu was received by the Romanian ambassador in Rome at the Quirinale Palace, followed by a significant discussion with Giovanni Leone, the President of the Italian Republic, at Leone's invitation. This meeting at the Quirinale Palace in Rome was attended by Orlandi Contucci, diplomatic adviser to the Italian President, and Constantin Mitea, adviser to the President of the State Council, lasting approximately one hour and fifteen minutes.

The conversation between these two prominent political figures was very well received by Giovanni Leone and the Italian public, contributing positively to developing linguistic and cultural

ties between the two nations. President Leone asked Ceaușescu to express his views on Romanian-Italian relations and subsequently, the current state of international relations. Leone also expressed admiration for Ceaușescu's handling of state principles such as equality of rights and the rejection of aggression between nations.

Regarding bilateral Romanian-Italian relations, Nicolae Ceaușescu highlighted their good standing and recalled productive interactions with various Italian business representatives, including Giuseppe Medici, Italian Minister of Foreign Affairs, and Mario Zagari, former Minister of Foreign Trade. Ceaușescu expressed optimism about discovering new avenues to enhance these relations (ANIC, file 70/1973, Conversation Note, f. 3).

Ceaușescu identified numerous potential initiatives beneficial to both nations, noting that his collaborators, Italian ministers, and business leaders would closely examine these opportunities. Although President Leone's constitutional powers limited direct involvement, he affirmed his commitment to supporting measures fostering stronger bilateral relations, a commitment warmly welcomed by Ceaușescu.

Subsequently, the discussion shifted towards global issues impacting European relations, with President Ceaușescu addressing the rapidly changing international environment. He emphasized the shift in public thinking, arguing that leaders must recognize that coercion no longer resolved issues, as societies increasingly rejected violent means.

Another global issue raised by Ceaușescu concerned agreements among major powers, advocating that these should consider the interests of smaller states. He mentioned the Vienna conference aimed at reducing military forces, expressing concern that decisions there might result in superficial reductions or mere redeployment of troops, potentially increasing tensions. Ceaușescu stressed the necessity for the Vienna conference to accommodate the interests of all participating nations, despite discussions primarily addressing Central European matters (ANIC, f. 7).

The conclusion of the discussion between the two heads of state revealed a request from President Giovanni Leone to President Ceaușescu, in which he asked for approval of certain marriage requests from Italian citizens submitted to the Romanian State Council. In response, President Nicolae Ceaușescu explained that many of these requests had indeed been approved; however, there were exceptions, particularly in cases where the young Romanian woman's parents had not given their consent.

On the second day of the Romanian head of state's visit, between 10:00 and 12:15, talks took place between Giovanni Leone and Nicolae Ceaușescu. Participants from the Italian side included Nicola Picella, Secretary-General of the Presidency of the Republic; Giuseppe Medici, Minister of Foreign Affairs; Roberto Gaja, Secretary-General of the Ministry of Foreign Affairs; Federico Sensi, diplomatic advisor to the President of the Republic; Antonino Restivo, among others. From the Romanian side, attendees included George Macovescu, Minister of Foreign Affairs; Ion Pățan, Deputy Chairman of the Council of Ministers, Minister of Foreign Trade; advisors, and others. (ANIC, CC of PCR, file 71/1973, May 22, 1973, f. 1). Both countries affirmed their respect for the principle of non-interference and national sovereignty, integral parts of their Joint Solemn Declaration.

The conversation was initiated by President Giovanni Leone, who expressed appreciation for the vision demonstrated by President Nicolae Ceaușescu regarding Romania's foreign policy.

The floor was then given to the President of the State Council, Nicolae Ceaușescu, who was asked to present his viewpoints to the other members present. He recalled the Romanian-

Italian bilateral relationship during both favorable periods and those when regimes differed, emphasizing that the immediate post-World War II era had led to positive and progressive developments between the two states.

Additionally, Nicolae Ceaușescu stressed that the dichotomy marked by the two military blocs of the bipolar international system should disappear ("hoping we will reach a point when these military blocs must disappear, establishing relations that exclude force and the division of the world into military blocs" (ANIC, f. 3)). In response, the Italian President confirmed this vision.

Alongside appreciative remarks about developing interstate relations, several issues were addressed, including Romania's trade exchanges with Italy and the desire to expand relations not only with socialist countries but also capitalist nations with different social systems: "We have extensive relations with socialist countries—particularly neighboring ones, primarily the Soviet Union, as well as other socialist countries in Asia and Latin America. At the same time, we pay significant attention to developing relations with developed countries in Europe and worldwide, as well as developing nations" (ANIC, f.4-5).

Economic exchanges in 1973 exceeded 300 million dollars; however, the Romanian leader aimed to double this amount in the following five years through direct trade exchanges, targeting a volume of 1 billion dollars by 1980 (ANIC, f.5). Furthermore, Italy's support was requested for cooperative agreements between Romanian and Italian enterprises and for negotiations within the Common Market framework: "Romania is a developing country, and until this issue is resolved within the Common Market, we would like the Italian government to act according to this reality" (ANIC, f.6-7).

Moreover, a request was made to regulate duties and taxes on products exported to Italy or imported into Romania: "I believe that by establishing joint enterprises and producing together, it would make no sense for products made in Romania in cooperation with Italian enterprises to be subject to taxes when coming from Romania to Italy or vice versa" (ANIC, f.7).

The Italian President indicated that the Romanian requests fell under the jurisdiction of political representatives; nevertheless, his desire was to continue collaboration with Romania: "Allow me to remind you that I consider myself merely a good father to my children" (ANIC, f.10).

Foreign Minister Giuseppe Medici supported Nicolae Ceaușescu's statements: "We welcome this opportunity to inform you that we will strive to demonstrate that significant progress can be made in developing relations between two states with different regimes." Nicolae Ceaușescu had a positive outlook regarding relations developed between major powers, such as the USSR-USA or China-USA, which, in his opinion, significantly impacted international life. However, addressing global issues required the involvement not only of major powers but of all states, regardless of their size (ANIC, f.14, f.17-18). President Giovanni Leone concurred: "Regarding developing countries, we view them with great sympathy and agree to cooperate with these countries to facilitate their development process" (ANIC, f.29). Current issues between developed and less-developed states, considered crucial for a new collaboration policy, were also discussed, emphasizing the need to eliminate these disparities.

During the same meeting, the President of the Romanian State Council conveyed to the Italian members Romania's intention to develop diplomatic relations with Korea, following a request from the government of the Democratic People's Republic of Korea, which "asked us to communicate its desire for good collaboration relations with Italy" (ANIC, f.25). This wish was approved by President Leone, who stated, "We desire the same regarding Korea" (ANIC, f.28).

The visit concluded with a reiteration of the parties' agreement on the topics discussed: "Our concepts align with yours regarding the equality of rights among countries" (ANIC, f.29).

Following the meeting with the President of the Italian Republic, discussions were held with Giulio Andreotti, the President of the Council of Ministers, and other Italian politicians. During these meetings, several historically significant documents were signed.

Thus, on May 22, 1973, in Rome, the Solemn Joint Declaration was signed by Nicolae Ceaușescu, President of the State Council; George Macovescu, Minister of Foreign Affairs; Giulio Andreotti, President of the Council of Ministers; and Giuseppe Medici, Minister of Foreign Affairs. Both states declared that "their reciprocal relations, as well as those with all other states, are founded on the norms of international law and the United Nations Charter. Thus, they are based on principles such as: the sacred right of each state to existence, independence, freedom, and national sovereignty; equal rights for all states; [...] the right and duty of states, regardless of their social or political systems, to cooperate in various fields; [...] non-interference under any pretext in matters within a state's national competence" (AME, file 2527, issue 220/1973, f.3).

Additionally, during the ceremony, several other agreements were signed: the Long-term Economic, Industrial, and Technical Cooperation Agreement, dated May 22, 1973, signed by Nicolae Ceaușescu, Ion Pățan, Deputy Chairman of the Council of Ministers, Minister of Foreign Trade, Giulio Andreotti, and Giuseppe Medici; the Protocol of the Fourth Session of the Romanian-Italian Joint Cooperation Commission, signed by Ion Pățan and Matteo Matteoti, Minister of Foreign Trade; and the Maritime Navigation Agreement. Article 2 states, "The contracting parties will adopt necessary measures to improve navigation conditions between the Socialist Republic of Romania and the Italian Republic to stimulate the development of relations in this field" (MJ, 14.07.2020), signed by the Foreign Ministers of Romania and Italy.

In his speech during the ceremony for signing the Solemn Declaration, Ceaușescu emphasized that belonging to different socio-political alliances was not an obstacle to developing collaboration between states, and the signed documents, particularly the Solemn Joint Declaration and the Long-term Economic, Industrial, and Technical Cooperation Agreement, outlined new opportunities for future Romanian-Italian cooperation (ANIC, file 4/1973, Scânteia newspaper, no. 9517, May 23, 1973).

Cultural and linguistic connections were evident in both Romanian press articles and speeches by Romanian and Italian political figures, including toasts made by President Giovanni Leone and Nicolae Ceaușescu at the Solemn Declaration ceremony. The Latin origin of both nations was frequently mentioned, linking the two states during all significant bilateral events.

Prime Minister Giulio Andreotti's speech emphasized global peace, stating that maintaining peace required strengthening ties with all nations, especially those culturally and friendly connected with Italy. He quoted poet Ovid, who died in exile on Romanian soil: "I see and approve the good things and avoid the bad ones" (ANIC, file 4/1973, Scânteia newspaper, no. 9517, May 23, 1973).

The Romanian head of state's visit also included meetings with prominent leaders of the Italian Communist Party. On May 22, Nicolae Ceaușescu met Luigi Longo, President of the Italian Communist Party, in Genzano, near Rome, from 16:00 to 16:50. Attendees included PCI General Secretary Enrico Berlinguer and Sergio Serghe, head of the external section of PCI's Central Committee. According to archival documents, they discussed common interests related to international détente, security, and cooperation in Europe (ANIC, file 4/1973, Scânteia newspaper, no. 9517, May 23, 1973).

Luigi Longo addressed international détente and military blocs, asserting the need to overcome political regime barriers among states: "As long as this international division exists, internal difficulties will persist, hindering actions toward our common goal—democratization and eliminating Cold War remnants." He added, "This is also your policy. [...] Romania is a country that counts" (ANIC, External Relations Section, file 73/1973, f. 2).

Nicolae Ceaușescu stated he discussed international issues with political representatives, mostly aligning with Italy's positions. However, regarding European security, despite highlighting the need for a permanent body, Italian counterparts had not decided, choosing to reflect further on this necessity.

Though talks on interstate collaboration concluded without fully satisfying Ceaușescu, the signing of significant official documents was a notable achievement. He also discussed his upcoming visit to northern Italy's industrial centers: "There are fields where we aim to establish joint ventures, and I hope things continue positively" (ANIC, External Relations Section, file 73/1973, f. 4).

Discussions with party leaders also covered common interests such as European security, noting preparations for a general European conference possibly beginning in summer, described as "a positive development" (ANIC, External Relations Section, file 73/1973, f. 5).

Throughout discussions, Luigi Longo expressed satisfaction and support for cooperation between capitalist Italy and socialist Romania. Collaboration with socialist states and parties would support Italy's détente process. Internal party issues, such as the Christian Democratic government's efforts to limit communist party international involvement, were also discussed. Responding to Longo, Ceaușescu emphasized, "Without active popular participation, continuity in this positive direction cannot be guaranteed. Both President Leone and Prime Minister Andreotti supported this and favored closer relations between trade unions and youth organizations" (ANIC, External Relations Section, file 73/1973, f. 6).

President Nicolae Ceaușescu expressed his stance regarding the political forces' trends toward the withdrawal of American troops from Europe, suggesting that socialist countries were mismanaging this issue by counting on agreements between states, which, he argued, did not necessarily entail such withdrawals but rather implied limitations on social progress. Consequently, Luigi Longo stated that the issues of non-interference by police forces, disarmament, intelligence services, and troop reductions would represent primary concerns in the forthcoming period.

Subsequently, President Nicolae Ceaușescu mentioned his good relations with the Italian Communist Party (PCI)—relations confirmed by Luigi Longo—as well as with the Soviet Union, socialist parties, and all European countries, citing examples like Bulgaria, Czechoslovakia, and Yugoslavia, also emphasizing the special attention given to former colonies. However, Ceaușescu expressed certain reservations regarding countries like Greece and Spain, where communist parties did not encourage diplomatic relations.

In turn, Luigi Longo mentioned the good relations maintained with the German Social Democratic Party, while Sergio Segre referred to positive discussions with François Mitterrand regarding European security, concluding with the need for closer collaboration among socialist and communist parties worldwide. At the end of the discussion, Nicolae Ceaușescu invited Luigi Longo and his wife, Bruna Longo, to Romania, wishing them good health. (ANIC, Secția Relații Externe, file 73/1973, p. 13-14).

On May 23, 1973, between 08:15 and 09:05, conversations took place between Francesco

de Martino, National Secretary of the Italian Socialist Party, and Nicolae Ceaușescu, President of the State Council. During the meeting, the leaders first discussed the state of relations between the Italian Socialist Party and the Romanian Communist Party, then addressed significant issues regarding the international and European situation, with Francesco de Martino expressing concern about relations between the US and the Soviet Union.

The regions under the influence of these two states could experience increased pressure should collaboration between the two powers intensify. Additionally, they discussed the ongoing war, the situation in South Vietnam, the Middle East, and other areas.

Regarding the European context, Francesco de Martino expressed some concern about the implications of the Soviet Union's relations with West Germany, suggesting they could somewhat limit the influence of the two blocs, thus "one might believe this situation would evolve positively toward eliminating the remnants of war." (ANIC, Secția Relații Externe, file 73/1973, p. 2).

President Nicolae Ceaușescu remarked that progress in relations between both the US and the Soviet Union, and between the US and China, could negatively influence bilateral agreements between Romania and Italy, particularly because new economic forces had emerged, closely connected with political forces, referencing the Common Market, where Germany and Japan played crucial roles.

Ceaușescu further noted that détente significantly depended on the trajectory and development of small and medium-sized countries in Latin America, Europe, and beyond, areas of particular interest to him. He also emphasized the necessity for active participation in international organizations such as the UN and their various meetings and debates. (ANIC, Secția Relații Externe, file 73/1973, p. 4).

Regarding the European situation, the European Conference represented Romania's primary concern. Romania's position was that convening a comprehensive European conference, accompanied by adopting useful documents related to principles of relations, free exchanges in economy, culture, science, etc., as well as establishing a permanent body for contacts and meetings, would be beneficial. (ANIC, Secția Relații Externe, file 73/1973, p. 5).

The discussion also covered the common goal of military blocs and arms reduction. Nicolae Ceaușescu advocated creating a climate of trust among states, suggesting that negotiations at the Vienna Conference could represent an initial step toward reducing arms and foreign troops in Central Europe and beyond, urging broader and firmer support from most countries. Italy's position was similar.

During the same meeting, Francesco de Martino mentioned the unofficial proposal at the time, regarding a new North Atlantic alliance suggested by Kissinger, which would extend to Japan, with Europe taking a subordinate role. The Italian politician confirmed that "if this pact were renewed based on Kissinger's proposals, it would only reinforce the blocs." (ANIC, Secția Relații Externe, file 73/1973, p. 7). Nicolae Ceaușescu suggested the North Atlantic Pact could have economic advantages, again referencing the Common Market. From Ceaușescu's perspective, fostering economic collaboration among states with different political systems belonging to different blocs would diminish the importance of military alliances.

"The importance of democratic and progressive forces' efforts for détente and security in Europe and the world was underscored. The meeting took place in a friendly and cordial atmosphere." (ANIC, Secția Relații Externe, file 73/1973, p. 8).

May 23, 1973, also holds significant historical importance for bilateral relations between Romania and Italy. On this date, between 23:20 and 00:30, a conversation occurred between Enrico

Berlinguer, Secretary-General of the PCI, representing the Italian Communist Party delegation, and Nicolae Ceaușescu, leader of the Romanian Communist Party. They were accompanied by Sergio Segre, member of the Central Committee and Head of the External Section of the PCI; Ion Pățan, member of the Executive Committee of the Romanian Communist Party; and Augustin Novelle, member of the Political Bureau and President of the International Policy Commission of the PCI Central Committee.

The discussion focused on two essential issues highlighted by PCI General Secretary Enrico Berlinguer: the Vienna problem concerning the disarmament conference and the report on détente in the Mediterranean, as well as the international conference of communist parties. As a solution to these issues, Berlinguer advocated for a new conference involving both socialist and capitalist communist parties to address collaboration and peace. He argued that such action was necessary so that "the process of détente and arms reduction should encompass the entire European area, including the Mediterranean" (ANIC, Secția Relații Externe, file 73/1973, p.3). Berlinguer deemed it crucial that all popular forces, including democratic ones in Western Europe, support this détente process.

Additionally, the Italian Communist Party representative expressed concern over Italy's tense situation, prompting domestic efforts toward détente and changes against reactionary or fascist organizations. This tension was fueled by various attacks strongly condemned by the population. Berlinguer stated, "In our view, these actions are the result of reactionary elements, but the most significant ones are coordinated by a reactionary center with foreign connections" (ANIC, Secția Relații Externe, file 73/1973, p.4).

Regarding international matters, Berlinguer emphasized his support and involvement in actions facilitating disarmament and reducing Mediterranean tensions.

During this meeting, President Nicolae Ceaușescu recalled his discussions with President Leone and the agreed-upon subjects, expressing satisfaction with the visit: "We appreciate that so far the visit has proceeded well" (ANIC, Secția Relații Externe, file 73/1973, p.80). Ceaușescu also referenced established relations among European parties and expressed his view that a communist-only conference might not yield the best results. Instead, he supported an international conference involving all parties, addressing issues such as foreign troops and European security (ANIC, Secția Relații Externe, file 73/1973, p.11).

The politician A. Novella also intervened, discussing with Ceaușescu the issue of troop withdrawal. Ceaușescu strongly advocated complete troop withdrawal, acknowledging its complexity, while Novella suggested, "If total withdrawal cannot be achieved, partial withdrawal would also be beneficial" (ANIC, Secția Relații Externe, file 73/1973, p.15).

Towards the end of the discussion, Ceaușescu reiterated the importance of intensifying international relations: "Let us enhance our international activity, strengthen bilateral cooperation, conduct broader work to mobilize public opinion, and expand collaboration with socialists, trade unions, and other democratic forces" (ANIC, Secția Relații Externe, file 73/1973, p.17).

Ceaușescu's visit to Italy concluded with the signing of significant documents, including a solemn declaration, a ten-year economic agreement, and additional protocols signed with the Italian Prime Minister and Foreign Minister.

3. VISIT OF THE ROMANIAN HEAD OF STATE TO INDUSTRIAL CENTERS IN NORTHERN ITALY

The visit program continued on May 23, in Genoa, where President Nicolae Ceaușescu and his wife were welcomed by the city's mayor, Giancarlo Piombino, and prefect Giacomo Veglia. During the visit, the President of the State Council toured the Oscar Sinigaglia steelworks (Italsider group), closely examining the productivity of equipment, the organization of the production process, and achieved results (ANIC, Foreign Relations Section, file 73/1973, p.185).

The steelworks, "operational since 1953, equipped with modern technology, annually produces over 2,000,000 tons of steel" (ANIC, Foreign Relations Section, file 73/1973, p.187). President Ceaușescu was warmly greeted by Italian workers, who paid tribute to him and the Romanian people. They gathered enthusiastically to meet the Romanian representative. He also held discussions with Enrico Radaelli, president of the Italsider group, who expressed interest in the development of the steelworks in Galați, designed "to become one of Europe's most modern plants. We would be delighted to intensify and deepen the exchange of experience with Romanian technicians."

The conversation continued with the director of the steelworks, Giorgio Maestrini. The plant has its own port and includes "a large steel mill, hot and cold rolling mills, an automated electrolytic tinning line, and produces a variety of galvanized and tinned sheets, drawn pipes, and special steels" (ANIC, Foreign Relations Section, file 73/1973, p.3). Following this, President Ceaușescu visited the Art Museum at Palazzo Bianco (Galleria di Palazzo Bianco), home to famous artworks, paintings, and sculptures. On the way to the Genoa port, thousands of citizens warmly greeted President Nicolae Ceaușescu and other Romanian guests (ANIC, Foreign Relations Section, file 73/1973, p.194).

The visit continued on May 24 in Turin. President Ceaușescu, accompanied by Romanian officials and Romania's ambassador to Rome, Iacob Ionașcu, were joined by Italian officials, including Italy’s ambassador to Bucharest, Antonino Restivo, and State Secretary Giulio Cajati. Upon arrival, Nicolae Ceaușescu and Elena Ceaușescu were welcomed by Guido Secreto, mayor of Turin, Giuseppe Salerno, prefect of Turin province, Stefano Milelli, mayor of Caselle, and other officials (ANIC, Foreign Relations Section, file 73/1973, p.200). Initially, the Romanian president visited the Fiat-Mirafiori plant, where he was received by general directors Francesco Rotta and Nicolo Gioia, as well as Fiat group president Giovanni Agnelli. Agnelli expressed joy over President Ceaușescu's interest in visiting Italian enterprises, seeing it as a confirmation of the leader’s wish to strengthen Romanian-Italian collaboration.

This industrial giant produced approximately 90% of Italy’s vehicles, along with a wide range of industrial products, including diesel engines, marine engines, helicopters, aircraft engines, agricultural tractors (both wheeled and tracked), road construction machinery, and various electronic products. The plant consisted of three main sections—bodywork, mechanics, and pressing—covering approximately 2.5 million square meters including buildings. President Ceaușescu received a miniature model of the first Fiat automobile, engraved with "In honor of the President of the State Council of the Socialist Republic of Romania, Nicolae Ceaușescu." According to the Scânteia newspaper of May 14, 1973, Italian workers sent greetings to the Romanian people, saying "Long live Ceaușescu, long live Romania—many greeted" (ANIC, Foreign Relations Section, file 73/1973, p.201-202).

In the afternoon, President Ceaușescu visited the Olivetti factories in Ivrea (province of Turin). En route, he also visited Metalrex, part of the Tecmo industrial group, not included in the official program.

Here, Ceaușescu was greeted by Aldo Banioni, president of Tecmo, who presented the company's activities, highlighting its efficient and broad use of aluminum. An exhibition showcased fabrics incorporating aluminum fibers, some as thin as 0.3 millimeters (ANIC, Foreign Relations Section, file 73/1973, p.205). The Romanian president expressed particular interest in machinery production, prompting the hosts to show him a section specializing in such equipment. Discussions focused on cooperation with Romanian enterprises, with Tecmo's president affirming, "I know you highly value the development of the aluminum industry in your country" (ANIC, Foreign Relations Section, file 73/1973, p.3).

Upon arrival at Olivetti, Nicolae Ceaușescu was welcomed by company president Bruno Visentini and managing director Ottorino Beltrami. Established in the early 20th century, Olivetti produced Italy's first typewriter and evolved to offer advanced data processing systems essential to offices and businesses (ANIC, Foreign Relations Section, file 73/1973, p.206). Ceaușescu toured key plant sections and administrative buildings, receiving an electric typewriter as a tribute. The Romanian officials showed keen interest in production processes and technical features of machines. Ceaușescu expressed particular concern about "developing electronic machinery and numerically controlled machine tools" (ANIC, Foreign Relations Section, file 73/1973, p.3), underscoring mutual interest in collaboration with Romanian firms. The visit concluded in Milan at the Innocenti Santeustacchio industrial enterprise, where Ceaușescu was welcomed by delegate representative Dr. Jean Rodocanachi and deputy director Giorgio Benevento. The company specialized in machinery tools for steel, mechanical, and electromechanical industries. Ceaușescu met with workers, toured industrial sections, observed technological processes, and assessed machinery developments (ANIC, Foreign Relations Section, file 73/1973, p.216).

4. ITALIAN PRESS PERCEPTIONS OF THE VISIT

Regarding the Italian press, Il Tempo praised the Solemn Declaration as an important example for other European states by asserting the principle of state sovereignty. Il Giornale di Calabria highlighted the warm reception of the Romanian politician in Italy, noting: "he was greeted as a tenacious and courageous political leader, capable of successfully leading his country while constantly advocating for Romania's autonomy within the socialist camp" (AME, file 2527, issue 220/1973, p.3). On May 21, La Stampa remarked that "Ceaușescu represents an Eastern European country pursuing a national path towards communism and a foreign policy aimed at freeing small and medium-sized European countries from the hegemony of superpowers" (AME, file 2527, issue 220/1973, p.4).

Paese Sera notably published an article one day before the official visit, on May 20, dedicated to Romania's discussion proposals in Italy, suggesting they could put the host country in difficulty. The newspaper believed Ceaușescu's political ambitions and initiatives would not align with Italy's.

Nicolae Ceaușescu was perceived as the leader of the Bucharest group, holding the strongest and most concentrated authority. The group was expected to present a position requiring special attention from the Italian government (AME, file 2527, issue 220/1973, p.6). Also on May 20, Avanti emphasized the visit's importance, highlighting that the two states would have an opportunity to enhance friendly interstate relations, stating the Romanian government "advocates

for a climate of trust, collaboration, and understanding among European states and peoples" (AME, file 2527, issue 220/1973, p.8). Additionally, Italian politicians could express their stance on international issues. This showed that not only state representatives but also the Italian press esteemed Ceaușescu as a prominent figure. The official visit was viewed positively, suggesting mutual benefits for both states and other Western countries.

The warmth and friendship with which the Ceaușescus were received were also reflected in the Romanian newspaper Scânteia, which noted: "The leader of the Socialist Republic of Romania, Nicolae Ceaușescu, and his wife Elena Ceaușescu received a grand welcome in the Italian Republic. The grand reception reflected the respect and esteem enjoyed by the socialist leader and the Romanian people due to their achievements, work, and actions fostering peace and international cooperation" (ANIC, file 4/1973, Scânteia, no. 9516, May 22, 1973).

The visit was also monitored by political circles in Athens due to its coincidence with the European conference and the end of the Helsinki talks. Greek Deputy Foreign Affairs official Phaedon Annino Cavalieratos felt Italian authorities had underestimated the importance of the principle of non-interference, hoping "Romania's influence, notably President Ceaușescu, a firm advocate of this principle, will positively affect Rome's stance towards Athens" (AME, file 2525, telegram no.025182, 1973). Indian officials also praised the visit, stating that "no other head of state visiting Italy had received such cordiality and sympathy from both officials and the Italian population," implying the visit had enhanced Italy's international prestige (AME, file 2525, telegram no.055267, May 24, 1973).

Conversely, the Turkish Ministry of Foreign Affairs was interested in discussions between the two parties regarding the Common Market, believing "the visit to Italy would reaffirm Romania's foreign policy principles and cooperation with other states" (AME, file 2525, telegram no.059525, May 23, 1973). Swiss diplomats, in talks with Secretary II M. Gheorghiu in Beijing, considered the Solemn Declaration's principles suitable for a similar Romanian-Swiss document (AME, file 2525, telegram no. 059529, May 24, 1973).

5. CONCLUSIONS

In conclusion, regarding Romania, although not all economic aspects were fully supported by the Italian side, the discussions between the heads of state had a propagandistic effect for future agreements, notably those from 1977. These included the Agreement on Mutual Guarantee of Investments and the Convention for the Avoidance of Double Taxation on Income and Wealth. Additionally, significant official documents such as the Solemn Joint Declaration were signed.

The discussions between President Nicolae Ceaușescu and Giovanni Leone underscored both parties' desire to strengthen Romanian-Italian bilateral relations. Cooperation extended beyond economic matters, emphasizing fundamental international principles such as sovereignty and equality between states, and highlighting the importance of continuous dialogue between nations with different political systems.

Nicolae Ceaușescu demonstrated a broad vision regarding Romania's foreign policy, emphasizing diversified partnerships and balanced international cooperation. This dialogue exemplified how countries with varying political and economic systems can collaborate to address common challenges, promoting economic development and political stability.

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FRENCH CIVIL LAW IN RELATION TO FOREIGN LEGAL SYSTEMS (LE DROIT CIVIL FRANÇAIS EN FACE DES SYSTÈMES JURIDIQUES ÉTRANGERS) IN THE WORK OF JEAN CARBONNIER

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ABSTRACT

This paper explores the position of French civil law in relation to foreign legal systems through the extensive contributions of Jean Carbonnier. Historically revered as a cornerstone of European legal traditions, French civil law has profoundly influenced the legal structures of many countries. However, Jean Carbonnier's critical approach emphasizes the necessity of openness and adaptation, urging French civil law to engage with comparative law actively. The study analyzes Carbonnier's advocacy for legislative sociology and inter-legislative cooperation, which seeks to rejuvenate French civil law by assimilating beneficial elements from foreign systems. The findings highlight how this approach can prevent legal stagnation and encourage progressive evolution, reflecting broader socio-economic transformations and intercultural dialogues.

KEYWORDS: *french civil law, comparative law, Jean Carbonnier, legislative sociology, inter-legislative cooperation, legal reform*
J.E.L. Classification: K10, K12, K36, K39

1. INTRODUCTION

French civil law, deeply rooted in the Napoleonic tradition, has historically held a prominent role in shaping legal systems across Europe and the globe. The universality and stability of this legal framework have long been perceived as a benchmark of excellence. Nonetheless, globalization and cultural exchange necessitate a reassessment of even the most entrenched legal traditions. Jean Carbonnier emerges as a pivotal figure advocating for the modernization and rejuvenation of French civil law through openness, comparative legal studies, and legislative sociology. This paper aims to examine the evolving dynamics between French civil law and other legal systems, with particular attention to Carbonnier's transformative influence.

2. THE HISTORICAL SUPREMACY OF FRENCH CIVIL LAW

"One does not compare a mosquito to an elephant": an old Greek saying attributed to Zenon teaches us that comparing an elephant and a mosquito is not judicious. Can one of the oldest unified legal systems in Europe—namely, French law—be likened to, compared or even criticized by other, more recent systems with less stable traditions?

The question is legitimate. In his "*Legal Vocabulary*", Gérard Cornu defines the science of comparative law as follows: "the comparative study of two or more legal systems emanating from different sovereignties", a definition in the strict sense, for the same author adds, "by extension,

the comparative study of two or more branches within domestic law itself (for example, French administrative law, French civil law)." This definition appears to be embraced by most modern legal dictionaries and lexicons and seems adapted to contemporary times. Maurice Planiol defines comparative law as "the quintessence of the coexistence of multiple legal branches interpreted differently" (Maurice Planiol, "*Traité de droit civil*" Tome I, 6th edition, LGDJ 1911), also drawing from Marcel Bréal's article "On the Origin of Words Denoting Law and Statute in Latin and Old French", published in 1883 in the "*Nouvelle Revue Historique du Droit*" (p.603). French legal scholars of the late 19th and early 20th centuries saw French law as the legal engine of Europe and a source of inspiration for the emerging European states of that time: Ihering even considered that all modern European legislation stems from Napoleonic law. Furthermore, Cambacérès, one of the authors of the 1804 French Civil Code, stated in one of the committee meetings that "French civil law will become one of the most important legacies ever left by France to the world" (*see Laurence Chatel de Brancion (ed.), "Mémoires inédits de Cambacérès, Tome II: L'Empire", Paris, Perrin, 1999*).

The old French law, prior to the 1789 Revolution, lacked unity: divided into multiple provinces, France implicitly experienced a variety of legal rules—a phenomenon halted in the 15th century by the French kings, who ordered that each province's customs be compiled, synthesized, and organized into official works. This movement marked the end of customary law and continued during the French Revolution, which resumed and partially achieved the goal of legal unification. The 1789 Revolution also brought with it the idea of drafting a Civil Code: in 1793, Cambacérès was tasked by the Convention to draft a civil code project, but the plan failed, as the first project was not considered revolutionary enough. The task was then handed to Napoleon, who appointed a special commission. The project was submitted for voting in 1801 and came into force through the law of March 21st, 1804. This document had a tremendous impact at the time: Belgium immediately adopted it in its original form, modifying it only by the law on mortgage regimes in 1851. The Napoleonic Civil Code served as a model for most countries that implemented a civil code during the 19th century: the Netherlands (1838), Italy (1865), Romania (1865), Spain, Japan—with the exception of the Austrian Civil Code of 1811, which was not influenced by French civil law. The strength of this document is demonstrated by the relatively limited number of revisions, the last major one taking place in 2016 through the reform of the chapters on obligations.

At the beginning of the 20th century, the French positivist legal school claimed the absolute supremacy of French law. Henri Mazeaud's stance is well known, expressed in his inaugural civil law lecture at the University of Sorbonne in 1938—the same year he published his Civil Law Treaty: "There is no need to question the stability of our French civil law, which undoubtedly constitutes one of the most beautiful legacies our country has given to the world" (Henri Mazeaud, Leon Mazeaud, "*Traité théorique et pratique du droit civil*", Tome I, Librairie du Recueil Sirey, 1939). The superiority of French law was also supported by constitutional law professors Léon Duguit and Maurice Hauriou, as well as much of French legal doctrine, which disregarded innovations in international legal systems—such as the notions of "reasonable fear" or "legitimate expectation" from the common law system. It was during this time and context that the young jurist Jean Carbonnier, a student at the University of Bordeaux, was educated. In 1932, he defended his doctoral thesis at the same university, titled "The Matrimonial Regime: Its Legal Nature Regarding the Notions of Society and Association", which, along with passing the aggregation exam in 1937, earned him a professor position at the University of Poitiers.

The research interests of the man who would later be known as“ Dean Carbonnier” were diverse: worth mentioning is that he contributed extensively to family law and authored draft reforms of the Civil Code’s family law provisions—including the 1965 law on matrimonial regimes, the 1968 law on special protections for legally incapacitated adults, and the 1970 law on parental authority. However, due to personal religious convictions, he did not involve himself in the 1966 reform project on adoption. Toward the end of his career, the law from 2001 regarding the reform of inheritance law represented the synthetic of his life’s work, a balanced and erudite legal spirit, bringing, through the proposed innovations, a new breath of fresh air in French civil law.

The supremacy of French civil law seemed to concern Dean Carbonnier only slightly: although shaped by this notion in the 1930s, he did not advocate for an absolute monopoly of French law. As a legal sociologist, he emphasized the necessity of coexistence among legal systems, showing that despite appearances, a certain cryptophasia arises between them. A key moment reflecting his conception is his 1987 speech at the Civil Law Conference: “Before being just, should the law not first abstain from being coarse?” (La loi civile: actes du colloque de mai 1987, under the direction of Simone Goyard-Fabre, Presses Universitaires de Caen, 1988). What is thus understood by the idea that the law should cease to be coarse? The question remains open and the opinions are multiple – Dean Carbonnier himself stated in an interview for La Semaine Juridique (1995) that French law has far too often disregarded other legal systems and that precisely this disregard has been the source of errors committed over time (see, for example, Tribunal des Conflits, January 15, 1968, Compagnie Air France v. Epoux Barbier, Rec. 789, conclusions by Kahn – published in M. Long et al., Les grands arrêts de la jurisprudence administrative, 21st ed., Dalloz, 2017). This position seems to be followed by his disciples as well, among whom Serge Guinchard or André-Jean Arnaud:

“ *Without wishing to be too critical, it seems that the French spirit in matters of law has not always presented itself under the best auspices [...] take the example of the law of obligations – certain European countries have, for years, integrated chapters into their Civil Codes regarding abusive clauses, while we had to wait until 2016 for these to be incorporated into our Civil Code.”* (*Francesco Saverio Nisio, Jean Carbonnier: regards sur le droit et le non-droit, Paris, Dalloz, 2005*).

The issue of the chronic individualism of French law was highlighted by Jean Carbonnier during the drafting of preliminary legislative proposals aimed at reforming the provisions of the Civil Code on family law. For example, in the matter of parental authority, Dean Carbonnier carried out thorough documentation work by weighing different European legislative provisions – the same effort was made with regard to the 2001 draft reform of inheritance law. In a world in constant communication, law – be it civil, criminal, or administrative – is a field equally affected by intercultural and interprofessional interferences and transformations, such that it is very difficult for it to remain isolated or to be the absolute emanation of a legislator who looks only at the internal situation of their state, without being influenced by external circumstances or movements that may affect it directly and undeniably. “To practice law while being stubborn is the key to a guaranteed career change,” was the usual remark of Benjamin N. Cardozo, author of the famous work on the nature of the legal decision.

3. JEAN CARBONNIER AND THE TRANSFORMATION OF FRENCH CIVIL LAW

In his vast body of work, Dean Carbonnier sought to advocate for a methodology of comparative law, considering that the French civil law system cannot remain isolated and that each civil law system may, at some point, serve as a model. In recent years, the emergence of common law terms in traditional European systems – such as estoppel (translated into French as "confiance legitime", i.e., legitimate trust) – has led legislators to pay more attention to legal systems in which the notion already exists (a similar notion as a legal construct already exists in Italian law). Jean Carbonnier's vision of collaboration aimed at complementing French civil law with notions from civil legal systems that were themselves inspired by French civil law, thus achieving an enrichment rather than a deprivation of essence or a "depersonalization." Ultimately, despite cooperation and coexistence, branches of law retain their individuality – the latter being determined by internal states inherent to each country. However, terms such as good faith, fiducia, filiation, or parental authority are terms that find universal application across all civil law systems. Jean Carbonnier does not condemn the civil law of his own country, nor does he deem it outdated or obsolete; rather, he subjects it to a form of moral judgment and reproaches it for remaining stuck in time, lacking a real desire to evolve. But, as its spiritual father, he does not punish it – he helps it grow. It is akin to an individual who, either out of excessive timidity or, on the contrary, from exaggerated vanity, refuses to integrate into a social group. Perhaps this is one of the reasons why one of Jean Carbonnier's major research concerns was the investigation of the concept of legislative sociology.

Each piece of research involves the mobilization of new knowledge, most often with great complexity. Law, as a social science in perpetual motion, has not been exempt from international movements, with each state drawing inspiration from the legal systems of other countries and adapting borrowed legislative provisions to its own socio-economic context. Themed international congresses organized by international jurists' associations in various areas of civil law provide opportunities for dialogue and are a source of inspiration.

The influence of European law adds to this movement, the number of European legislative acts touching on multiple areas of civil law. Jean Carbonnier's vision is being fulfilled: French civil law must set aside the mask of apparent supremacy and begin to absorb fresh influences. Indeed, Portalis and Cambacérès gave France a Civil Code in 1804, perhaps the most modern of its time, but morals and society evolve – and with them, so must the law. Carbonnier revisited in detail the Civil Code's provisions on family law and especially the concept of parental authority through the law of June 4, 1970: replacing the all-powerful paternal authority with a mechanism of control guided by both parents is an example of a small legal revolution. Discarding outdated 19th-century concepts is one of the priorities of 20th-century reformist jurists. Reform may be new for French civil law, but not for other European civil law systems (the German and Austrian Civil Codes), which adopted such changes years earlier. "Authority must go hand in hand with responsibility", declared American jurist James O. McKinsey at the beginning of the 1960s. This adage can, however, be nuanced and applied even to law itself: its authority is justified as long as the legislator assumes the responsibility to adapt the legal norm to social evolutions and complements it by introducing new elements, inspired either from neighboring systems or from the socio-economic realities of the state.

In the article entitled *"Jean Carbonnier et la sociologie législative*" , Professor Jean-François Perrin raises the following issue: does Dean Carbonnier's legislative sociology affect only civil law, or can it also extend to other branches of law? "We must believe that everywhere in Europe, the same causes have the same effects. We can also observe that when 'specialists 'on

a normative issue collaborate and exchange their work, in the field – not just in offices – it proves to be useful and effective. A post-legislative sociology study, conducted under the auspices of the federal government (N.A., Swiss Federal Government, regarding the divorce reform of June 1, 2000), now reveals a very high satisfaction rate with respect to this new legislation. It is thus demonstrated that if one takes the effort to implement the strategies of the legislative art conceptualized and recommended by Jean Carbonnier, the result aligns with the legislator's expectations."

This had to be proved. Inter-legislative collaboration is fruitful when social interests and the interdependence of legal systems are weighed in the balance. A thorough analysis consequently demonstrates that the civil law system is perfected through its interconnection with other legal systems; examples abound, but we mention the introduction of the notion of legitimate trust, the estoppel, inspired by the common law system, or the tacit adoption in recent years by French courts of judicial precedents – so common in the Anglo-Saxon legal sphere.

A pioneer of this phenomenon, Jean Carbonnier demonstrated through the theory of legislative sociology the multidisciplinary of law, as well as the interdependence of legal systems whether civil, administrative, or criminal while also bringing a fresh impetus to comparative law through his insights on the need for French civil law to open up and enrich itself by reforming existing provisions and adopting new ones inspired by the law of other countries.

4. CONCLUSIONS

Jean Carbonnier's intellectual legacy has significantly influenced the progressive evolution of French civil law. His insistence on legislative sociology and comparative methodologies illustrates the benefits of intercultural and inter-legislative exchange, challenging the long-standing dominance and insularity of traditional legal frameworks. The integration of these comparative insights is critical for adapting the law to contemporary social realities and international standards. Consequently, embracing this perspective not only enriches French civil law but also reinforces its relevance and adaptability within the broader international legal community.

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DUAL EDUCATION IN ROMANIA: BRIDGING THE IT SKILLS GAP AND PREPARING INDUSTRY-READY TALENT

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ABSTRACT

This study explores the role of dual education in addressing the IT skills gap in Romania, evaluating its effectiveness at both pre-university and university levels in preparing industry-ready talent. With the adoption of Law 199/2023, Romania introduced 18 dual degree programs across five universities, though only a small number focus specifically on the tech industry. These programs aim to bridge the disconnect between academic training and labor market demands. By analyzing employer perspectives and public policies, the research examines whether dual education can provide a sustainable solution for IT workforce shortages.

The study employs a qualitative approach, conducting semi-structured interviews with IT professionals, HR specialists, and public administration representatives in Cluj-Napoca. Findings reveal that while dual education enhances practical training and accelerates graduate integration, challenges persist, including rigid curricula, a lack of transversal skills, and limited collaboration between universities and businesses. Employers stress the importance of critical thinking, adaptability, and digital literacy—skills that current programs often fail to cultivate. Additionally, the increasing influence of AI on job structures is reshaping demand, shifting focus from junior programmers to professionals with hybrid competencies in technology and strategic thinking.

The research highlights the need for stronger industry-academia partnerships, flexible learning paths, and investment in digital infrastructure to maximize dual education's impact. Public administration plays a crucial role as a key stakeholder in the dual education system, facilitating partnerships through economic clusters, ensuring infrastructure investment, and supporting funding access. This involvement benefits not only the education system but also contributes to city development, fostering a highly skilled and adaptable workforce that aligns with long-term economic growth strategies. Without structural reforms and broader accessibility, dual education risks being a partial solution, benefitting only select regions and industries. The study concludes that a well-implemented dual education system, with active participation from public administration and businesses, can serve as a catalyst for Romania's economic development and IT sector competitiveness.

KEYWORDS: *dual Education; IT Workforce; Employability; industry-academia collaboration; technological skills development; public administration; economic growth*

J.E.L. Classification: I23, J24, O33

1. INTRODUCTION

This article examines to what extent dual education, both at pre-university and university level, can meet the specific requirements of the IT industry in Romania, contributing to reducing the skill gap and training a workforce adapted to current technological dynamics. Given Romania's evolving technological landscape, the research evaluates whether dual or vocational education can be an effective skills development model, particularly from the perspective of private sector employers in Cluj-Napoca, Romania.

Following the adoption of Law 199/2023, five Romanian universities introduced 18 dual degree programs, including few specialized tech industry program. (Education, 2024). The law mandates a formal contract between the university, local administration, and economic operator to ensure structured collaboration in aligning academic training with industry needs. However, this study extends beyond higher education, assessing the feasibility of pre-university and tertiary vocational programs in equipping students with practical experience. Romania faces a growing technological gap compared to other European countries. The "Bridging the Gap" report (McKinsey, 2022) emphasizes the need for digital and technical skills to facilitate the adoption of emerging technologies, such as AI, automation, IoT, and renewable energy solutions.

This study investigates how strategic investments in dual education, industry-academia partnerships, and reskilling programs could enhance Romania's economic resilience and global competitiveness. By analysing employer perceptions and education policies, this research aims to determine whether dual education can provide a sustainable solution for IT workforce shortages, ultimately contributing to inclusive and long-term economic growth.

2. RESEARCH METHODOLOGY

The research methodology employs qualitative data collection through semi-structured interviews with IT industry professionals, particularly those involved in recruitment and human resource management. These interviews explore expert perspectives on the effectiveness of dual education in addressing labor market skill requirements.

Key topics include the perceived level of technical and professional training required for employment in IT, the impact of university studies on employability, challenges companies face in integrating graduates, and how dual training meets industry demands. Following the recommendations of Moser and Korstjens (2018), semi-structured interviews were chosen for their flexibility in capturing nuanced insights and subjective experiences (Moser, 2018)

Ten participants were selected through purposive sampling to ensure relevant insights, including industry representatives and a local public administration official overseeing dual education. The selection aimed to reflect diverse work environments, encompassing a top corporate manager overseeing 2,000 employees, three CEOs of small product companies, a corporate project manager with 2,000 subordinates, a freelance project manager with European experience, two additional corporate project managers, a programmer, and an HR manager. Three of the interviewees also have experience as university lecturers or in alternative education.

The analysis provides an in-depth understanding of IT employers' perspectives on workforce training and assesses whether dual education can effectively prepare skilled professionals. While the broader study also considers public policies addressing skill gaps, this article focuses specifically on employability.

This article focuses on employer perspectives regarding dual education in the IT sector. However, as part of a larger study, the author also conducted interviews with university decision-makers to assess whether their views align with industry expectations. Furthermore, a separate quantitative analysis was performed to identify the transversal skills most in demand in Romania's IT sector. These complementary approaches provide a more complete understanding of the skills gap and the potential of dual education as a solution.

3. DEFINITIONS AND KEY CONCEPTS

Employability. In the document "Strategic framework for increasing the participation, quality and efficiency of tertiary education in Romania 2014-2020", employability is defined as "the ability of graduates to obtain a job appropriate to the level and field of study, to maintain and develop career in the context of the ever-changing labor market" (Education, Strategic Framework for Increasing Participation, Quality, and Efficiency in Tertiary Education in Romania 2014–2020, 2014). This involves not only the technical skills acquired during studies, but also transversal skills such as adaptability, effective communication, and critical thinking, essential for integration and success in the labor market.

"Employability reflects the relevance of study programs for the labor market. Employability is one of the main goals of the Bologna Process and is defined as the ability of a person to obtain a job in accordance with his competences, to maintain it, to develop the entrepreneurship capacity of a person and his possibility to change his job." (Policies, 2025)

As demonstrated in Lee Harvey's article, „Defining and Measuring Employability", (Harvey, 2001) employability cannot be defined only by considering the employment rate of graduates. Harvey proposes that employability should be seen not just as an institutional achievement, but rather as an individual student's ability to get a job. In the author's opinion, employability is a complex concept, including characteristics such as the type of work for which the graduates are prepared, timing of employment after graduation, the attributes and skills that graduates possess, continuous learning ability.

Additionally, Harvey suggests that current employability indicators oversimplify reality and ignore the individual contribution of each institution to student preparation. Instead of using employment rates exclusively, the author proposes an audit of employability development opportunities within educational institutions, which would better reflect individual process and progress.

Harvey concludes that measuring employability solely by employment rates can be misleading and limits the ability of institutions to improve their educational practices. Instead, he recommends an internal approach based on audits and analysis of skills development processes. This would provide valuable information for improvements and contribute to a deeper understanding of the role of higher education in preparing students for the labor market.

„Graduate Employability and Competence Development in Higher Education—A Systematic Literature Review Using PRISMA" points out the importance of developing skills relevant to the labor market through higher learning (Abelha, Fernandes, Mesquita, Seabra, & Ferreira-Oliveira, 2020). Educational institutions are encouraged to adopt approaches that develop both technical and soft skills such as communication, teamwork, adaptability, and problem solving, all of which are valued by employers. Also, collaboration between universities and companies is essential to align the curriculum with the demands of the labor market, ensuring a better preparation of students. Practical experiences, such as internships, are crucial as they allow the

application of theoretical knowledge in real contexts, increasing graduates' competitiveness. In addition, fostering a mindset of continuous learning is vital to meet the demands of an ever-changing job market. The study also highlights the need for more effective assessment methods that correctly measure the development of relevant skills, overcoming the limitations of traditional examinations. These findings support a flexible, practical, and future-oriented education designed to support graduate adaptability and success.

In the theory of human capital, developed by Gary S. Becker (Becker, 1993), he explains how education contributes directly to increasing labor productivity. He uses economic models that show how education increases skills and knowledge, which increases the individual's contribution to overall productivity and, by implication, economic growth. Becker made an important distinction between general human capital (skills applicable in any job) and specific human capital (skills that are valuable only to a particular employer or industry). This distinction is crucial for understanding how employers and employees invest in training.

Studying the phenomenon of on-the-job training, Becker observes that employers are more willing to invest in specific capital because it remains valuable only in the context of the respective organization. General capital, on the other hand, is more often a personal investment because the individual can apply those skills anywhere.

4. CURRENT LANDSCAPE OF IT EDUCATION AND WORKFORCE DEVELOPMENT IN ROMANIA

4.1. THE ROMANIAN IT INDUSTRY

The Romanian IT sector has experienced significant growth over the past decade, but recent data suggests a period of stagnation. According to the ANIS report ((ANIS), 2024), turnover in the industry increased from €1.5 billion in 2008 to €15.5 billion in 2023, with the workforce growing from 50,000 to 133,000 employees. However, in 2024, the IT sector's contribution to GDP remained at 7.8%, identical to the previous year, indicating no significant economic growth (Adevărul, 2024).

This stagnation is influenced by global and domestic challenges, including the economic slowdown, restructuring in major international tech companies, and new fiscal policies. Tax changes implemented on November 1, 2023, affected IT professionals earning above 10,000 gross lei, potentially altering employment dynamics. Despite 12.16% growth in 2023, solidifying the IT industry's role as a key economic driver, 2024 has marked a phase of adjustment and contraction (ZF.ro, 2023).

The IT job market reflects this shift, with five times more applicants per job in early 2025 than the previous year, signaling fewer job openings and rising competition (Wall-Street.ro, 2025) (Puterea.ro, 2024). While certain sub-sectors—such as AI, machine learning, cloud computing, electric vehicles (EV), and IoT—are expanding, other areas are experiencing slowdowns like stagnations in hardware manufacturing and the automotive industry due to market saturation and supply chain issues.

Economic Projections and Digital Competitiveness. According to McKinsey & Company (McKinsey C. &., 2025), Romania's digital economy is expected to reach €52 billion by 2030, contributing 10% to GDP. Between 2017 and 2021, the IT&C sector experienced an annual growth rate of 8%, though it still lags other European "Digital Challenger" countries. Government-led

programs, such as the PNRR (National Program for Recovery and Resilience) Digitization, aim to improve IT infrastructure and workforce digital skills to maintain sector growth.

The World Competitiveness Center Digital Report 2024 (IMD, 2024) ranks Romania 47th out of 67 economies in digital performance, reflecting slow progress despite maintaining stability. The country ranks 51st in knowledge, 50th in technology, and 51st in future readiness. Challenges include low business agility (ranked 68th), a rigid regulatory framework (47th), and weak capital investment (84th), which hinder the scalability of digital transformation.

Within Europe, the Middle East, and Africa (EMEA), Romania ranks 32nd out of 43 economies, placing it in the lower tier of European digital competitiveness. Among countries with over 20 million inhabitants, Romania ranks 28th out of 37, highlighting gaps in IT investment and policy efficiency.

Despite market stagnation, digital skills remain critical, with increasing demand across industries. The UNESCO Global Education Monitoring Report 2021/2 (UNESCO, 2021) highlights that the COVID-19 pandemic accelerated digital transformation, with 84% of companies adopting digitized work processes and 44% of employees transitioning to remote work. This shift has expanded the digital economy, making digital literacy a priority in education and workforce development.

Governments worldwide are investing in digital education. Panama has digitized public services, while South Africa has introduced computer science and coding into its curriculum. The European Union's Digital Education Action Plan (Commission, 2020) aims to improve digital literacy and workforce adaptability, ensuring competitiveness in an increasingly digitalized world.

The Romanian IT industry faces both opportunities and challenges. While the sector has matured, 2024 marks a period of stagnation and restructuring. Emerging technologies like AI, quantum computing, robotics, and cybersecurity will drive the next phase of innovation, reshaping industries from manufacturing to services. However, to remain competitive, Romania must invest in digital education, IT infrastructure, and workforce training, ensuring that businesses and professionals can adapt to the evolving demands of the global digital economy.

4.2. THE IT SECTOR- EMPLOYABILITY

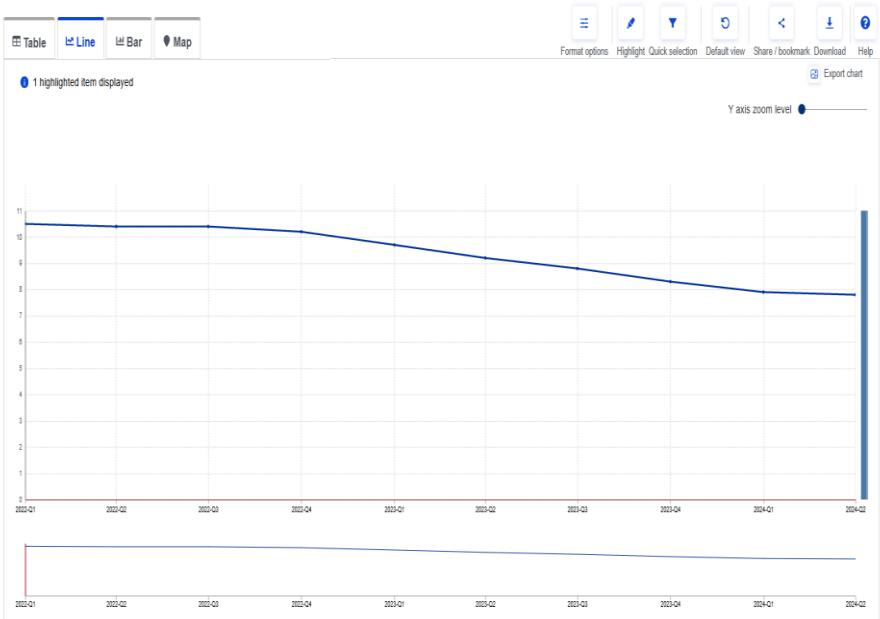
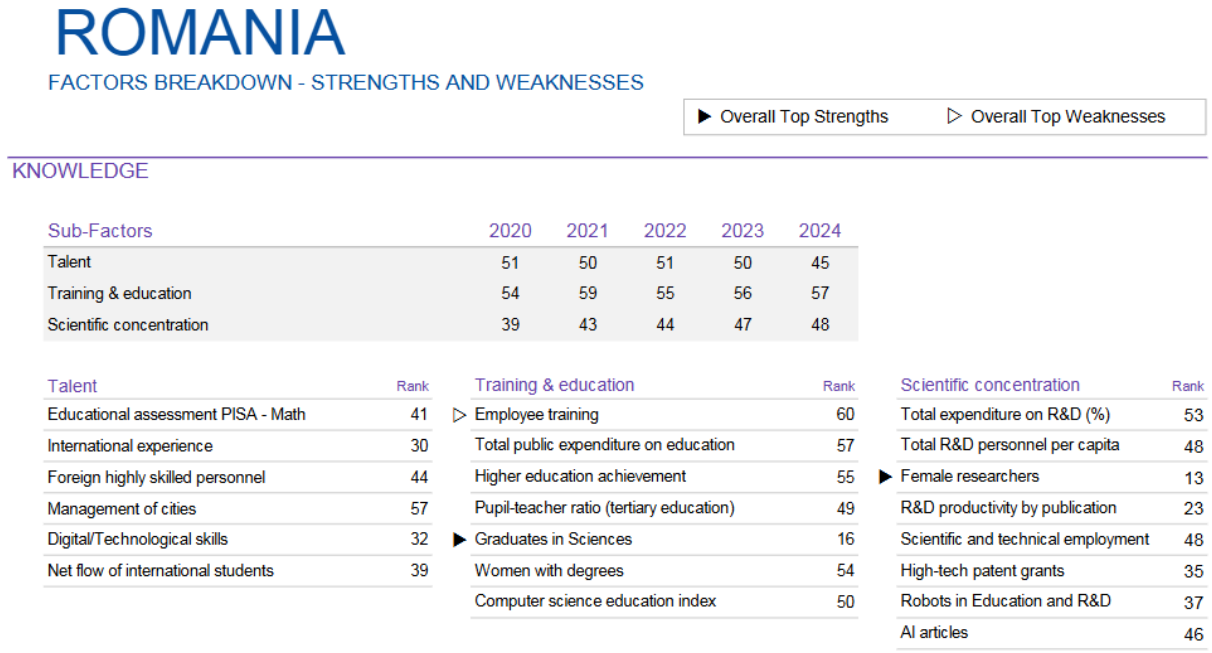


Figure 1 Labor market demand for ICT specialists in online job advertisements, by NUTS 2 region - % of online job advertisements - experimental statistics (Eurostat, 2025)

Although digitization continues to be a priority for many companies, the pace of IT hiring has slowed compared to previous years. Analysts were predicting an increase in IT teams of around 15-20% by the end of 2024, but according to the first data this prediction did not come to pass. According to Eurostat data, there is a noticeable downward trend in the percentage of newly advertised positions. Although there are no final dates for 2024 yet what was noticed was that some companies resorted to redundancies, while others continued to expand and expand their portfolio of services. During the interviews held, we also identified the attributes that make an employee preferable in relation to colleagues.

The World Competitiveness Center Digital Report 2024 (IMD, 2024) highlights a decline in Romania's rankings for talent (45th), education and training (57th), and scientific concentration (48th), reflecting a weakening ability to attract and develop human resources in technology and science. The country performs moderately in digital skills (32nd) but struggles with attracting foreign specialists (44th) and city management (57th). Education faces challenges in public investment (57th) and employee training (60th), while scientific concentration remains low in R&D spending (53rd) and technological patents (35th). However, Romania excels in the share of female researchers (13th) and maintains a solid R&D productivity level through publications

(23rd). These findings indicate the need for greater investment in education, research, and development to enhance Romania's global competitiveness in technology.



ROMANIA

FACTORS BREAKDOWN - STRENGTHS AND WEAKNESSES

▶ Overall Top Strengths ▷ Overall Top Weaknesses

KNOWLEDGE

Sub-Factors	2020	2021	2022	2023	2024
Talent	51	50	51	50	45
Training & education	54	59	55	56	57
Scientific concentration	39	43	44	47	48

Talent	Rank
Educational assessment PISA - Math	41
International experience	30
Foreign highly skilled personnel	44
Management of cities	57
Digital/Technological skills	32
Net flow of international students	39

Training & education	Rank
▷ Employee training	60
Total public expenditure on education	57
Higher education achievement	55
Pupil-teacher ratio (tertiary education)	49
▶ Graduates in Sciences	16
Women with degrees	54
Computer science education index	50

Scientific concentration	Rank
Total expenditure on R&D (%)	53
Total R&D personnel per capita	48
▶ Female researchers	13
R&D productivity by publication	23
Scientific and technical employment	48
High-tech patent grants	35
Robots in Education and R&D	37
AI articles	46

Figure 2 Romania – Strong and weak points (WCCDDR) (IMD, 2024)

According to the country report on Romania for 2024 regarding the digital decade (Eurostat, Science, technology, and digital skills data browser, 2025) over 72% of the Romanian population does not have basic digital skills, highlighting the need for additional measures to improve these skills.

In 2024, the Ministry of Education presented the conclusions of the ICILS (International Computer and Information Literacy Study) (Eurostat, Eurostat News: Digital Skills Gap in the EU, 2024), which analyzes the digital skills of eighth grade students in Romania (Commission, omania 2024 Digital Decade Country Report, 2024). The results indicate that only 28% of students have basic digital skills, placing Romania in last place in the European ranking. There are also significant differences between urban and rural environments, with students in cities performing better than those in rural areas. The Ministry emphasizes the need for urgent measures to develop digital skills, including the modernization of the school curriculum and the training of teaching staff.

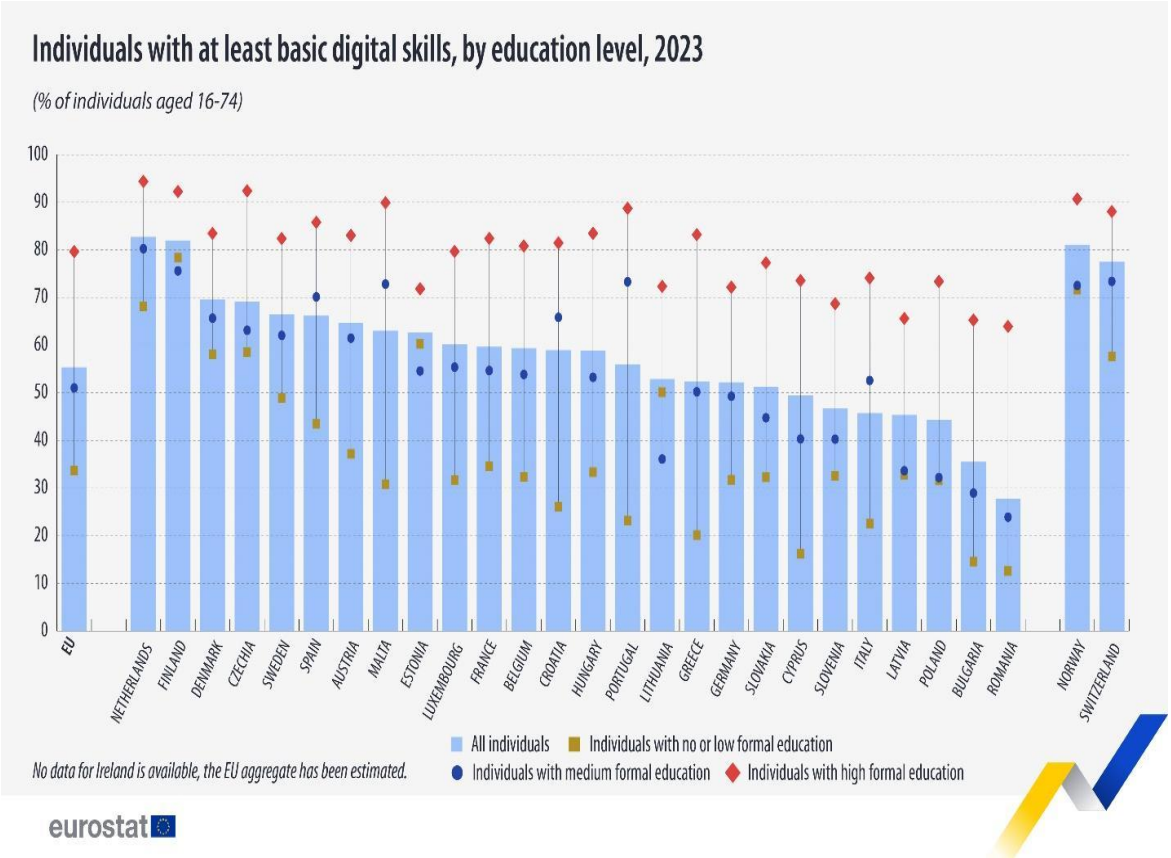


Figure 3 Individuals with at least minimal digital skills by educational level (Eurostat, Eurostat News: Digital Skills Gap in the EU, 2024)

Figure 3, *Individuals with at least minimal digital skills by educational level, 2023,* highlights significant disparities in digital skills across European Union countries, Norway, and Switzerland. Nordic countries like the Netherlands, Finland, and Denmark have the highest percentages of individuals with basic digital skills, whereas Romania and Bulgaria rank lowest. A strong correlation exists between education level and digital competency, with individuals possessing higher education displaying significantly greater digital proficiency than those with lower education, particularly in Portugal, Greece, and Malta. Conversely, countries like Estonia, Finland, and Lithuania exhibit smaller gaps between educational groups, indicating a more balanced distribution of digital skills. The findings emphasize the role of education policies in reducing the digital divide, with Nordic countries excelling due to sustained investments in digital education and technology access, while Romania and Bulgaria face challenges in improving digital literacy, especially among individuals with lower levels of education.

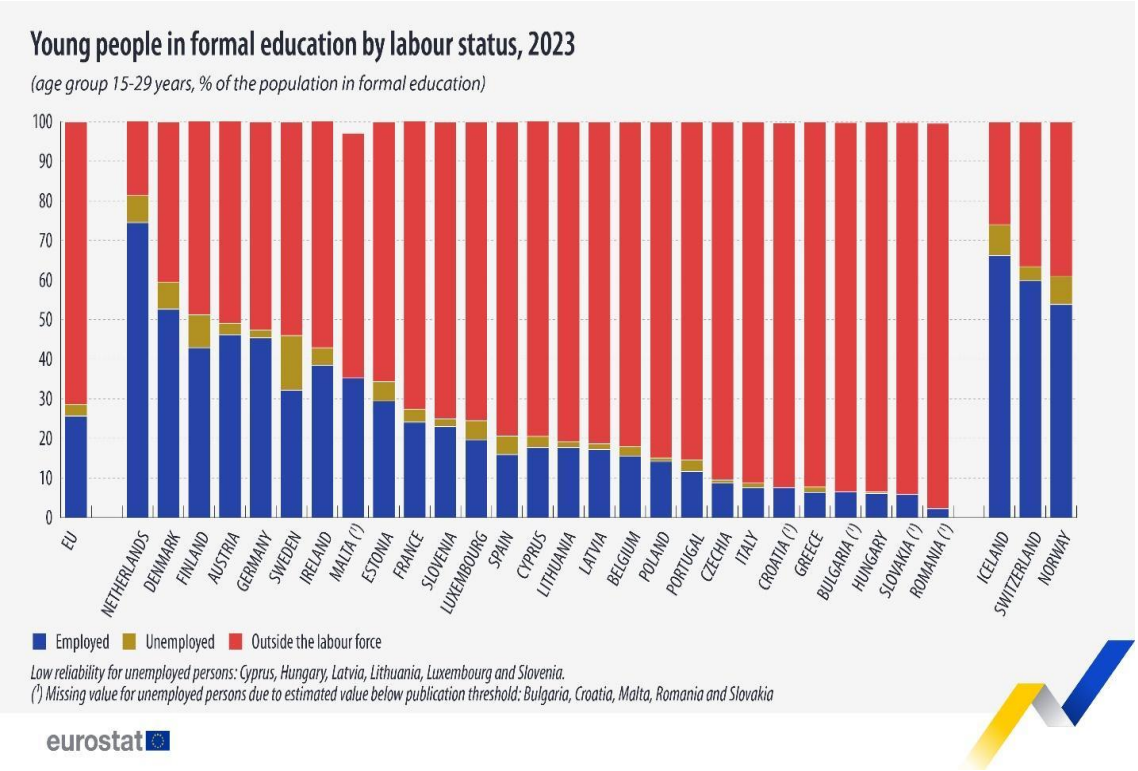


Figure 4 Young people in training compared to their status in the labor market (Eurostat, Eurostat News: Digital Economy and Society Statistics - ICT Usage in Enterprises, 2024)

Regarding employability, what we can observe from the statistics at the European level is the fact that Romanian students seem to be employed much later than students from other European countries. According to Eurostat, in 2023, 25.7% of young Europeans (aged 15-29) were employed during formal education. At the same time, 71.4% were out of the labor force and 2.9% were available for employment and actively looking for a job (unemployed) while in formal education.

4.3 DUAL LEARNING ACROSS THE WORLD, FOCUSED ON THE IT INDUSTRY

Dual education in IT plays a crucial role in training a skilled workforce, aligning education with industry needs. While the United States lacks a formalized dual system, Cooperative Education (Co-Op) programs at universities like Northeastern, Drexel, and Cincinnati integrate practical training into academic curricula. Programs such as Apprenticeship USA and Work-Study further support hands-on learning. Leading universities, including Stanford, MIT, and UC Berkeley, collaborate with major companies such as Google, Apple, and Amazon, offering internship and research opportunities through initiatives like the NSF Industry-University Cooperative Research Centers (IUCRC).

In Europe, structured dual education models provide both classroom learning and professional training. Germany's "Duales Studium", adopted by institutions like DHBW, partners with SAP, Siemens, and Bosch, allowing students to earn degrees while working. Switzerland's "Berufslehre" system provides IT apprenticeships with UBS, Credit Suisse, and Swisscom. Austria's "Lehre mit Matura", Denmark's "EUX Programme", and the Netherlands' BBL system follow similar approaches, integrating vocational training with formal education. These models ensure IT professionals are workforce-ready by combining theoretical and applied learning.

4.4 DUAL LEARNING IN ROMANIA

4.4.1 PRE-UNIVERSITY DUAL LEARNING

Introduced in 2017, Romania's dual education system addresses the labor market's need for skilled professionals in sectors like IT, construction, and industry. Programs last at least three years, with students alternating between theoretical instruction and work-based training (24 weeks over three years). Economic operators initiate classes and provide practical training under formal contracts. Dual education is offered in state, private, and religiously affiliated institutions, remaining tuition-free in public schools (Education, Dual Education: Guide for Students and Parents, 2024).

Unlike dual education, vocational education includes two primary pathways: practical training – 720-hour internships after the 10th grade and professional education – A three-year program after the 8th grade, part of upper secondary education (Education, Vocational Education, 2024).

The impact of dual education on employability is evident in the 2020 study by the Ministry of Education, which found that 53% of dual graduates secured jobs, with 32% employed by partner companies and 21% by non-partner firms. Among 236 economic operators involved, 53% hired graduates, while the rest did not recruit from the dual education system. The data, collected from county school inspectorates (ISJ) and ISMB, highlight dual education's role in bridging the skills gap. (Education, Analysis of Dual Education: Labor Market Insertion, 2024)

4.4.2 UNIVERSITY DUAL LEARNING

Starting in 2024, following the adoption of Law 199/2023, five Romanian universities introduced 18 dual degree programs for high school graduates. Institutions such as the Technical University of Bucharest, "Babeș-Bolyai" University of Cluj-Napoca, and the Technical University of Timișoara launched programs integrating academic studies with professional practice through industry partnerships.

Dual university programs hold the same accreditation as traditional ones, ensuring nationally and internationally recognized degrees, granting graduates full rights for further studies and employment. The curriculum balances theoretical coursework with practical training, adhering to ECTS credit standards and the National Register of Qualifications, maintaining compatibility with conventional higher education paths. (Education, Dual Education, 2024)

ARACIS established specific quality standards for dual university programs, detailing their structure and evaluation in accordance with Romanian educational legislation. (ARACIS, 2024) Universities implementing these programs must formalize partnerships with industry or public institutions to provide structured internships. The curriculum is tailored to market needs, combining theoretical knowledge with applied learning.

Student performance is assessed by both academic staff and industry experts, ensuring a comprehensive evaluation. Higher education institutions offering dual programs must implement continuous quality monitoring mechanisms to align education with labor market demands.

5. EXTENDING DUAL EDUCATION TO IT: AN ANSWER TO THE SKILLS SHORTAGE?

To explore the issue, a qualitative method was employed, consisting of ten semi-structured interviews with specialists in management and recruitment from companies of various sizes within the Romanian IT sector. The respondents were divided into five categories based on the size of the organizations they work for.

The respondents interviewed are key decision-makers across large, medium, and small companies in the Cluj IT market, offering diverse insights into the industry's dynamics. Among large companies, participants included a top manager from a 2,000-employee corporation with academic experience, a project manager from a 20,000-employee multinational, a software developer from a 7,500-employee firm, and another project manager from a 17,000-employee company. Additionally, a Global SVP in Data & AI Strategy contributed insights from a 13,000-employee organization.

In medium-sized companies, a human resources manager from a firm with 45 local and 800 national employees provided expertise on workforce trends. The small company sector was represented by two CEOs: one leading a 10-person company in smart home automation, and another managing a 7-person IT consulting firm. Startups were also included, with a CEO from a six-person SAP consultancy and an independent IT project manager offering insights into the freelance sector.

This selection captures strategic and operational perspectives across different company sizes, ensuring a relevant analysis of the Cluj IT ecosystem.

The study examined the balance between technical and support functions in IT companies, revealing significant variation based on company size and specialization. Large corporations reported a predominantly technical workforce, with up to 95% of employees in technical roles, while smaller firms had a more balanced distribution, often integrating external collaborators. Medium-sized companies maintained a lower but still technical-heavy ratio. Although not a comprehensive industry analysis, the findings provide valuable insight into workforce structures and skill requirements across different IT environments.

To assess respondents' perceptions of the importance of higher education for IT employment, a survey included the question: *"How relevant do you think it is for applicants to have completed higher education in order to be employed in your company?"* The study also examined the differences in education requirements for technical and non-technical roles, as well as the constraints faced by candidates with secondary education when applying for technical positions.

The responses revealed a consistent approach, enabling classification into four categories: the relevance of higher education for technical positions, differences between technical and non-technical functions, access of candidates with secondary education to the IT market.

5.1. THE RELEVANCE OF HIGHER EDUCATION FOR TECHNICAL ROLES

Most respondents agree that a college degree is a significant advantage for IT roles but not always mandatory, as practical experience can compensate for the lack of formal education. R4 emphasizes that while a degree is not a strict requirement, candidates without one must demonstrate strong skills or relevant experience. The need for higher education is justified by several factors, including the ability to understand complex problems and abstract concepts (R4,

R2), high cognitive and behavioral abilities (R3), and technical and algorithmic skills (R5), with university studies reinforcing logical thinking and problem-solving. Additionally, tax incentives for employers (R5) and client demands for degreed professionals (R1) influence hiring decisions. In start-ups, communication and management skills are crucial, with R6 highlighting that passion and adaptability often outweigh formal training. While career progression in IT is possible without a degree, many respondents stress that higher education provides long-term advantages, especially for specialized roles and leadership positions (R1, IN). Given the rapid evolution of AI and automation, a strong educational foundation ensures greater flexibility and adaptability in a constantly changing industry.

The responses reflect a diversity of perspectives and do not indicate a unanimous opinion on the requirement of higher education for technical and non-technical positions:

Technical roles: Respondents opinions are varied. R8 and R7 believe that higher education is not mandatory for technical positions, emphasizing the importance of a technical background although there is a preference for candidates who have completed university studies. R8 explains that "for technical positions, it does not necessarily matter to have completed a specialized university, but to have a technical background". However, it is noted that the training time of an employee without higher education "means a very high consumption of resources", which can make the recruitment process more difficult. In contrast, R3, IN and R4 argue that the mere acquisition of technical knowledge is insufficient to cope with the complexity of the requirements.

Non-technical roles**:** Consensus is more clearly defined in terms of support or coordination functions, where most respondents, such as R9 and R7, consider higher education essential. These roles involve a high level of understanding and responsibility, skills often associated with university education. R9 notes that "for support functions, at least 80% of roles require higher education, even if it's not in that field". R7 states that, in small companies, "support functions need people with higher education and certifications." However, R6 notes that, in some cases, practical experience can replace a university degree, especially in small firms, where adaptability and passion play a key role.

Regarding the access of candidates with secondary education to the IT market it seems is generally limited, though opinions vary based on job requirements. Most respondents prefer hiring candidates with higher education, with recruitment processes reflecting this bias. R9 notes that secondary education graduates are typically restricted to production or support roles involving standardized tasks and predefined software. Exceptions exist, but candidates without higher education must demonstrate significant experience to compensate for the lack of a degree, making such cases rare.

The role of dual education at the high school level in IT is debated. Supporters argue that it helps build technical skills, particularly in IT support or software operations, while critics highlight that it lacks depth in programming and data analysis, limiting career progression. Partnerships between companies and schools can facilitate job integration, but success depends on the quality of training and private sector involvement.

Education remains inaccessible to many students, with R9 emphasizing that vocational pathways should be available after the 8th grade to prevent school dropouts. R7 and R2 argue that the current education system fails to offer viable alternatives for students who could excel in technical fields, while R5 advocates for early exposure to dual programs to help students identify career paths sooner.

Integrating technology into pre-university education is essential to better align graduates with labor market demands. R4 stresses that technology should be embedded in all subjects, ensuring relevance in a rapidly evolving industry. Dual education should also extend beyond IT, applying emerging technologies to fields like manufacturing and services to enhance graduates' value in the workforce.

Training employees without higher education demands significant time and resources, making recruitment more challenging, especially for smaller firms. While some companies invest in training, it remains a costly process. Higher education is generally valued for providing structured training, discipline, and career opportunities, though practical experience remains essential in hiring decisions.

These perspectives underscore the limited access of secondary education graduates to IT roles, the potential of dual education, and the need for continuous adaptation of training programs to meet market demands through greater technological integration.

5.2. THE NEEDS OF THE BUSINESS ENVIRONMENT IN RELATION TO THE UNIVERSITY PREPARING STUDENTS FOR THE LABOR MARKET

Respondents unanimously agree on the need for closer collaboration between universities and the business sector, though opinions differ on the role of university education. Some emphasize general competencies, arguing that universities should produce adaptable graduates with critical thinking and problem-solving skills rather than focusing solely on current market demands. Others advocate a practical approach, warning that outdated curricula leave graduates unprepared for real-world challenges. This divide highlights the necessity of structured dialogue between academia and industry to balance long-term adaptability with immediate employability.

Key challenges include the gap between university curricula and labor market demands, with many subjects being outdated and lacking in practical application. Theoretical training dominates, with students often unexposed to real industry projects, leading to companies having to invest in extensive on-the-job training for junior employees. Additionally, soft skills and teamwork are underdeveloped, with respondents noting that graduates struggle with collaboration, communication, and applying knowledge creatively.

To address these issues, universities need major reforms: modernizing curricula, integrating practical training, expanding university-industry partnerships, and enhancing transversal skills development such as critical thinking and adaptability. Expanding dual education and internship programs can provide students with real-world experience, while reforms in teaching methodologies should prioritize problem-solving over memorization.

Generative AI is reshaping the IT industry, reducing demand for junior programmers while increasing the need for creativity, critical thinking, and communication skills. AI democratization enables non-technical individuals to build software, shifting recruitment trends toward mid and senior-level professionals who can strategically integrate AI tools into workflows. As a result, IT companies are investing less in traditional software development and restructuring their teams accordingly.

Essential future skills include logical structuring of ideas, persuasive communication, and storytelling, as AI strategists and prompt engineers become crucial roles. Respondents emphasize that technology alone will not define success—those who can merge technical expertise with strategic thinking and creativity will have a competitive edge. The perception of programming as

an elite profession is shifting, aligning with global trends where software development is seen as a technical, rather than prestigious, occupation.

To remain competitive, digital literacy will be essential across all industries, with companies prioritizing employees who can effectively interact with AI-driven solutions. The evolving IT landscape underscores the importance of integrating technology, creativity, and strategic thinking into education to prepare graduates for a rapidly transforming job market.

5.3.THE BENEFITS OF DUAL EDUCATION IN DEVELOPING THE TECHNICAL SKILLS REQUIRED FOR THE IT SECTOR

All respondents highlighted the advantages of this education system in the formation of technical skills and as a potential solution for the IT field:

Practical integration: R9 underlines the success of the French model, where "the exam is actually practice in a company...students could put into practice the theory they had learned". This practice benefits both companies and students: "Many of them were retained after they graduated from college." This model aligns with Harvey's concept of "employability", whereby practical training develops transferable skills that increase the chances of integration and success in the labor market.

Connecting with industry: R6 mentions that partnerships between economic operators and educational institutions are "beneficial if you, as an economic operator, have the resources to take over the education of the learners". This may respond to an urgent need for skilled personnel in technical trades. R8 adds that dual programs can create a more effective bridge between education and industry but stresses the importance of educational institutions working closely with firms to develop customized programs that reflect current requirements. R8 also warns that without such collaboration, there is a risk that students will be prepared for an already outdated labor market.

R3 considers dual education to be a welcome solution for IT, but stresses that it must include both technical and soft skills, such as communication and critical thinking, to ensure successful integration into the labor market. R5 emphasizes the importance of a close relationship between the educational and business environment, considering that only through a continuous adaptation of the dual programs to the needs of the IT industry can their success be ensured. R1 notes that dual education can address the immediate need for a skilled IT workforce, but cautions that programs must remain flexible enough to allow for adaptation to rapid technological change.

However, some respondents, such as R4 and OS, warn of an important risk: training students strictly for work in a specific firm may limit their long-term adaptability. R4 argues that such a system may produce "people who fit the demand of the moment" but who will become vulnerable to market and technology changes. In their view, it is essential that dual education training remains sufficiently generalist and flexible to allow graduates to broaden their horizons and adapt to new opportunities.

Although higher education is preferred for positions in the IT environment, an emerging consensus emerged from the interviews is that dual education should start much earlier, offering students opportunities for practical training and clear professional directions from high school. IN points out that this system would allow students to be connected to the labor market in a pragmatic way, providing them with technical skills adapted to the needs of the market. R4 adds that dual education should integrate technology in all fields, emphasizing that "almost every field of human activity will be touched by technology in the next 5-10 years" and that students must be prepared to work with modern tools regardless of their professional direction. R9 agrees with this view and mentions that early practical training would help students better understand the reality of work and

develop useful skills, suggesting that clearer targeting of students could reduce school dropout or additional strain on families. R7 supports this approach, pointing out that practical training during high school would allow students to discover their interests earlier and reduce the discrepancies between education and the demands of the labor market.

All respondents agree that the integration of technology, combined with earlier practical training, would help to create an educational system more adapted to the current and future demands of the economy. This approach not only eases students' transition into the workforce, but also provides them with a solid foundation to adapt to future technological changes, thus reducing the risks of to narrow a specialization.

One of the key insights from the interviews came from the representative of the local administration, who highlighted the significant role public institutions can play in fostering dual education programs. The administration's involvement in economic clusters—whether as an owner, partner, or member—creates a unique opportunity to connect educational institutions with a broad network of businesses and investors. This strategic positioning allows the administration to act as a facilitator for stronger collaboration between companies and schools, ensuring that dual education programs align with market needs. In pre-university education, the administration also holds direct responsibility for investing in school infrastructure, making its participation essential in ensuring modern and well-equipped facilities for vocational training. Moreover, for attracting funding, the city hall serves as a key guarantor in accessing European or national development funds, strengthening the sustainability of dual education initiatives. Throughout the discussion, the respondent emphasized that the well-being and continuous growth of a city are deeply linked to the development of its educational system. Supporting education to reach its full potential not only benefits students and employers but also enhances the overall prosperity of the local community, ensuring long-term economic and social stability.

5.4. CHALLENGES AND RISKS OF DUAL EDUCATION IN THE DEVELOPMENT OF TECHNICAL SKILLS FOR THE IT FIELD

Interviews with Cluj IT industry representatives highlight that dual education alone cannot fully meet labor market demands. Beyond technical training, the main challenge is the lack of essential skills such as critical thinking, communication, collaboration, and adaptability. For dual education to be effective, it must integrate soft skills development and strengthen collaboration between universities and businesses.

R10 emphasizes that universities must go beyond technical knowledge to prepare students for adaptability, teamwork, and problem-solving in a fast-changing industry. R3 adds that universities could better train mid-level managers by incorporating more practical experience alongside theory. Success in IT requires more than technical expertise; emotional intelligence and communication skills are equally important. The consensus is that a well-rounded dual education must develop both technical and transversal skills to ensure smoother workforce integration.

Many respondents stress that IT careers involve more than coding. R5 criticizes outdated university curricula, noting that employees often gain more practical knowledge in two months of company training than in four years of university. R6 adds that many graduates struggle with teamwork, organization, and task prioritization, skills rarely taught in academic settings.

A key concern is that dual education may become too tailored to corporate needs, limiting graduates' adaptability. R9 warns that overly company-specific curricula could make graduates struggle to transition as industry trends shift. R4 reinforces this, arguing that narrow specialization

in one technology can be a long-term disadvantage. Instead, education should focus on strategic thinking, adaptability, and lifelong learning.

To be effective, dual education must provide broad and flexible training, emphasizing critical thinking and problem-solving over narrow technical skills. It should encourage knowledge diversification, enabling students to transition between technologies and industries. R4 summarizes that the industry values professionals who can analyze complex systems, find creative solutions, and collaborate effectively rather than those who simply master a programming language.

6. CONCLUSIONS

The study highlighted the potential of dual education to contribute to the formation of a competitive workforce in the IT industry in Romania. By integrating employers' perceptions and analyzing the educational and economic context, a series of essential conclusions and perspectives are outlined:

Dual education, both at pre-university and university level, offers a practical approach adapted to the demands of the labor market. Respondents highlighted that hands-on training, combined with the integration of emerging technologies, can reduce the skills gap and accelerate the integration of graduates into IT companies. This finding validates the human capital theory proposed by Gary S. Becker, according to which investment in education and practical training increases individual productivity and contributes to economic growth.

The results of the study suggest that dual education at the high school level has limited applicability in the IT industry, as most employers prefer university students or graduates for advanced technical roles. However, this educational model can have value in developing basic skills and training young people in IT-related fields, such as technical support and systems administration.

The study highlights the potential of dual education in developing a competitive workforce for Romania’s IT industry, though its effectiveness depends on practical integration and industry collaboration. Respondents emphasize that hands-on training and emerging technologies can bridge the skills gap and accelerate graduate integration into IT companies, aligning with Becker’s human capital theory. However, dual education at the pre-university level remains limited, as employers generally prefer university graduates for advanced technical roles. While it can support entry-level positions in IT support and system administration, it lacks depth for complex software development, making university education essential for specialized careers.

Despite its potential benefits, current limitations include rigid curricula, weak industry-academia collaboration, and a lack of trained teachers. Many respondents argue that dual education alone is insufficient for preparing graduates for high-level IT roles and that universities should integrate more applied internships and technological adaptability into their programs. The study also validates Becker’s theory, as employers prioritize on-the-job training for specific technical skills, while expecting education systems to develop critical thinking and problem-solving abilities.

For dual education to succeed, stronger partnerships between companies and universities are necessary, along with public policies, infrastructure investment, and continuous monitoring to ensure relevance. Without national strategies ensuring flexibility and accessibility, dual education risks benefiting only major urban centers, leaving students in rural areas at a disadvantage. Additionally, generative AI is reshaping skill demands, shifting the focus from junior programming

to creativity, strategic thinking, and AI integration, which universities must address through curriculum modernization.

The findings from this qualitative study, alongside quantitative data on transversal skills and interviews with university decision-makers, suggest that bridging the IT skills gap requires stronger partnerships between academia and industry. While businesses demand more adaptable graduates with diverse competencies, universities face systemic challenges in modernizing curricula. Addressing this disconnect will be essential for maximizing the impact of dual education in Romania's digital economy.

Future research should evaluate employment outcomes of dual education graduates, identify effective collaboration models between industry and academia, and analyze the impact of transversal skills on employability. If effectively implemented, dual education could become a key driver of competitiveness and innovation in Romania's IT sector, preparing graduates not just for jobs but for the rapidly evolving digital economy.

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