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ETRUSCAN ORIGINS AND ITALIAN NATIONALISM

Valeria Forte *

Abstract

This study will address the historical interaction between Italian archaeology and the development of Italian nationalism. In order to understand this relationship it is imperative to discuss the crucial role that Etruscology has played within the tradition of Italian archaeology. The debate over Etruscan origins has raged for over 2000 years and a very polarized discussion has recurred without significant changes through centuries and millennia of history. When classical historians such Herodotus and Dionysius first debated Etruscan origins, archaeology as a social science and the current political border of the Italian nation did not yet exist; however, the question of origins set the tone for what would later become a political debate.

Keywords: Nationalism, Origins, Etruscan, Formation, Italian

Etruscology and Italian Nationalism

The question of Etruscan origins within Italian archaeology acquires significant relevance when analyzed in relation to Italian nationalism. Massimo Pallottino in *The Etruscans* argues that the very first question posed about Etruscan civilization, the question of Etruscan provenance, is

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irrelevant because Etruscan civilization is a unique Italian product, a cultural phenomenon not found in any land other than the Italian peninsula.¹ The reality is that the question concerning Etruscan origins is political in nature because it implies the issues of nationalism, ethnicity and language. By asking “Where did the Etruscans come from?” we are really asking “Which nation and which population can claim a historical connection to this very advanced civilization?”

From the birth of written history, classical writers argued this same question. One of the most interesting aspects of Etruscan culture is the nature of the scholarly debate that this civilization has produced among archaeologists, historians and social scientists through time, not only in Italy, but in the international academic arena of the Western world. The unique nature of this academic debate consists in the fact that after centuries of Etruscan research, scientific innovations and academic advancements, the terms of the debate in regard to Etruscan origins remain polarized in two diametrically opposed theories still argued today on the same general terms that they were debated thousands of years ago by Herodotus and Dionysius of Halikarnassos. In order to understand the terms of this polarized debate we should briefly review its content.

The first historian to address the question of Etruscan origins was Herodotus, by tradition the first Greek historian who around the middle of the 5th century B.C. wrote a moving account describing the Etruscans as an immigrant group from Asia Minor.²

Thus, according to Herodotus, the Etruscan civilization derives from the Lydian plateau of Asia Minor. Several other Greek and Roman historians such as Virgil, Ovid and Horace share this point of view, referring to the Etruscans as Lydians in their poems.³ Seneca writes: “*Tuscos Asia sibi vindicate*,” (Asia claims to have fathered the Tuscans). He used the Etruscans as an example of an entire population that migrated from its original land in Asia. This theory of Etruscan origin, generally supported by the majority of Greek and Latin historians, was rejected by the Greek theoretician Dionysius of Halikarnassos, who, during the Augustan period,

¹ Massimo Pallottino, *The Etruscans*, Trans. J. Cremona, Baltimore: Penguin, 1955, p. 68.

² Herodotus, *The History*, Trans. David Grene, Chicago: University of Chicago Press, 1987, Book I, ch. 94.

³ Emeline Richardson, *The Etruscans: Their Art and Civilization*, Chicago: University of Chicago Press, 1976, pp. 68-69.

wrote in *Roman Antiquities* that the Etruscans were an autochthonous population of the Italian peninsula.⁴

These two contrasting views of Etruscan provenance, both theorized in classical times, have shaped the subsequent development of this discussion, creating in essence two main schools of thought among archaeologists and scholars. The theory supporting the indigenous nature of the Etruscans has been embraced and promoted mainly by Italian Etruscologists, such as Piranesi,⁵ Pallottino,⁶ and Torelli⁷ while non-Italian archaeologists have favored the Herodotean theory of an Asiatic origin or the Alpine Raetian origin, as in the case of Nicolas Freret⁸, Barthold Niebuhr⁹, and Karl Muller.¹⁰ In modern times this debate has incorporated not only classical texts and archaeological data, but also linguistic analysis and the latest scientific testing, such as DNA analysis on both human and animal remains. These sophisticated results have been used to support both theories and have therefore not validated one theory over the other.

This fervent and lasting conflict among scholars over the question of Etruscan provenance generates natural questions in the reader: Why so much hostility and polemic vigor over the question of Etruscan origins? Why such a sharp division among Italian and non-Italian archaeologists? It has been argued that the question of provenance is a political question. This necessitates a discussion of the implications these questions raise.

A Question of Cultural Dominance

As the direct descendant of the Roman Empire, the Italian nation has achieved and enjoyed a unique status of political power. The Roman Empire and cultural domination of the Italian Renaissance, which were

⁴ Dionysius, *The Roman Antiquities of Dionysius of Halicarnassus*, Trans. Earnest Cary, Cambridge Mass: Harvard University Press, 1950, Book I, Ch. 30.

⁵ Giovanni Battista Piranesi, *Scritti di storia e teoria dell'arte*, Pierluigi Panza (ed.), Milan: Sugarco, 1993.

⁶ Massimo Pallottino, *op.cit.*

⁷ Mario Torelli, "History: Land and People", in Larissa Bonfante (ed.), *Etruscan Life and Afterlife*, Detroit: Wayne State University Press, 1986, pp. 47-65.

⁸ Nicolas Freret, "Observations generales sur la geographie ancienne", in *Memories De L'Institut National De France Academie Des Inscriptions Et Belles-Lettres*, Paris: Imprimerie nationale, 1850, pp. 331-468.

⁹ Barthold Georg Niebuhr, *Romische Geschichte*, Berlin: S. Galvary & Co, 1873.

¹⁰ K.O Muller and Wilhelm Deeke, *Die Etrusker*, Stuttgart: A. Heitz, 1877.

influenced by Etruscan historical tradition, still represents a model of cultural expression for other nations.¹¹

A careful analysis of Italian cultural dominance through history reveals interesting aspects that are debated among ancient and modern scholars. Although the political importance of the Roman Empire was admired for its military conquests and geographic organization, Roman culture has always suffered “a complex of cultural inferiority” when compared to the cultural sophistication of Greek civilization. It has been argued among classical writers such as Horace that the greatness of the Roman Empire would not have existed without the immense contribution of Greece. Horace writes “Greece in its capture then captured its rough-mannered conqueror, thereby bringing the arts into countrified Latium”.¹² It is commonly said that while the Roman Empire conquered the Greeks, the Romans were in return conquered by Greek culture.

The idea of Roman civilization as the cultural product of Greek influence has been reconsidered by Massimo Pallottino in *A History of Earliest Italy*. Pallottino offers a counterargument to the question of Greek influence on Roman civilization by evaluating the history of pre-Roman Italic cultural expressions present on the Italian peninsula such as Osco-Umbrian, Sabellic, Etruscan, Ligurian, Venetic and Samnite.¹³ He argues that historians have underestimated the cultural value and degree of sophistication that Italic cultures had achieved on the Italian peninsula before and during the Roman civilization. More specifically Pallottino blames the hegemonic role of German and German-language scholarship and its culmination in the neohumanism of Helmut Berve which was intolerant of cultural expressions that were not Greek.¹⁴ Pallottino believes that a careful study of the Italic cultures in Italy will not only provide a historical definition of Italian cultural essence, but will also inform a better understanding of the significant achievements of the Roman Empire. Pallottino promotes a rewriting of the history of earliest Italy that emphasizes the existence and immense contribution of autochthonous

¹¹ Nancy De Grummond, “Rediscovery”, in Larissa Bonfante, *op.cit.*, p. 23.

¹² Horace, *Epistles, book II; and, Epistle to the Pisones (Ars poetica)*, Niall Rudd (ed.), Cambridge, Mass.: Cambridge University Press, 1989, Book II, 156.

¹³ Massimo Pallottino, *A History of Earliest Italy*, Trans. Martin Ryle and Kate Soper, Ann Arbor: University of Michigan Press, 1991, p. 5.

¹⁴ *Ibidem*, p. 10.

Italic civilizations on Italian land. His analysis also answers many puzzling questions concerning Etruscan origins, demonstrating that Etruscan civilization is the sole result of interactions of Italic cultures. Pallottino writes: "Modern scholarship, even as it rejected the notions of antiquity, remained fixated on the idea that the origins of the Italic peoples were to be found in the effects of immigration from outside".¹⁵ Pallottino investigates the historical fallacy of non-autochthonous Etruscan origins by arguing against the traditional approach held by ancient and modern scholars on the issue of Etruscan provenance. Pallottino writes that ancient and modern thinkers have tried to explain the question of origins with historically accepted stereotypical images of a maritime immigration into Italy from the East, taking place in an early heroic age by Arcadian, Pelasgian, Achaean, Trojan, Lydian, Cretan, and Iapygian peoples. These eastern civilizations were associated with a mythical hero who would establish a new civilization on the Italian peninsula. Among these mythical figures are Heracles, Minos, Ulysses, Diomedes, Aeneas, Tyrrhenus and others¹⁶. These heroic tales have the following common elements: they occur during the time of the Trojan War, have a fixed narrative in which a heroic leader travels west to a foreign land where he wages war on the indigenous inhabitants, marries the daughter of the foreign king and establishes a new kingdom on the conquered land. These mythological tales have been used to promote the political and cultural dominance of Eastern civilizations on Italic culture.

The investigation of Italic cultures on the Italian peninsula is the product of a long historical tradition rooted at the birth of Italian nationalism. In order to understand how Italian archaeologists have reached this level of introspection in Italian cultural studies it is important to analyze the political and psychological factors that have interacted to form the idea of Italian nationalism.

During the Neoclassical period in the eighteenth century a significant Italian cultural triumph was celebrated on Italian soil with the unexpected discovery of an artistic and advanced cultural expression in the regions of Tuscany and Latium, now known as the Etruscan culture, which predates the Romans and flourished on the Italian peninsula. The existence of an Etruscan civilization on Italian soil had in reality already been known since

¹⁵ Massimo Pallottino, *A History of ...*, p. 26.

¹⁶ *Ibidem*, p. 25.

Roman times, but at this time the material rediscovery of Etruscan artistic wealth on Italian soil not only reopened the question of Etruscan origins, it gave confidence to Italian scholars to promote an entirely Italian cultural and artistic expression predating the Romans, one that developed solely on Italian land.

The material discovery of Etruscan civilization and its distinguishing characteristics gave birth to Etruscology, a branch of archaeology devoted completely to the study, preservation and promotion of Etruscan civilization in the world. The birth and development of Etruscology is the product of continuous interaction among scholars of many nations. It is very important to remember that although the material remains of Etruscan culture are primarily on Italian soil, the study of Etruscan civilization is not solely a pursuit of Italian archaeologists, but of experts the world over.

Etruscology and Nationalist Implications

The 18th century was a period of enthusiasm for Etruscan art and civilization. Founded in 1726, the Cortona Etruscan Academy was a local society developed to investigate and promote Etruscan civilization as a unique expression on Tuscan soil.¹⁷ The birth of this cultural organization is indicative of a desire of the citizens of Cortona to claim the Etruscan culture as native to their land. It included a museum and a library where scholarly discussion on Etruscan civilization regularly took place.

The vigorous interest developed during the 18th century in Etruscan culture coincides with a specific national psychology in Italy. During the 18th century, Italy was still divided into small states under foreign domination, with the northern regions of Italy under Austrian power. Although the Italian Risorgimento, which resulted in Italian unification, would still be decades in the future, aspirations for a possible national unification began to develop on Italian soil.¹⁸

The enthusiasm over Etruscan origins at this time was advanced by a famous Italian engraver, Giovanni Battista Piranesi. Piranesi's analysis and reconstruction of Etruscan architectural achievements brought him to the

¹⁷ Massimo Pallottino, *The Etruscan*, 6th Edition, Trans. J. Cremona, Bloomington: Indiana University Press, 1975, p. 24.

¹⁸ Massimo Pallottino, *A History of ...*, pp. 8-9.

conclusion that the splendor attained by Roman architecture was entirely the product of Etruscan artistic influence.¹⁹ Piranesi's theory of Etruscan origins promoted a very nationalistic message about the birth of Etruscan civilization on the Italian peninsula. He not only dismissed the role of Greek influence on Etruscan art, he also advocated the superiority of Etruscan architecture over most other classical architecture.

The Current Status of the Debate

While Etruscology advanced due to a significant number of excavations and improved techniques, the main debate over Etruscan origins from the 19th century until our present day still remains polarized. In 1853 discoveries of Villanovan remains added a new component to the question of Etruscan origins.²⁰ In light of these new discoveries, some archaeologists promoted a theory that the Etruscans were related to the Alpine Raetians and that, like other Indo-European invaders, they had penetrated the Italian peninsula beginning ca. 2000 B.C. This new hypothesis of a Nordic origin was promoted mainly by Nicolas Freret,²¹ Barthold Niebuhr²² and Karl Muller,²³ all non-Italian scholars, who based their conclusion on the close connection between the name of the Alpine Raetians, a Nordic tribe that crossed the Alps and infiltrated Italy, and the name Rasenna, which, according to Livy,²⁴ was used by the Etruscans to describe themselves. Once again the hypothesis of a non-indigenous origin of Etruscan civilization became a matter of disagreement between Italian and non-Italian archaeologists.

Mario Torelli, a prominent Italian Etruscan scholar, in his essay, "History: Land and People", believes excavations on Etruscan sites indicate a progressive transformation of Etruscan art from Iron Age elements to an Oriental influence. Torelli states:

¹⁹ Graeme Barker and Tom Rasmussen, *The Etruscans*, Oxford: Blackwell Publishers, 1998, p. 2.

²⁰ *Ibidem*, p. 60

²¹ Nicolas Freret, "Observations generales sur la geographie ancienne", in *Memories De L'Institut National De France Academie Des Inscriptions Et Belles-Lettres*, Paris: Imprimerie nationale, 1850, pp. 331-468.

²² Barthold Georg Niebuhr, *op.cit.*

²³ K.O. Muller and Wilhelm Deeke, *op.cit.*

²⁴ Livy, *The History of Rome, Books 1-5*, Trans. Valerie M. Warrior, Indianapolis, IN: Hackett Pub, 2006, Book 5 Ch. 33.

Some have attempted to find confirmation in archaeology; considering the possibility that the Etruscans' arrival in Italy coincided with the so-called Orientalizing phase of Etruscan art. This idea is, however, contradicted by the study of the monuments unearthed by archaeology, for these reflect a gradual development from the art of the Iron Age to that of the Orientalizing period.²⁵

Torelli also opposes the theory of an Alpine origin for the Etruscans as he claims that similarities between the Raetians and the Etruscans resulted from the Etruscan expansion into the Po Valley rather than a southern migration of the Raetians into Northern Italy.²⁶ As we can see, a deep discrepancy of opinion is still at the very core of the debate on Etruscan origins.

Although the debate of Etruscan origins is still polarized on two contrasting theories, the tendency of contemporary international archaeologists supports an indigenous provenance. Among the new voices promoting the theory first proposed by Dionysius of Halikarnassos is Graeme Barker and Tom Rasmussen who write: "Virtually all archaeologists now agree that the evidence is overwhelmingly in favor of the 'indigenous' theory of Etruscan origins: the development of Etruscan culture has to be understood within an evolutionary sequence of social elaboration in Etruria".²⁷ Barker and Rasmussen explore the question of origins following Pallottino's theory that the formation of the Etruscan civilization should be investigated rather than their origins. Barker and Rasmussen argue that the process of understanding Etruscan formation is a complex task due to multiple factors that interacted to shape the unique characteristics of Etruscan culture:

Explaining this process, however, is still far more difficult than describing it. For example, contact with the outside world, particularly with the Greeks and Phoenicians, was certainly an important factor within the final stages of this process, but scholars disagree about the extent to which such contact was a cause of increasing cultural complexity in Etruria, or a result, or both.²⁸

²⁵ Mario Torelli, "History: Land and People", in Larissa Bonfante (ed.), *Etruscan Life and Afterlife*, Detroit: Wayne State University Press, 1986, p. 48.

²⁶ *Ibidem*, p. 48.

²⁷ Graeme Barker and Tom Rasmussen, *The Etruscans*, Oxford: Blackwell Publishers, 1998, p. 44.

²⁸ *Ibidem*.

This new archaeological approach demonstrates that the focus of contemporary Etruscan scholarship has shifted from the question of origins to the question of cultural formation; an innovation that Pallottino introduced to Etruscan studies. The value of Pallottino's emphasis on formation is recognized in the methodological approach of international archaeologists Nigel Spivey and Simon Stoddart, who write:

Today there is little controversy, in contrast to the time when Pallottino first wrote in 1944, that the Etruscans were an indigenous people in Central Italy. They developed from a local Bronze-Age population (from at least 1200 BC), at times in intense interaction with outside groups, but not directly dependent on those external groups for their own development.²⁹

This debate among Italian and non-Italian scholars does not find conclusive agreement with the introduction of the latest technological advances in archaeological investigation, the use of DNA testing, which, once more, sees scholars divided in their theories about Etruscan origins.

Polemic in Scientific Testing

The use of genetic testing in archaeology is a significant scientific innovation introduced during the last decades with the hope of bringing some objective conclusions to many unresolved enigmas left by past civilizations. Among these enigmas, the case of Etruscan origins is one of the most discussed and one for which multiple and sophisticated DNA testing has been conducted by respected teams of European and American scientists. An intriguing aspect of DNA testing on Etruscan remains shows that even this ostensibly objective, scientific and unbiased testing has been used by Italian and non-Italian Etruscan scholars to support their views and to reach opposite conclusions, showing once again that the political aspect of the question of Etruscan origins permeates the scientific world also.

Mitochondrial DNA testing was conducted on Etruscan remains in 2004 and 2006 by two teams of scientists, one American and one British. The results of both tests have been published in the well respected journal, *The American Journal of Human Genetics*. In 2004, the team of Guido Barbujani, professor of genetics at the University of Ferrara, compared DNA of

²⁹ Nigel Spivey and Simon Stoddart, *Etruscan Italy*. London: B.T. Batsford Ltd., 1990, p. 19.

Etruscans with that of current populations in Italy, North Africa and Eastern European countries. His team came to the conclusion that the mitochondrial DNA of the Etruscans is similar to the DNA of the people now living in the region of Tuscany and also that it is different from the DNA of people living in other regions of Italy and other parts of Europe³⁰. There is also a similarity between Etruscan DNA and small groups of people in Germany, Cornwall, the southern coast of the Mediterranean and in Turkey. Barbujani's research resulted in the following summary:

Within the limits imposed by the sample size, the Etruscan sites appear to have rather homogeneous genetic characteristics. Their mitochondrial haplotypes are very similar, but rarely identical, to those commonly observed in contemporary Italy and suggest that the links between Etruscans and eastern Mediterranean region were in part associated with genetic, and not only cultural, exchanges.³¹

Several genetic tests conducted on Etruscan remains have produced similar results, which indicate a common genetic pattern between Etruscans and populations in Asia Minor. The way in which these results have been interpreted has generated further controversies on Etruscan origins.

The supporters of the Herodotean thesis believe that this genetic testing validates an Oriental Etruscan origin. The results of these genetic tests have been received with great enthusiasm by the Turkish community, which proudly promotes the theory that the advanced and sophisticated Etruscan civilization was the historical product of Asia Minor and therefore a prominent part of Turkish historical tradition. Turkish newspapers have published the results of these genetic tests declaring that Turkey could establish without doubt a direct connection with the Etruscan past ("*DNA Shows Etruscans Come From Anatolia*," Turkish Daily News, 9 February 2007).

Conclusion

Perhaps the best answer to the debate on Etruscan origins was proposed by Massimo Pallottino, who focused on Etruscan cultural formation. Concerning the question of Etruscan origins, Pallottino writes: "It is interesting to note that right from the beginning the problem of Etruscan

³⁰ Guido Barbujani et al., "The Etruscans: A Population-Genetic Study", in *American Journal of Human Genetics* 74, (4), 2004, pp. 694-704.

³¹ *Ibidem*.

origins was considered to be one of provenance and not of ethnic formation as is usual when nations belonging to historical times are being studied".³² This polarization of the problem weighed heavily upon the future development of the discussion. Pallottino argues that the question of provenance is not the correct question to ask, as the Etruscan civilization is found only on the Italian peninsula, and therefore is the sole product of Italian soil.

To reinforce his polemic critique against those archaeologists who promote a non-Italian origin of the Etruscans, Pallottino makes an interesting transition to a direct nationalistic debate when he writes:

Now the methodological basis of our discussion must be as follows: We must consider the concept of "Etruscan" as well defined, limited, and attached to a controllable historical reality: that of a nation that flourished in Etruria between the eighth and the first centuries B.C., possessing its own language and its own customs. Various ethnic, linguistic, political and cultural elements contributed to the formation of this historical reality. So as to make our meaning clearer we would like to point out that no one would dream of asking where Italians or Frenchmen came from originally; it is the formation of the Italian and French nations that we study.³³

Archaeologists and historians have the delicate task to reconstruct and present to the world the essence of past civilizations. This process of preservation and reconstruction should be conducted with objectivity on the part of social scientists who, being themselves the product of nations and cultural traditions, may pose research questions already biased by their political and socioeconomic background which could obstruct the objectivity of archaeological research.

The scope of this discussion on Etruscan origins is to present the nature of an archaeological question that, posed at the beginning of history, has continued to be debated through the most crucial Italian historical developments and while the nation was undergoing delicate political transition toward national unity. The issue of Etruscan cultural formation is perhaps the most important in the debate over Etruscan origins, as it introduced the innovative concept of formation over origins, a concept that can be applied in similar archaeological investigations. Political

³² Massimo Pallottino, *The Etruscans*, Trans. J. Cremona, Baltimore: Penguin, 1955, p. 47.

³³ *Ibidem*, p. 68.

propaganda and nationalist bias have infiltrated Italian archaeology at times in relation to specific political periods; however, the essence of Italian archaeology has always remained international in nature, as Italian archaeologists have always kept open channels of communication with international archaeologists and have provided to the international community access to Italian archaeological research. It could have not been otherwise as the unique artistic wealth of the Italian nation today is the product of infinite cultural interactions that have enriched this fortunate land since the beginning of time.

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WOMEN'S MOVEMENTS IN THE INTER WAR ROMANIA - A STUDY OF TWO FEMINIST PUBLICATIONS FROM TRANSYLVANIA AND MUNTENIA

Laura Georgescu – Păun*

Abstract

The paper analyses the discourses and practices of women's organizations in interwar Romania in the context of the suffrage movement. The purpose of this endeavour is to offer an explanation of the particular features as well as the commonalities between the historical Romanian provinces, concerning the women's movement. Moreover, by investigating two interwar feminist publications the paper challenges the current view from the literature about the regional differences in the feminist discourse, suggesting that one has to look more closely into the moderate/radical model in order to obtain a more nuanced understanding of the movement's profile throughout Romania.

Key-words: women's movements, feminism, political rights, political participation, universal suffrage.

Introduction of the research theme and methodology

The interwar period is considered as being one of maximum impetus in the women's movement history in Romania. For the first time a clearly articulated discourse supporting women's full participation in social

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and political life emerges, strengthening commitment to social involvement and activism. In approaching this theme I was inspired by the literature on women's movements in interwar Romania that suggests a configuration characterized by a moderate discourse employed in Transylvania and a radical or maximalist one present in Moldavia and Muntenia.¹ The situation is explained by the different historical circumstances present in Transylvania compared with the rest of the country. However the data analysis provided a more nuanced understanding of this situation as it also identified commonalities between the regions. The research methodology consists in content analysis of two interwar magazines which allowed for a comparison between the movement in Transylvania and the rest of the country in the context of the struggle for suffrage. The analysis focuses upon the structure and content of the magazines with the purpose of capturing the way in which they reflect the struggle for women's suffrage.

Another valuable source was women's writings from those times, later included in volumes and anthologies of the movement.

The document analysis was backed by the bibliographical sources that helped at integrating events and ideas when the study of the documents did not suffice. The first section is dedicated to the history of the movement in the international context, the second contains a description of the movement's strategies and dynamics, the third deals with the document's analysis illustrating the movement's discourse and ideology and the fourth section contains the concluding remarks.

The Main Features of the Suffrage History. The Emergence of Romanian Women's Movement

It is a well known fact that women's full political and social emancipation was the main goal of the suffragist's struggle. The Romanian suffrage movement was part of the transnational women's movement in the XIX century and exhibit its main characteristics.² Women's fight intersects with bourgeois's and later with the workers' fight for political

¹ Ghizela Cosma, *Femeile și politica în România. Evoluția dreptului de vot în perioada interbelică*, Cluj – Napoca: Presa Universitară Clujeană, 2002, pp. 27-28.

² Gisela Bock, *Women in European History*, UK: Blackwell Publishers, 2002, pp. 82-291.

rights in the context of XIX century industrialization.³ The historical conditions for women's struggle were created by their inclusion in the industrial work force that blurred the boundaries between public and private realms that the liberal tradition created.⁴ In Romania the industrialization started around the 1848 Revolution, its initiators being the first ones to claim social and political rights for women. The ideologies that accompanied these developments, such as liberalism, feminism, socialism and nationalism, opened up new possibilities of representation for groups that were excluded from political power.⁵ During the 1848 Revolution the demands inspired by these ideologies gained voice throughout Europe. Before the Bourgeoisie Revolution the suffrage was granted on property rights basis, independent household or higher education.⁶ This was excluding all women and working class men, but not only. The women's movement criticized the liberal tradition for excluding them from the public realm and not recognizing their contribution to domestic sphere.⁷ While the critique of liberalism constituted the basis for middle class women's struggle the working class women mobilized against capitalist exploitation. Concerning the fight for emancipation, middle class women supported a conditional enfranchisement based on education privilege, while working class and socialist feminists demanded universal suffrage.⁸

These characteristics can be found to a certain extent in the Romanian case as well, but we can also have particular developments influenced by the specific context. In Romanian provinces the movement for suffrage emerged in the context of national struggle for emancipation, during the 1848 Revolution, and women's involvement in the events. Despite the unfavourable context for women's affirmation, there were

³ *Ibidem*, p. 100.

⁴ Ute Gerhard, "European Citizenship: a political opportunity for women" in Sirkku Hellsten, A. M. Holli, K. Daskalova (eds.), *Women's Citizenship and Political Rights*, Basingstoke: Palgrave Macmillan, 2006, p. 38.

⁵ Caine Barbara, Glenda Sluga, *Gendering European history*, London, New York: Leicester University Press, 2000, p. 55.

⁶ Gisela Bock, *op.cit.*, p.128.

⁷ Ute Gerhard, *op.cit.*, p.38.

⁸ Solveig Bergman, *The politics of feminism – autonomous feminist movements in Finland and West Germany from the 60s to the 80s*, Abo: Abo Akademi University Press, 2002, p.

valuable political contributions.⁹ Women start acting as autonomous subjects and later as social actors.¹⁰ However it took almost one century to the full enfranchisement of women and the arguments for suffrage were accompanied by nationalistic arguments.¹¹ The main centres that coagulated the movement were București, Iași and Brașov, corresponding to the three main provinces. As it will become clear an interesting dynamic took place with alliances or adversities not always following the demarcation line among provinces. Transylvania was the last province to gain its independence from Austro – Hungarian Rule. After the 1848 Revolution the women's political associations were banned in many European countries.¹² Romanian provinces followed the same pattern and the first women's organizations were philanthropic ones, since this was the accepted way of activating in the public sphere.¹³ In Transylvania, all women's organizations were united under the presidency of Maria Baiulescu and the new organization that emerged was called Romanian Women's Union from Hungary (R.W.U).¹⁴ Another organization gaining voice in the struggle for franchise was The Association for Civil and Political Emancipation of Romanian Women (A.C.P.E.R.W) founded in 1918 in Iași.¹⁵ Its clearly stated purpose was the gaining of universal suffrage. It can also be considered the first feminist organization. They supported their claims by showing how women's contribution to the nation building project was neglected and also how the electoral system was

⁹ The legal documents of the time (*Pravila lui Vasile Lupu și Matei Basarab*), and than Calimachi's Law (1817) and Caragea's Law (1818), were establishing women's subordination through family ties and their incapacity to act in the public realm; Ștefania Mihăilescu, *Din istoria feminismului românesc. Antologie de texte (1838-1929)*, Iași: Polirom, 2002, p. 18.

¹⁰ Ionela Băluță, „Apariția femeii ca actor social – a doua jumătate a secolului al XIX-lea”, in Ionela Băluță, Ioana Cîrstocea (eds.), *Direcții și teme de cercetare în studiile de gen din România*, București: S.C. Universul S.A., 2003, p. 62.

¹¹ Ghizela Cosma, *op.cit.*, p. 74.

¹² Gisela Bock, *op.cit.*, p. 42.

¹³ *Ibidem*, p. 23.

¹⁴ *Ibidem*.

¹⁵ *Ibidem*, p. 37.

discriminating against women.¹⁶ A political structure that emerged in 1921 was The National Council of Women (N.C.W.).¹⁷ It was needed in order to support the idea that all feminists should be united and also to legitimize Romanian women's actions. However, the organizational structure of the council raised important debates. Two main views collided: a centralizing one that would transform the council into a body ruled by representatives, and a regionally oriented one promoted by the A.C.P.E.R.W. The centralized structure of the Council was supported by the same discourse that promoted the creation of the homogenous nation state. It did not incorporate regional committees, or any of the female workers organizations or ethnic minority women's organizations. The cooperation with the last one was also hampered by the measures taken to build a homogeneous nation state.¹⁸ Another point of disagreement within the council concerned the path to be taken to women's emancipation, as well as the relation with political parties and other formal institutions. The R.W.U. emphasized social intervention and education for young girls, regarding political involvement as a later stage in the movement's strategy. On the other hand, A.C.P.E.R.W.'s main goal was full enfranchisement for women. Initially the rationale for establishing connections with political parties was to influence their agenda in promoting women's rights.¹⁹ On one hand we have the position of Alexandrina Cantacuzino who established the Romanian Women's Group (R.W.G.), after the dissolution of the Council and called for women's solidarity and no collaboration with political parties²⁰, and on the other hand we have the group belonging to A.C.P.E.R.W., demanding that women would participate in political institutions under the same conditions as men. They joined the N.P.P. and were elected local councillors in the 1930 elections. In Transylvania and particularly in Ardeal the election results were less spectacular and the

¹⁶ Roxana Cheschebec, "Toward a Romanian Women's Movement. An organizational History (1880-1940)" in Edith Saurer, M. Lanzinger, E. Frysak (eds.), *Women's Movements. Networks and debates in postcommunist countries in the 19th and 20th centuries*: Koln: Böhlman Verlag Koln, 2006, pp. 439-455.

¹⁷ The Council was designed as a federation and many more associations were called to join it. Ștefania, Mihăilescu, *op.cit.*, p. 40.

¹⁸ Roxana Cheschebec, *op.cit.*, pp. 439-455.

¹⁹ *Ibidem*.

²⁰ Ghizela Cosma, *op.cit.*, 2002, p. 71.

leaders' disappointment high.²¹ The collaboration between R.W.U and N.P.P. that Maria Baiulescu hoped for did not occur: "I was disillusioned when I realized that at the county level they didn't want to hear from us. Not only here but in the whole region [...] I knew I won't be able to nominate persons".²² The development of women's sections within the main political parties coincided with the entry in politics of well known feminist activists among which Calypso Botez, Ella Negruzzi and Orthansa Satmari.²³ In Romania a state feminism emerges, namely structures and institutions dealing with women's issues were created and supported by the state. There is great variation in Europe concerning the establishment of the feminist state structures. A comparative study carried out on the emergence of the autonomous women's movements in Finland and Germany showed that in the case of Finland women's demands were already included in the nation building project and were part of the state's functioning whereas in Germany the state was less willing to integrate feminist principles, therefore the feminists organized mostly as autonomous radical groups. In Romania it seems that we witness a similar pattern with several state feminist structures and autonomous women's movements that keep themselves outside the formal political system. This split created tensions between the two camps with accusations of corruption and incompetence from the former.

The Content Analysis of the Two Interwar Magazines: Woman's Light and Woman's Voice

The content analysis will show in more detail that women's political participation was one of the main controversial aspects especially in the years after unification.

Two magazines, that constituted the space for the articulation and spreading of the movement's message, were chosen for the analysis. The premises for the research were given by the existing literature that suggests differences among the two regions concerning the vision towards women's emancipation. However the analysis uncovered the fact that between the

²¹ *Ibidem*, p. 102.

²² *Ibidem*, p. 107.

²³ *Ibidem*, p. 126.

two discourses promoted, there were more commonalities than differences. The discourses resemble to the extent that they promote caution and graduality concerning women's participation in the formal political institutions. If the W.L. militated for conditional enfranchisement, the W.V. supported disengagement with the state's institutions. In the case of W.L., 27 issues were analysed, starting from October 1920, its first edition, to December 1922. The magazine had monthly editions and contained permanent columns such as the Introductory Speech for the readers by Sanda Mateiu, called *Our Sisters*, a *Women's Poetry* column, *Childcare*, *Girl's Page*, *Images of Virtuous Women*, *Women's Place in Nature*, and also novel columns such as *Nice Feminism*. The articles with political content occupy approximately 20% from the total number of articles in the magazine. Its content mainly presented events related to women's political activities, congresses, meetings, as well as opinions of representative feminists concerning issues of interest. A higher frequency of these articles could be noticed around important events such as the 1929 Law and the debates that followed. The columns with social and educational content are dominant, making up around 30% - 40% of the total share. They usually talk about the hard living conditions of peasant and working class women. One such example is provided by an article that presents the case of the women workers from a tobacco factory in Cluj. The article clearly represents the perspective of the middle class women on the issue while the voices of those directly involved are never included.

The articles with political content mainly support the magazine's position on the issues of women's political rights. Valeria Tulbure, a prominent feminist figure from Transylvania, talks about the feminist movement's goals: "Some of the emancipation sustainers, in their enthusiasm took a misleading path, with devious ups and downs, on which we cannot climb yet".²⁴ Changing the discussion context but supporting the same idea, Elena Cadariu says: "[From the] cultural movement of women, the struggle for suffrage was born. We have to consider this struggle as an issue for which we cannot ask a quick settlement because we are not ready for it".²⁵ Another article is talking in vehement terms about the A.C.P.E.R.W's demands of granting women full participation in the

²⁴ Valeria Tulbure, „Cum înțeleg emanciparea femeii?”, in *Lumina femeii*, no. 3, 1920, p. 196.

²⁵ Elena Cadariu, „Femeia prezentului”, in *Lumina femeii*, no. 6-7, 1921, p. 265.

political realm.²⁶ Ethnicity is also brought into discussion as a reason for introducing mandatory voting in Transylvania: “In the newly liberated provinces where ethnic minorities surpass us culturally, [...] if the vote was granted only few of us would give up our dearest occupations in order to go to the ballot, but the [minorities] would rush in since they are more eager of [such activities].²⁷”

These examples show a conception that supports the status quo. The sustainers of this approach took a step further and founded the League for Gradual Emancipation of Women. The L.G.E.W.’s goals are: “[...] moral and educational elevation of women, [...] the civil emancipation of Romanian women [...] and participation in political life only for *educated women*”.²⁸ The reply of A.C.P.E.R.W is expressed by Eliza Grigoriu which states that social change can be produced before every conscience is prepared for it.²⁹ The activity of L.G.E.W is less documented, and I considered it worth mentioning because it seems to embody the prevalent view of the Transylvanian middle class. Its purpose is to educate women and prepare them in order to avoid the temptations enhanced in political life. From their position one can argue that even if the league speaks about emancipation the discourse is used to support the prevalent gender order.

After presenting the main elements of this analysis several conclusions can be drawn: the content and the form of the magazine tackles the concerns and ideas of Romanian women from the Transylvanian middle and upper middle class. The positions expressed concerning women’s political emancipation seem quite homogeneous. The concern for women’s moral and educational situation is used as a means to deny their political emancipation.

The research of the second magazine, W.V., produced nearly the same outcome. The publication belongs to the R.W.G., led by Alexandrina Cantacuzino. It supports women’s political rights but advocates neutrality towards involvement in political parties. It is published in Ploiești on 25th of January 1935. In the first issue, Zoe Pardos the chief editor praises women’s

²⁶ “Un articol al redactiei”, no. 9, 1921, p. 329.

²⁷ Ghizela Cosma, *op.cit.*, p. 291.

²⁸ *Ibidem*, pp. 4.

²⁹ Eliza Grigoriu, Liga pentru Emanciparea Civilă și politică a femeii române, 1921, no. 10, pp. 381-384.

activity in an article that presents the R.W.G's Congress: "she fulfilled her duties as citizen and took part voluntarily in every activity [...]".³⁰ An announcement on the fourth page states that only women who do not have a party affiliation can join the R.W.G, and by this the publication takes a more radical position: : „[...] this is a welcome shield which protects them by the serious disease and prepares them for their political role”.³¹ However the February Issue from 1936 presents a meeting between women's representatives and political parties. In the opening speech, Alexandrina Cantacuzino presents her vision concerning the political system: “[...] the Senate [...] should be appointed for 7 years, should constitute an elite forum, and should not be dependent on political parties [...]”.³² In one of the last issues an extensive article is dedicated to Elena Pop Hossu – Longin, the Transylvanian activist. She is considered to be an exceptional and highly gifted person.³³ Her social and political activity is also mentioned”.³⁴

At a first glance, the magazine's message seems more progresist than the previous one and we can notice a more pronounced feminist tone³⁵. We should also consider the fact that the magazine is published 10 years later. The vision supporting the view that the the formal political institutions are unsuitable for women is present here to the same extent as in its Transylvanian counterpart.

Concluding Remarks

This literature suggests that the main positionings and alliances within the movement at the points of different struggles concerned the extent and scope of women's political emancipation. The struggle for the organization of the National Council of Women shows how a centralizing and homogenising view gained ground influencing the women's movemen profile. This practice excluded categories of women, either by class or by

³⁰ Zoe Pardos, „ Congresul Grupării femeilor române”, in *Graiul femeii*, no. 1, 1935, p. 2.

³¹ Rubrica „Informațiuni” in *Graiul femeii*, no. 3, 1935, p. 4.

³² Alexandrina Cantacuzino, „Femeile reclamă drepturi politice”, in *Graiul Femeii*, no. 2, 1936, pp. 1.

³³ Articol „Reuniuni de femei”, in *Graiul femeii*, no. 7, 1938, p. 2.

³⁴ *Ibidem*.

³⁵ Ghizela Cosma, *op.cit.*, p. 137.

ethnicity from the debates and decisions concerning their interests, while overrepresenting the issues of middle and upper middle class women. Concerning the interregional differences in discourse and goals the analysis uncovered the fact that there is enough interregional similarity in discourses. If one looks more closely into the developments present in the women's movement within each region as well as at the meeting points of different discourses, issues of class and ethnicity can become more visible and they can account for a more complex understanding of the movement's profile throughout Romania.

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ETHNIC DEFAMING AND THE HISTORICAL RESEARCH. ON THE CASE OF GYPSIES' DESIGNATION IN TRANSYLVANIAN SAXONS CULTURE OF THE 19TH TO THE 20TH CENTURIES

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Abstract

Connecting the social studies with cultural discursive strategies regarding the Self or/and the Other is far from being a real preoccupation among the Transylvanian Romanian or Saxon historiographies. In order to properly read and understand the semantics of discourses and their implication in the representation of Otherness, I think historians have a lot to learn from their colleagues from the field of social sciences. My plead here is that a fertile dialogue between the two fields is out of risk if dealt with reasonably. Moreover, it may be fruitful for better understanding the intimate processes involved in the (re)production of negative representations of the others. I analyze here the manner in which some concepts have been instrumentalized in the field of Gypsy studies, distinguish between the political agenda of the users and the paradigms they had chosen to work within. Professing a socio-cultural approach, I try to offer an alternative by showing a potential way out from an area biased by contested ideological agendas. I do that by borrowing the concept of ethnophaulism from the field of social psychology and use it as theoretical framework. The qualitative insights its use may offer shall be demonstrated through the empirical investigation of the Saxon anthropological, journalistic and fictional narratives from the 19th to the mid-20th centuries.

Key words: history and social psychology, Gypsy studies, Transylvanian Saxons Gypsies, ethnonym, exonym, ethnophaulism.

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Despite unsatisfying experiences generated by previous merging with psychiatry or psychology and the cultivation of psycho-history,¹ the *linguistic turn* with its accent on the mediation of language and the construction of reality within the language itself,² obliges to seriously reconsider the relation between history and social-psychology especially because of its focus on identity, perception of infringements and emotional reaction to events and their actors.³ These provide good arguments to strengthen the interdisciplinary dialogue dialog as it may reduce the gap between the social, cultural, historical and psychological approaches. Despite of this generous bid the present state of “the new cultural history” continues to display reserves towards psychological propensities.⁴ My study tries to explore a way in which this deficit generated and reserves of the historians in particular may be overcome.

Instead of calling social sciences, particularly the social - psychology preoccupation with identity as “culture blind” or pronouncing that the cognitive psychology is inoperative to their *métier*,⁵ historians would better admit (after taking a better look in the social - psychological literature) that a preoccupation with the qualitative studies and therefore a serious reflection on the role culture plays in identity researches has been indeed seriously considered. It is hard to deny that cognitive processes of individuals or groups as users of stereotypes are not founded in the “predicaments of culture” to whom they belong(ed) to. Admitting that culture is not all -mighty, social psychologist found out that stereotypes

¹ Lynn Hunt, "Psychologie, Ethnologie und 'linguistic turn' in der Geschichtswissenschaft," in Hans-Jürgen Goertz, (Hrsg.), *Geschichte: Ein Grundkurs*, 2 Auflage, Reinbek bei Hamburg: Rowohlt Verlag, 2001, pp. 671-693, here p. 681.

² *Ibidem*, p. 674.

³ *Ibidem*, p. 684.

⁴ *Ibidem*, p. 687.

⁵ On the traps within the dialogue between the discipline of history and the social sciences see: Keith Jenkins, *Rethinking History*, 3rd Edition, London and New York: Routledge, 2003, p. 20; Robert F. Berkhofer, *Beyond the great story: history as text and discourse*, Massachusetts: Harvard University Press, 1997, pp. 177, 192-193; Nicholas Thomas, *Out of time. History and Evolution in Anthropological Discourse*, Second Edition, Ann Arbor: The University of Michigan Press, 1996, pp. 1-9, 103; Robert Harrison, “History and sociology”, in Peter Lambert, Phillip R. Schofield (ed.), *Making history: an introduction to the history and practices of a discipline*, London and New York: Routledge, 2004, p. 143.

and prejudiced attitudes may also rest on personal experience which may support the accuracy of the stereotypes. Concomitantly, their consensual role in social cognition brings us back to the realm of culture which turns into “a reflection of many pooled individuals”.⁶ Clearly a middle way must be considered particularly because not all the information about Others is reached by personal experience therefore people’s stereotypes seem a mixture between what one was taught and what one has seen.⁷ Another convergence point is the notice that stereotypes are “weapons in cultural wars”⁸ social psychologist recognizing in this way what analysts of Orientalist discourses have for about three decades demonstrated that stereotyping is thought to reflect social hierarchy. As a result as many studies have shown, contemptuous stereotypes and prejudices always targeted groups “whose collaboration was not needed”; be them welfare seekers or nomads these groups were stigmatized as “useless”⁹ especially from the pre-modernity on to the present, Gypsies being in that respect a constant target.

Hate-speech and ethnophaulism studies in cultural context

Qualitative and highly culturalist researches of the hate speech have some tradition in Western milieu. The experience of imperialism and the migration from the colonies to the metropolis certainly nurtured this research field. Even common “jokes on the new comers and their unusual customs” were thought to act as a pressure meant to finally obtain standardization by preaching cultural conformity.¹⁰ The resulting ethnic slurs serve(d) to obtain the social disciplining by delimiting from the Others’ “immorality, decadence, dirt and uncivilized behavior which threaten the social order”.¹¹ Moreover, keeping the eyesight to the past,

⁶ David J. Schneider, *The Psychology of Stereotyping*, London / New York: The Guildford Press, 2004, p. 323.

⁷ *Ibidem*, p. 329.

⁸ *Ibidem*, p. 370.

⁹ Hélène Joffe /Christian Staerklé, “The Centrality of the Self-Control Ethos in Western Aspersions Regarding Outgroup: A Social Representational Approach to Stereotype Content”, in *Culture & Psychology*, Vol. 13(4) 2007, 395–418, p. 399.

¹⁰ Joseph Boskin/Joseph Dorinson, “Ethnic Humor: Subversion and Survival”, in *American Quarterly*, Vol. 37, No. 1, Special Issue: American Humor (Spring, 1985), pp. 81-97, here p. 84.

¹¹ H. Joffe / C. Staerklé, *op. cit.*, p. 409.

some thinkers have noticed how “in traditional cultures, the ethnonyms an in-group gives itself often derive from native words for “real humans” or “the people,” whereas the ethnophaulisms given to out-groups often derive from native words for “beast” or “animal”.¹² In this respect both mass media¹³ as well as folk or cultivated literature played a major role in opposing an exotic identity to a moralistic and edifying bourgeois model.¹⁴ Savagery, inferiority, primitiveness, deviance were attributes which found codification in different stereotypic designation of the Others, the major aim being the maintenance of established relations with the world outside or simply to incorporate the anomie from within by projecting it on the Others, often “black sheep” in a perpetually world under siege.

Generically, hate speech is defined as “a more direct, accessible, and condemning formula than such earlier categories as *linguistic xenophobia*, *ethnophaulism*, *ethnic insult*, and *homophobia*, which have the disadvantage of being opaque and not readily comprehensible because of their classical roots”.¹⁵ Being nothing else but a variety of hate-speech¹⁶ the ethnophaulism is by its haziness and/or complex valences indeed interesting to be explored within the frameworks of a cultural historical

¹² Brian Mullen/ Tirza Leader, “Linguistic Factors: Antilocutions, Ethnonyms, Ethnophaulisms, and Other Varieties of Hate Speech” in John F. Dovidio/ Peter Glick/Laurie A. Rudman (eds.), *On the Nature of Prejudice. Fifty Years after Allport*, Malden Oxford, Carlton: Blackwell Publishing, 2005, pp. 192-207, here p. 194.

¹³ H. Joffe /C. Staerklé, *op. cit.*, p. 146. As a major source of stereotypes mass media “play a key role in the social processes that link the self-control value and social representations of outgroups (...) As far as my interest with ethnic slurs is concerned I agree with the fact that “the popular media continue to report the use of ethnophaulisms in interethnic conflicts” p. 344. Andrea Carnaghi / Anne Maass, “In-Group and Out-Group Perspectives in the Use of Derogatory Group Labels: Gay Versus Fag”, in *Journal of Language and Social Psychology*, Volume 26, Number 2, June 2007, pp. 142-156, here p. 146.

¹⁴ See: Bernd Roeck, *Civic Culture and Everyday Life in Early Modern Germany*, Leiden/Boston: Brill, 2006, pp. 142, 153, Werner Faulstich, *Mediengeschichte von den Anfängen bis 1700*, Göttingen: Vandenhoeck und Ruprecht, 2006, pp. 19, 22-23, Iona Italia, *The Rise of Literary Journalism in the Eighteenth Century: Anxious Employment*, London/ New York: Routledge, 2005, p. 7.

¹⁵ “Hate Speech”, in Hughes, Geoffrey, *Encyclopedia of Swearing: The Social History of Oaths, Profanity, Foul Language, and Ethnic Slurs in the English-Speaking World*. Armonk, N.Y.: M.E. Sharpe, Inc., 2006, p. 220.

¹⁶ Brian Mullen/Tirza Leader, *op. cit.*, p. 192, 204.

exploration capable to encourage the dialogue between social psychology and historical research.

Trying to synthesize a definition to an otherwise unfamiliar term to the non-social psychologist, one may say that the term ethnophaulism was proposed by **A.A Roback** and derives from the Greek root whose meaning was “to disparage” and obviously ethnic group. Its use involves the introduction of a derogatory nickname for Others¹⁷ in order to keep them at bay, to strengthen ethnic boundaries and exclude outsiders.¹⁸ Quantitative and qualitative researches have also shown that “There is a close association between the amount of prejudice against an out-group and the number of ethnophaulisms for it” and correspondingly that “the greater hostility could be expressed and reinforced by the repetitions of a small number of ethnophaulisms or by using stronger ones”.¹⁹

Fact is that it resonates with **Allport's** depiction of the hated out-groups imagined as “less than fully human”²⁰ and that it certifies inferiority of the Others expressed by referring to different (pseudo)scientific paradigms. Thus, the role of culture demonstrates itself as essential when one deals with the ethnophaulism, as it codifies in a single word or synthetic formulation exactly the values the observer tries to make exponential in order to mock the other, to maintain him in an controversial if not inferior position. At another level the relevance of culture is intrinsic as the final outcomes, the colocation, recalls exactly the cultural specificity of the Other by referring to certain identity markers (be it attire, cuisine, religion, etc).²¹

Certainly, more sophisticated researches showed that “stereotypes are not merely our cognitive take on what the culture preaches, but active attempts to provide explanations for deeply ingrained divisions”, thus, reserving a key role to the individual perceiver who “makes use of various

¹⁷ Erdman B. Palmore, “Ethnophaulisms and Ethnocentrism”, in *The American Journal of Sociology*, Vol. 67, No. 4 (Jan., 1962), pp. 442-445 here p. 442; Brian Mullen/ Diana R. Rice, “Ethnophaulisms and Exclusion: The Behavioral Consequences of Cognitive Representation of Ethnic Immigrant Groups”, in *Personality and Social Psychology Bulletin*, Vol. 29 No. 8, (August 2003), pp. 1056-1067, here p. 1056.

¹⁸ B. Mullen, D. R. Rice, *op. cit.*, pp. 1058-1059.

¹⁹ E. B. Palmore, *op. cit.*, pp. 442-443.

²⁰ B. Mullen, T. Leader, *op. cit.*, p. 199.

²¹ Aliens, in G. Hughes (ed.), *op. cit.*, pp. 5-6.

cultural representations” and “applies them selectively and even creatively to explain the particulars of the social life he or she inhabits”.²² It is exactly where my study aims, as the collocations used instead of the exonym commonly in use were discursively replaced by some other relevant ethnophaulisms.

If there is still doubt in the necessity of importing such a concept, I would only say that the fear of forcing borders is ridiculous as the term itself was first coined in a study based on the 19th century sources.²³ Profoundly anchored in the cultural background, “ethnic name-calling and denigrating slurs”, was shown to “reflect social positions and invoke negative cultural stereotypes”, “carrying the weight of historical, political and social”²⁴ factors that contributed to its coinage and spread of restricted usage.²⁵ Furthermore, given the nature of the past sources I will base my demonstration on, the individualistic creativity of authors involved in the disparaging process, as it turns truly understandable when one considers both who does it and to whom it is targeted.²⁶

Gypsy studies and hate-speech study. Limits and propensities

From the side of the traditions in the field of Gypsy studies one may say without being in any way wrong that mainly since the 18th century this niche and exotic specialization encouraged the dialogue between old or new coming sciences. Interdisciplinary approaches have been a familiar practice in this study area. Beginning with the successful (although not entirely unprejudiced) philological discoveries indicating the origins (which despite contestation still stand up and are being cultivated), continuing with sometimes strongly negatively biased as in the case of racial sciences which in their attempt to explain presumed deviance, have

²² D. J. Schneider, *op. cit.*, p. 370.

²³ B. Mullen, T. Leader, *op. cit.*, p. 192; E.B. Palmore, *op. cit.*, p. 442; B.Mullen, D. R. Rice, *op. cit.*, p. 1056.

²⁴ Maykel Verkuyten, *The Social Psychology of Ethnic Identity*, East Sussex/N.Y.: The Psychology Press, 2005, p. 116.

²⁵ “Hate Speech”, in G. Hughes (ed.), *op. cit.*, p. 221.

²⁶ Alan Dundes, “A Study of Ethnic Slurs: The Jew and the Polack in the United States Author(s)”, in *The Journal of American Folklore*, Vol. 84, No. 332 (Apr. - Jun., 1971), pp. 186-203, here p. 189.

slipped on the path of genocidal solutions, or presently interest to insert the knowledge production about the Gypsies in a wider cultural or social paradigm, all these attest the lack of inhibition or better say the dependence on interdisciplinarity of this research area. Irrespective of its results it still remains a path to follow, as sometimes newer or older nuanced findings in the social sciences, despite their fruitful potential, seem to have not been put to work. Historical study of radical Otherness seems to me fossilized and lethargic in dealing with difference mechanisms, having a lot to learn from the social, literary and cultural studies which have undoubtedly renovated the humanistic investigations in the last decades²⁷. In Gypsies' case, in order to understand a history of rejection one must first correctly comprehend the implication of the language in prejudicing and labeling of the Others.

In German the closest to the meaning of ethnophobia is the notion *Schimpfwort*. It was applied to the exonym in an effort to make the usage of the term politically incorrect, denounced it for expressing racism. Although I do not totally disagree with this point, for the sake of scientificity I refrain myself from using it. In many respects, I associate this approach to the activists' discourse and therefore find it ideologically biased too. In this sense, the implication in the politicized "victim competition" with anti-Semitism is highly controversial.²⁸ This interpretation of the exonym simply as an injuring labeling does not convince me, as I am aware that along the time exonyms were not necessarily negatively charged but gained this value in circumstances where political tensions or confrontations required semantic reevaluation. But making the exonym a *Schimpfwort* is like going too far from at least two reasons: it is semantically much too fuzzy and, as already proven, this stage

²⁷ Particularly in the exploration of marginal or the so - called deviant cultures, the dialogue with the social sciences was found helpful. A reassurance in this respect was made by: Jacques Revel, "History and the Social Sciences", in Theodore M. Porter/Dorothy Ross (ed.), *The Cambridge History of Science. The Modern Social Sciences*, Volume 7, Cambridge: Cambridge University Press, 2003, p. 401; Donald M. Mac Raild, Avram Taylor, *Social Theory and social History*, Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2004, p. 6.

²⁸ Torben Fischer/Matthias N. Lorenz, *Lexikon der "Vergangenheitsbewältigung" in Deutschland: Debatten- und Diskursgeschichte des Nationalsozialismus nach 1945*, Bielefeld: Transcript Verlag, 2007, p. 313, Raimond Reiter, *Sinti und Roma im "Dritten Reich" und die Geschichte der Sinti in Braunschweig*, Marburg: Tectum Verlag, 2002, p. 185.

has been reached only in the 19th century with the labeling specific to the national state bureaucratization and surveillance techniques. The labeling of the people on the move as “Gypsies” generated the subsequent criminalization of the exonym reaching its peak decades later in the 20th century interwar years.²⁹ Additionally this game is indeed dangerous for the activists’ project itself. Totally focusing on the label “Gypsy” as not applying to the ethnic group they represent, but referring to a heterogeneous group of peoples embracing a mobile lifestyle, one risks to create anachronism by reporting criminalized connotation prior to its coinage during 19th century. Things have certainly reached an extreme and surely a totally unwanted point by denying the ethnic identity of the groups which for centuries had been made synonymous by the external observers with this exonym.³⁰ In diverse cultures, it acted as a pejorative exonym³¹ being for instance rejected by some Travellers while others “deliberately embraced” it and even capitalized it giving it the signification of ethnic belonging. All this debate clearly shows political implications and the dealing with the ethnoym is crucial to the activists’ rights movements³², debate in which I do not want to venture here.

Probably aiming to save the discussion from heading to nowhere, the Heidelberg Research and Documentation Center for Sinti and Roma in Germany proposed the analyses of the term keyword (germ. *Stichwort*) “Gypsy” in order to reveal its recurrence in dictionaries and connected the definition to the political praxis of different chronological segments and compulsory considered the new scientific utterances as well as the centuries old semantic heritage.³³ This treatment of the term is meant to demonstrate the inauthenticity, illegitimacy and social biases of it. The

²⁹ Leo Lucassen, “«Harmful tramps» Police professionalization and gypsies in Germany, 1700-1945”, in *Crime, Histoire & Sociétés / Crime, History & Societies*, Numéro Vol. 1, nr.1, 1997, Varia, pp. 31-39.

³⁰ Brian Belton, *Gypsy and traveller ethnicity: the social generation of an ethnic phenomenon*, London / New York: Routledge, 2005, p. 13.

³¹ Angus Bancroft, *Roma and Gypsy-Travellers in Europe: modernity, race, space, and exclusion*, Avebury: Ashgate Press, 2005, p. 5.

³² David Mayall, *Gypsy Identities 1500–2000. From Egipcians and Moon-men to the Ethnic Romany*, London / New York: Routledge, 2004, p 15.

³³ See: Anita Awosusi (Hrsg.), *Stichwort: Zigeuner. Zur Stigmatisierung von Sinti und Roma in Lexika und Enzyklopädien*, Heidelberg: Wunderhorn Verlag, 1998 (Schriftenreihe des Dokumentations- und Kulturzentrums Deutscher Sinti und Roma, 8).

hidden risk is that turning it in an artificially outer-imposed term, simply denies the Roma the genealogies from the "Gypsy", turned univocally in an illegitimate, problematic stigma term. This may very well jeopardize the big transnational project, the game with the past in reconstructing a historical discourse on the Romani people moving from the univocally ill-intentioned "projective identification"³⁴ of the externals in the hand of some other subjective memory (subjective Gedächtniss) of the internal. Therefore the usage of the ethnophaulism as an instrumental episteme may be very well the salvage from this intricate and heated ideological arena as it underlines the complexity of ethnicity in long term and various cultural contexts.

Additionally, in many respects the *Stichwort* is nothing else but a mixture of different traditions, ideologies and policies which accumulated over the period of time prior to the moment of dictionary codifications. It refers to a variety of understandings, a cumulative stereotyped set, but is not as precise for the speech - circumstances that usually aggregates a unique dimension relevant for the moment and eventually the progress of interaction.

Itself a cultural and secondary a social construct, ethnophaulism seems thus neutral as it was not yet exploited politically the manner in which *Stichwort* or *Schimpfwort* had been. Nobody denies that ethnophaulisms betray the existence of "forms of ethno-centrism as chauvinism, pejorative stereotypes, scapegoats, segregation, and discrimination".³⁵ Albeit, by focusing on ethnophaulism, on its epithetic as well as social and ideological implications, I intend to go beyond - but not against, since the cultural prejudices, stigma remain at the core of my interest- the bondage of a self-assertive political movement of the Romani nation builders and concentrate exclusively on the alternative derogatory formulation regarding this ethnic group. Contextually dependent, ethnophaulism may also be meaning producer by itself and therefore can be treated independently. Awareness of historical semantics must as well

³⁴ Franz Machiejewski, „Elemente des Antiziganismus“, in Jacqueline Giere, (Hrsg.), *Die gesellschaftliche Konstruktion des Zigeuners. Zur Genese eines Vorurteils*, Frankfurt a. Main: Campus Verlag, pp. 9-28; Äneke Winckel, *Antiziganismus. Rassismus gegen Roma und Sinti im vereinigten Deutschland*, Münster: Unrast Verlag, 2002, p. 20.

³⁵ E. B. Palmore, *op. cit.*, p. 445.

contribute to a better understanding of some ethnophaulistic formulas which may be otherwise misleading for present time readers. To conclude, as I will demonstrate that besides its disparaging intent, in contrast to *Schimpfwort*, ethnophaulisms may have an essentialist vein but is not always negatively charged rather entail humorous instances useful to deflate conflicts.

Historical - cultural and theoretical premises of the Saxon –Gypsies interaction in Transylvania

Chronologically I will concentrate on the period comprised between the beginning of the 19th century up to the interwar because of certain coherence with regard to the Saxons' identity, which was to be reconfigured repetitively in permanent relation to Otherness. The cultural and later *völkisch* nationalism dominated by an overwhelming ethno-symbolic³⁶ understanding of the nation, from which the remembrances of the estate position never vanished, had been promoted by channels like church and schools, which, along the period worked intrinsically together. Another argument for the superior chronological limit of my research is motivated by the advent of the Communist regime which decreed the leveling of every Romanian citizens irrespective of their language, an act that led to a final step back of the Saxons stronghold.³⁷

From the 18th century successively, Transylvanian Saxons had to reconsider their position within the province, Austrian Hungarian Empire and later the Romanian state which also meant redefinitions of the group identity. This was continuously related to the Others, particularly Hungarians and Romanians as political competitors or eventually allies. Furthermore, connections with the German Prussian world made their advancement of the newly minority identity³⁸ not only an indigenous affair but also a topic to the pan-German question. As **Stefan Sienerth** has shown the literary or scientific productions created in German milieu from Transylvania had two addressees: the internal and the external of the

³⁶ See: Anthony D. Smith, *Ethno-symbolism and Nationalism: A Cultural Approach*, London/ New York: Routledge, 2009.

³⁷ Konrad Gündisch, *Siebenbürgen und die Siebenbürger Sachsen*, München: Langen-Müller, 1998, p. 223.

³⁸ *Ibidem*, p. 125.

province.³⁹ Inevitably, the connections with the German cultural milieu (resulting from the high education in German protestant universities and later the personal or institutional networks) impacted on the discursive strategies both paradigmatically as well as semantically.

If in relation with the Hungarians and Romanians Transylvanian Saxons and Germans had to consider their national and political agendas, with respect to the Gypsies things were less sophisticated, therefore a constant attitude of deprecation or denigration. The *Nebeneinander*⁴⁰ relation never turned into extreme acts of persecution. It was rather marked by a special treatment of tolerance *Duldsamkeit*,⁴¹ sometimes even patronage which permitted a type of symbiotic relation, surely, with the Gypsies in the low - reputed position, despite some changes with respect to Gypsies lifestyle as a result of progressive sedentarization.

Comparable culture structures with the central European German culture (confessional belonging, guild system, urban identity) made Saxon's discourses seem very much alike and therefore the transfers of exogenous paradigmatic formulations stimulated. Therefore, at the level of semantics of different discourses, similarities with the central- European German milieu facilitated the overtaking of many loci communes.⁴² Not to forget that a common image of the Gypsies dominating all over Europe, constructed in opposition with the sedentary societies made the discourse

³⁹ See: Stefan Sienerth, „Der siebenbürgisch-deutsche Autor im Dilemma der Entscheidung zwischen dem einheimischen und dem europäischen Adressatenkreis“, in Anton Schwob/Brigitte Tontsch (Hrsg.), *Die siebenbürgisch-deutsche Literatur als Beispiel einer Regionalliteratur*, Köln/ Weimar/ Wien: Böhlau Verlag, 1993, pp. 119-140; Stefan Sienerth, „Künstlerisches Selbstverständnis und Zugehörigkeitsdilemma deutscher Schriftsteller in Rumänien während der Zwischenkriegszeit“, in Motzan, Peter/Sienerth, Stefan (Hrsg.), *Die deutschen Regionalliteraturen in Rumänien (1918-1944). Positionsbestimmung, Forschungswege, Fallstudien*, Sonderdruck Südostdeutsches Kulturwerk, Band 72, München, 1997, pp. 95-116.

⁴⁰ See: Johannes Ries: „Nebeneinander - Miteinander. Zum interethnischen Verhältnis von Siebenbürger Sachsen und Roma/Zigeunern“ in *Zeitschrift für siebenbürgische Landeskunde*, Nr. 30, Heft 1-2 /2007, pp. 89-104.

⁴¹ Marian Zăloagă, „On Tolerance and Radical Otherness in Transylvania. Saxons and Habsburgs on the Transylvanian Gypsies (I)Religiosity and Religious Practices (from 17th to the 19th century)“, in *Studia Universitatis Petru Maior, Series Historia*, Nr. 7, 2007, pp. 55-70.

⁴² See Sacha E. Davis, „Maintaining a “German” home in Southeast Europe: Transylvanian Saxon nationalism and the metropolitan model of the family, 1918–1933“, in *History of the Family*, Volume 14, Issue 4, 2009, pp. 386–401, here p. 399.

apparently analogous. Still, adaptations or tone tempering are noticeable and they betray a nonviolent side by side existence. Accordingly, despite influent external productions well received in Transylvania, the endogenous relations seemed to work in favor of inhibiting force measures, at most, customary spatial restrictions being normative in the intergroup relations, although, often some expressions may seem sometimes similarly and harshly discriminatory.

The way Saxons encoded their own nationality reflected on the dialectic involved in imagining the identity of Self and the Others. In particular Gypsies were seen in an almost perennialist grid, their depiction remaining almost unchanged, static for centuries. Permanently Transylvanian Saxons acknowledged Gypsies particular ethnicity working indeed as a boundary criterion.⁴³

In my attempt to enlist and reflect on the semantic value of the ethnophaulism in use with regard to the Gypsies my sources of quantitatively and qualitatively different value were: calendars, statistic literature, ethnological studies, schoolbooks and the press. Thanks to their circulation some media may have had a particular impact on the public opinion, on the way boundaries were legitimized and possibly directly biased the relations with this low-status ethnic group.

Ethnophaulism towards the Gypsies in the context of Transylvanian culture

The semantic value of different ethnophaulisms in use during the 19th to the mid- 20th centuries that I will deal with here, benefited from the cultural history achievements which were truly interested in historical linguistic semantics. I will follow those ethnic, cultural, economic, racial, gender or onomastic collocations and try to explain their recurrence as alternative to the exonym. Deciphering their meaning would facilitate

⁴³ Fredrik Barth (ed.), *Ethnic Groups and Boundaries. The Social Organization of Culture Difference*, Bergen/ Oslo/ Tromsø/ Universitetsforlaget; Boston/Massachusetts, Little, Brown and Company, 1969, p. 30; Nicolae Gheorghe, „Zwischen Emanzipation und Diskriminierung. Historische und aktuelle Aspekte der rumänischen ‚Roma- Frage‘“, in *Halbjahresschrift für südosteuropäischer Geschichte, Literatur und Politik*, 2 Heft, 4 Jahrgang, November 1992, pp. 72-88, here p. 78.

understanding more precisely the aspects relevant in the process of attributing meaning to “Gypsiness”. To the extent that it is needed, in case they have additional explanatory value I will consider them in the narrative in which they occur. Thus, the risk of mistakenly interpreting the ethnophaulism’s meaning and social value would hopefully be low.

A collection of nicknames of the different ethnicities living in Transylvania in use by the Saxon communities reveals the fact that Saxons used to name the Gypsies with appellatives like: “Kätsch, Kere, Morre, Purde”.⁴⁴ A folklorist like **Haltrich** testifies their existence but is hard to clearly establish the recurrence of them in the daily language. In some of cases at least for some of them dictionary definitions may suggests meanings. Hence, “Kätsch” which is defined as “to chew something loudly or heavily” may be referring to the attributed irrational usage of resources which is retained by some 18th century sources. This came to be later epitomized as characteristic to the Gypsies in popular culture productions. Given the already mentioned disposition to animalize of the ethnophaulism, this formula has certainly cognitive value as it opposes the civilized to the bestial. The nomadic nature thought as an essentialized trait of the generic Gypsy may be well strengthen by such a term, as nomads were also seen as “plagues”, as locust-like hazards. “Morre”, on the other hand, refers to the presumed origins, cultivating an older believe of Turkish or Amorite⁴⁵ lineage which hinted back to the erroneous genealogies from the premodern times. In its turn “Purde” demonstrates how the ethnophaulism may be created simply by deriving it from the target groups’ vocabulary. Its meaning was “naked” and surely implied the state of wilderness, primitiveness and particularly poverty of a generic Gypsy. “Kere” on the other, derives from a Gypsy word meaning “at home”. In this respect Wlislocki enlightens us better: „Letztere Benennung

⁴⁴ Joseph Haltrich, „Neck- und Spotnamen der verschiedenen Völker und der Bewohner einzelner sächsischer Ortschaften in Siebenbürgen“, in *Sächsischer Volkswitz und Humor*, (Größtentheils vorgelesen in der Generalversammlung des Vereins für siebenb Landeskunde am 24 August 1878 in Schäßburg.) 1878, p. 6.

⁴⁵ Heinrich von Wlislocki, *Von wandernden Zigeunervölke. Bilder aus dem Leben der Siebenbürger Zigeuner, Geschichtliches, Ethnologisches Sprache und Poesie*, Hamburg, 1890, pp. 9-10. Despite Wlislocki’s option, previous 18th century speculations mentioned both ambiguous genealogies; See also: Joseph Benkó, *Transsilvania sive Magnus Transsilvaniae*, Tom, I, Claudiopoli, 1834, p. 503.

stammt aus dem Zigeunerischen, wo eben kortorär, Zeltzigeuner heisst, zum Unterschied vom Ansässigen, der Gletecore (sprich: Gleteschpre = Sprach- Armer) genannt wird“.⁴⁶

To methodically proceed further, I will mention that the ethnophaulism regarding Gypsies in Transylvanian Saxon's cultural production can be rendered in some categories. Thanks to the explicit or implicit reference they made, I noticed some disparaging formulation conjuring: their ethnic origins, work ethic, mobile lifestyle, physical traits, religiosity, artistic talent, along with some presumed characterial (-deviant), or others endowed with semantic-onomastic value. It is difficult to establish a predilection for some particular ones according to the political - ideological trends dominating the discourses about Otherness along the centuries. Where compulsory, necessary explanations will be made, but chronologies are here sometimes superfluous as references are actually stable and traditions in choosing between certain identity markers survived for centuries.

Among the most persistent landmarks of hetero-identity was the matter of origins. With respect to the Gypsies, ethnophaulism switches between the two major traditions: the Egyptian and Indian highly speculated and later scientifically demonstrated roots of their *Urheimat*. In certain cases references may entangle, hence, strengthening the Otherness by appealing both to the ethnic and to the social sector. If some called them simply "Pharaonen"⁴⁷, "Egyptian people" (ägyptischen Volke)⁴⁸, "pharaohs' descendant" (Pharaonen- Nachkömmlinge)⁴⁹ others mentioned the tribe of Pharaos' children („ein Stamm der Kinder Pharaos")⁵⁰ camping to the limits of localities, thus, mixing their attributed primeval nature with lineage reference legitimizing infamous attributes. Certainly, the choice for such intricate set of insinuations is not necessary the expression of insufficient upgrade to the latest scientific discourse, but rather proves the power of traditions, which at this level of disparaging

⁴⁶ *Ibidem*, p. 6.

⁴⁷ „Der Stuhlrichter. Ein Erzählung aus Siebenbürgen“, in *Der Siebenbürger Bote*, Nr. 211, 18 Oktober 1859, p. 848.

⁴⁸ „Elopatak“, in *Siebenbürger Wochenblatt*, Nr. 50, 24 juni 1841, Kronstadt, p. 196.

⁴⁹ „Der Tag der Zigeuner“, in *Siebenbürgisch - Deutsches Tageblatt*, Nr. 5824, 5 februar 1893, p. 123.

⁵⁰ „Der Stuhlrichter“, *Der Siebenbürger Bote*, Nr. 206, 11 Oktober 1859, p. 828.

others selects from past topoi belonging to various “scientific” paradigms. Indian descent theory did not miss from this repertory with Gypsies being called “Nachbarvater der Hindus”,⁵¹ “indostantische Ableger in Europa”⁵², or “lively Indian women” (muntere Indierin).⁵³ Some other time the imaginary spatial location of them is captured in the Easter Europe, specifically Hungary, as the ethnophaulism “tanned son of steppeland” (braunen Söhnen der Pußta)⁵⁴ clearly demonstrates. Otherwise, like in the case of “sonn- und rauchgebrannten Kinder der indischen Steppe”⁵⁵ (suntanned and smoked children of the Indian veld), which combines phenotype and precise references of geographical sites, their homeland was once again thrown outside Europe.

Nomadism was for centuries associated to the Gypsies even though in different areas and timespans most of them went sedentary.⁵⁶ Literary texts in particular have a predisposition to evoke exactly these groups as exponential despite regional and contextual empirical facts and data.⁵⁷ One inevitably deals here with a prolific production of ethnophaulisms. The most obvious one is the usage of “braunen Nomaden”⁵⁸ instead of Gypsies, the phenotypical reference adding up to the accuracy of the formulation and leaving no room for equivocal speculations. “Heimatlose und unstätte Volk” or “unstätte Menschenrace” also essentializes the attributed trait turning the mobility into an ethnicized dimension of their otherness. In order to augment the spatial transiency and to imagine them at the margin

⁵¹ „Zigeuneranekdoten“ in *Der Siebenbürgischer Hausfreund. Ein Kalender für Siebenbürger zur Unterhaltung und Belehrung*, Kronstadt, 1851, p. 96.

⁵² Joseph Haltrich, *Zur Volkskunde der Siebenbürger Sachsen*, Viena: Graeser, 1885, p. 109.

⁵³ „Reitende Feldschmiede“, *Satellit des Siebenbürger Wochenblattes*, Nr. 86, 27 Oktober 1842, p. 363.

⁵⁴ „Notizen“, in *Hermannstädter Zeitung vereinigt mit dem Siebenbürger Bote*, Nr 102, 30 April 1866, p. 397.

⁵⁵ Emil Witting, „Über unsere Zigeuner“, in *Klingsor*, 12/3 (1935), pp. 98-107, here p. 98.

⁵⁶ Lucas Joseph Marienburg, *Geographie des Großfürstenthums Siebenbürgen*, Zweiter Band, Hermannstadt, 1813, p. 79; Viorel Achim, *The Roma in the Romanian History*, English translation by Richard Davies, Budapest/ New York: CEU University Press, 2004, pp. 129-130.

⁵⁷ Ioan Bolovan, “Romii din Transilvania în a doua jumătate a sec. al XIX-lea. Aspecte statistice și demografice”, in Rodica Elena Colta (coord.), *Modele de conviețuire în Europa Centrală și de Est*, Arad: Complexul Muzeal, Colecția „Minorități”, 2, 2000, pp. 243-260.

⁵⁸ „Eine Zigeunerschlacht“, in *Siebenbürgisch - Deutsches Tagesblatt*, 28 juni 1891, p. 629.

as well as on the perpetual move some used formulations like “Söhnen der Steppe und des Waldes”⁵⁹ or “braunen Kinder des Heide und des Waldes”.⁶⁰ In other text the nomadic lifestyle is expressed by means of ornithological hints as in the colocation: “Sperling” among the peoples.⁶¹ Sometimes ethnological texts follow the line as they consider the “true” nature of the Gypsies residing among others in their high spatial mobility. Hence, we see the industrious **Wislocki** opening his dissertation about the nomad Gypsies by calling them these “Ueberall und nirgends”⁶², and later idealistically romanticizing them “poesiereiche Wandervolk”.⁶³

The above mentioned seem innocent as recall dislocation and primitivity. On considerably other position stays the use of terms betraying attitudes generated by this cultural trait. Semantically “riff-raff”, undesirables (“Gesindel”)⁶⁴ in particular bears symbolic dishonest connotation as they refer to people outside the control of authority and therefore suspected of deviant behavior. Others like the term “journeyman” (“Geselle”) has connotation which may be properly understood only if one considers the competition between the guilds and non-guild members. It did not only establish a hierarchical relation but occasionally certified edgy relations. It appears in different mixed constructions mixing racist clear allusion to the ethnicized wandering: „der braunen Gesellen”⁶⁵, „lustigen schwarzbraunen Gesellen”,⁶⁶ „braunen Diebsgesellen”.⁶⁷ This double reference is particularly useful in the process of disparaging them, having also the role of clarifying the identity of the incriminated as external to the

⁵⁹ Johann Heinrich Schwicker, *Die Zigeuner in Ungarn und Siebenbürgen*, Wien/Teschen, 1883, p.113.

⁶⁰ *Ibidem*, p. 156.

⁶¹ J. Haltrich, *op. cit.*, p. 5.

⁶² H. von Wislocki, *op. cit.*, p. 1.

⁶³ *Ibidem*, p. 34.

⁶⁴ Rudolf Öser, „Die Zigeuner“, in *Deutsches Lesebuch für Mittelschulen*, Erster Theil, Erster Klasse, Hermannstadt, 1893, pp. 130-133, here 131, 133. Fr. Fronius, „Aus dem Volksmunde [Zigeunergeschichten]“, in *Korrespondenzblatt der Vereins für siebenbürgische Landeskunde*, VI Jahrgang, Hermannstadt, 15 Dezember 1883, Nr. 12, pp. 133-137 here p. 132.

⁶⁵ Dr. Adolf D. Schullerus, *Siebenbürgische Volkskunde im Umriß*, 1926, Leipzig, Quelle & Meyer, p. 218, Heinrich Zillich, *Die Zigeuner*, Schässburg, 1931, p. 31.

⁶⁶ „Sonne, Mond und Wind“, in *Der Siebenbürgischer Hausfreund*, 1853, p. 99.

⁶⁷ „Räuberische Einbruch“, in *Siebenbürgisch -Deutsches Tageblatt*, Nr. 1340, 20 Mai 1878, p. 471.

local co-ethnic journeymen whose wandering was seen a legitimate, mandatory and systemic to the guild. The occasional recourse to illegal methods of means of survival support is more or less implicit. The maximal expression of deviance and hazardous identity is expressed by the formulations like "durchtriebener Gauner" at which I will refer later. The repertory of Gypsies made by **Schwicker** also takes as reference the mobile lifestyle when refers to the nomadic „Flieh“-Zigeuner.⁶⁸

All these bookish creation surely were not as spread as had been the common - sense term Kortorar⁶⁹ which is of a long term usage in Transylvania codifying in a single word the mobile habitat of a category of Gypsies. Concerned with distinguishing between typologies of Gypsies in Transylvania, Witting doubled "Kortorar" with "Zelter".⁷⁰ Alternatively, "Schatterzigeuner"⁷¹ coined by **Wittstock** also identifies a subcategory of Transylvanian Gypsies, the notion denoting indirectly by the mention of precarious habitat an attributed mobile life style.

Sedentary groups were always skeptical with regard to mobile peoples. Gypsies' deficient work ethic was commonly amended. Laziness and other labels were recurrent attributes used to mock them and explain their unworthiness. Despite all these, in eastern areas of Europe, even though Gypsies had been socially stigmatized, they played a crucial role in providing with goods and services, those rural areas where guilds did not reach, or supplied with cheaper services in agriculture. The colocations hinting directly towards the repertory of trades embraced by the Gypsies unveil the niche activities they covered: "Jambas"⁷² (horse trader), "Goldsammler"⁷³ (goldwasher), "Grobschmiede oder Ziegelbrenner",⁷⁴ "gewöhnliche Kesselflicker", "Abdecker",⁷⁵ "bojaschen".⁷⁶ This may

⁶⁸ J.H.Schwicker, *op. cit.*, p. 113, 129.

⁶⁹ *Jile Romane. Volkslieder der Transilvanisch - Ungarischen Zigeuner*, Originaltexte Mit gegenüber stehenden Verdeutschungen von Dr. Hugo vom Meltzl, Sonder- Abdruck aus den Brassai-Meltzl-schen, Összehasonl. Irodalomtörténelmi Lapok, (Zeitschrift für vergleichende Litteratur) Bd . I, (1877) und II (1878), Klausenburg, p. 40, Heinrich von Wlisklocki, *Zur Volkskunde der transilvanischen Zigeuner*, Hamburg, 1887, p. 5.

⁷⁰ E. Witting, *op.cit.*, p. 98.

⁷¹ Erwin Wittstock, „Von den Zigeunern“, in *Klingsor*, 2 (1927), pp. 41-54, here p. 41.

⁷² Dr. Adolf D. Schullerus, *Siebenbürgische Volkskunde*, p. 224.

⁷³ J.L. Benigni, *Versuch über das Siebenbürgische Kostum*, I Heft, Hermannstadt, 1807, p. 13.

⁷⁴ „Der Stuhlricher“, in *Der Siebenburger Bote*, Nr. 211, 18 Oktober 1859, p. 848.

⁷⁵ E. Wittstock, *op. cit.*, p. 48, 51.

suggest already a commitment for some activities that would lately act also as identity markers of certain tribes within the larger group. The phenomenon can be accounted already from the 18th century at least in case of “Jambas” or “Goldwäscher”. Reproducing the regulating guilds’ discourse some ethnophaulism (“Grobschmiede” or “Kesselflicker”) are thought to insinuate the primitiveness of their occupations, as well as the secondary role they were tolerated to play in local economy.

This secondary economic role maintained them at the margins and in a perpetual state of poverty. These cognitive verdicts naturally lead to naissance of prejudiced perceptions with Gypsies embodying the role of social unworthy. This categorization came to be more socially relevant in legitimizing the exclusion from the alms distribution which already from premodern times operated in the spirit of rationality by refusing support to the outsiders, or so-called unworthy people. The matter came into actuality already from the 18th century when the magistrate of Hermannstadt/Sibiu legislated against further tolerance of Romanian and Gypsies beggars “Bettler” from the town⁷⁷. Among the measures this mention seems like the first proof of the process of discriminating between domestic and outsider beggars on the account of their ethnical origin that I have met for the chronologic segment explored. To suggest a considerable discontent with the begging of the Gypsies one author even called them „undankbare Taugenichts“.⁷⁸ Among others, “armen Parias”⁷⁹ is one of the most obvious ethnophaulistic formulation used to alternatively refer the Gypsies as an unworthy poor, by making use of a seemingly pleonastic construction. Appropriating a Gypsy term like “Purde” meaning “naked”, Saxons used it as an idiomatic construction meant to also encode the extreme poverty and cultural anomie of the generic Gypsy. Again ethophaulism reached at least symbolic degrading dimension when authors referred to the Gypsies “arme Wurm”⁸⁰ or „armseligen Würmern“⁸¹ or “Gewürm” confirming the

⁷⁶ *Ibidem*, p. 41.

⁷⁷ Friedrich Teutsch, „Instruktion des Hermannstädter Bettelvogts“, in *Korrespondenz des Vereins für siebenbürgische Landeskunde*, IV. Jahrgang, Hermannstadt, 15 December 1881, Nr. 12, pp. 140-141, here p. 140.

⁷⁸ „Sonne, Mond und Wind“, in *Der Siebenburgischer Hausfreund*, 1853, p. 100.

⁷⁹ A. K., „Kronstadt“, in *Sattelit des Siebenbürger Wochenblatt*, Kronstadt, Nr. 84, 19 Oktober 1843, p. 364.

⁸⁰ „Zigeuner in Paris“, in *Siebenbürgisch - Deutsches Tageblatt*, Nr 1723, 21 august 1879, p. 807.

animalizing propensity of ethnophaulisms. (Semi)sedentary Gypsies called "Kolibaschen"⁸² not only testified about a sub-category subjectively distinguished by **Wittstock** but also informed about the extreme poverty and primitiveness of their household which appears to be reinforced constantly in the discourse about Gypsies.

As well known, "Paria" term had a bookish origin coined by Heinrich M. G. **Grellmann's** influential synthesis⁸³ where he sententiously first categorized the Gypsies on the lowest and infamous place within the Indian caste system. The cultural and social construction of the Gypsies subsequent to **Grellmann's** book finally branded the Gypsies as eternal deviants particularly thanks to the role he played in racialistically essentializing cultural traits and the support he frankly displayed for the enlightened assimilationist measures. But criminalization gained more terrain during the 19th century and the 20th century in the national building process. Without necessary traversing such stately experiences, the language of the central and Western productions appealed to the Saxons too, as modernity called for new identity affiliations. The already mentioned double fidelity of the Saxons and particularly their filo – Prussian feelings augmented for the transfer of paradigms and colocations. Clearly, endogenous reactions to Josephinist reforms discussed in later diets (*Landtag*) may not be neglected for the new criminalizing attitude and appellative formulations.

High spatial mobility predisposed to suppositions and formulations of the kind. Accordingly, **Wittstock** calls them "durchtriebener Gauner".⁸⁴ Spatial dislocation and adverse relations with the law is suggested by the formulations like "eländer Kär",⁸⁵ "verflachter Kär",⁸⁶ zerdränglicher

⁸¹ „Sonne, Mond und Wind“, in *Der Siebenburgischer Hausfreund*, 1853, p. 101.

⁸² E. Wittstock, *op. cit.*, p. 41.

⁸³ See: Heinrich M. G. von Grellmann, *Die Zigeuner: Ein historischer Versuch über die Lebensart und Verfassung, Sitten und Schicksale dieses Volkes in Europa, nebst ihrem Ursprung*, Zweite Auflage, Göttingen, 1787. The book was first published in 1783, but I extendedly worked on its second edition.

⁸⁴ E. Wittstock, *op. cit.*, p. 51.

⁸⁵ Adolf Schullerus, *Geschichte vom Tschirpick uch ander lastich Zegunemeeren*, Hämerstadt, 1928, p. 58.

⁸⁶ *Ibidem*, p. 57.

Kärl.⁸⁷ As already demonstrated the semantic of “Kerl” bore already from early modernity juridical value destined to sanction criminal offences.⁸⁸ When a colocation like “Landplage”⁸⁹ was used it made reference to the local disturbances Gypsies’ lifestyle was credited to generate confirming a very long tradition going back to early modern times. The final step of explicit racist views is progressively reached in colocations of the type “braunen Gaunergesicht”,⁹⁰ which explicitly expressed a contemporary criminological view.

The permanent reference in distinguishing a generic Gypsy remained the “visible ethnicity”⁹¹ or the racial characteristics. “Braune” in association with other words like “nomad”, “Gesellen”, has already mentioned and clearly referred to phenotype peculiarities. If some undertones a certain dimension of otherness like marginality and irreligiousness (“braunen Söhne und Töchter der waldumkränzten transilvanischen Heide”),⁹² others insist on primeval nature (“Schwarzbraunen Kindervolk”),⁹³ while “braunen Horden”⁹⁴ were to suggest insecurity they might embody. Ethnophaulisms also mentioned obvious exotic physical traits thus resulting disparaging formulations with hair as central reference: “der schwarzlockigen Mitbewohner”.⁹⁵ Unequivocal naming like „schwarzes Volk”⁹⁶ assumed to be inherent to self-designation of some groups, as Schwicker showed, leaving no room for

⁸⁷ *Ibidem*, p. 53; Misch Orend, *Schnurren und Späße aus Siebenbürgen*, Hermannstadt, 1942, p. 59.

⁸⁸ Christoph Freese, *Zur Geschichte und Gegenwart der Zigeuner und Landfahrer in Deutschland. Versuch einer subkulturtheoretischen Erklärung*, Phd Theses, Friederich Alfred Universität Erlangen-Nürnberg, 1980, p. 53.

⁸⁹ „Die Zigeuner. Eine Kulturskizze”, in *Siebenbürgisch – Deutsches Tagesblatt*, Nr. 4283, 12 januar 1888, p. 6.

⁹⁰ „Ein lustiges Zigeunerstückchen”, in *Der Siebenbürgische Volksfreund. Ein Sonntagblatt für Stadt und Land*, Nr. 16, 21 April 1895, Kronstadt, p. 124.

⁹¹ Eric J. Hobsbawm, *Nations and nationalism since 1780: programme, myth, reality*, Cambridge/New York: Cambridge University Press, 2004, p. 66.

⁹² H. von Wlislöcki, *op. cit.*, p. 365.

⁹³ „Sonne, Mond und Wind”, in *Der Siebenbürgischer Hausfreund*, 1853, p. 100.

⁹⁴ H. von Wlislöcki, *op. cit.*, p. 29.

⁹⁵ E. Witting, *op. cit.*, p. 303.

⁹⁶ J. H. Schwicker, *op. cit.*, p. 5.

other comments. "Redselige Braunen"⁹⁷ sees the phenotype substantiated and successfully replacing the exonym. Introducing the formula "braunnen Leute daheim",⁹⁸ in the same volume **Schwicker** attenuated at least the territorial externality but continued to mention phenotype as identity marker, as an instrument in differentiating within the complex Transylvanian ethnical mosaic. Of special interest to me is the combination "braune Rome",⁹⁹ "schlaue Rome",¹⁰⁰ "schlaue Romsöhne"¹⁰¹ or "braunen Söhne des Romvolkes".¹⁰² They have the power to show that the present day political correct ethnonym was not at all racism-free in the past. Simply by choosing the self-designation of the group was not unbiased, on the contrary, turned into a typical disparaging formulation.

Scornful feelings are conveyed by "arme Gesippe"¹⁰³ which suggest the perpetual maintenance and perpetuation of sub-humanity presumably embedded in their species or clan. With remarks of the kind "Zigeunerwesen ist Rassentum"¹⁰⁴ things seemed to be definitively locked in ambiguous racial category thinking, the most elaborate and elitist expression of it in an derogatory formulation being "Polypenarme"¹⁰⁵ implying belongingness to an unintelligent inferior race.

Despite all this repertory of ethnic insulting codifications, racialization was not entirely contending and harshly charged. My assertion is being proven by the culturally redeeming attribution of an essentialized inclination to the arts, particularly the musical performances.¹⁰⁶ The synonymy between the ethnonym and the performance of music is certified by the remark: "Musikant und Zigeuner an vielen Orten identische Begriffe" or "jeden Musikanten kurzweg einen

⁹⁷ „Eine wahre Begebenheit, zur Kurzweil erzählt“, in *Der Siebenburgischer Hausfreund*, 1849, p. 137.

⁹⁸ J. H. Schwicker, *op. cit.*, p. 139.

⁹⁹ *Ibidem*, p. 74.

¹⁰⁰ *Ibidem*, p. 5.

¹⁰¹ *Ibidem*, p. 168.

¹⁰² *Ibidem*, p. 82.

¹⁰³E. Witting, *op. cit.*, p. 102.

¹⁰⁴ *Ibidem*.

¹⁰⁵ *Ibidem*, p. 99.

¹⁰⁶ Saul Nicholas, *Gypsies and Orientalism in German Literature and Anthropology of the Long Nineteenth Century*, London: Legenda, 2007, pp. 11, 13.

«Zigeuner» nennt”.¹⁰⁷ Double references experienced in the other connotative circumstances occur in corresponding formulas: “den braunen Söhnen mit der Fidel”¹⁰⁸ or the “braunen Cymbalschläger”.¹⁰⁹ These two disparaging formulations admit the existence of the stereotyped portrait. Moreover supplementary information mentioning their instruments (the cords) as music instrument of the poor people,¹¹⁰ strengthened their exoticism and oriental hetero-identity by adding up some phenotypical allusion to it.

Religious references were less various. Following a long pre-modern tradition, authors operate with standard formulations, Gypsies being projected outside Christianity by stressing an often equivocal paganism. Die “Heideleute”,¹¹¹ “Heidenvolk”,¹¹² “transsilvanischen Heide”¹¹³ are nothing else but sufficiently explicit. A step towards their open condemnation was reached by the use of collocations like “armen Sünder”.¹¹⁴ To suggest their hazardous otherness and even to legitimize negative discourses some went even further calling them „Erbfeindes christlichen Namens”.¹¹⁵ Monstrous and demonic embodiment of the Gypsies is finally expressed by the Babau,¹¹⁶ collocation which is relevant for the child stealing prejudice accusation brought to the Gypsies for centuries, and which was nurtured by mythical narrations circulating in European Christian milieu.

Gender references could not miss from among the generous epithetic constructions. Some referred to their magic practices naming them

¹⁰⁷ J.H. Schwicker, *op. cit.*, p. 168.

¹⁰⁸ *Ibidem*.

¹⁰⁹ „Eine Nachahmerin der Prinzessin Chimay“, in *Der Siebenbürger Bote*, Nr. 90, 7 mai 1860, p. 360.

¹¹⁰ Helmut Brenner, *Versuch einer Theorie der politischen Verwendung von Musik* [www.uibk.ac.at/peacestudies/downloads/.../musiktheorie.pdf], 25 September 2010, p. 246.

¹¹¹ O. Glaubrecht (Rudolf Öser), *op. cit.*, p. 131.

¹¹² *Ibidem*, p. 132.

¹¹³ H. von Wlislöcki, *op. cit.*, p. 365.

¹¹⁴ Dr. Richard Schuller, *Alt-Schäßburg. Kulturhistorische Skizze*, Zweite erweiterte Auflage von Karl Seraphin, Schäßburg, 1906, p. 24.

¹¹⁵ J. H. Schwicker, *op. cit.*, p. 33.

¹¹⁶ Fr. Fr. Fronius, *Bilder aus dem sächsischen Bauernleben in Siebenbürgen. Ein Beitrag zur deutschen Culturgeschichte*, Wien 1879, p. 34.

“Prophetin”¹¹⁷ or “egyptische Seherin”¹¹⁸ and customary culturally associative projection of Egypt as the homeland of magic arts which is deeply rooted in biblical discourse overtook and reproduces insatiably. Nonetheless, Egyptian lineage seemed to be reserved to some of the most deviant and marginal of the groups. Hence “Aegipten oder Lumpenzigeuner”¹¹⁹ or “Aegypter oder Vagabunden”,¹²⁰ correspondingly lacking even a tent determined Transylvanian Saxons to perceive them as the most abject subcategory. Other gender relevant disparaging modalities were: “Tochter Egyptiens”¹²¹ or “Töchter der Wanderhorden”¹²² recalling and bad reputed nomadism.

As social psychologist have shown an entirely recurrent ethnophaulist constructions found inspiration in the onomastic register of the target group.¹²³ “Der Dade”¹²⁴ borrowed from the Gypsy idiom was coined to show an age difference, more precisely the undisputed paternalistic despotic role of the male. It later appears in folkloric collections initiated by **Haltrich** in a modified “arme Dodo”¹²⁵ and later in the Saxon culture became productive as a nominal substantive like “Doditzi”.

Conclusion

A type of hate-speech in its different variants was cultivated by any group toward another being inherent to the interaction processes. It allocates attributes confirming cultural predominantly negative stereotypes in order to make sure that Otherness will not infiltrate or vitiate the ongoing reiteration of the ethnic, national or social group coherence. In my

¹¹⁷ „Die Zigeunerin“, in *Blätter für Geist, Gemuth und Vaterlandskunde*, Nr. 7, Montag den 13 Februar 1843, p. 50.

¹¹⁸ *Ibidem*, p. 52.

¹¹⁹ J.L. Benigni, *op. cit.*, p. 4.

¹²⁰ L. J. Marienburg, *op. cit.*, p. 69, 79.

¹²¹ „Der Stuhlrichter“, in *Der Siebenbürger Bote*, Nr. 211, 18 Oktober 1859, p. 848.

¹²² J. H. Schwicker, *op. cit.*, p. 108.

¹²³ B. Mullen/T. Leader, “Linguistic Factors”, p. 198.

¹²⁴ H. Zillich, „Der Zigeuner“, p. 19, 25.

¹²⁵ J. Haltrich, *Zur Volkskunde der Siebenbürger Sachsen. Kleinere Schriften*, in *Neuere Bearbeitung* herausgegeben von J Wolff, Wien 1885, p. 118.

survey, I indicated how problematic some concepts came to be with the advance of identity politics and warned of the unexpected turn outs some concepts (in particular exonyms) reached during political self-assertive struggles. On the other hand, I showed the potential of alternative usage of concepts originally dealt with by social –psychologist and show how seminal, at least conceptually if not also epistemologically, they may be in the new discourses of a pluralistic cultural history.

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LA SÉCULARISATION DANS LE DISCOURS PUBLIC DE L'ÉGLISE
ORTHODOXE ROUMAINE SUR L'INTÉGRATION DE LA
ROUMANIE DANS L'UNION EUROPÉENNE

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Title in English:

The secularization in the Romanian Orthodox Church public discourse about Romania's integration into the European Union

Abstract

The present article intends to deal with the manner in which a religious actor, the Romanian Orthodox Church elaborates and reproduces its public discourse about the European integration. Due to space restrictions, the aim of this research is not to cover the entire subject, but a specific topic: the secularization and its linkage to the European integration. I believe secularization can be used as an "excuse" to decompose two dimensions of the Romanian Orthodox Church public voice: the discourse about the self and about the others.

Keywords: Romanian Orthodox Church, secularization, European Union, discourse analysis, post-communism.

La théorie classique de la sécularisation avait souligné une relation incommode ou même contradictoire entre la religion et la modernité, qui a déterminé, selon certains auteurs, « l'omission volontaire » de la religion comme dimension significative dans l'analyse des relations internationales. Néanmoins, une quantité considérable d'études ont plaidé pour la besoin de nuancer, (re)formuler, (re)structurer la théorie classique, en proposant

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en même temps la « restauration » de la religion comme partie composante des paradigmes des relations internationales.¹

La littérature qui s'occupe de la présence de l'Église Orthodoxe Roumaine (ÉOR) dans l'espace public post-communiste a comme caractéristiques : la précarité des travaux de synthèse qui peuvent identifier la dynamique des évolutions connues par l'ÉOR comme institution après 1989², la polarisation quelquefois excessive, avec des effets nuisibles sur les résultats constructives d'un éventuel « débat »,³ le recouvrement déficitaire de certains sujets comme la religiosité de la société roumaine, la doctrine/« théologie sociale »,⁴ l'œcuménisme.⁵ La position de l'ÉOR concernant les évolutions sociales, politiques et culturelles liées à l'adhésion et l'intégration européenne de la Roumanie occupe une place marginale parmi les sujets préférés des chercheurs laïques. Lavinia Stan et Lucian Turcescu proposent comme élément définitoire « la division générationnelle » entre les « conservateurs » et les « réformateurs » de l'hierarchie,⁶ pendant que Gabriel Andreescu identifie dans le « fondamentalisme » de l'institution le principal obstacle pour un « rôle

¹ Voir par exemple Shmuel Sandler, Jonathan Fox, *Bringing Religion into International Relations*, New York : Palgrave Macmillan, 2004, pp. 9-30 et *Religion in International Relations. The Return from Exile*, Fabio Petito, Pavlos Hatzopoulos (ed.), New York : Palgrave Macmillan, 2003, particulièrement les études signées par Scott M. Thomas, "Taking Religious and Cultural Pluralism Seriously: The Global Resurgence of Religion and the Transformation of International Society", pp. 21-46 et par Vendulka Kubálková, "Toward an International Political Theology", pp. 79-103.

² Des exceptions sont Lavinia Stan, Lucian Turcescu, *Religion and Politics in Post-Communist Romania*, New York: Oxford University Press, 2007 (mais, selon moi, dans ce cas, les résultats de la recherche souffrent, sur certains points, de la manque des nuances) et particulièrement Iuliana Conovici, *Ortodoxia în România postcomunistă. Reconstrucția unei identități publice*, Cluj-Napoca: Eikon, 2009.

³ Voir la tonalité des études comme Gabriel Andreescu, "Spre crearea unui stat ortodox roman?", [<http://www.humanism.ro/articles.php?page=15&article=24>], 12 août 2007.

⁴ Voir pourtant des efforts comme *Gândirea socială a Bisericii. Fundamente — documente — analize — perspective*, Ioan Ică jr., Germano Marani (ed.), Sibiu : Deisis, 2002, et Radu Preda, *Semnele vremii. Lecturi social-teologice*, Cluj-Napoca: Eikon, 2008.

⁵ Qui reste un sujet intéressant seulement pour les clercs et/ou les théologiens et presque jamais pour les chercheurs laïques, partiellement explicable par le fait qu'on le perçoit comme un aspect de la dogme, et omet ses implications sociales.

⁶ Lavinia Stan, Lucian Turcescu, *op. cit.*, p. 208.

positif » de l'ÉOR dans l'intégration européenne.⁷ Sur l'autre versant on trouve les études qui essaient atténuer « l'euro - scepticisme »⁸ dont parlent les auteurs mentionnés ci-dessus.

La relation entre modernité et religiosité dans la société roumaine n'est sérieusement traitée que vers la deuxième moitié des années 2000. Surtout, la quantité réduite d'études, soit-elles philosophiques, historiques ou sociologiques, manque une cohérence même interdisciplinaire qui rendre difficile la coagulation d'un éventuel débat.⁹

On se propose dans les pages suivantes à présenter la manière dans laquelle un acteur religieux, l'ÉOR construit son discours concernant un thème sur lequel se sont exprimé pendant la période post-communiste bien des voix de l'espace public : l'intégration de la Roumanie dans l'Union européenne. Toutefois, la démarche n'aspire pas à couvrir tous les aspects du discours public de l'ÉOR concernant le thème mentionné, mais une partie bien délimitée : la sécularisation.¹⁰ Sans absolutiser l'importance du sujet choisi pour le déchiffrement de la position plus large de l'ÉOR sur l'intégration,¹¹ je le considère le plus approprié à prendre comme point de départ pour deux raisons : il s'agit de la contribution qu'il a, d'une part sur

⁷ Gabriel Andreescu, "Biserica Ortodoxă Română ca actor al integrării europene", Novembre 2002, [<http://www.constiinta-critica.ro/upload/documente/doc78.pdf>], 20 Octobre 2008.

⁸ Radu Carp, „Stat, Biserică, cetățean în căutarea unui model european al religiilor”, în *Pentru un creștinism al noii Europe*, București: Humanitas, 2007; Radu Preda, „Teologia socială ortodoxă în contextul european actual. Contribuția răsăriteană la o cultură a valorilor”, *EuRoOrthodox. Buletinul Reprezentanței BOR pe lângă instituțiile europene*, no. 1, 2007, pp. 13-19, [<http://reprezentanta.typepad.fr/euroortodox/n-1-septembrie-2007.html>], 5 Mai 2009 et Iuliana Conovici, *op. cit.*, pp. 455-465.

⁹ Voir par exemple dans la littérature sociologique des études qui restent néanmoins isolées : Dan Dungaciu, "Alternative modernities in Europe. Modernity, Religion and Secularization in South-Eastern Europe: the Romanian Case", Max Planck Institute for Social Anthropology, Working Paper no. 68, [<http://www.eth.mpg.de/>], 2 Avril 2009; Sorin Gog, "The construction of the religious space in post-socialist Romania", *Journal for the Study of Religions and Ideologies*, no.15, Winter 2006 et "Individualizarea experienței religioase și erodarea funcțiilor eclesiale în România postsocialistă", *Romanian Political Science Review*, vol VII, no. 3, 2007; Mălina Voicu, *România religioasă. Pe valul European sau în urma lui?*, Iași: Institutul European, 2007.

¹⁰ Les autres composantes thématiques du discours (le pluralisme religieux et la liberté religieuse, l'œcuménisme etc) font l'objet d'étude d'une recherche plus large qui est en train d'être finie.

¹¹ On verra en bas que la sécularisation n'est jamais le thème central du discours.

la (auto)définition de l'institution religieuse et de son rôle dans l'espace public, et d'autre part sur la description de ce qu'on appelle « les autres », c'est-à-dire les voix concurrents de l'espace public (les acteurs religieux et/ou non-religieux).

Comme hypothèse de travail j'essayerai de vérifier si le discours public de l'ÉOR emploie un des éléments fréquemment utilisés par les chercheurs occidentaux pour expliquer les différences en ce qui concerne la religiosité de deux parties du continent européen : le clivage, soit-il culturel,¹² socio - économique, socio - politique ou en ce qui concerne la relation Etat - Église.¹³ Mon analyse sera centrée sur la décomposition du clivage socio-économique dans le discours de l'ÉOR concernant la sécularisation.

La méthode d'investigation sur laquelle j'appuie mon étude c'est l'analyse de discours ayant comme point de départ en ce qui concerne la vision et les concepts les idées de l'école française d'analyse de discours.¹⁴ Les concepts qui ont un rôle organisateur dans ma recherche proposent une de - composition de ce qu'on appelle dans la littérature « la scène énonciative », c'est-à-dire une unité spatiale, temporelle ou thématique de

¹² Pour l'illustration des formes prises par le clivage culturel voir pour le cas de la littérature sociologique par exemple Miklós Tomka, "Is Conventional Sociology of Religion Able to Deal with Differences between Eastern and Western European Developments?", in *Social Compass*, vol. 53, no. 2, 2006.

¹³ Pour une description plus ample de ces matrices d'explication (« explanation patterns ») voir Detlef Pollack, Gert Pickel, "The Vitality of Religion-Church Integration in Eastern and Western Europe in Comparison", Frankfurt Institute for Transformation Studies, Europa-Universität Viadrina, Discussion Papers, no. 13/00.

¹⁴ Pour une synthèse en ce qui concerne les courants/les écoles de l'analyse de discours voir Răzvan Enache, *Structura ficțiunilor comunitare. Tradițional și modern în discursul politic românesc interbelic*, Cluj-Napoca: Casa Cărții de Știință, 2007, pp. 125-153 et le premier chapitre de Călin Morar-Vulcu, *Republica își făurește oamenii. Construcția identităților politice în discursul oficial din România, 1948-1965*, Cluj-Napoca: Eikon, 2007, pp. 18-90; voir aussi, par exemple l'affirmation faite par Michel Foucault pendant une conférence inaugurale à Collège de France en 1970 : « le discours (...) n'est seulement celui qui traduit les luttes (...), mais celui pour lequel et par lequel on lutte », Michel Foucault, *Ordinea discursului. Un discurs despre discurs*, București: Eurosong & Book, 1998, p. 16, que je prendrai comme « devise méthodologique ».

la prononciation/publication du discours:¹⁵ la relation locuteur¹⁶ – communauté discursive,¹⁷ la chronographie et la topographie discursives.¹⁸

Comme sources principales j'ai utilisé la revue officielle de la Patriarchie Roumaine, *Biserica Ortodoxă Română* (L'Église Orthodoxe Roumaine), le journal *Lumina* (La Lumière), les revues officielles des certaines centres métropolitaines.

Bien qu'il existent des voix (locuteurs) qui ont des positions différentes par comparaison au « noyau dur » du discours de l'ÉOR, on ne peut pas parler de dissidences ou de contradictions mais plutôt des nuances parce que les différences n'ont pas un effet d'érosion sur la consistance de la communauté comme émettrice/créatrice du discours. Malgré que j'emploie les syntagmes « discours officiel » et « discours individuel » presque toujours les textes de la deuxième catégorie sont que des variantes atténués ou exagérés de la première. On peut trouver une possible explication de la manque des dissidences dans la manière de structuration interne de l'autorité et implicitement dans l'existence des canons qui organisent en même temps le message et les relations intracommunautaires.¹⁹ Ainsi, le locuteur qui reconnaît une relation d'identification avec l'orthodoxie accepte implicitement l'identification avec les dogmes; il s'agit donc pour la variété intracommunautaire du discours d'un modèle central et des répliques qui reproduisent l'original.

En ce qui concerne les locuteurs choisis pour l'analyse j'ai utilisé comme critères la position d'autorité dans la communauté discursive, la

¹⁵ ici la scène énonciative est représentée par une unité thématique : la sécularisation.

¹⁶ celui qui prononce/écrit le discours.

¹⁷ Voir par exemple une définition de la communauté discursive chez Dominique Maingueneau, *Nouvelles tendances en analyse du discours*, Hachette, 1987, *apud* Răzvan Enache, *op. cit.*, p.148 : « l'ensemble de ceux qui produisent, mettent en circulation le discours, se réunissent pour lui, s'y reconnaissent » ; ici la communauté discursive est représentée par l'ÉOR.

¹⁸ les coordonnées spatiales et temporelles du discours.

¹⁹ Voir par exemple *Statutul pentru organizarea și funcționarea Bisericii Ortodoxe Române*, "Dispoziții generale", art. 2 (2) « L'Église Orthodoxe Roumaine est autocéphale et **unitaire** en ce qui concerne sa organisation et son activité pastorale – missionnaire et administrative » et art. 3 (1) « L'Église Orthodoxe Roumaine a une direction synodale **hiérarchique** conformément à sa doctrine et aux canons de l'Église Orthodoxe et à sa tradition historique » (ma traduction ; mes soulignements), [http://www.patriarhia.ro/upload/documente/statutul_bor.pdf], 3 Décembre 2009.

vocalité et la relevance du message, la permissivité du discours. Prenant comme point de départ l'organisation interne de l'ÉOR je considérerai « discours officiel » tout texte/déclaration qui appartient au Saint Synode de l'ÉOR²⁰ et aux patriarches²¹ de la période post-communiste. Pour illustrer certaines aspects des discours individuels je prendrai comme exemples les cas des prélats (Bartolomeu Anania, Nicolae Corneanu, Daniel Ciobotea) et des théologiens (Radu Preda, Dumitru Popescu, Nicolae Achimescu).

Sur les coordonnées chronographiques on peut distinguer trois périodes particulièrement liées à la fréquence mais aussi à l'intensité du sujet dans les prises de position publiques des représentants de l'ÉOR. Pendant la première partie des années 1990, la sécularisation n'a qu'une position marginale par comparaison au « prosélytisme des sectes » et aux relations tendues/incertaines avec l'Église Roumaine Unie (Greco - Catholique). La deuxième étape, sans avoir néanmoins une extension généralisée (il s'agit plutôt du discours de l'hierarchie et moins de celui des théologiens), comprend la fin des années 1990 jusqu'à l'adhésion de la Roumanie à l'Union européenne et on peut la caractériser par la tendance de « métonimiser » la réalité par le discours. La dernière étape, les premières années post-adhésion, présente la sécularisation comme thème décor et jamais avec de centralité.

Du point de vu de la topographie, les classifications ne fonctionnent, c'est-à-dire il n'existent pas de différences significatives parmi les locuteurs selon le lieu d'émission du discours. La dimension spatiale reste toutefois importante par le rôle de métaphore organisatrice du message. Il s'agit de la construction et de la conservation par le discours d'une topographie fondée sur le clivage Europe – Roumanie.

En utilisant comme méthode d'analyse l'approche comparative on peut observer, dans le graphique annexé, la fréquence pendant les années 1990-1995, dans la revue officielle de la Patriarchie Roumaine (*Biserica Ortodoxă Română*) de trois thèmes : les relations entre l'ÉOR et l'ÉRU, le prosélytisme des sectes et la sécularisation. On peut observer le fait que les deux premières thèmes présentent une tendance décroissante vers la fin de

²⁰ Conformément au *Statutul de organizare și funcționare al Bisericii Ortodoxe Române*, art. 14 (e) et (i), « Le Saint Synode exprime la position officielle de l'ÉOR ... ».

²¹ Conformément au *Statutul de organizare și funcționare al Bisericii Ortodoxe Române*, art.26 (c, d, e, f) Le Patriarce représente l'ÉOR.

la période analysée, pendant que la sécularisation connaît une situation inverse, restant toujours réduite du point de vue quantitative et qualitative par comparaison au sujet des relations ÉOR – ÉRU. Le rapport disproportionné entre les thèmes peut être expliqué par l'évocation du contexte socio – politique qui a caractérisé la première partie de la période de transition post – communiste, lié sans doute à la manière dans laquelle la communauté discursive avait perçu ses effets sur l'ÉOR. Il s'agit en effet d'un effort de « mesurer »/ « évaluer » le niveau d'insécurité impliqué par les situations que chaque thème décrit; c'est-à-dire l'apparition dans le paysage religieux roumain des nouveaux acteurs et la légalisation de l'ÉRU sont des aspects plus pressantes que la sécularisation de la société qui reste (dans le discours de l'ÉOR) pour la période 1990-1995 un phénomène spécifique de l'Europe Occidentale.²² On peut faire ainsi une analogie avec le discours sociologique occidental sur la sécularisation. Detlef Pollack et Gert Pickel (les auteurs que j'ai pris comme exemples) expliquent la religiosité élevée de certaines sociétés de l'Europe de l'Est en appelant la manque des conditions socio-économique déterminantes pour l'évolution de la sécularisation dans l'Europe Occidentale.²³ La question de la validité des affirmations des auteurs mentionnés n'est pas le but de mon analyse, qui les emploie seulement pour définir le concept opérationnel de « clivage socio-économique ». En ce qui concerne la communauté discursive l'ÉOR, l'explication du clivage appelle les mêmes arguments : la société roumaine n'accomplit pas les conditions pour la sécularisation, un phénomène associé avec des éléments spécifiques de la société occidentale comme « le progrès et la modernité », « la prospérité ».²⁴

Le discours de l'ÉOR sur la sécularisation pendant la première partie des années 1990 utilise une comparaison entre les images de deux

²² Voir, par exemple, Răzvan Novacovschi, "Participarea delegației Bisericii Ortodoxe Române la a zecea Adunare Generală a Conferinței Bisericii Europene", *Biserica Ortodoxă Română*, București: Institutul Biblic și de Misiune al Bisericii Ortodoxe Române, no. 11-12, 1992, p. 111.

²³ Detlef Pollack, Gert Pickel, *art. cit.*, p. 5.

²⁴ voir "Hristos – Calea, Adevărul și Viața. Pastorală a Prea Fericitului Părinte Patriarh Teoctist adresată clerului și credincioșilor, cu prilejul Sfințelor Sărbători ale Nașterii Domnului", *BOR*, no. 7-12, 1994, p. 5 și "Pastorală Prea Fericitului Părinte Patriarh Teoctist adresată credincioșilor cu prilejul Sărbătorii Învierii Domnului", *BOR*, no. 1-6, 1995, p. 7.

entités spatiales: l'Europe Occidentale et la Roumanie. Les deux images ne semblent pas être le résultat d'une construction volontaire, mais des perceptions des émetteurs du discours sur les réalités décrites, c'est-à-dire il s'agit des constructions involontaires. Mais sans tenir compte de facteurs responsables pour la construction des représentations, les effets restent les mêmes: l'étiquetage et, dérivée de cela, la construction des clichés.

Par l'étiquetage je comprend une forme/un mécanisme de décrire la réalité, qui n'établit pas un rapport de dépendance avec cela, mais qui implique un effort d'assumer des éléments réels et de les (re)assembler selon l'utilité réservée aux résultats. De la même manière, je considère la construction des clichés une action de combiner les étiquettes pour obtenir des images plus amples.

Dans le cas analysé on peut identifier deux étiquettes: « la société roumaine (encore) religieuse » et « la société occidentale sécularisée », réunies dans un cliché superposé sur le clivage susmentionné. Il s'agit donc d'un message d'avertissement sur le danger qui peut représenter pour la religiosité roumaine le contact avec les éléments de la société occidentale. L'enjeu n'est seulement l'avertissement, mais de manière complémentaire, la création d'un espace de sécurité pour le croyant: la communauté orthodoxe devient une alternative possible pour le modèle de société proposée par l'Occident.²⁵

La perception du discours compte, sans doute, sur la légitimité que le destinataire discursif reconnaît à l'émetteur. En ce qui concerne l'ÉOR, la question de la légitimité peut être liée au niveau élevé de confiance que les Roumains déclarent relatif à l'institution de l'Église.²⁶ En même temps le sujet doit être analysé en corrélation avec les deux autres thèmes qui ont fait l'objet de la comparaison proposée par le graphique annexé: la

²⁵ voir par exemple les syntagmes employées pour caractériser le monde sécularisé: "crise", „(la famille) frappée", „inquiétantes", „échoué", „la mort", „la maladie de la post-modernité", „la maladie de la sécularisation", „les dangers", „le dommage", „la suppression", „le pervertissement", „le mal", „le risque", „la gravité", „désespérés", „traumatisés", „marginalisés", opposée à l'action de l'Église: „qui protège", „l'Église n'abandonne pas", „le devoir sacré", „l'exorcisme", „la purification", „la transfiguration", „reprenre l'équilibre perdu" etc.

²⁶ *Barometrul de opinie publică. Octombrie 2007*, (Gabriel Bădescu, Mircea Comşa, Dumitru Sandu, Manuela Stănculescu), Fundația Soros România, [http://www.osf.ro/ro/program_articol.php?articol=107], 20 Juin 2009.

libéralisation du marché religieux et la sécularisation représentent pour la communauté discursive des potentiels facteurs avec un effet d'érosion sur la légitimité.

La deuxième étape connue par l'évolution du discours de l'ÉOR sur la sécularisation est caractérisée par la tendance d'employer la métonymie, c'est-à-dire de remplacer le concept de « sécularisation » avec des expressions qui désignent les effets et pas le processus. Le locuteur que j'ai choisi pour l'exemplification est en ce cas le patriarche Teoctist. Comme sources j'ai utilisé principalement les lettres pastorales de la dernière période de son patriarcat, 1996-2007.

Généralement, les expressions employées par le locuteur analysé varient entre la désignation d'un ou plusieurs effets et l'utilisation des syntagmes qui expriment une relation de synonymie avec le contenu du concept de sécularisation.²⁷

La fonctionnalité de la métonymie couvre deux possible significations : d'une part a le rôle d'augmenter le niveau d'expressivité du discours, et d'autre part de fixer une certaine vision sur le contenu du concept remplacé (« la sécularisation »).

La nécessité d'augmenter l'expressivité du discours est déterminée par le type de destinataire discursif ; l'utilisation du concept sans au moins le doubler avec des syntagmes qui le traduisent n'accomplit pas le but du

²⁷ voir par exemple « des idées éloignées de l'esprit de notre peuple (neam) », « le péché contre la nature », "Pastorală la Nașterea Domnului", BOR, no. 1-6, 1996, p. 5 ; « la déconcertante transformation de notre société », « la crise morale et spirituelle », "Biserica strămoșească, cea care ne-a asigurat dăinuirea, demnitatea și unitatea de neam. Cuvântare a Prea Fericitului Părinte Patriarh Teoctist, 1 decembrie 1996", BOR, no. 7-12, 1996, p. 258; « l'immoralité », « le péché contre la nature », « l'infanticide », « le glissement dans l'enfer des drogues », « l'alcoolisme », « le mépris contre les valeurs essentielles que notre monde chrétien (...) les avait cultivées pendant des siècles », « les défaites et les luttes de notre société », "Pastorală la Sărbătoarea Învierii Domnului, 2001", [<http://www.patriarh.ro/Teoctist/pastorale.php>], 23 Mai 2010; « l'absence des valeurs essentielles de la vie, de la famille », « l'absence de morale dans la société », "Pastorală la Praznicul Nașterii Domnului, 2002", [<http://www.patriarh.ro/Teoctist/pastorale.php>], 23 Mai 2010; « une quête dégradante des plaisirs passagers », « des tâches et des souffles de la mort spirituelle », "Pastorală la Sărbătoarea Nașterii Domnului, 2006", [<http://www.patriarh.ro/Teoctist/pastorale.php>], 23 Mai 2010; « l'esclavage des péchés », « les drogues », "Pastorală la Sărbătoarea Învierii Domnului, 2007", [<http://www.patriarh.ro/Teoctist/pastorale.php>], 23 Mai 2010.

discours, qui reste le même : l'avertissement des croyants sur le danger de la sécularisation/occidentalisation.²⁸ La traduction devient obligatoire parce que pour la plupart des récepteurs le concept de « sécularisation » ne dit presque rien. C'est-à-dire, les métonymies ont la fonction de créer dans la structure mentale du destinataire discursif des ancres pour attacher des certaines significations du concept.

Un autre effet de l'instrument sémantique décrit est celui de disséminer et de fixer une certaine vision sur les termes « traduits ». Ainsi, la sécularisation est assimilée par le destinataire discursif seulement dans la forme donnée par le locuteur/ « traducteur » ; il s'agit donc d'un effort d'éviter la liberté de perception et assimilation du concept. Plus, l'association jusqu'au remplacement de la sécularisation avec des certaines expressions entraîne finalement la construction des étiquettes : la sécularisation est « la déconcertante transformation de notre société ». De la même manière, revient le sujet de la légitimité : l'ÉOR assume le rôle d'autorité capable à établir ce que et comment est la sécularisation.

La dernière étape identifiée dans l'évolution du discours de l'ÉOR est caractérisée par la tendance d'utiliser le thème de la sécularisation comme leitmotiv. On peut observer cette caractéristique particulièrement dans les prises de position du patriarche Daniel, non seulement pendant son patriarcat mais aussi antérieurement.²⁹ Le thème n'a pas une position

²⁸ "Europenizare fără reîncreștinare?", *BOR*, no. 5-6, 1990, p. 57; Valeriu C. Neșțian, „Dimensiunea creștină a destinului nostru”, *Candela Moldovei*, no. 9-10, 1992, p. 7; Bartolomeu Anania, "România și Europa", *BOR*, no. 7-12, 1998, pp. 77-81; Ioachim Băcăuanul, „La Ziua Națională a României”, *Candela Moldovei*, tome X, no. 12, 2001, p. 15; Ioan Bizău, *Viața în Hristos și maladia secularizării*, Cluj-Napoca: Patmos, 2002; "Conferința pastoral-misionară: BOR și integrarea europeană. Exigențe, probleme și perspective", *Candela Moldovei*, tome XV, no. 8-9, 2006, pp. 10-17; Dumitru Popescu, "Misiunea Bisericii într-o lume secularizată", [<http://www.crestinortodox.ro/editoriale/misiunea-bisericii-intr-lume-secularizata-70068.html>], 5 Janvier 2010.

²⁹ Daniel, Mitropolitul Moldovei și Bucovinei, "Mărturie frățească într-o lume fragmentată", *Candela Moldovei. Buletinul Oficial al Mitropoliei Moldovei și Bucovinei*, Iași, tome X, no. 1, 2001; Daniel, Mitropolitul Moldovei și Bucovinei, "Familia creștină – speranța României", *Candela Moldovei*, tome X, no. 9, 2001, pp. 20-21; Daniel, Mitropolitul Moldovei și Bucovinei, "Teologia patristică – o teologie pastorală și misionară", *Candela Moldovei*, tome XI, no. 12, 2002, pp. 4-5; "Rădăcinile Europei sunt creștine. Interviu cu ÎPS Daniel, Mitropolitul Moldovei și Bucovinei", *Candela Moldovei*, tome XII, no. 5-6, 2003, p. 16; "Interviul acordat de ÎPS Daniel, Mitropolitul Moldovei și Bucovinei și Patriarhul ales al Bisericii Ortodoxe

centrale dans l'économie du discours, mais sa omniprésence quelle que soit le sujet abordé donne à la sécularisation le rôle de décor dans la scène énonciative. Les seules contextes où les thèmes centraux sont des éléments associés à la sécularisation sont les communiqués de l'ÉOR sur l'avortement, la prostitution, la homosexualité,³⁰ mais dans ce cas s'appliquent les questions déjà analysées concernant la fonction de la métonymie.

Au-delà du discours officiel on peut identifier des positions différentes en ce qui concerne l'intensité et la structuration. L'attitude du métropolitain Bartolomeu Anania marche sur les lignes générales du discours officiel, mais propose surtout par la tonalité une accentuation du clivage analysé pour la période 1990-1995: « la sécularisation est le produit spécifique de l'Europe déchristianisée » et « les standards européens contreviennent à la morale chrétienne et à la manière de vivre du peuple Roumain ». ³¹ Si les autres cas/textes cités suggèrent le clivage/l'incompatibilité entre la Roumanie et l'Europe Occidentale, le locuteur susmentionné l'emploie comme élément structurant pour le discours sur l'intégration de la Roumanie dans l'Union européenne. L'utilisation du clivage comme métaphore structurante du discours n'est pourtant singulière chez Bartolomeu Anania³², et a la fonction complémentaire d'invalider le cliché Huntingtonien de l'incompatibilité de l'Orthodoxie avec l'Occident :

Române domnului Remus Rădulescu pentru Radio România Actualități, 13 septembrie 2007", [<http://www.mitropolia.eu/ro/stiri/14/interviul-prea-fericitului-daniel.htm>], 10 Décembre 2009.

³⁰ "Poziția oficială a Sfântului Sinod al Bisericii Ortodoxe Române cu privire la avort și eutanasiere", *BOR*, no. 7-12, 2005, pp. 132-136; "Comunicat de presă nr. 1162/7.07.2005. Punctul de vedere oficial al Bisericii Ortodoxe Române privind avortul", *Candela Moldovei*, tome XIV, no. 7-9, 2005, pp. 12-13; "Dezincriminarea prostituției și a incestului degradează și umilește demnitatea persoanei și a familiei", *Ziarul Lumina*, 13 martie 2009, [<http://www.ziarullumina.ro/articole;840;1;20568;0;Dezincriminarea-prostitutiei-si-a-incestului-degradeaza-si-umileste-demnitatea-persoanei-si-a-familiei.html>], 14 Mars 2009; "Comunicat de presă: Biserica apără constant familia creștină", *Ziarul Lumina*, 25 mai 2009, [<http://www.ziarullumina.ro/articole;908;1;23546;0;Comunicat-de-presa-%3Cb%3EBiserica-apara-constant-familia-crestina%3C/b%3E.html>], 26 Mai 2009.

³¹ Bartolomeu Anania, "România și Europa", *BOR*, no. 7-12, 1998, pp. 77-81; Bartolomeu Anania, „România post-comunistă într-o Europă post-modernă”, [http://www.monitorulcj.ro/cms/site/m_cj/news/romania_post_comunista_intr_o_europa_post_moderna_80712.html], 29 Janvier 2010.

³² voir le cas du Teofil Tia, *Elemente de Pastorală misionară pentru o societate post-ideologică*, Alba Iulia: Reîntregirea, 2003.

l'Orthodoxie est la chance de l'Europe Occidentale à retrouver la vitalité chrétienne.³³

Vers l'autre « extrémité » on trouve l'attitude de métropolite Nicolae Corneanu, qui, malgré la reprise pendant la première partie des années 1990 du discours officiel, réussit à s'y distancer en reconnaissant l'imminence de la sécularisation pour la société Roumaine.³⁴

En reprenant les définitions « occidentales » de la sécularisation, le théologien Dumitru Popescu n'évite pas le cliché du discours officiel en établissant une connexion directe entre la sécularisation et l'intégration européenne.³⁵ Néanmoins, une différence entre le discours analysé (officiel) et celui des théologiens reste dans une meilleure théorisation du concept, grâce au contact avec la littérature occidentale. Un exemple est Nicolae Achimescu, qui dans ses articles du journal *Lumina* consacre bien des pages pour expliquer le phénomène de la sécularisation de l'espace occidental.³⁶ Ce qui manque reste l'application d'un diagnostic approprié pour la société Roumaine.

Par comparaison, le discours de l'Église Roumaine Unie, Greco – Catholique sur l'intégration de la Roumanie dans l'Union Européenne évoque la question du « sécularisme », mais sans lui donner la fonction d'illustrer le clivage entre l'Europe Occidentale et la Roumanie : la légalisation de l'avortement et du divorce est plutôt le signe d'une division entre les approches chrétienne et laïque dedans la société européenne

³³ Voir Teofil Tia, *op. cit.*, pp. 504-507, "L'Orthodoxie peut contribuer à la revitalisation du christianisme européen", "Nous avons d'une part l'Occident dans la mort clinique (...), et d'autre part l'Orthodoxie (...) qui propose le message intact de Dieu Vivant » ; dans ses textes Bartolomeu Anania utilise les déclarations du patriarche œcuménique qui marchent sur les mêmes idées; voir aussi Roberto Morozzo della Rocca, "L'Ortodossia Balcanica e l'Europa", in *Il fattore religioso nell'integrazione Europea*, Alfredo Canavero, Jean-Dominique Durand (eds.), Edizioni Unicopli, Milano, 1999, p. 87.

³⁴ voir les articles de *Învierea*, comme « Evaluări oportune », *Învierea*, tome II, no. 21, 1991, « Misiunea actuală a Ortodoxiei », *Învierea*, tome IV, no. 7, 1995, « Limitele sfințeniei », *Învierea*, tome VII, no. 11, 1996.

³⁵ Dumitru Popescu, "Misiunea Bisericii într-o lume secularizată", [<http://www.crestinortodox.ro/editoriale/misiunea-bisericii-intr-lume-secularizata-70068.html>], 5 Janvier 2010.

³⁶ voir particulièrement la section « Opinions » de la version électronique du journal *Lumina*; un autre exemple est l'article de Radu Preda, "Revenirea lui Dumnezeu. Ambiguitățile unui diagnostic", *Studii Teologice*, București, tome V, no. 1, 2009, pp. 103-125.

comme un ensemble, et pas entre l'Occident et la Roumanie.³⁷ Encore, dans le discours de l'ÉRU la multiplication du nombre des avortements et des divorces n'est toujours liée à l'intégration de la Roumanie dans l'UE, mais premièrement au post-communisme.³⁸ L'idée de la chance que la Roumanie peut représenter pour la revitalisation chrétienne de l'Europe Occidentale est présente aussi dans le discours public de l'ÉRU.³⁹

Pour conclure on peut affirmer que l'utilisation des clichés a bien des fonctions : avec une incidence sur le destinataire discursif (avertissement, la fixation du contenu du concept et implicitement la création de l'espace alternatif de sécurité, la consolidation de la légitimité), avec une incidence sur la communauté discursive (la question de l'autorité intracommunautaire), avec une incidence sur les communautés discursives concurrentes (l'invalidation partielle du cliché Huntingtonien, la consolidation de la légitimité par rapport aux autres voix de l'espace public).

On ne peut pas parler d'une stratégie discursive de l'ÉOR concernant la sécularisation. Les instruments sémantiques analysés (l'étiquette, le cliché et la métonymie) sont des solutions circonstanciées, situation explicable par l'importance réduite du sujet dans la structure du discours en ce qui concerne la dimension quantitative (la fréquence) et en même temps la dimension qualitative (la cohérence et l'argumentation bien articulée).

Une possible explication de la permanence du clivage et des argumentations qu'il entraîne est liée à l'affirmation de Michel Foucault sur la syntagme de « porteur de discours »,⁴⁰ c'est-à-dire le renversement des rôles entre le discours et l'émetteur/locuteur : c'est le discours qui fait l'action, pas l'individu. Les locuteurs sont eux-mêmes totalement persuadés de la validité du clivage, l'ont complètement intériorisé qu'ils sont au moins partiellement contrôlés/guidés par ses effets.

³⁷ Voir par exemple, Claudia Untaru, « Integrarea europeană în viziunea creștină », 9 Mai 2006, [<http://www.bru.ro/semnalari/integrarea-europeana-in-viziunea-crestina/>], 20.03.2010.

³⁸ Alexandru Mesian, "Relația între Biserică și Stat în Uniunea Europeană și în România", 10 Avril 2008, [<http://www.bru.ro/documente/relatia-intre-biserica-si-stat-in-ue-si-romania/>], 20.03.2010.

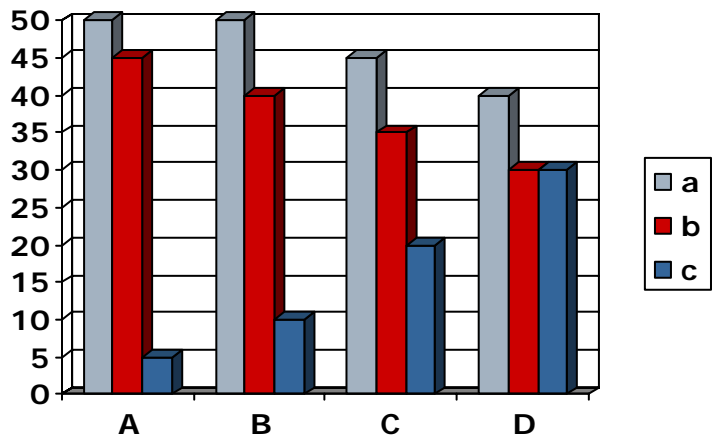
³⁹ Florentin Crihălmeanu, "Pastorală de Crăciun", 18 Decembrie 2006, [<http://www.bru.ro/documente/pastorală-de-crăciun-a-ps-florentin/>], 20.03.2010.

⁴⁰ Michel Foucault, *Cuvintele și lucrurile*, București: Univers, 1996, p. 351.

La sécularisation fonctionne dans le discours de l'ÉOR comme prétexte pour nuancer l'euro – optimisme qui a caractérisé l'attitude de la société Roumaine pendant la période analysée ; le sujet offre en même temps la possibilité de reprendre et sur certaines aspects de contrôler le débat concernant la position/le rôle de la Roumanie et de l'ÉOR dans l'Union européenne.

Annexes :

1. Graphique - la fréquence pendant les années 1990-1995, dans la revue officielle de la Patriarchie Roumaine (*L'Église Orthodoxe Roumaine*) de trois thèmes : les relations entre l'ÉOR et l'ÉRU, le prosélytisme des sectes et la sécularisation.



a – les relations entre l'ÉOR et l'ÉRU ; A-1990 ;
 b – le prosélytisme des sectes ; B-1991-1992 ;
 c – la sécularisation ; C-1993-1994 ;
 D – 1995.

2. Extraites des textes analysés :

« Il est douloureux que pendant ce fin de siècle et en plein développement du dialogue théologique, nos bons croyants, les fils de l'Église ancestrale depuis presque 2000 ans sont agressés, à cause des actions prosélytes, pour abandonner la croyance de leur parents et de leur ancêtres. Plus, il est douloureux que les valeurs morales – chrétiennes traditionnelles et éternelles de l'Évangile du Christ sont confrontées et souvent remplacées avec les vanités qui empoisonnent l'âme (...). Les péchés contre la nature sont légalisées et acceptées comme normales. Le nombre des crimes contre les propres enfants, par l'avortement, connaît une multiplication inquiétante. Les familles se divisent et les divorces multiplient. »

(Teoctist Arăpașu, „Pastorală a Prea Fericitului Părinte Patriarh Teoctist adresată credincioșilor, cu prilejul Sfintelor Sărbători ale Învierii Domnului”, BOR, no. 1-6, 1994, p. 6)

« Les tristes réalités du monde contemporaine nous montrent le fait que une bonne partie de l'humanité ne suit plus la voie que la naissance du Fils de Dieu avait découverte, et se laisse, apparemment au nome du progrès et de la modernité, attirée et conduite par d'autres conceptions que celles de la Sainte Évangile. La famille est frappée dans sa propre essence, par la promotion et l'encouragement des liaisons contre la nature (...). Les mères abandonnent leurs propres progénitures ou les tuent dès leurs ventres. »

(Teoctist Arăpașu, “Hristos – Calea, Adevărul și Viața. Pastorală a Prea Fericitului Părinte Patriarh Teoctist adresată clerului și credincioșilor, cu prilejul Sfintelor Sărbători ale Nașterii Domnului”, in BOR, no. 7-12, 1994, p. 5)

« Lorsqu'on parle de la Roumanie dans l'Europe, on doit considérer le fait que les deux partenaires sont également en convalescence ; la Roumanie après la maladie du communisme pendant que l'Europe dans la maladie du postmodernisme (du sécularisme). »

(Bartolomeu Anania, « România și Europa », BOR, no.7-12, 1998, p. 80)

« Les statistiques démographiques montrent le fait que en Europe diminue le nombre des mariages et multiplie le nombre des divorces, plutôt en Europe Occidentale (...). Les causes sont nombreuses et complexes : des mutations d'ordre

culturel, technique, idéologico – pragmatique accélèrent le phénomène de la sécularisation comme perte de la dimension sacré de la vie et intensifient la mentalité individualiste exacerbée, mercantile, narcissiste et nihiliste. (...) »

(Daniel Ciobotea, « Familia creștină, speranța României », *Candela Moldovei*, no. 9, 2001, p. 20)

« Je crois que le premier et le plus grande défi pour l'Église est la sécularisation, de la vie personnelle et de la société, comme si Dieu n'existerait plus. Autrement dit, il s'agit d'une société qui se construit de plus en plus sans aucune référence au Dieu, aux valeurs religieuses. (...) Elle limite l'existence de l'homme au terrestre et biologique. (...) Nous croyons que la sécularisation européenne et Nord - américaine est une question provisoire. (...) Nous ne croyons pas au caractère éternel de la sécularisation de type occidental. »

(Interviul acordat de ÎPS Daniel, Mitropolitul Moldovei și Bucovinei și Patriarhul ales al Bisericii Ortodoxe Române domnului Remus Rădulescu pentru Radio România Actualități, 13 septembrie 2007",

[<http://www.mitropolia.eu/ro/stiri/14/interviul-prea-fericitului-daniel.htm>], 10 Décembre 2009)

« La culture de l'Europe d'aujourd'hui est une culture sécularisée. (...) C'était le début d'une dégringolade intérieure, mais personne ne s'en rendait compte ; le développement économique, le niveau de vie et le progrès technique ombragent largement l'expansion inquiétante de l'indifférence intérieure. Mais aujourd'hui nous voyons les conséquences de ce phénomène généralisé. (...) La situation de notre pays est pour le moment tout à fait différente (...). Chez nous le peuple est resté en grande proportion religieux (...). Mais, d'autre part existent aussi des éléments communs, parce que chez nous aussi augmente le nombre des personnes intéressées aux questions matérielles et moins aux aspects spirituels, plus que la culture européenne sécularisée a une influence significative sur la société Roumaine dans le contexte du processus de l'intégration européenne. »

(Dumitru Popescu, "Misiunea Bisericii într-o lume secularizată", [<http://www.crestinortodox.ro/editoriale/misiunea-bisericii-intr-lume-secularizata-70068.html>], 5 Janvier 2010)

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6. *Idem*, (1995), "Pastorală adresată credincioșilor cu prilejul Sărbătorii Învierii Domnului", *BOR*, no. 1-6, 3-7.
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EU LAW ON DEFECTIVE PRODUCTS: ESSENTIAL ASPECTS OF PRODUCERS' RESPONSIBILITY

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Abstract

The article elaborates on essential aspects of producers' responsibility for damages caused to consumers by defective products, as regulated by EU law in force, insisting on distinctions between physical injury and economic harms (a) and between "defective" and "non-defective" (safe) products (b), as well as on the burden and means of proof (c), as pillars of the type of liability discussed. A special attention is given to the criterion of consumer's legitimate expectations and of foreseeable use of product (d), while delimiting defects due to design from manufacturing flaws and information defects (e).

Key words: EU Law; consumers' protection; defective products; producers' responsibility; consumers' safety.

1. Introductory comments

In response to the provocations of approximation of legislation in the field of consumer rights, especially those related to products' safety and warranties in the frame of the European Union's law, recent research has sought to explore the essential aspects of producers' responsibility for physical injury and economic harms caused to consumers by defective

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products.¹ In general, previous studies have revealed the importance of the three main causes of producer's exoneration (victim's fault, non commercial purpose of distribution, compliance to imperative legislation in force) in the economy of the type of liability in discussion. For instance, one stream of research has found that producer's liability is not to be retained in cases when victims have negligently ignored instructions in the use of product, while the informational default represents, on the contrary, one of the aggravating circumstances of manufacturer's responsibility.² A second body of literature, which focuses on general paradigms of responsibility related to contracts concluded by consumers, found that inexistence of a contractual bound between the producer and the victim of the defective product represents no exclusion of manufacturer's liability, as the type of the civil responsibility discussed covers damages caused to direct contractual partners, as well as prejudice caused to consumer's family members, to non contractual, occasional users of the product concerned or to innocent passengers.³ A third group of studies investigated the effects of non liability clauses on the essential duties generated by contracts concluded between professionals and consumers.⁴ Generally, these studies found that an exonerating clause is not efficient in cases when attempting to extirpate from the contractual body one of the essential elements of the contractual object.

While previous research has attempted to determine whether damages due to defects of design should be treated differently from

¹ See, for further details, Rodica Diana Apan, *Protecția juridică a consumatorilor. Creditul destinat consumului și domeniile conexe*, Cluj-Napoca: Sfera juridică, 2007, pp. 232-266; Bénédicte Fauvarque-Cosson, "Quelle protection des consommateurs pour demain?" in *Recueil Dalloz* no. 14, 2007, p. 956-960; Matilde Girolami, "I criteri di conformità al contratto fra *promissio* negoziale e determinazione legislativa nel sistema dell'art. 129 del Codice del consumo" in *Rivista di diritto civile* no. 2, 2006, pp. 227-281; Enrico Scoditti, "Regole di efficacia e principio di correttezza nei contratti del consumatore" in *Rivista di diritto civile* no. 1, 2006, pp. 119-126.

² Stéphane Piedelièvre, *Droit de la consommation*, Paris: Economica, 2008, pp. 456-468; Guy Raymond, *Droit de la consommation*, Paris: Litec, 2008, pp. 69-75.

³ For detailed comments, see Paul Vasilescu (ed.), *Consumerismul contractual. Repere pentru o teorie generală a contractelor de consum*, Cluj-Napoca: Sfera juridică, 2006, pp. 34-56.

⁴ Further arguments are provided by Yves Marie Serinet, "La descendance ambiguë de Chronopost: l'arrêt Faurecia" in *La Semaine juridique* no. 15, 2007, p. 10063; Phillippe le Tourneau, Loïc Cadiet, *Droit de la responsabilité et des contrats*, Paris: Dalloz, 2000, p. 1135.

prejudice caused by information defects, such as the absence from the product prospect of important interference or limits of use, the extent to which criteria such as consumer's legitimate expectations, on one hand and foreseeable use of product, on the other hand remains unknown. This is an important gap in the literature because, realistically, these criteria do not operate in isolation. Indeed, a prominent aspect of civil liability for defective products is that the criterion used to delimitate between safe and defective products circumstantiates producers' responsibility for damages caused to the extent to which only foreseeable use of product may be used as background for liability; however, due to the antagonistic substance of the two criteria proposed by legal practice (foreseeable use of product against legitimate expectations of consumer), the larger extent of the second criterion may be used as argument for its generalization. Thus, to determine if liability limits, such as misuse of product by the victim and assumed risks play a decisive role in establishing manufacturers' responsibility, the current study seeks to determine the relative explanatory power of each liability factor by examining all these factors simultaneously.

Further, recent legal theory does not place equal emphasis on all associations among the variables implied by the risk – utility balance, in the case of defective products. By assessing the role played by foreseeable use of product in the sphere of unsafe character of products, we provide arguments as to the relative strength of each variable as a predictor of producer's responsibility. In addition to examining simultaneously the relative effect of each juridical variable, the present study extends prior research in the field of "manufacturing defects – design defects" dichotomy, as manufacturing flaws benefit from the existence of a safety standard (represented by non defective products, manufactured as intended on a regular basis), while design defects do not; therefore, the approach proposed is successful in dissociating manufacturers' conduct (negligence) on manufacturing process from negligent / hazardous design causing a physical injury.

Finally, research pertaining to use of non safe products typically addresses the differences between substantial defects and information defects. Thus, we strictly focused our research efforts on underlining that, in the field of products safety, the "unsafe for consume" character may result both from the lack of information offered to consumers by the

producer or the distributor, on the potential risks associated to consume and from the disproportionate character of the implied risks, in comparison with the benefits attributed to consume.

Producers' responsibility for physical injury and economic harms caused to consumers by defective products has been regulated at the European Union's level by Directive 85/374 /EEC of the European Parliament and of the Council of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, modified and completed by Directive 1999/34/EC of the European Parliament and of the Council, transposed in the Romanian legal system by Law 240/2004 on producers' responsibility for damages generated by defective products, modified by Law 363/2007 on repressing illegal commercial practices in contracts concluded by consumers and the harmonization of national law and the European Communities Law in the field of consumers' protection; thus, for the purpose of the current study, these are the legal provisions we will be referring to, while analyzing the essential aspects and criteria for producer's responsibility in the field of damages caused by products presenting defects attributed to the manufacturing process.

2. Distinguishing physical injury (a) and economic harms (b)

From the angle of Romanian Consumer Law, in cases when the defective product merely damaged itself, the plaintiff is not allowed to seek damage relief on the grounds of the producers' responsibility for consume safety, in terms of Law 240/2004 on producers' responsibility for damages generated by defective products, modified; the only option remains invoking vendor's warranty for products conformity, as regulated by Law 449/2003 on sales of products and associated warranties, transposing in national law Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees. It should be noted that the later European act has been recently modified by Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests (Codified version); according to Article1, the purpose of this Directive is to approximate the laws, regulations and

administrative provisions of the Member States relating to actions for an injunction referred to in Article 2 aimed at the protection of the collective interests of consumers included in the Directives listed in Annex I, with a view to ensuring the smooth functioning of the internal market; for the purposes of this Directive, an “infringement” means any act contrary to the Directives listed in Annex I as transposed into the internal legal order of the Member States which harms the collective interests of consumers referred to in paragraph 1 of the legal text cited. Also it should be underlined that, under the terms of modified Directive 85/374 /EEC, “damage” means: (a) damage caused by death or by personal injuries; (b) damage to, or destruction of, any item of property other than the defective product itself, with a lower threshold of 500 euros, provided that the item of property is of a type ordinarily intended for private use or consumption and was used by the injured person mainly for his own private use or consumption.

The mentioned legal provisions operating in Romanian Consumer Law are obedient to modified Directive 85/374 /EEC provisions on material sphere of incidence set for producer’s liability: while non setting minimal pecuniary limits for physical injury (as, usually, these damages surpass the sum of 500 euros), the regulation respects the European limit of 500 euros for patrimonial losses due to unsafe products, intended to avoid courts dealing with a large number of trials on small damages which may be recovered by using traditional judicial means (classical liability actions).

Adequate protection of the consumer requires compensation for death and personal injury, as well as compensation for damage to property; nevertheless, whereas the latter are limited to goods for private use or consumption (1) and are subject to a deduction of a lower threshold of a fixed amount of 500 euros (2), in order to avoid litigation in an excessive number of cases, the Directive provisions do not prejudice compensation for pain and suffering and other non-material damages payable, where appropriate, under the law applicable to the case.

3. What is «defective»?

Legal theory and practice on manufactures’ responsibility retained that a product is “defective” when it does not provide the safety which a person is entitled to expect, taking all circumstances into account,

including: (a) the presentation of the product; (b) the use to which it could reasonably be expected that the product would be put; (c) the time when the product was put into circulation.⁵ However, a product is not considered defective for the sole reason that a better product is subsequently put into circulation (as stated by Article 6 of Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, modified). Directive provisions were conceived to protect the physical well-being and property of the consumer, stating that the defectiveness of the product should be determined by reference not to its fitness for use, but to the lack of the safety which the public at large is entitled to expect, whereas the safety is assessed by excluding any misuse of the product not reasonable under the circumstances.

Whereas products age in the course of time, higher safety standards being developed and the state of science and technology progressing (moral and / or material aging of product), it has been held unreasonable to make the producer liable for an unlimited period for the defectiveness of his product; therefore, the liability in discussion expires after a reasonable length of time, that is a period of 10 years since the commercial launch of each lot of products on the market. As underlined by specialized doctrine, consumers dispose of a 3 years period from the manifestation of the defect for the preparation of trial and the introduction of a judicial action against the producer;⁶ however, the 3 years term is to be calculated between the borders of the 10 years period of safety warranty. According to Articles 10 and 11 of Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, modified, Member States were called to provide in their national legislation that a limitation period of three years applies to proceedings for the recovery of damages and that the limitation

⁵ See for justification Guy Raymond, *op. cit.*, p. 75.

⁶ For that purpose, see Stéphane Piedelièvre, *op. cit.*, p. 468; Yves Picod, Hélène Davo, *Droit de la consommation*, Paris: Armand Colin, 2005, pp. 199-214. By assessing the role played by foreseeable use of product in the sphere of unsafe character of products, arguments can be provided as to the relative strength of each variable as a predictor of producer's responsibility. While manufacturing flaws benefit from the existence of a safety standard (represented by non defective products, manufactured as intended on a regular basis), design defects do not.

period begins to run from the day on which the plaintiff became aware or should reasonably have become aware of the damage, the defect and the identity of the producer. On the other hand, Member States were called to provide in their legislation that the rights conferred upon the injured person pursuant to the mentioned Directive are extinguished upon the expiry of a period of 10 years from the date on which the producer put into circulation the actual product which caused the damage, unless the injured person has in the meantime instituted proceedings against the producer, therefore suspending the rolling of the 10 years term.

4. Types of defects: (a) manufacturing defects, (b) design defects and (c) information defects

A closer look at the development of producer's liability criteria reveals the existence of a fundamental distinction of three types of defect, delimiting those imputable to a manufacturing flaw from those due to a defective design or to insufficient / inadequate warning. Manufacturing defects describe an accidental flaw in the manufacturing process, usually non perceivable by producer's representatives (*e.g.* engine defects, engine imperfections, accidental misconstruction of one component). Manufacturing flaws are therefore easily measured against like products (safe products, manufactured as intended); in other words, in these cases, aberrations of manufacturing may be tested against the norm to determine whether a product is defective.

As to design defects, courts and authors have struggled with the concept of what constitutes defective design of a product, as in opposition to manufacturing products, where a safety standard already exists (represented by non defective products, manufactured as intended on a regular basis), design defects do not benefit from an objective / alternative standard. Originality or unique character of design usually complicates analyzes, as the courts weigh non homogenous factors, such as product functions, aesthetical aspects or presence of alternative design on the market. In addition, it is in the field of defective design that producers may be exonerated on the basis of the "risk of development" concept, as the producer may free himself from liability if he proves that the state of scientific and technical knowledge at the time when he put the product into

circulation was not such as to enable the existence of a defect to be discovered [Article 7 (e) of Directive 85/374 /EEC, modified].

In the field of the producers' responsibility for the prejudice caused by the consume of a pharmaceutical product presenting a manufacturing defect, the product concerned may be declared "unsafe for human consume" simply if the risks resulting from its utilization are excessive, even if mentioned on the medicine prospect, only medicine representing the sole cure for a serious disease being excepted from the application of the mentioned rule. Additionally, it should be underlined that, in the field of pharmaceutical products safety, the "unsafe for consume" character may result both from the lack of information offered to consumers by the producer or the distributor, on the potential risks associated to consume and from the disproportionate character of the implied risks, in comparison with the benefits attributed to the consume of medical drug, as regulated by Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use.

Producer's failure to warn consumers on risks and precautions is usually seen as a third type of defect,⁷ in addition to manufacturing defects and defects due to design. Therefore, a product may be found to be unsafe due to an information defect, understood as inadequate warning of inherent dangers. For instance, as mentioned above, in the perimeter of pharmaceutical products, warning considerations are generally inextricable, from the angle of producer's liability for damages caused, as whether the product instructions contained adequate warning or not, as well as nature, explicit character and sufficiency of the warning are relevant to the issue of establishing producer's responsibility and delimiting unreasonably dangerous products from safe for consume ones.

⁷ Specialized literature typically addresses the differences between "substantial defects" (defects due to the manufacturing process or to the product conception) and "information defects" (consumers' misled, intended or negligent, by the use of incomplete information); see, for further analyses, Stéphane Piedelièvre, *op. cit.*, pp. 456-458; Guy Raymond, *op. cit.*, pp. 69-72.

5. Proving a « defect »: burden and means of proof

According to article 7 of Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, the producer is not to be held responsible for the damage if he proves, alternatively: (a) that he did not put the product into circulation; (b) that, having regard to the circumstances, it is probable that the defect which caused the damage did not exist at the time when the product was put into circulation by him or that this defect came into being afterwards; (c) that the product was neither manufactured by him for sale or any form of distribution for economic purpose nor manufactured or distributed by him in the course of his business; (d) that the defect is due to compliance of the product with mandatory regulations issued by the public authorities; (e) that the state of scientific and technical knowledge at the time when he put the product into circulation was not such as to enable the existence of the defect to be discovered; (f) in the case of a manufacturer of a component, that the defect is attributable to the design of the product in which the component has been fitted or to the instructions given by the manufacturer of the product.

It should be noted that, if the non commercial purpose of producer's voluntary launch of the product exonerated the manufacturer for damages caused to third parties by a defective product, as well as the victim's fault, the producer is not however exonerated by a third party interference, as long as the victim is able to prove the existence of a defect (presumed to be due to the manufacture process); for instance, a medical fault (negligent prescription of a association of pharmaceutical products, by a physician or a pharmacist, causing the aggravation of patient's illness) does not exonerate the producer, in the presence of a defective medicinal product, though doubling the remedies for the damaged consumer, also able to pursue legal actions based on the *malpraxis* case, along with those based on the Directive 85/374/EEC provisions.

As mentioned above, Directive 85/374/EEC provisions expressly establish that, without prejudice to the provisions of national law concerning the right of contribution or recourse, the liability of the producer is not reduced when the damage is caused both by a defect in product and by the act or omission of a third party. However, the liability of the producer may be reduced or disallowed when, having regard to all

the circumstances, the damage is caused both by a defect in the product and by the fault of the injured person or any person for whom the injured person is responsible. In our opinion, the cited Directive provisions are meant to set pertinent borders for producers' liability, regarding victim's conduct: negligent use of product by the victim himself or herself is not excusable, while third party's intervention (for instance, negligent transport or deposit of products by a distributor) does not exonerate *per se* the manufacturer, the producer still having to prove the inexistence of a manufacturing, design or information defect, along with the proof of a third party negligence.

6. Setting criteria: consumer's legitimate expectations (a) and foreseeable use of product (b)

One important test used by courts in practice, in order to establish the unreasonably unsafe character of a product (its relation to the plaintiff's injury) was the legitimate expectations of the consumer criterion. The mentioned test may be described as assessing a product as "dangerous" or "defective" when it does not meet normal, typical expectation of the ordinary consumer who purchased it, using as criteria the ordinary knowledge about that product, common to the community, as to the normal characteristics of the product in case. In practice, consumers do not expect products to exceed the safety technology available at the time of the purchase. In comparison to the foreseeable use of product, on the other hand, the consumer's legitimate expectations represent a much larger criterion, insofar that even when respecting the use of product intended by the manufacturer, the consumer is legitimate to expect safe consume in cases when no supplementary warning does not accompany the product label / instructions or its technical prospect.

However, the consumer's expectations criterion has been held to be inadequate or even irrelevant in hypotheses when an ordinary consumer is unable to form clear expectations regarding danger implied by the use of the product, due to certain highly technical characteristics of the product or to the fact that the product was newly developed or recently launched on the market as innovation in its field. It is mostly in such circumstances that authors and judges prefer an alternative standard, that of the risk-utility

balance, which determines whether the benefits of the product are or not unreasonably surpassed by the inherent risks of the design preferred by the manufacturer.

7. Establishing the risk – utility balance

The risk – utility balancing refers to the fact that a product may be found defective even in cases when it meets consumer's expectations of safety, so long as the risks implied by the consume outweighs the benefits; usually, the mentioned criterion covers the design defects and not the manufacturing flaws. As underlined above in the field of medical drugs, unreasonable risks compromise the safe for consume character of a product insofar that it permits the victim to place the burden of the patrimonial loss on manufacturer's shoulders, as the later chose to put on the market a product the design of which he knew to generate exaggerate risks, in comparison to the modest benefits of the product; in other words, in such cases, the manufacturer knew the risks in advance and chose to accept it, which justifies the courts' decisions that the producer bear the consumer's loss. At the EU's level, it has been the case of *Thalidomide*, a medicine thought to fight cold and fever, the administration of which to pregnant women caused childbirth with serious malformations⁸ and the benefits of which were clearly surpassed by the enormous, unjustified risk of the consume.

To sum up, form the risk-utility balance analysis, a product is defectively designed if its inherent danger outweighs its utility; for instance, a manufacturer may be hold responsible under the mentioned criterion if he rejected a design that might have prevented the plaintiff's injury, favoring in the manufacturing process an more inefficient or hazardous design for being less costly.

⁸ See, for further explanations, Phillippe le Tourneau, Loïc Cadiet, *op. cit.*, p. 1225; Gilles Paisant, "Essai sur la notion du consommateur en droit positif" in *La Semaine juridique* no. I, 1993, p. 3655; Gilles Paisant, "Les clauses abusives dans les contrats de vente de véhicules automobiles neufs" in *La Semaine juridique* no. 14, 2007, pp. 29-33; Anne-Marie de Matos, *Les contrats transfrontaliers conclus par les consommateurs au sein de l'Union Européenne*, Marseille: Presses Universitaires d'Aix-Marseille, 2001, pp. 115-118.

8. Hierarchical responsibility

Adequate protection of the consumer against non safety use of products requires that all producers involved in the production process should be made liable, in so far as their finished product (a), component part (b) or any raw material supplied by them (c) was defective; whereas, for the same reason, liability relies not only on manufacturer's shoulders (1), but is extend to importers of products into the Community (2) and to persons who present themselves as producers by affixing their name, trade mark or other distinguishing feature or who supply a product the producer of which cannot be identified (3). It is in the area of personal sphere of liability for unsafe products that it should be accentuated the hierarchical approach of the civil responsibility involved, as modified Directive 85/374/EEC provisions establish the priority of manufacturers' liability; therefore, consumers are allowed to direct their judicial actions against importers, respectively against manufacturers representations into the Community only in cases when the producer's identity remains unknown.⁹

9. Concluding remarks

Though not neglected by the specialized literature, the problem of producer's responsibility for damages caused to consumers by defective products, as reflected by EU legislation in force, has the capacity of raising controversies over the delimitation of safety standards in cases when the alleged defect resides in the intended design of the product, rather than in an unintended manufacturing flaw. In such cases, it is important to underline that, while a manufacturing defect results from an error in the manufacturing process, so that the product was not manufactured as intended, the design defect is merely generated by the use of an unsafe design, usually established by the use of the risk – utility balance criterion

⁹ Jean Calais-Auloy, Frank Steinmetz, *Droit de la consommation*, Paris: Dalloz, 2000, p. 214; Jean Calais-Auloy, "L'influence du droit de la consommation sur le droit civil des contrats" in *Revue trimestrielle de droit civil* no. 2, 1994, pp. 239-240; Cristina Corgas-Bernard, "Conditions de recevabilité de l'action en suppression de clauses abusives" in *La Semaine juridique* no. 46, 2005, pp. 2113-2116; Jean Beauchard, *Droit de la distribution et de la consommation*, Paris: Presses Universitaires de France, 1996, pp. 89-112.

(when the risks implied by the consume of a product outweighs its benefits).

On the other hand, in the hypothesis of a manufacturing flaw, the defectiveness of a product may be established by evaluating the effectiveness of the product against the producer's own manufacturing standards, in order for its suitability for consume to be asserted. As noted above, a product may be considered unsafe for consume notwithstanding that it has been produced exactly as intended by the manufacturer, when the defect alleged by the victim resides in the design intended itself. Since the development, at the EU's level, of a special judicial regime for consumers' actions against producers, based on the later liability, as described by the modified Directive 85/374/EEC, courts have used a number of criteria to establish the existence of producer's responsibility for damages caused for unsafe products. Therefore, an analysis of the risk-utility balance, of the consumer's legitimate expectations criterion and of the foreseeable use of product test reveals its importance in the field of establishing the unreasonable dangerous character of a product, accentuating the fact that, in accordance to the European legal provisions cited above, the product must be "defective", not simply dangerous to some extent, in order for the product's liability to be retained.

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BOOK REVIEW

Mircea Malitza, Calin Georgescu, *Romania after Crisis. Re-professionalization (România după criză. Reprofesionalizarea)*, Ed. Compania, București, 2010, 375p.

Beniamin C. Benea*

The book appeared in 2010 and has 375 pages; it is the result of a sustained work realized under the aegis of the Institute for Innovation and Development Projects (IPID) from Bucharest. In fact, this work gathers three previous works made under the same aegis, all of them having in common the Romania's *re-professionalization*. Covering subjects from human resources, democracy in Romania, economy, demography and sociology, agriculture, forests, environment and climate change, sustainable development, the future of school and learning, and the role of professionalism in Romania's economic, social and political history, this work wants to be a special piece of literature, and obtains a unique and special place in it.

It scrutinizes the past and present situation of Romanian society and economy, which are the reasons for the present state of facts, and which could be the perspectives in the medium and long run for Romania.

Being coordinated by two reputed scientists with international standing (Academician Mircea Malitza and Calin Georgescu, PhD) and edited by another well known personality, Sergiu Celac (the reports realized in 2009, and 2010 respectively), the book brings together the

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answers and punctual solutions of notorious researchers and specialists in different fields.

The sounds which spring from the book are clear, and the methodic symphony propagates a magic and hopeful music contrasting the noise and chaos specific to contemporary Romanian society and politics. *In this symphony, the players are the Romanian society's professionals, its elite.*

Even the chaos is a peculiarity of contemporary Romanian society, a hope for greater order and welfare exists; we already had examples and reforms made in Romania in the second part of nineteenth century by the elite and professionals of that period. A concentrated effort of some dedicated people brought civilization in a society characterized for almost a millennium by medieval behavior. These dedicated people, politicians with vision and specialist with recognized results – greatly outnumbered by ordinary citizens – made personal initiatives aimed at changing the Romanian archaic society, and their achievements, and the reputation gained by Romania due to their endeavors, could be regarded as miraculous.

The second part of the book – which is the first Report of IPID (2008) and which has four parts – presents the role of professionalism in Romanian history, and how professionalism tends to be concentrated in the societies influenced by Western culture. In the 19-th century the difference between the societies in Moldavia and Wallachia, which were characterized by immobility and conservatism due to their social organization, there being two social classes – the boyars and the peasants – strongly contrasts the Transylvanian social organization, where Western culture had a greater influence; here the diligence and professionalism in every day endeavor and behavior, and the predilection for high qualification labor, gave birth to idea of continuous learning during whole life, *a key prerequisite for professionalism.*

Adding to this peculiarity the urban concentration, there were to be found the necessary ingredients for the rising of welfare, liberty, and openness to the new; in the religious field, the plurality of religions gave birth to a more open and more mobile society, with greater receptivity, all of these being important ingredients for rising civilization's level.

The societies which were more open benefitted from their social situation, concentrating more and more welfare because they would create

and sell high quality products which necessitated qualified workers during their production.

Here we can observe the role of professionals in the society. If a society have them and creates the adequate framework for their activity, the benefits they bring for that society are very great. *We could observe that the professionalization is a process which ensures the survival and development of any society, being the main engine for adaptations imposed by historical changes.*

Some visionary leaders in Moldavia and Wallachia as Mircea cel Batran, Mihai Viteazul, Dimitrie Cantemir, AI Cuza tried frantically to improve their societies through facilitating contacts with Western societies, but their endeavors hit the wall of immobility of their excessive conservative societies.

The modern period of Romania history, which begins in 1848, presents a state of affairs which greatly needs reforms and an organized method to put them in practice; we owe the greatest recognition to AI Cuza, which in only seven years of its reign had launched more reforms than Charles I, creating the base for Romanian state's modernization. He was concomitant a visionary, a brilliant diplomat, and a reformer; *he was a professional of his days.* After Cuza, Charles I had continued the reforms started by him, the Romanians benefiting from his thoroughness; he was just another professional.

But the greatest achievements in the period 1848-1914 are not to be met in economy, politics, or social areas, but in the domain of human resources, once the great Romanian personalities entered the history's scene, which brought significant contributions in cultural, scientific, and technical fields. *The painters, writers, inventors, scientists, and engineers of that period are the proof that they represent the most valuable resource of the nation.*

A short comparison and there could be noted a crude reality: today politicians try to find ways for gaining votes, while the professionals – sometimes working in an anonymous silence – make history, entering the pages of state's history, their names being spoken today when somebody is looking for an address located on the streets in all great Romanian cities.

The real jump of Romanian society, economy, and culture had taken place in the fourth decade of previous century, *as a result of high quality of education;* as a result of the policies taken by visionary leaders, Romanian

school, for the first time in its history, had the best teachers, and the best graduates, bringing to Romania a recognized international fame.

As a conclusion, if we desire a better society, we have to pay respect to professionals, and in order to create them, we need an appropriate educational system, adequate to the present and future needs of global society.

This truth is more obviously when we look backward in Romanian society during Ceausescu's reign, when professionals were replaced by mediocrity, and the state started to regress, process which generates strong reverberation even nowadays.

The massive de-professionalization of Romania during last two decades is due to the fact that the reforms taken after 1990 aimed the industry's destruction, and not at its modernization. Industry needs (a continue) education, which means that there is needed a system of education which could pump out the professionals; but the destruction of Romanian industry made the professional elite (engineers, technicians) to appear quite irrelevant to society, gaining social status the jobs which creates money immediately after the graduate enter the workplace.

In order to gain its well deserved place among the nations of the world, Romanians should escape its millenary old socio-economic system, based on rural and immobile society, and for this, there is badly needed the *sustained professionalization*; it needs schools and *education* in order to promote old mentality's changing taking account of the needs and responsibilities which are incumbent for Romania as member of European Union, which are focused mainly on *sustainable development, research and development, high tech, culture and interdisciplinary education*.

And the examples brought by Germany, Japan, and the Scandinavian countries which are important players in different fields on the international arena are visible proofs of the fact that the changing of *mentality* imposed by well intentioned elite is a key-element for the spectacular jump in time of those societies; and the mentality's changing means education and professionalization.

The example brought in Romania by Spiru Haret is eloquent: for a society to have flourishing economy and culture, there is needed a school reform, through modernization. The fruits could be harvested in three decades.

The investment in human capital is of outmost importance, and in Romania there is needed a strategy which promote a radical change in mentality at all levels of society, which should be focused upon sustainable development, and using in a responsible manner the natural resources. And of course, the professionals in administration are key-figures for incorruptible staff; mediocrity in administration means kickbacks, inefficiency, and financial loses, while professionalism in administration means a strong state, with greater acceptance by its citizens. This means that political class attained its purpose, the ordinary citizen being pleased with the life he lives.

The book provides the ways in which we can obtain welfare in Romania and can promote civilization in this splendid place. We need a coherent strategy at national level regarding research and development, we need a system which could provide continuous professional recycling for adult peoples, and we need *modernization* of Romanian educational system and a bettering of social position for Romanian intellectuals.

In other words, in Romania, there is greatly and urgently needed the *reconstruction of human capital*. We can benefit from present international crisis; as we hadn't already had strong structural elements which could generate great impetus for old types of energy consumption, the activation of investments in economic sectors as transportation, environment, and energy using new and environmentally friendly technologies, coupled with bettering of human capital resources capable of producing and using these new technologies, could be a very important ingredient for Romania's resuscitation; the financing of new technologies and the creation of better human resources wouldn't be in this case an expense, but an indispensable investment for future economic development and for jobs creation. This qualitative change could be regarded as unlimited, and it has a great potential; although nowadays in Romania there is a great incertitude, a constant element must be central in all debates: *the human capital's quality will be decisive in the future, and its professionalism is of outmost importance for Romania in order to create for her the premises for acceding the deserved place among the nations of the world.*

Taking account of great changes the world is facing, the role of education in shaping a sustainable culture whose visible effects would be the elements of attitude and behavior regarding environment and energy,

is of outmost importance; it could provide the (continuous) framework for human capital development in a friendly manner in relation with the environment and taking care about the future generations.

But this would take place in a highly competitive environment: in present context, the accent is more and more moved from the question "what do you know", which implies more a static perspective, to the question "what do you know *to do*", having in mind a more dynamic system, which means that the most important are in this context the innovative capacity, the work and life experiences, the most important abilities becoming knowledge and skills.

For best results, there are needed uninterrupted reforms, and continuous education during whole life (long-life education) focusing upon interdisciplinary studies and modularity. It is a fitted framework for the scientific boon, which could compensate for present economic decline. It could be seen that now there is the moment when the scholar system should aim at contributing at changing unsustainable cultures, action which should take place at the table of present and future debates regarding world financial and economic systems, science, technology, and the ecology.

In the context of climate changes – which is debated in the book in connection with a new energy strategy – the agriculture and forestry's role is one of special importance for Romania. Romanian forests cover much little surface of national territory in comparison with other EU member countries, and the objective is to clad a greater surface of Romanian territory; this is a central element which could provide the adequate conditions for expanding the agriculture's role in Romanian economy. Climate change is a visible phenomenon, and it will bring changes in the way crops are obtained. A new generation of modernized peasants – which could be created through professionalization of this activity through education – and which in turn would practice a modern style agriculture is of outmost importance for Romania's future, taking account of future trends which would be brought by climate changes.

Adding to this natural phenomenon, which is generated in great part by human activities, the demographic decline and the deterioration of social composition of Romanian society, the professionalization at all levels

of society becomes the key-element for Romanian society's survival and prosperity in the years to come.

And as professionalization and modernity are interconnected, every effort made for the rising the quality of human capital through a modern educational system generates the necessary auspices for creating a healthy democratic system, and a vibrant civil society. The university autonomy rises and falls in the same time with civil society's rise and fall, and its role could be a crucial one for escaping the traps which present crises pose to Romanian society.

Being a book written (and debated) by prominent Romanian scientists and specialists, it could be regarded as a capital book for understanding the activities and actions Romania should take in order to create for itself the access to modernity, and to retain an important place among her fellow members in European Union, and at the world stage.

Even the public profile of the most of its contributors have little visibility in comparison with puerile TV shows and pale images of political personalities which frantically fight to appear on "the screen", the sound judgment and vast experience of the contributors, which is synthesized in their presentations comprised in the book, recommends it to be read and reread by all Romanians who care about, and are interested in Romania's destiny, and in its great potential to take the place she deserves among the nations of the world.

They fight for providing that greatly needed music and harmony, which could homogenize Romanian society in a unique manner and in a crucial moment in its history, which in the middle of present turbulent sociopolitical actions appears to be the solely point of benchmark. They strive to provide the essential points of the framework in which the genuine Romanian professionals could flourish and could contribute to Romania's rising level of civilization.

BOOK REVIEW

Michael Gehler, *Der Lange Weg nach Europa. Österreich von Paneuropa bis zum EU-Beitritt. Dokumente*, Ed. Studien Verlag, Wien, 2002, 758p.

Radu Cristian Barna*

Le livre présenté ci-après représente le deuxième volume d'une œuvre qui se propose d'analyser « la longue route de l'Autriche vers l'Europe ». Impressionnant par ces 758 de pages, il réunit avec beaucoup de soin 286 documents, dont nombreux inédits, révélateurs pour ce que représente l'histoire de l'Autriche entre 1919 et 1995.

Concernant ses relations avec l'Allemagne, les Etats Unis, l'URSS, la Russie ainsi que celle avec ses voisins immédiats, l'auteur a su choisir les textes qui expliquent le mieux la situation de l'Autriche, mais aussi celles qui révèlent le mieux les forces dynamiques des souhaits, des visions et des possibilités de ses hommes politiques.

Structuré en 13 chapitres, le livre nous dévoile dans un style très clair tous les détails de l'intégration autrichienne ; le concept de l'intégration est analysé à partir de 1919, ce qui a le mérite de toucher à ces racines profondes ; mais il est en même temps situé dans un cadre plus large, en

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intégrant les nombreuses conceptions de politique étrangère, mises dans leur contexte historique.

L'histoire de l'unification européenne après 1945, orientée surtout vers les six pays fondateurs, s'est penchée fort peu et d'une manière assez fragmentée vers les autres états européens et leurs politiques avant l'adhésion. Pareille étude a été réalisée par l'historien Michael Gehler, qui a dédié la présente œuvre à l'Autriche d'avant 1995. Ce pays, qui du point de vue économique a évolué, pas seulement pareil mais aussi ensemble avec l'Europe Occidentale, n'a pas eu la possibilité de suivre cette dernière dans son parcours politique (CEE, CE, UE) à cause de sa neutralité, chose qui rend la lecture encore plus intéressante.

Le livre prend en considération des sources autrichiennes et étrangères ; en considérant avec pertinence la littérature de spécialité dans le domaine, Michael Gehler nous offre une vue d'ensemble sur l'Autriche contemporaine d'avant l'intégration ; mais aussi très actuelle : à partir de l'analyse de certains moments historiques vitaux et jusqu'en 1995, l'auteur nous transporte, par les textes minutieusement choisis, au milieu de l'action et des décisions politiques. Par cette ouverture nous comprenons ainsi la position actuelle de l'Autriche. De plus, dans le cas des choix et des dilemmes concernant ces politiques, il nous offre plusieurs points de vue et plusieurs options, comme par exemple dans le cas du Tirol du Sud, dans lequel nous avons la possibilité de lire des textes autrichiens et italiens, de même que d'autres prises de positions, par des déclarations de presse.

Un autre grand mérite de ce travail le représente aussi la réunification de divers documents difficilement accessibles, ce qui confère à l'œuvre présentée une valeur pratique très importante pour les chercheurs et les enseignants dans le domaine de la construction européenne.

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