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SMUGGLING - CAUSES WHICH GENERATES IT AND MEASURES OF CONTROLLING IN THE ACTUAL SOCIO-ECONOMICAL CONTEXT

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Abstract: The participation of every state at the international trade in goods and services represents, in the actual stage of the global economic development, a condition of its evolution. In the mid-course of this participation interposes the smuggling, as an illegal form of trade manifestation, component of the parallel economy (underground). The apparition of the smuggling is not something recently, it manifested once with the establishment of the first restrictions of the goods trade, but the causes which generate and favorite his apparition and amplitude suffered during the time diver modifications, dependent on the socio-economical stage at which diver states of the world gathered, those indicating us the efficient measures of maintaining under control.

Key words: customs regime, fiscal pressure, territories subject to taxation, technological evolution, deviant behavior, globalization, economic factors, technical facility, legislative amendment, interstates cooperation, economic measures, social programs.

Considering that in the actual conditions the economy and the global trade are producing a special impact over the worldwide' states, the participation of the national economies at the economic and international financial trades are a condition and an important source for the accomplishment of a durable economic growth . As such the foreign economic exchanges acquired a special importance for the balance and economic growth. In this context, each state promotes on domestic and international plain his economic policy which has the purpose to influence the development or the restraint of some economic branches for obtaining an economic growth with powerful effects over the entire plain of the social life.

Within the general economic policy it is to be found the commercial policy, appreciates as being one of his main component. The commercial policy executes the area of the foreign economic relations of a country and establishes the interfering mode of the national economy within the worldwide economy, representing one of the main instruments wherewith is intended the accomplishment of the state external function. By this facilitation are monitored the export-import operations, those of economic and technical-scientific cooperation, the use of the foreign economic relations for the facilitation of the national interests and the maintenance of an international trades balance. In other words, the main objective that has to be considered within the commercial policy is the stimulation of the national economy development safe from the foreign concurrency .

The commercial policy contains inside it the customs policy representing the assembly of the legal provisions which regards the income and the outcome, the goods getting in and out from a state and contains the customs formalities, customs clearance procedure and the customs duty system which is applied only for those goods which make the object of the foreign trade.

For the facilitation of the customs trade policy, each state elaborated his own custom regime establishing that the goods' entering and the outcome from a country of the is allowed only by the checkpoints of the border crossing, being submitted to the customs controls made by the Customs Authorities, the goods which have the right to circulate must be submitted to the customs duty and those of which circulation is prohibit must be stopped in the trade circuit.

As a consequence of the instauration of certain rules at board crossing of the goods, of the customs regime, appeared even the smuggling –as a defeat action of the rules.

Etymologically speaking the term of smuggling is originally from Italian, being a word compounded by the prefix “contra” which means against and the word “bando” having the meaning of proclamation, decree, legislative law, his translation being “against the law, contrary to the law” or more extended meaning “an action of illegally pass in a country of some prohibit goods or goods submitted to taxation, with the intention of fraudulent the state’ financial interest in his own material benefits”.

The smuggling shall represent the illegal border crossing of some prohibit or avoided from the custom duty of goods or some goods of which entering or passing in or from a country is prohibit by the law, or the avoid of goods from the customs regimes.

Smuggling means a law violation having the purpose of eluding the customs duties imposed at the goods cross-border, of the embargoes and of the import-export trade quotas, his existence presuming as a premise a customs legal regime. In another words, the customs legal regime “is representing a given for the Criminal Law intervention” in the smuggling approbation, and, we can also add, for the smuggling existence as a component party of the parallel subject to taxation economy.

Going on the natural thread of things we notice that smuggling, of circumvention of customs duties by its committing, the first notified being the customs regime, as a primary social value within the rule of law and social relations whose birth and normal development depends on its protection. The customs regime represents a fundamental condition for carrying out the functions and tasks that each state has, since the establishment of customs duties, requirements, prohibitions and even some facilities, within the foreign trade, goods which worth billions of dollars yearly go to the exporting countries, but it appears that they do not get anywhere in conclusion “huge amounts avoid customs duties by a big smuggling” and for example, it was emphasized that, at least for the drug trade, the spread figures are impressive, as long as the Medellin cartel in Colombia proposed to the government of this country to pay the external debt amounted to 14 billion dollars in exchange for his non extradition to U.S.

Moreover, by nonpaying the customs duties, as a smuggling consequence occurs a significant public property damage to the state that if we consider the functions of customs duties and their contribution to the budget funds necessary for the development of society, because there is an erosion of tax base, a decrease in revenues due to the public budget, which is reflected on the possibilities of maneuver in the economy and social field.

The state income level is negatively influenced by two mechanisms, namely, on the one hand, by depriving the state budget revenues by a part of the incomes due to him, according to the law in force, as a consequence of unpaid taxes, and on the other hand, by the state determination to increase or establish customs duties, to increase the fiscal pressure over the taxpayers. If the goods subject to such a smuggling trade would be subject to the customs duties, the imported incomes would be added to each state budget. Thus, in Romania, taking into account that the amounts which the cigarette manufacturers paid to the Romanian state as excise and taxes in 2007 amounted to 600 million of euro annually, the smuggling increasing with only per cent means 6 million of euro less budget.

Taking into account that the state budget represents the means of ensuring the general economic balance by taking measures to regulate economic processes, of state intervention in the economy and that in the same time represents a means of correcting an economic conjuncture to accomplish that it is necessary a budget with a secure income and raised. Lack of budget or of an unsure can create critical situations in the economics life of every state. Thus, at the microeconomic level, those companies whose business relies on an illicit trade, doing various forms of smuggling will make an unfair competition to the legal agents, leading to the distortion of market mechanisms and undermining of some of the activity fields. However, it may happen that some economics agents to conclude their activities because of these, or to pass in the illicit field by committing some unlawful forms of smuggling, which would further bring at the decrease of the domestic production, in the first version, and the reduction of State revenue.

The negative effects caused by the existence of this illicit phenomenon are generated by the fact that he is well integrated and linked to the licit economy, meaning that the illegal business is conducted to cover some legal business. In other words, there are also companies or groups of companies carrying out legal activities, but which banking accounts, networks distribution are used for illegal activities. There are also situations

where the incomes obtained by illegal cross-border trade are used to capitalize or support the legal activities of the company or their respective owners.

From the foregoing, it results that the facts of customs fraud, smuggling, together with other illicit phenomena causes serious damages to the economy of a nation and can even lead to his disruption.

Since 1789, by the “Declaration of the Rights of Man and Citizen” was established that the general tasks of the state are general administration, social protection, national education, health protection, national defense and political tasks that can be achieved only by using money amounts from the state budget. Therefore, when the state is deprived of some incomes, it cannot provide proper facilities for the disadvantaged, such as the sick persons, pensioners, families with children, homeless or without income or low income, etc. compromising the improve of their fate.

On the other hand, the developing of some illegal business activities exercise different influences on social class, meaning that some may advantage the disadvantaged classes, and others may advantage those with high incomes, in any case the general effect being to underline the social inequalities.

However, a state budget is a tool for achieving some socio-economic objectives. This thing is implemented through subsidies, which represents direct costs incurred in the state budget resources and waiver of certain revenues due to him, and through fiscal facilities, representing those measures intended to stimulate the economic activities, actions of general interest or to advantage certain social categories, or they can be made only if there are enough funds at the state budget. The reduction of these funds can lead to application failure or completion of government programs.

The existences of smuggling forms give birth to a distortion of macroeconomic indicators, and an incorrect assessment of reality. Thus, indicators such as GDP, the number of unemployed persons, the living standard, the social productivity of labor will appear in the official data at unrealistic levels and will create a false idea over the reality of major macroeconomic aggregates (national income, economic growth, employment, etc.), which will ultimately lead to decisions of economic and social policy ineffective and ineffectual.

Domestically, the effects of a wrong policy could be transposed into a distrust of citizens' taxpayers in the political powers, especially in those powers which are responsible for the implementing of those decisions in a wave of discontent that could escalate into events which can block for shorter or longer periods of time certain activity sectors.

Internationally, the highlighting of a gross domestic product, of the unemployment in rates higher than the real ones, together with the social grievances with which I referred will make the country's economic status at an inferior level of the real one, which will be marked as such by the rating agencies, and thus will harm the country's external image and will decrease or loss of foreign direct investment.

Given these issues appears in this form the necessity of knowledge and the need to counter illicit commercial activities in general and particularly of smuggling, meaning that they should be taken into account, to be quantified, in order to assess the effects produced by any economic policy measure.

One of the main intentions which are intended by the introduction of the customs duties is the attenuation of the competitiveness gap, as such when determining the quantum of a customs duty is taken into account the level of the existing differences between cost and price of a particular product of the domestic and foreign market.

Judging by this issue, duty may fulfill several functions, namely, protection of national industries, the equalization of price levels and even the prohibition of trade of certain products based on existing economic interests.

Therefore, the customs duties can produce complex effects of financial, economic or commercial nature, we can mention the effects over the states' revenues, the redistribution of income between different categories of participants at the economic activity, over the population' incomes, over costs, so and so.

But these are not the only customs duties, besides these there are also many others, and as example we can mention the more commonly known as income tax and profit tax, value added, so and so. All duties have a common denominator; together they generate a fiscal pressure on taxpayers who must pay these charges and compulsory levies imposed by state legal constraint.

Since the establishment of a tax or charge, in our case, can create, the quantum of some distortions in the economic and social life, it must be establish a balance between the state's necessities and the possibilities of payment. The optimal fiscal pressure should be put to the point where the marginal utility of the use of public goods is equal to that of private property. The tax increase over certain limits may lead to deterioration of the economic situation, the phenomena of fraud can appear, such as smuggling, which is aimed primarily, in whole or in part to circumvent the excessive customs duties, and secondly, to run trades with prohibited or restricted goods.

Therefore smuggling can occur in fiscal pressure exerted by an excessive legal customs regime, it represents a means to escape from the excessive fiscal pressure.

The existence of abnormal fiscal pressures moves the economical agents into offshore and tax havens areas to ensure the safety of the acquired money, to avoid excessive taxation and the need to preserve the confidentiality of the commercial operations.

The term "offshore" (translated from English would mean extra-territorial) with an economic sense would represent those economic activities and companies operating across the state' national borders where are residents. Such areas or banks existed since ancient times for example the Greek island of Delos, where the rich people of those times have stored various treasures.

Such a zone is characterized by the lack of internal resources which was offset by providing numerous tax incentives for companies interested to be attracted in the area. Territories or areas of this type are to be found in the less developed world, and the paradox is that the best customers come from highly developed countries with a better tax system in place.

In the same sphere are even the "tax havens" that represent a geographical area or a state with a zero tax regime or almost non-existent or only charged for a particular category of income, where tax liabilities can be legally suppress and impossible to control without restrictions over the foreign exchange.

Although the reference literature which was made to certain tax havens well stated , appreciates that practically every country could be a certain tax haven where to the

corporates or individuals, usually foreign, are provided various facilities to encourage investment and thus promote the economic growth.

Similar features but with a stronger emphasis on the movement of goods, shows that the “free zone “is part of the territory of a State in which goods are considered not to be entered into the customs territory and are not subject to control or customs regime, for example in Romania there are six free zones: Constan a, Br ıla, Sulina, Curtici, Arad and Giurgiu.

In such areas that have an unlimited period of standing the goods, goods can be placed without being presented to customs authorities or require the submission of customs statement. These categories of goods may be submitted to the export or re-export procedure without formalities in this regard.

All these territories which provide various facilities as regards the checks on origin, destination of goods, of used capital in any form to achieve the trade with such goods represent a way to achieve a smuggling trade and concealing amounts deriving or assigned to such a trade.

If we add to those exposed the developing technology that facilitated the access to offshore territories and beyond, with all that they entail, it is understandable why they have developed a whole industry which dominated half of the world wide’s financial transactions where they found more than 3000 billion dollars of personal wealth, which accounts 19% of gross worldwide product, according to existing statistics in 2006.

The emergence and manifestation of the phenomenon of smuggling is encouraged by the quality of regulatory environment characterized by lack of legislation which regulates the smooth operation of economic activities, either by the existence of laws that create ambiguity in their proper application.

Under such legislative circumstances are presented certain individuals who have a certain propensity to infractions, antisocial acts and adherence to economic crime. To highlight the attitude toward the deviance, an international survey was made, from which resulted that the availability of people to bribe and evading of taxes and legal fees is shown by over 40% of respondents who circumvent the customs regime.

Keeping us on the same token, we can show that smuggling is facilitated by another phenomenon illicit the same or perhaps more seriously, namely corruption, viewed as the abuse of public power for personal gain. As such, it is characterized by manifestations of power abuse and unfairness in making a decision, reflecting the moral status of a nation, as a consequence of the lack of the social control which should be exercised by the major state institutions. Whatever the forms it takes and the areas in which it operate, corruption is a consequence of anemia state of the society, both at micro and macro social level. Of all the aspects of corruption was found to be pregnant over the political dimension, respectively, included in its area the senior state officials, political leaders, members of ruling parties, producing an illegal crossing of the public sphere.

This phenomenon didn't emerged only in the last years of the economic, social and political life, but has its roots in the historical past. Moreover, as demonstrated by events in different countries, he doesn't characterize only some countries of this world, but all alike, no matter the development level in which it is located. A UNDP report concerning the global economy development brings out that 15% of the companies of the developed countries pay bribes to be successful in business, percentage increases to 40% in Asia and in Russia to 60%, data that can be taken into account until 2006.

However smuggling is only a part of the business cycle, of the international exchange of goods and corruption creates those facilities for an unfettered evolution.

For example, in Romania, the highest levels that the smuggling reached in the west side of the country during '90 years were due to the corruption of customs, judicial, administrative officials, so and so.

Although the quantification of the corruption is a difficult problem because of its underground size, it was found a means of assessment as an "index of perceived corruption", built and used in the analysis by the Transparency International agency, founded in 1993 with headquarters in Berlin, which investigates corruption in the world.

According to the data supplied by this agency, corruption is the main cause which lead to the breakdown of the Asian economy, which shocked the financial world and the extent of this phenomenon and its implications in the economic field have caused, for instance, in a country from Asia, the economic loss of the past 20 years (according to data up to 2002) to

reach 48 billion Dollars, while its entire external debt amounted to only 40,6 billion dollars.

Also, concerning the worldwide economic life, with all its divisions, including international trade, we can observe that under the strong effect of globalization, which has led to the elimination of commercial and financial barriers, before the organization of global institutions necessary for control and monitoring. Therefore, the premise has been created for grand assets, which are based on guns and drug dealing, human trafficking, trafficking of any type of products, prostitution, etc., which seem to have extended before such opportunities.

Cross-border organized crime is appreciated as being the “economic branch with the fastest expansion, which insured a yearly profit of around 500 billion dollars in 1999”.

The globalization of economic activities and financial markets, along with the positive effects which it has brought, caused the money coming from international illegal activities to be directed to those areas or countries where monitoring is less harsh and here it gains legal use, which leads to a distortion of the global assignment of resources, on one hand through criminal activities and on the other hand, through the means of assignment of these amounts.

In today's state of economic globalization, international crime grows so much and so fast, that there is an actual risk of limiting global economic growth.

As if the negative effects of globalization were not enough, we also assist today to the emergence of a modern economic system, as a result of the development of a new technology. Otherwise said, a new economy arises and its foundation is represented by informatics and computer networks.

In this new type of economy, transactions are not direct anymore, like before, implying physical goods and written agreements, but are digital and they create new virtual relations and new business environments, which have not been known before. This electronic economy is facilitated by the internet, which allows the damping of the physical and economic barriers of traditional economy.

The negative effects of encouraging smuggling have never ceased to emerge in this division, too. Thus, the orders for goods which will form the subject of illicit cross-border trade can be placed online, just like payment, followed by the electronic placement of funds, which takes place immediately, a fact which complicates the tracing of their routes considerably. Even more, this type of transfer may not be subjected to monetary or currency exchange related restrictions.

Considering the facts stated above, we can only ascertain that currently, the entire world is subjected to changes which are guided by the reality of limitation and rarity of economic resources. In the context of limitation of these resources, approach and communication with the other communities with which one interacts is required.

There are conditions, sufficient cases in which, due to the price differences for the same product in two neighbouring countries, the official imports of the country in which the price is lower to increase artificially, due to the fact that the greater part of imports illegally feed the market in the neighbouring country, where the price is higher.

These differences can emerge based on economic crises, when the magnitude of official activities diminishes significantly, unlike people's need or capacity to consume goods.

If we also take into account a high level of unemployment in the neighbouring county, fed by the high number of immigrants or illegal foreign workers, which reduces the purchasing power, through the decrease of wages or their inexistence, then the premise for the development of illegal cross-border trade is more than favourable.

In the same context, in what unemployment is concerned, we might add that its existence in an increased percentage might force people to become a target for human trafficking, modern slavery, which represent one of the most severe forms of smuggling trade.

Certainly, the aspects mentioned above represent merely the most important causes which can favour the emergence and extent of smuggling. To these we could also add others, such as the existence of a broken down economic system, management errors, evolution of the way of life, development of social protection policies, etc., which may each constitute, more or less decisive causes for smuggling. However, we believe that just one of the economic-social phenomena indicated above, is not capable to lead to the creation or to

favour an illicit cross-border trade, as the occurrence and interconnection of more than one of these is required.

In order to fight and hold back the phenomenon of smuggling, measures need to be concentrated and to include several areas, which seem vulnerable to it.

As we have shown above, in order for smuggling to exist, it is absolutely necessary for a passage of goods over the border, the violation of customs procedures, the introduction of goods in the economic circuit without the observance of the norms for control and taxation to occur. Even though, there is no identity between the border area and the customs area, still an overlapping of the two occurs in most of their part, as in any location where people or goods enter into the territory of one state, a customs control is also carried out, even if this is not defined. For instance in Romania, where the borders stretch over a total of 3,149.9 km, from which 1,085.6 km terrestrial border, 1,816.9 km river border and 247.4 km sea border, the area subjected to the control of the customs police is extremely vast and this allows the introduction of goods into Romania, through points which are not subjected to control, in an easier manner. Here, we would also like to highlight the fact that the Romanian state borders are not solely external, but also internal, the latter being situated in the harbor and airport areas opened for international traffic. In these locations, which are the first targeted in smuggling trade, the Romanian legislation grants rights to the border police to install signaling systems for passing over the border and monitoring systems for the border line, if required by the given situation, for limited periods, until the disappearance of the state which determines this necessity, as well as the possibility to carry out other works necessary for the fulfillment of tasks by the border police.

Thus, in conditions which facilitate the smuggling trade, the use of technical and other kind of means in order for this border control is required, a fact which implies that the observance of the conditions stipulated by the law for passing the state borders by persons, means of transport, cargo and other goods, should become efficient in a greater percentage. The use of these means, most certainly targets both the border crossing points and reduced traffic points, namely the locations organized and authorized by the Government of Romania for crossing the state borders, as well as the borders which exceed these points, with all the component elements, namely the border lanes, the protection strip, etc.

Regarding the other component of the good and persons control entering the territory of Romania and we talk here to the customs, we note that it may be more effective by providing technical means in the customs offices to enable an objective verification of the goods and we here refer to those performance scanners, which provide images of goods inside the containers, their use or to supplement them if there are insufficient, conducting intensive customs inspections of goods all the way from the first check, including the transit area and until their release from customs.

The technical equipment, its obligation to use it at every control would lead to reduction until elimination of the subjective factor that could be criticized for one class or another one of workers in the border area, where the lack of logistical support are put to use more criteria less disputable in the selection of full physical checks of vehicles or goods. Because essentially the smuggling is a serious fraud affecting the social relations of the customs regime field or which are interested by this regime, is an act of bad faith and misleading of the customs authorities regarding the situation of goods, generating uncertainty and disorder in the area of the crossing border goods, it creates a real social threat. For these reasons and considering that it is followed the protection of a financial interest of state any violations of customs rules was and is still firmly punished. However, rigorous and systematic regulations in this area have appeared only in the modern era. Of course the law of each state experienced a significant evolution from the archaic form that took the criminalization of smuggling from its beginnings up to today form. Thus in the laws of the worldwide states it is punishable as criminal offenses.

From the regulation point of view some states have adopted customs codes, in which is provided across the entire customs regime, also those facts constituting acts of smuggling, for example Albania, Bulgaria, France, Romania etc., Others have adopted the customs laws towards which they criminalized smuggling such as Italy, Great Britain and others viewed these facts in criminal codes as China, Moldova, etc.

However some countries agreed to include in the incriminating rules a large number of varieties of committing acts of smuggling, such as China, others have considered the development of limited regulation, such as Romania, which is not necessarily a drawback as long as the scope it is great. Thus, in art. 135 of Law no. 55/1987 of Great Britain refers

to other violations of law, regulations or instructions issued according to it, this provision constitutes an indictment of any acts that violate British customs legislation.

Some laws with customs character, as the Chinese law, developed a gradually form of the smuggling acts, such as drugs smuggling, reaching at goods of low-risk or value. However, many states punished not only the effective facts of smuggling, but those facts related to it, such as production of smuggling goods, their packaging, transport or handling operations, brokerage, marketing and even purchase of such products.

Some interesting questions are found in the U.S.A. law where the smuggling is criminalized even when it about the introduction of smuggling goods in other countries, on territory of a foreign government, by laws violation of there, in the conditions in which the laws of that foreign government provide penalties for such facts.

Consequently, an aspect that should be considered by each state refers to the harmonization of forms of criminality and punishment of smuggling in order to create an aspect regarding the liability of those who committed it.

In this context it would be quite useful to be kept for example outside the criminal repression some illicit acts which affect the customs regime for their offense to assure an efficient protection. Also the penalties that should be applied for committing acts of smuggling should have a higher degree to provide general prevention, illustrating the degree of social danger that it represents, also the special one, for the determination of those who committed such acts, to not recur.

However, it would be useful in addition to the criminal liability to cumulative exist a civil, material, administrative liability or other kind of liability for those directly involved in committing acts of smuggling, and for those who in different circumstances facilitate their implementation.

It would not be irrelevant the providing of some harsher penalties in case of committing acts of smuggling by those who have already been discovered and punished for such acts, because they show a persistence in committing them, and for the companies commercial to ban on a limited or unlimited period of time the economic activities that were committed acts of smuggling.

A form of combat the smuggling would be that to improve or optimize the existing legislation in each state regarding the movement of goods and people, based on international agreements, bilateral and multilateral agreements and reaching the proper legal provision, considering that a smuggling trade involves at least two states, in other words two different customs regimes. As such, there should be an uniform legislation with multinational, international or at least continental character that should unitary cover all the issues involved in efforts to combat the smuggling trade and to allow their efficiency. Such an approach is necessary especially where customs unions were created and I refer here, for example, the European Union, which has a single customs regime, a single customs tariff, where some borders between states exist only formally, and EU external borders overlap with some of the external borders of states that compose it.

In Romania there is a real preoccupation to improve the standing of the legislative framework and its adoption at the economic and social realities, reminding here the adoption since April 10, 2006 of Law no. 86/2006 concerning the Customs Code, which undergone several changes through the GEO no. 33/2009, Law no 291/2009 and GEO 54/2010, which transformed the old Customs Code in an efficient one and we refer here not only to treat the problem from a penal point of view, which currently covers a wide range of forms of manifestation of the smuggling trade, but also in terms of customs clearance procedures and customs clearance. In the same train of ideas, we recall here the Law 571/22.12.2003 concerning the Tax Code and Ordinance no. 92/2003 regarding the Fiscal Procedure Code, which covers among others and customs modality, of imposing customs duties respectively of tax establishing once with the import of goods in Romania or the EU.

Though these legislations' adaptations are welcomed, however, we cannot fail to notice the inconsistencies which exist between the legal provisions which they made, between the concepts and the institutions they created, resulting in some failures. We refer here to the 80 acts that have amended the Tax Code of 2003, the date of its adoption until now, and the fact that besides the numerous and complicated laws which compound it, it has for implementation a series of methodological rules, approved by several government decisions, for example, only those relating the customs procedures which have been

separately adopted and approved by Government Decision no. 44/2004, which transforms this complex piece of legislation in one complicated, hard to use.

Keeping us in the same register, we believe that the enhancing cooperation between various institutions required to fight the propaganda, would deliver much better results. But this cooperation should not exist at the level of one state, but in all states engaged in combating it, so it would be extremely useful, for example, if the customs, fiscal, police, prosecutors officials may directly contact and easily collaborate with their counterparts in neighboring countries, and for Romania in the context of EU accession, with their counterparts of every European state, members of it.

Not for least, we noted here even the measures with economic features, which should lower the fiscal pressure of all taxpayers, natural and legal persons, on the one hand, and to create conditions for economic development, which would aloud the maximize profits as it concerns the economic agents and income growth of the legal persons, knowing that the economic agents whose profits are reduced because of cost, among which are located the charges, will appeal at all means to mitigate them, and some of them will be used including those which fall into the unlawful, and we illustrate here the performance of imports that fall in the smuggling area. Regarding the natural persons, we can talk here about the two categories, first characterized by an illegal behavior and predisposition to commit illegal acts, not necessarily criminal, trying to earn revenues and use the illegal ways, engaging in smuggling trade, and the second performing a legal activity for which they are paid, but a legally insufficient revenue to cover the needs that they have, they will be directed towards the purchase of smuggling products, such as tobacco, alcohol, fuel, cosmetics, clothing, the choice between one or more products being made according to the social condition of each.

On the same lines it may be provided for the economic agents who do not commit such acts, or implement the prevention programs, of some incentives, fiscal exemptions, exemption from paying certain taxes, etc. to encourage them or strengthen the adopted position.

Therewith, it requires taking measures for the inflation surcease, to ensuring the monetary stability and exchange rate, deduction of the unemployment rate, thematic controls.

Not lastly, related to the issue mentioned above, it is necessary to occur media campaigns and development programs which aim the citizens, regardless of age or occupation, for their education in terms of not appeal at the deployment of illegal forms of trade, at the procurance of products derived from it and of their awareness perception of harm that this phenomenon can also be over those who are involved in smuggling or purchasing goods purchased through it.

Finally, we cannot notice that the smuggling with her various forms, can produce negative effects over the global economy, and the only chance to fight against it is the possibility of the international community to act effectively than the criminal organizations, to be, if it possible, with one step ahead of them, being imperative to maintain the measures taken so far and to take new ones, adapted to the current realities even if they will not eradicate it but only keep them under control and at those levels which will not affect the performance of a normal economic life.

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BACK TO TRADITION – FROM INTERNATIONALISM TO NATIONALISM IN SOCIALIST WOMEN’S POLICY

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Abstract: The concept of the model socialist woman in Romania underwent slight changes during the 45 years of communist rule. My analysis is not concerned with gender politics generally speaking, but with the influence (or even better: combination) of internationalism/nationalism on the ideal contemporary woman. The study below does not focus on the differences between ideology and reality or the impact of the communist system on daily life, but points to the propagandistic method of spreading the image of the perfect woman in the most prominent woman’s journal of the time.*

Keywords: Socialism – Internationalism – Nationalism – Propaganda –Women’s Policy

The basis of my analysis is the national-circulation, Romanian journal “Femeia” (the Woman). First published in march 1948 by the Central Committee of the Democratic Women’s Union of Romania (renamed 1957 as National Council of Romanian Women), “Femeia” appeared monthly with a print run of 115.000. In my analysis I summarized all the articles, columns under the following headings and topics (see figure 1): internal politics, external politics, life in Romania, life abroad, topical news, culture, fashion,

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household, travel, portraits/interviews, family, advertising, various topics.¹ Generally speaking we can see here the initiative to encourage social development.

Even though the main aim of the journal was to spread the socialist-Marxist (and later on Ceau escu's) ideology, we can see a change regarding internationalism/nationalism in three stages:

Internationalism	1. Phase (1948 – 1955/56)	Alignment to the Soviet Woman Orientation: USSR
	2. Phase (1955/56 – 1965)	Dissociation from the Soviet Example Orientation: West
Nationalism	3. Phase (1965 – 1989)	

In the first stage the Soviet Union (where the societal transformation process had already been completed) was the example to be followed. To create a classless society, it was necessary to push first of all forward with the proletarian revolution (like in all the other new satellite states of the communist bloc), which in practice meant that Romania was to focus on creating a working class (we must not forget that Romania had hardly any industry before Second World War and was mainly an agricultural country), while at the

¹ For a different approach see Denisa Florentina Bodeanu, *Politica demografică a regimului communist reflectată în revista "Femeia" (1966-1989)*, in Ghizela Cosma, Virgiliu âr u (ed.), *Condi ia femeii în România secolului XX*, Cluj: Nereamia Napocae, 2002.

same time forging a new socialist identity. It was to be an identity devoid of any nationalistic or traditional ideas that would pose a threat to the Soviets or the development of the new man.

The strong alignment to the USSR was dictated by Stalin himself, but at the same time the international tendency is inherent in Marxist theory (“workers of the world, unite!”). In classless communism the state, family, law and nation would eventually become obsolete, and therefore we can not only speak of an international tendency in that period (based on Marxist theory, and pushed by Moscow), but also of an anti-nationalistic point of view.

All of the aspects mentioned above are clearly set out in “Femeia”, where the Soviet woman is the rigid archetype and presented as an equal builder of socialist society, a good comrade and a courageous soldier fighting for the defence of her country, democratic freedom and peace. On top of all this, she is portrayed as a working woman and a mother², an example that the Romanian woman should follow:



“Natasha Metkin, hero of the Soviet Union in the Great Patriotic War, holding her son Dima. She made 980 combat flights and bombed the enemy with no less than 150 tons of bombs.”³

² See figure 1.

³ *Femeia*, no. 10, 1948, frontpage, translation U.M.

What is interesting is that the same picture and caption is to be found in Nina Popova's bestseller, where she summarises: "Soviet women combine majestic simplicity, warmheartedness, and the indefatigability of worker and mother with, when necessary, the wrath of the valiant soldier"⁴.

During the de-Stalinization process under Khrushchev, General Secretary Gheorghe Gheorghiu-Dej understood the necessity to distance Romania from Moscow, in order to safeguard his own position and to reduce Soviet influence. This process of re-emerging traditional nationalistic tendencies and dissociation from the USSR can be observed in other satellite states, due to the fact that "they demanded to be treated as states with equal rights in international affairs"⁵. In this period it is still too early to point to a tendency of pure nationalism, but we can discern the first steps in a developing process increasing distance from internationalism (dissociation from the USSR and a glance at the West) and a move towards nationalism.

Although the central idea of the model woman as a good worker, comrade and mother remained, the Soviet woman was no longer present in "Femeia". A slightly more liberal point of view shines through, however, due to the fact that indoctrination is no longer as obvious as before, and if we compare the journal to those from capitalist countries of the same period there is little difference in terms of lay-out, front page, and topics such as fashion, household, furniture or advertisements. The fashion section, for instance, introduces French and Italian fashion, and international products are advertised. There is even a travel column (called "Horizon 360°"), that, like in any travel guide, gives a neutral description of countries and cities all over the world.⁶ Very interesting in that period is also the new rubric "How they see us", where men, husband, sons, fathers, co-workers are "interviewed" about their thoughts about women, their wives, mothers, co-workers etc. This concept of a new female self-consciousness was based on traditional male point of views and therefore traditional values, such as being a good Romanian mother, wife,

⁴ Nina Popova, *Women in the land of socialism*, Moscow: Foreign Languages Publishing House, 1949, p. 141.

⁵ Dan Dungaciu, *Na iune i provoc rile (post)modernit ii*, Bucarest: Tritonic, 2004, p. 454, translation U.M.

⁶ See figure 1.

worker etc. Here we have a strong national identification platform for women, because it is very often stressed out, what it means to be a “Romanian” woman.

In the third phase of Romanian communism under Nicolae Ceau escu (who became General Secretary after Gheorghiu-Dej’s death 1965) tradition and a special Romanian form of “national mysticism”⁷ appeared where a glorious past was evoked in order to “compensate for the long series of shortages and frustrations”⁸ and in order to create a new national consciousness. “Nationalism became the decisive historical and political argument. United throughout their whole history, united around the single party and the Leader, the Romanians were infused with the evocation of unity, in other words, the subordination of the individual in the face of the national organism and, at the same time, a strict delimitation of their own nation in relation to others. As a political instrument of legitimization and domination, nationalism gained advantage from the amalgamation of the authentic nationalist tradition and the specific aims pursued by the communist dictatorship.”⁹

In “Femeia” this nationalism is especially aparent when we compare the “life in Romania” section with that of “life abroad”.¹⁰ Romanian women lead a life as mother heroines, working women, model mothers, and housewives, whereas the life of women abroad is benighted by crime, drugs, racial discrimination, exploitation and illiteracy. Beyond this, the journal stresses that it is the national duty of women to have children. This is obvious when one takes a look at the front covers. Single women or workers seem to disappear from the covers, to be replaced exclusively by pictures of Ceau escu himself (with or without his wife), mostly surrounded by children, women with children or women with their husbands and children. The health section is filled with tips for pregnant women or negative reports of illegal abortions. Having children became a national project and

⁷ Lucian Boia, *History and Myth in Romanian Consciousness*, Budapest: Central European University Press, 2001, p.33.

⁸ Boia, *History and Myth*, 74.

⁹ Boia, *History and Myth*, 77.

¹⁰ See figure 1.

reproduction was directly governed by the Party¹¹, whereas the national interest in children as building blocks towards “being a nation strong in numbers” was more important than the individual rights of women over their lives, because “women are constructed as biological reproducers of the nation”¹². However, it must be stated that this traditional, biological role of women was not something new in Romanian society but had its roots also in the patriarchal system of the Romanian Orthodox Church. The religious tradition of the woman’s duty of being a mother was here combined with “the demographic race [...] to retain the hegemony of the hegemonic collectivity”¹³.

What becomes clear is the fact that the female role was based through the whole socialist time on the concept of “biology as a destiny”. The policy from internationalism to nationalism as a policy to create or develop the “new man” is not valid for the “new woman”, who was primarily stuck in her traditional role.

Figure 1: Summary: Topics of “Femeia”

	1. phase 1948 – 1955/56	2. phase 1955/56 – 1966	3. phase 1965 – 1989
<i>INTERNAL POLITICS</i>	conferences, conventions general assembly defence of peace women’s liberation reforms fulfilment of three/five-year-plans building socialism	conferences, conventions general assembly meetings Party decisions reforms fulfilment of five-year-plans building socialism	conferences, conventions general assembly meetings Party decisions Party history fulfilment of five-year-plans life and activities of Nicolae/Elena

¹¹ For more detail see Gail Kligman, *The Politics of Duplicity*, Berkley: University of California Press 1998, or Corina Dobo (coord.), *Politica pronatalistă a regimului Ceaușescu*, Iasi: Polirom 2010.

¹² Nira Yuval-Davis, *Gender and Nation*, London: Sage Publications 1997, p. 37.

¹³ Yuval-Davis, *Gender and Nation*, 30.

			Ceau escu speeches Nicolae Ceau escu's events/homages for Ceau escu laws
<i>EXTERNAL POLITICS</i>	bilateral agreements with the U.S.S.R. help and presents from the U.S.S.R peace front U.S.S.R elections in the U.S.S.R protest in the U.S.S.R capitalistic countries under Anglo-American control Stalin's constitution October Revolution	interrelations between satellite states	state visits Ceau escu State visits in Romania (Nixon, De Gaulle etc.) wars
<i>LIFE IN ROMANIA</i>	life in cities/villages prisoners come home women in the countryside, as workers in industry, mother heroine, as comrades, as fighters for peace, for building socialism literacy education crimes and its consequences collective work	life in cities/villages women as workers in industry	life in cities/villages mother heroine, working women, model mothers, housewives, famous women bad example women
<i>LIFE ABROAD</i>	women in Albania, the U.S.S.R, Bulgaria, Hungary,		women in the world crime drugs

	<p>Czechoslovakia, Turkey, Poland life in Yugoslavia, China, Korea, South- Africa, Italy, Israel women's work in the U.S.S.R girls in the U.S.S.R patriotism in the U.S.S.R model life in the U.S.S.R Implementations in culture, industry, nature in the U.S.S.R education in the family in the U.S.S.R public welfare in the U.S.S.R work and rest in the U.S.S.R</p>		<p>racial discrimination exploitation illiteracy</p>
<i>TOPICAL NEWS</i>	<p>birthdays Stalin, Lenin, Ana Pauker, Molotov Revolution 8th March, 1st may, 1st June, New Year soviet press day day of death</p>	<p>8th March, 1st May, 1st June, New Year death Gheorghiu-Dej, election NicolaeCeau escu</p>	<p>8th March, 1st May, 1st June, New Year visits by Nicolae and Elena Ceau escu in Romania</p>
<i>CULTURE</i>	<p>exhibitions book recommendations art theatre movies in the U.S.S.R</p>	<p>book recommendations paintings architecture manual work cultural history (history of marriage)</p>	<p>exhibitions, literature, film, theatre, painting, national history, music</p>
<i>FASHION</i>	<p>fashion (1 page) how to sew fashion in the U.S.S.R</p>	<p>fashion (at least 4 pages) French fashion sewing patterns</p>	<p>the sophisticated woman Romanian fashion</p>

<i>HOUSEHOLD</i>	practical tip recipes health (diseases and prevention, care for the sick) garden	practical tip recipes health (ask M.D.. ...) garden furniture beauty hairstyling plants decorations	recipes cosmetics housework decorations health (diseases and prevention) tips for pregnant women physiologic information sex education work of medical staff negative effects of abortion information for mandatory gynaecological examinations maternity clinics nutrition
<i>TRAVEL</i>	visits to the U.S.S.R	travel around the world „horizon 360° “	
<i>PORTRAITS/INTERVIEWS</i>	famous international communists		
<i>FAMILY</i>	establishing kindergartens, holiday camps orphans development of the youth baby care parents-child relations children are our future	“how they see us” parents-child relations educational advice (Ask...) baby care	model family, life as a couple, parents-child relations divorce child education in a communist sense governmental measures for the family
<i>ADVERTISING</i>		cosmetics household items kitchen items household appliances	groceries cosmetics household items kitchen items

		clothes shoes textiles cleaning products	household appliances clothes shoes textiles cleaning products
<i>VARIOUS TOPICS</i>	letters to the editor correspondence between women from the U.S.S.R. and Romania jokes sports poems, short stories, kids page	letters crosswords poems, short stories, kids page	crosswords anecdotes

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THE POLITICAL SITUATION OF THE GERMAN MINORITIES FROM ROMANIA AFTER WORLD WAR II

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Abstract: The aim of the present paper is to present the policy of the Romanian Communist Party towards the German minorities of the country. It is an attempt to find out why these minorities decided to leave the country, which was actually their home. We will discuss also the democratic principle of subsidiarity used by the institutions of the European Union in relation to the member states. This principle would have definitely helped the German minorities during those times, of course, if the regime would have been interested in the welfare of its citizens.

Keywords: German minorities, Communist Party, political situation, measures, solutions

Introduction. General considerations on the German minority from Romania during the 20th century

In the mid 20th century, the situation of the German minority has deteriorated. We can divide this time span into four phases. The first one is contradictory and harsh, due to all the measures taken regarding the German minorities: deportation, expropriation or restrictions for the use of their mother tongue. The second period can be regarded as a moderate one, as the measures have been more indirect, such as including the members of the German minorities in the Communist Party and in the legal status of minorities. The third phase has been intolerant and repressive, because of the actions of the Ceausescu

Regime, such as tracking, forced assimilation and cynical emigration regulations. During the last phase, towards the end of the Communist Regime, the consequences of all the actions unfold in an extreme nationalism and loss of basic human rights.

1. The Ex-Lex Period

In this period, the German minority has been hit very hard. Between the years 1945 and 1948, the German minority has been subjected to discrimination. Most German schools were closed, the Germans from Romania were excluded from the legal status of minorities and many members of this minority were arrested. Under communism, all rights were based on nationalist goals aimed at creating a homogeneous nation, by eliminating the differences of nationality and assimilating all minorities to the Romanian culture.

In 1945 the deportations took place, while the Germans have lost all civil rights and were excluded from the legal status of minorities. Consequently, these people found themselves in an outlaw state, they no longer existed legally, had no political or civil rights. Then the total expropriation of all major German owners was imposed, followed by the nationalization of industry, finance, banking, and education by nationalizing all schools in the country. Thus, the German minority was prepared, in the communist sense, to build socialism (Hartl, 1987: 90).

1.1 The deportation 1945

On September 12, 1944, the Romanian government signed a peace agreement with the governments of the Soviet Union, Great Britain and the U.S., taking a series of obligations to its allies (Oschlies, 1988: 50). One of the obligations has been the deportation of Romanian citizens of German ethnicity to do reconstruction work in the Soviet Union. Everything that was German, was associated with fascism, Germans were treated as scapegoats for everything that went wrong in the war (Kroner, 2004: 65).

Moreover, Romania has attacked the Soviet Union during the war and the members of the German minority were considered guilty for this. The deportation of the Germans from Romania was legitimized in two ways: on the one hand the collective guilt of all Germans,

on the other hand, the fact that the members of the German minorities were Romanian citizens. The consequence was the deportation of a number of 75,000 men and women, to work in order to help rebuild the Soviet Union in 1945. Whole families have been separated, and at the end of World War II the number of Romanian citizens of German origin has been halved (Gabanyi, 1991: 496).

1.2 The Agrarian Reform 1945

Through the Agrarian Reform from March 23, 1945, all Romanian citizens of German origin who collaborated with Nazi Germany, have been expropriated from all their lands, without any compensation. Every single German was considered guilty of collaboration with Waffen-SS (Casagrande, 2003: 32).

Only few citizens managed to avoid being subjected to these measures, ie those who could prove that after August 23, 1944, were involved along with the Romanian army in the war against Germany, or those who could prove that they had performed explicit anti-Nazi activities (Kroner, 2004: 72).

In fact, 1945-1950 was a period of transition from capitalism to the socialist system. In this respect, the goal has been the destruction of the bourgeois class, and part of the German minority was part of that class.

1.3 The nationalization of schools

After August 23, 1944, German schools were supported first by the church, but four years later, after the Decree no. 175/1948 has been issued, all religious and private schools of any kind, were nationalized (Wagner, 1981: 358).

2. The integration period

This period can be regarded as the second stage of development of the German minority. This period began in 1952 with the new constitution and ended with the consolidation of power of the Ceausescu regime in the late 60s. The policy, with regard to minorities, practiced in this period can be seen as moderate compared to that from the past and that

from the future. In these years, Romanian policy was still driven by nationalistic goals, but behind it were no longer the means of collective action and repression, but predominantly indirect means, such as regional or school reforms or structural evolutionary processes (Sterbling, 1995: 309).

In December 1948 the legal status of minorities has been extended and the German minority has been finally included. Two years later, the German minority obtained the right to vote and obtained the right to have representatives in the Grand National Assembly. Since 1949 they could also have their own publications in German, but which functioned as organs of the regime (Hartl, 1987: 81).

2.1 German minorities in the People's Republic of Romania

After the forced abdication of King Mihai I. on December 30, 1947, the Romanian People's Republic was established. The Communist Party took power and control over all areas of public life.

After the Concordat with the Vatican, 1948, the Greek-Catholic church merged with the Orthodox Church. All those fighting against this measure have been incarcerated (Kroner, 2004: 75). The state ideology being The Marxist-Leninist one, an atheist type of policy has been introduced.

2.1.1 Restitution of properties

Through the Decree 81/18 from March 1954 of the Great National Assembly and the Decision of the Council of Ministers no. 370/19 from March 1954 regarding the application of the decree, the German minorities have regained their homes, which have previously been taken away from them (Poledna, 2001: 117).

All peasants and workers have received back their houses, if they respected the following (Poledna, 2001: 118):

- a. to join the collectivization process;
- b. to be employed full time as workers or technicians in agricultural or industrial technology, or to work in the collectivized agriculture;

Thus, two trends have developed regarding the lives of these citizens, on the one hand, a growing number of those active in collectivized fields, and on the other hand, free jobs have disappeared completely.

2.1.2 The situation of the German minority in the period 1956-1966

During this period one can see the trend of change of residence, from the country to the city, of the majority of the Germans. The primary feature of this period was the collectivization process.

2.1.3 Travel and Immigration

The travel possibilities towards other countries were very limited. Citizens who were permitted to go abroad, after a long waiting period, were forced to hand over the houses they lived in, to the Romanian state, without any compensation (Bodeanu, 2006: 395). They often used the lie that they wanted just to visit their relatives abroad, and then never came back.

On average, about 1,400 of them have immigrated every year to Germany, but this number was not constant over the years, it has fluctuated. During 1950-1979, approximately 91,163 Germans left Romania (Ludwig, 1978: 104).

2.1.4 The socialist Constitution 1965 and the German school system from Romania

In the text of this Constitution, the term cohabiting nationalities has been used for the first time, term that is actually a derogatory term.

The German minorities have obtained the right to use their mother tongue in books, newspapers, magazines, theater, constitutional proposals, but they were also imposed a number of limitations, particularly through the educational reform of 1978. The right to use their mother tongue was only given so that the Communist Party could follow their political objectives peacefully (Göllner, 2006: 789). Consequently, the German language has been introduced at all levels of the school system and the state funded a number of books in the German language.

2.2 Resumption of diplomatic relations between Romania and Germany and its consequences

One of the main consequences of the resumption of diplomatic relations (1969) between Romania and Germany has been the increase of number of the citizens who were permitted to emigrate.

2.2.1 Regulations between Romania and Germany on the emigration of Romanian citizens of German origin

In 1978 there was an agreement between the German Chancellor Helmut Schmidt and Nicolae Ceausescu, according to which, Romania should allow a certain number of Germans to emigrate each year, and should be rewarded for that, with a fixed amount for each immigrant. Following this agreement, Ceausescu obtained in the 70ies an amount from 8000 to 10,000 marks from the German Federal Republic (Schuster, 1992: 19).

Another main consequence of this agreement has been a large number of tourists that were allowed to visit Romania in those years.

2.3 The Communist Party and the minorities

The German minority was an important element for the communist Romanian state and its image abroad. Mainly in the 50s, the Communist Party included members of this minority, not because the party wanted to grant this population some rights and representativeness, but out of a well-crafted strategy, based on four pillars. The first one is simply the fact that the party was young and small in the beginning and in need for members who could support and promote it, in other words, the first pillar was the internal image. The second one has been, of course, the external image. In order to have a good international image, the Communist Party had recruited members from among the minority, but there wasn't a true representation, because very few members had a say, among which very few were Romanian citizens of German origin. The party wanted to be seen internationally as open to all of its own citizens and transparent. At the End of the 50s, Gheorghe Gheorghiu Dej imposed a nationalist vision of the Romanian state, based on the Dacian-Roman continuity theory, which he wanted to extend and impose among all citizens as a dogma. And last but not least, these minorities admired the Federal Republic of Germany, had strong and good

relations to Eastern Germany and also hated the Communist Party. Knowing all this, the Party wanted to include some representatives of those minorities, just to bring them closer. In the year 1967 PCR had about 1,676,000 members of which 21,500 Romanians of German origin. This number was equivalent to only 5.5% of the total members of the German minority in Romania, but considering the percentage of the German minority in Romania to the whole population of the country, or 2%, the percentage of Germans in the communist Party was quite high, especially when one considers that only 8.7% of the total population were part of the party. In the year 1968, PCR had a total of 1,761,000 members, 22,000 Germans, so 1.24%. Until 1974 the number increased, ie the total number of members, 2,462,380, and 49,000 were Germans, therefore 2% (Oschlies, 1988: 50).

3. The political landscape in Romania in the 70s

This period was marked by an intolerant and repressive policy, whose main feature was forced assimilation. The period is characterized by limitations in terms of cultural development of minorities, by chasing them and spying on them (Totok, 1988: 80). The vision of the dictator Ceausescu has been that the country should not consist of different nationalities, but to be a single socialist nation.

Moreover, in Romania, nationalism has merged with communism, forming a national-communist ideology, whose ultimate goal was the uniformity of national minorities.

4. The merger effect

The merger effect was actually the dream of creating a homogenous socialist nation, or, in a word Romanization. Equal rights within the socialist constitution, and the legal state of the minorities, regardless of race, nationality, language and religion had a significant double effect. The aim has been not only the elimination of discrimination, but especially assimilating the minorities to the socialist system. This aim has been visible also through the way the dictator expressed himself while talking to his people. Instead of his usual line “all citizens of our country, Romanians, Hungarians and Germans”, in the 80s he just used the general term “the nation”. While talking about the Germans, he used more and more

the term “Romanians of German nationality” and the representative organization of this minority had to change its name, from the original “Council of Working People of German Nationality”, into “Council of the Romanian Working People of German Nationality”, so everything should be homogenous and, moreover, Romanian.

Regarding to the German publications of this country, we must stress the fact that all German written publications, which have appeared after 1945, have not been, as they claimed to be, the voice of the German minorities, but vice versa, the voice of the communist regime directed towards the German minorities.

5. Conclusions

As a conclusion, we present some census figures about the German minorities from Romania, during the analyzed period, until today:

1944 – 600.000 Germans (König, 1995: 265)

1948 – 343.913 Germans (Turliuc, 2005: 234)

1956 – 384.708 Germans (Gilberg, 1974: 435)

1966 – 382.595 Germans (Wagner, 1981: 153)

1977 – 360.000 Germans (König, 1995: 264)

1992 – 119.436 Germans (<http://www.ispmn.gov.ro/node/minoritatea-german-1992>
(10.06.2012))

2011 – 36.900 Germans (http://www.recensamantromania.ro/wp-content/uploads/2012/02/Comunicat_DATE_PROVIZORII_RPL_2011_.pdf (09.06.12))

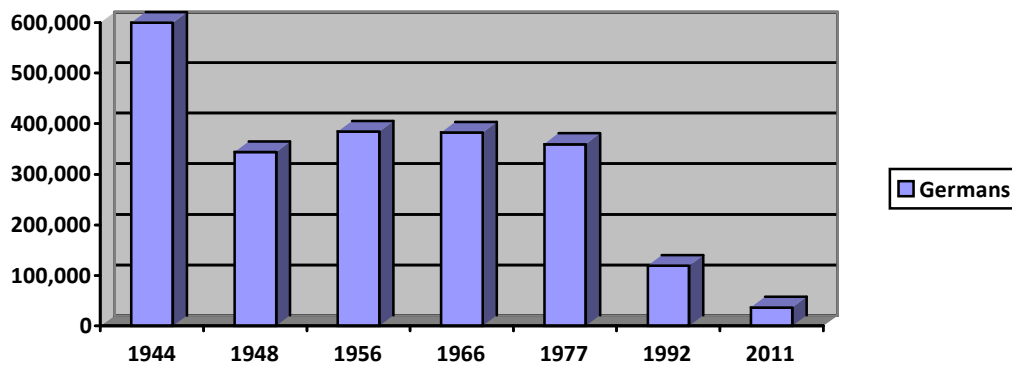


Fig. 1: Census over the years: the German minorities in Romania (own representation)

Looking at the figures from the chart, we can observe that after the war and the deportation in the Soviet Union, the numbers have decreased, then we see a stagnation period for about twenty years and after the migration agreement between Ceausescu and the German chancellor, another decrease has been registered. After the communism has fallen, almost three quarters of the Germans have fled, left the country, the numbers have fallen drastically. These numbers are saddening, but understandable, if we look at the historical facts.

In our days, we are all familiarized with the principle of subsidiarity, which regulates the exercise of powers in the European Union, and are aware of its purpose and benefits. Decisions must be taken as closely as possible to the citizen, at a local level. The same principle should have been applied also regarding these minorities and their specific problems. Naturally, this would be the case in a democratic system, which aims to generate welfare for its citizens, and not in an oppressive and nationalist system. These minorities confronted themselves with different matters, problems, had specific features and had other interest as the majority, and they should have been handled differently by the regime and this way, they maybe would have never left the country, they surely considered to be their home.

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**L'AVÈNEMENT DU COMMUNISME EN ROUMANIE.
RÉFLEXIONS SUR LES CONSÉQUENCES SOCIOPOLITIQUES DE
LA PREMIÈRE DÉCENNIE DU RÉGIME**

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Abstract: The purpose of this study is to investigate the milestones that proved to be decisive in the change of regime occurring in Romania in the aftermath of World War Two, with a particular focus on the Soviets' mechanisms that contributed to this event. The consequences on the Iron Curtain on Romania went far beyond the institutional level, as they were chiefly noticeable in the juridical, social and economic areas too. Along with the fall of the Monarchy there came a wave of repression affecting the population and causing a veritable downturn in the social order of the newly-created Popular Republic of Romania. Moreover, the so-called communist reforms aiming at collectivization and nationalization extended the process of change onto the economic field, often with disastrous consequences.

Keywords: communism, Popular Republic of Romania, repression, collectivisation, nationalisation

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Afin de comprendre le contexte qui a favorisé l'installation du régime communiste en Roumanie et ses traits particuliers, pendant sa première décennie d'existence, il s'avère d'une importance majeure d'établir une comparaison pertinente avec la situation fortement contrastante de l'occident, pendant la même période. Ceci nous permettra d'établir dans une étude ultérieure, entre autres, les raisons pour lesquelles les changements qui sont arrivés à cette époque-là ont favorisé l'immigration d'un segment des élites représentatives de Roumanie, dont une partie majeure a opté pour la France en tant que pays de refuge. Il est, ainsi, essentiel de noter l'involution du statut des intellectuels, la destruction de la classe politique valeureuse et des partis historiques, dans le cadre du processus d'accapuration du pouvoir par un parti devenu unique - le tout aboutissant à une altération des valeurs au sein de la société roumaine. Afin de comprendre le besoin de créer un message anticomuniste promu depuis l'exil français - et non seulement - il reste à étudier les abus à l'égard de l'intelligentsia commis par le nouveau pouvoir de Bucarest, dénué de légitimité.

La question ultime que nous devons adresser est franche - quels sont les traits spécifiques du communisme roumain, qui ont laissé une partie importante des élites du pays sans aucun autre espoir que de prendre, parfois avec des sacrifices immesurables, la voie incertaine et peut-être même irréversible de l'exil? Pour aboutir à y répondre, des interrogations auxiliaires devraient être prises en considération, telles: combien impitoyable a été le communisme roumain à l'égard des opposants du régime? Quels moyens de persécution pratiquait ce régime contre les voix critiques du sein de l'intellectualité? Est-ce qu'il y avait des espaces publics où l'on puisse verbaliser une critique réelle et pertinente du système fraîchement instauré, même sans courir le risque d'être jugé de traître en ce faisant?

Les réponses surgissent au fur et à mesure que l'on analyse d'un œil véritablement critique la situation de la Roumanie autour de l'an 1945, qui s'est avéré aussi décisif pour ce pays que pour l'Europe entière, sinon davantage. Ce qui est évident, c'est que la Roumaine a été dépendante des garanties offertes par les grands pouvoirs européens, dont la France et la Grande Bretagne étaient les artisans traditionnels. La chute de la France dans les premiers moments de la conflagration mondiale a poussé une Roumanie déjà prédisposée à la tentation totalitaire de l'extrême droite dans les bras nazis et, d'autant

pire, sous les auspices du Pacte Ribbentrop-Molotov¹. L'appétit pour le culte du leader suprême - malgré la présence de la monarchie - s'est amplifié avec l'arrivée au pouvoir du maréchal Antonescu (1940-1944), dont l'anti-slavisme a contrasté énormément avec le régime d'occupation commencé en 1944, lorsque l'Armée rouge a envahi le pays².

Cet état de pression et de confusion se reflétait sous tous les aspects de la vie, en commençant par l'opinion publique, jusqu'aux plus hauts mécanismes décisionnels du royaume, où le coup d'État du roi Michel I de Hohenzollern-Sigmaringen, du 23 août 1944, a changé l'affiliation de la Roumanie vers la fin de la Seconde guerre mondiale. Les pertes de vies humaines et de territoires historiques a été combinée avec une occupation soviétique depuis 1944 jusqu'en 1958, autorisée par le Traité de paix de Paris, signé en 1947. Ce climat désespéré et marqué par l'incertitude a été empiré par la création d'une institution qui est restée dans l'histoire de la Roumanie comme une tache noire, à savoir rouge, c'est-à-dire la Commission alliée de contrôle³.

Le coup du roi Michel, le 23 août 1944, par lequel la Roumanie devenait hostile à l'Axe, a permis aux soviétiques de signer l'Armistice avec ce pays, un jour après, dont l'article 18 établissait les mécanismes légaux pour l'instauration de la Commission alliée de contrôle⁴. La responsabilité de la direction de cet organe revenait, selon le traité, aux représentants soviétiques, qui recevaient, par la suite, des pouvoirs considérables par rapport au gouvernement roumain, qu'il supervisait de jure. La voie vers les abus était ainsi ouverte, vu que c'était le général russe Rodion Malinovski, membre du Parti communiste depuis 1926 et héros du siège de Stalingrad, qui a été investi avec les attributs de gestion de la Commission alliée de contrôle pour la Roumanie⁵.

En parallèle avec la Commission et en conformité avec l'article 14 de l'Armistice conclu entre la Roumanie et les Alliés, une autre mesure questionnable a été mise en place, qui a dévié vers des abus - c'est-à-dire la création de deux Tribunaux populaires, dont l'un

¹ Gh. Buzatu, Dana Beldiman, *23 August 1939-1944. Romania i Proba Bumerangului*, Éd. Mica Valahie, 2003, p. 79.

² Voir : Dennis Deletant, *Hitler's Forgotten Ally: Ion Antonescu and His Regime, Romania 1940-44*, Éd. Palgrave MacMillan, 2006.

³ Ioan Scurtu, *Istoria Romanilor de la Carol I la Nicolae Ceau escu*, Éd. Mica Valahie, 2010, p. 191-192.

⁴ Gh. Buzatu, Dana Beldiman, *op. cit.*, p. 343-345.

⁵ Gh. Buzatu, Stela Acatrinei, Gh. Acatrinei, *Românii din Arhive*, Éd. Mica Valahie, 2008, p. 203-204.

siégeait à Bucarest et l'autre à Cluj. Placés sous la supervision de la Commission alliée de contrôle, les deux instances avaient le dessein d'amener devant la justice les criminels de guerre trouvés sur le territoire roumain. Bien sûr, l'effet décourageant, psychologique de cet outil était déjà devenu de notoriété, d'autant plus que la « victime » la plus connue jamais jugée par le Tribunal a été le maréchal Ion Antonescu. Dirigeant de la Roumanie entre 1940 et 1944, d'une main autoritaire suivant d'une certaine manière la typologie du leader d'extrême droite de l'époque, le maréchal Ion Antonescu, impliqué lui aussi dans l'Holocauste, a reçu le verdict « coupable » de la part du Tribunal bucarestois. Durant le procès le plus important mené par ce Tribunal, il y a eu 24 accusés ayant fait partie de l'administration d'Antonescu, dont 13 ont été condamné à mort, y inclus le dirigeant⁶. Le message a été extrêmement puissant et en consonance avec l'écho incommensurable des procès de Nürnberg à travers le continent européen, qui semblait affirmer *pas de pitié pour les criminels de guerre*⁷.

Quatre des treize accusés ayant été condamnés à mort ont été exécutés, le 1 juin 1946, tandis que trois verdicts ont été changés en emprisonnement à vie et six ont été prononcés in absentia, sans jamais avoir une finalité. En plus, les autres 174 verdicts donnés par le Tribunal de guerre de la capitale roumaine ont témoigné d'une attitude ferme, voire impitoyable, des Alliés, sous l'impulsion des Soviétiques: de longues peines en prison et un climat de pression dans le pays entier⁸.

Similairement, le Tribunal de Cluj a émis un nombre impressionnant de verdicts, 481, dont une centaine représentait la peine de mort, ce qui ne signifie pas qu'il y a eu autant d'exécutions⁹. Ce qui peut être remarqué est le fait que la grande majorité de ceux qui ont été trouvés coupables par cette instance de Transylvanie étaient de nationalité hongroise, dont quelques-uns n'ont jamais été amenés devant le Tribunal. Pourtant, le climat de la vengeance devenait de plus en plus évident, contribuant à un certain sentiment de terreur, ou bien à une preuve indéniable de puissance évoquée par les

⁶ Gh. Buzatu (coordinateur), *Mare alul Antonescu la judecata istoriei*, Éd. Mica Valahie, 2002, p. 418-419.

⁷ George Ginsburgs, Vladimir Nikolaevich Kudriavtsev, *The Nuremberg Trial and International Law*, 42ème édition, Martinus Nijhoff Publishers, 1990, p. 20.

⁸ Zoltan Tibori Szabo, *The Transylvanian Jewry during the Postwar Period, 1945-1948*, dans *East European Perspectives*, vol. 6, 2004, p. 306.

⁹ *Ibidem*.

soviétiques. Cependant, cette atmosphère a été d'une certaine façon atténuée pendant les années suivantes, étant donné que certains verdicts capitaux ont été commutés en emprisonnement à vie. Par ailleurs, un décret émis en 1950 a allégé les peines d'une partie considérable des criminels de guerre condamnés sous les auspices des Tribunaux du peuple, permettant la libération de plusieurs d'entre eux. En fait, jusqu'au milieu des années 1960, une série d'amnisties ont été proclamées par les autorités de Bucarest, ce qui a mis fin à la plupart des condamnations prononcées par les Tribunaux¹⁰.

Ayant passé en revue la dimension répressive des démarches instituées par la Commission alliée de contrôle, il faut s'arrêter sur les circonstances qui ont abouti à l'accapuration du pouvoir en Roumanie par le Parti communiste, afin de continuer par le noyau du problème, c'est-à-dire les particularités du régime totalitaire. Celles-ci doivent être liées à un autre aspect central de cette étude, notamment la condition des intellectuels roumains pendant cette période tumultueuse et, par conséquent, les raisons qui ont déclenché la nécessité d'opter pour la voie incertaine de l'exil. Pour comprendre la nature dictatoriale, abusive et meurtrière du communisme roumain, il s'impose de surprendre aussi la nature sociale et politique de ce système, à partir du moment où la Roumanie s'est retrouvée plus que jamais sous la pression soviétique.

Le premier point de gravité extrême s'est enregistré le 30 décembre 1947, lors de l'abdication forcée du dernier monarque de la partie obscure d'au-delà du rideau de fer, Michel de Hohenzollern-Sigmaringen¹¹. Comment a-t-il été possible d'arriver un tel acte? La réponse est complexe, mais les actions qui convergent vers son explication peuvent être tracées à présent avec une précision, voire une lucidité, remarquable. En dépit de la tournure décisive du 23 août 1944, l'armée rouge percevait la Roumanie comme un État hostile, qui n'avait pas hésité à apporter sa pierre à l'invasion impitoyable des nazis sur la terre russe. Sans être qualifiée d'État cobelligérant, la Roumanie a été dénuée d'influence lors de la Conférence de Paris suivant la seconde guerre mondiale et s'était déjà inclinée, en dehors de sa propre volonté, vers un avenir rouge, à cause des négociations de la fameuse Conférence de Yalta, de février 1945 (voir la célèbre note de Churchill visant, entre autres, le partage de la Roumanie en sphères d'influence entre les pouvoirs occidentaux, qui n'en obtenaient que 10%, et l'Union soviétique, à qui reviendrait le

¹⁰ Ioan Scurtu, *op. cit.*, p. 86.

¹¹ Idem, *Politica și viaa cotidiană în România în secolul al XX-lea și începutul celui de-al XXI-lea*, Éd. Mica Valahie, 2011, p. 270-271.

reste)¹². Face à cet échec diplomatique majeur, la Roumanie se trouvait dans une situation désespérée, étant obligée de payer des sommes exorbitantes comme réparations de guerre, aussi bien que de subir une occupation soviétique qui s'avérerait un fléau inimaginable. Pareil aux autres pays qui se préparaient à entrer dans la zone communiste, l'avènement au pouvoir, au sens strictement institutionnel, du Parti influencé constamment par Moscou, est arrivé le jour fatidique, et longuement glorifié par certains, du 6 mars 1945. À ce moment-là, l'installation au pouvoir du nouveau gouvernement, sous la direction du Dr. Petru Groza¹³, un camarade fidèle des communistes, est venue comme réponse aux techniques de chantage des soviétiques. Maintenant pour l'instant une apparence d'exécutif représentatif de la volonté du peuple roumain, le gouvernement, bien qu'incluant des membres des partis historiques, avait alloué les postes-clés aux communistes. Ayant pris le contrôle des mécanismes policiers, les communistes ont eu peu de difficultés à falsifier de manière grossière les résultats des élections « démocratiques » du 19 novembre 1946¹⁴, selon les principes bien connus énoncés par Joseph Staline.

Entre temps, le plus haut garant de la préservation de la démocratie, le roi, était ignoré par le premier ministre, qui n'avait pas été affaibli par la soi-disant *grève royale*, dont le dessein avait été celui de forcer la résignation de Petru Groza¹⁵. Tout au contraire, les signes des abus étaient de moins en moins cachés, vu que les protestations publiques commençaient à être réprimées avec de la violence. Ayant connu des succès majeurs dans le processus législatif, par l'imposition de la réforme agraire, par exemple, le gouvernement a assumé, grâce au soutien massif de la part du législatif, le rôle typiquement dictatorial de suppression des partis historiques, l'un après l'autre. La dissolution du Parti national-paysan et du Parti national libéral, suite à des mascarades et à des complots odieux, suivie par la condamnation à de longues années en prison des dirigeants de ces forces politiques, qui se sont avérées fatales pour une grande partie d'entre eux, a été l'une des taches inoubliables de l'histoire de la Roumanie¹⁶.

¹² Britain's Public Record Office, PREM 3/66/7.

¹³ *Revista istoric*, volume 16, Instiut d'histoire « N. Iorga », Éditions de l'Académie roumaine, 2005, p. 17.

¹⁴ Ion Alexandrescu, *Enciclopedia de istorie a României*, volume 2, Éd. Meronia, 2000, p. 204.

¹⁵ Dinu C. Giurescu, *Imposibila încercare: greva regal, 1945 : documente diplomatice*, Éd. Enciclopedic, 1999, p. 88.

¹⁶ Constantin Scorpan, *Istoria României: enciclopedie*, Éd. Nemira, 1997, p. 430.

C'est le même événement qui a signifié, pour certains intellectuels qui ont été plus chanceux, l'ouverture de la voie vers l'exil, tandis que d'autres ont été soit exécutés, soit jetés en prison, dans des conditions inhumaines. Pendant les années 1946-1947, le climat instauré par les communistes a été celui de la crainte, pour servir à l'assujettissement d'une nation déjà épuisée par les efforts de la guerre - des tribunaux chassant les collaborateurs du régime fasciste, criminels de guerre et antisoviétiques et prononçant des peines sévères, où les exécutions étaient devenues communes.

Si la sort de la droite traditionnelle roumaine a été tragique, la gauche, qui n'avait pas manqué de confrontations internes, a été « persuadée » de joindre le Parti communiste, afin de former un front commun, sous le nom du Parti ouvrier roumain. C'est justement à cause de cette amplification, sans soutien populaire proportionnel, du pouvoir des communistes et de l'influence soviétique en Roumanie que la monarchie, restée isolée dans une Europe de l'Est qui a pris un couloir tout-à-fait rouge, a chuté à la fin de 1947. C'est l'avènement de la République populaire roumaine, dont l'instrument juridique, la Constitution de 1948, a été la source de nombreux abus contre l'intelligentsia du pays et non seulement. Modelée selon la Constitution de l'Union soviétique adoptée en 1936, l'acte de 1948 instaurait un contrôle de l'État non seulement sur l'économie et le commerce, mais aussi sur l'idée de propriété, vu que la nationalisation devenait possible sans entraves¹⁷.

Ce qui est plus intéressant pour cette recherche se réfère aux droits et aux libertés des citoyens, quoiqu'il s'impose dès le début d'observer la nature ambiguë de la définition et des séparations entre « ceux qui travaillent » et ceux qui ne le font pas. L'hypocrisie de la première Constitution communiste de la Roumanie était quasi-omniprésente. Pour l'exemplifier, il faut seulement noter des garanties comme le droit d'élire et d'être élu, qui avait été rendu, dans une grande mesure, inutile, si l'on tient compte du fait qu'il n'y avait plus désormais que le parti unique. D'autres catégories de droits inscrits dans la Constitution de 1948 sont ceux que nous saurions bien nommer « utopiques » - il s'agissait de toute une série de libertés et de droits que l'on retrouvait dans les constitutions démocratiques de l'occident, mais dont l'application était constamment violée par l'État totalitaire. Pour en citer quelques-uns, on s'arrête sur la liberté de la presse et de parole, ou

¹⁷ *Studii, revist de istorie*, volume 8, Institut d'histoire et philosophie (l'Académie de la République populaire Roumanie), sous-section de sciences historiques, Éditions de l'Académie de la République populaire Roumanie, 1955, p. 64.

bien la liberté de l'association, dont la valeur juridique était quasiment nulle si les voix du Parti unique demandaient leur suppression dans tel ou tel cas¹⁸.

Si ce genre de mesures affectaient la population, en particulier les intellectuels qui n'avaient pas, pour la majorité, été éduqués selon des principes compatibles à ceux énoncés par Moscou et dont l'écho était tout puissant en Roumanie, il faut s'arrêter aussi sur les problèmes institutionnels déclenchés par la ratification de la nouvelle loi fondamentale. Pour renforcer la position de l'État totalitaire, la séparation des pouvoirs dans la Roumanie d'immédiatement après 1945 a été anéantie. Peut-être la dimension la plus grave de ce phénomène a été liée à la soumission du pouvoir judiciaire aux intérêts du Parti communiste. Comment est-ce que cela a été possible? Les façons d'aborder le problème de la justice par les dirigeants se sont concrétisées en l'instauration des juges populaires¹⁹, aussi bien qu'en des mécanismes voués à accroître les prérogatives des procureurs²⁰.

Dans ce cas, il s'agit de nouveau d'un aspect qui nous intéresse de manière particulière, parce que ce sont exactement de telles mesures qui ont affaibli, lésé et, parfois, même détruit la condition des intellectuels roumains. Pour y réfléchir concrètement, il est à noter que la loi permettait à l'État de traduire en justice tout individu qui se faisait coupable de violations de l'ordre et des libertés civiles, des intérêts économiques, nationaux et souverains de la Roumanie.

Il reste à observer dans un clin d'œil la nature ambiguë de telles stipulations, qui, en pratique, permettaient aux procureurs, souvent asservis au Parti, d'initier, en le nom de celui-ci, des actions légales discrétionnaires, de sorte que n'importe qui puisse devenir un véritable ennemi du régime. Même à l'intérieur du Parti unique, les luttes pour acquérir le pouvoir se traduisaient en de nombreuses arrestations, ce qui rendait les lignes des communistes parfois moins sûres que la vie apolitique²¹.

Les tensions sociales étaient amplifiées d'autant plus que la psychose des infiltrations des soviétiques dans tous les niveaux politiques, administratifs et professionnels avait le feu vert, grâce au contrôle exercé par le Kremlin sur la République Populaire Roumaine, fraîchement créée. Les plus hauts cercles du pouvoir, représentés par les ministères, avaient

¹⁸ Moniteur officiel, partie I, no. 87 bis du 13 avril 1948.

¹⁹ Constitution de 1948, Art. 86 (Titre VII).

²⁰ *Idem*, Art. 97-98 (Titre VII).

²¹ Gheorghe Boldur-Lăscu, *The Communist Genocide in Romania*, Nova Publishers, 2005, p. 19-20.

déjà été pénétrés par des émissaires de Moscou, qui cachaient leur rôle de manipulateurs et de dirigeants sous des dénominations aussi innocentes que possible, comme celle de conseillers. En effet, plus ceux-ci prenaient l'acte décisionnel dans leurs propres mains, plus s'amplifiait la soumission du mécanisme dirigeant de l'État aux intérêts de Moscou.

Une situation aussi grave visait un autre domaine majeur de la vie du pays, c'est-à-dire l'économie, qui venait de commencer son réhabilitation suite à la transformation, ou bien à la réorientation de son profil, d'un fournisseur pour le front à une économie de paix. Pourtant, les sociétés roumaines-soviétiques, mieux connues par le nom SovRom, ont fonctionné pendant une période de onze ans, depuis 1945 jusqu'en 1956, afin de contribuer et de veiller à la récupération de la dette de guerre due par la Roumanie à l'Union soviétique, établie par les Traités de paix de Paris à un montant de 300 millions de dollars²². En réalité, les mécanismes d'abus de l'économie roumaine ont été extrêmement profitables pour l'État soviétique, qui avait fait une priorité de l'exploitation des richesses naturelles de la Roumanie. Or, conformément aux statuts des SovRom, la coparticipation des deux États devaient être égale, bien que les Soviétiques aient établi la pratique de réévaluer de l'équipement confisqué d'Allemagne en tant que contribution aux sociétés mentionnées. Pour se faire une idée sur l'ampleur des abus, il est à noter que la première association créée a été Sovrompetrol, qui allait exercer son contrôle sur plus d'un tiers de la production, pas du tout négligeable, de pétrole de Roumanie.

Malgré l'indignation des élites économiques du pays, dont beaucoup avaient connu une tradition libérale de concevoir ce secteur, les autres branches majeures de l'économie roumaine ont été envahies par les tentacules avarés des SovRom. Pour n'en citer que quelques-unes, il faut s'arrêter sur la Sovrombanc, dont le dessein était d'établir un contrôle singulier sur le secteur bancaire de Roumanie, ou bien Sovrommetal, qui était centré sur l'industrie métallurgique, dont les sources les plus abondantes gravitaient autour du bassin de Reia. De façon analogue, des domaines-clés de l'économie nationale, tels l'industrie chimique, l'extraction du gaz naturel, le secteur des assurances et le transport naval et aérien, ont été à leur tour manipulés de manière sévère par l'instrument - il faut avouer franchement - vraiment intelligent pour les soviétiques, qui s'est avérée la SovRom²³.

²² Joseph F. Harrington, Bruce J. Courtney, *Tweaking the nose of the Russians: fifty years of American-Romanian relations, 1940-1990*, East European Monographs, 1991, p. 41.

²³ *Annales scientifiques de l'Université « Al. I. Cuza » de Iași: histoire*, volumes 46-47, Éd. Universitatea, 2001, p. 230.

Pour ne pas rester au niveau des concepts plus ou moins abstraits, il est à noter que c'est la population même qui a souffert directement en raison de l'activité des SovRom, non seulement en tant que pouvoir d'achat, mais aussi à cause des conditions souvent précaires d'exploitation de la force de travail. Pour exemplifier, l'an 1946 a été caractérisé par une baisse impressionnante du pouvoir d'achat, qui a rendu nécessaire une restructuration monétaire, l'année suivante, après une longue période d'austérité et même de pénurie d'aliments.

Afin de comprendre l'ampleur des abus du fléau soviétique pendant la période qui nous intéresse, on s'arrête sur l'analyse quantitative des produits et des fonds qui ont pris le cours vers Moscou, durant la période d'existence des SovRom. Quoiqu'il soit difficile d'avoir une estimation précise de la valeur du paiement des « compensations de guerre » dues par la Roumanie à l'Union soviétique, le montant véhiculé est d'à peu près 2 milliards de dollars, soit presque sept fois la somme négociée - ou, pour mieux dire, imposée - par les traités de paix²⁴. Devant de tels abus, il est facile à comprendre le mécontentement des élites économiques, qui étaient restées impuissantes face à l'orientation agressive des exportations roumaines vers l'Union soviétique, de sorte qu'au début des années 1950, 85% de celles-ci étaient dirigées de la sorte. Sans doute, l'enfermement commercial du pays avait atteint des proportions alarmantes²⁵.

Ce n'est qu'après l'arrivée au pouvoir au Kremlin de Nikita Khrouchtchev que l'État roumain a commencé à mettre en place un plan de rachat de la participation nationale dans les compagnies SovRom, toujours sous les auspices d'une évaluation exagérée effectuée par Moscou. Malgré l'endettement du pays, qui rendait le train de vie encore plus compliqué, à cause des mensualités qui devaient être payées aux soviétiques, les actions du gouvernement roumain et, notamment, des dirigeants des Plans quinquennaux, ont finalement abouti à l'interruption permanente de l'activité des SovRom, dont la dernière, Sovromquar, a été démantelée en 1956²⁶. L'acte a accru la popularité du leader du Parti communiste roumain, son secrétaire général, Gheorghe Gheorghiu-Dej.

Si les intellectuels ont été visés dès le début par le mécanisme répressif des

²⁴ Stephen D. Roper, *Romania: the Unfinished Revolution*, Éd. Routledge, Londres, 2000, p. 18

²⁵ Adrian Cioroianu, *Pe umerii lui Marx. O introducere în istoria comunismului românesc*, Éd. Curtea Veche, Bucarest, 2005, p. 372.

²⁶ Vlad Georgescu, *The Romanians: a history*, Ohio State University Press, 1991, p. 243.

communistes, ce qui a favorisé l'infiltration des informateurs du régime dans toutes les couches sociales et catégories professionnelles, l'ampleur de ces mécanismes odieux a touché la population moins éduquée d'emblée. L'une des mesures les plus horribles prises par la nouvelle administration de Bucarest, qui changerait de manière irréversible le village roumain traditionnel, a été implémentée déjà en 1949, par le commencement de la célèbre collectivisation. C'est l'apanage de la doctrine communiste d'après la seconde guerre mondiale et, en particulier, de sa variante roumaine, l'idée conformément à laquelle c'était la petite propriété qui générait et perpétuait le capitalisme, à une échelle étendue - une idée soutenue par des leaders communistes marquants de Roumanie à l'époque, tels Ana Pauker, qui associait fréquemment les paysans laissés libres à cultiver leurs terres à de petits bourgeois²⁷. Il faut noter que partout en Roumanie, dans les milieux ruraux, il y avait des paysans qui avaient accumulé une fortune considérable - un terme roumain d'origine turque, *chiabur*²⁸, dénote un tel villageois qui possédait des moyens financiers, aussi bien que plus de terre qu'il pouvait labourer en famille, ce qui l'associait à une sorte de bourgeois de la campagne, si l'on fait abstraction de l'oxymore.

Or, il y va de soi que l'opposition des paysans en général et, notamment, des *chiaburi*, à l'égard de cette « réforme » agricole, qui consistait à la confiscation de leurs propriétés dans l'intérêt de la coopérative, a été immédiate et ferme. D'ailleurs, le fameux Décret 84 du 2 mars 1949, qui stipulait la confiscation des propriétés qui dépassaient la valeur de 50 hectares et qui a eu une applicabilité immédiate, a instauré la panique dans les villages d'une Roumanie profondément rurale, provoquant une expropriation abusive, différenciée et chaotique²⁹.

Les révoltes des paysans, qui ont connu des visages multiples, ont déclenché les mécanismes de répression de l'État. Parmi les moyens de réaction les plus fréquemment rencontrés de la part des communistes, on retrouve la confiscation intégrale des biens, des condamnations à la prison, des déportations forcées et beaucoup d'autres formes de

²⁷ Robert Levy, *Gloria i dec derea Anei Pauker*, Éd. Polirom, Ia i, 2002, p. 78-110.

²⁸ *Dic ionarul limbii române moderne*, Institut de linguistique de Bucarest, Éditions de l'Académie de la République populaire Roumanie, 1958, p. 138.

²⁹ *Bulletin officiel*, no. 1 du 2 mars 1949.

violence³⁰, qui ont délégitimé toute action du gouvernement dans les yeux des paysans aisés et latifundiaires et dans ceux d'une partie considérable des paysans pauvres.

Ayant établi que ce ne sont pas seulement les élites intellectuelles qui ont été touchées de manière profondément négative par les politiques du régime communiste après 1945, il devient nécessaire d'élargir la sphère afin d'y inclure les milieux économiques. Il ne faut pas oublier, ainsi, que les élites du domaine économique ont été également bouleversées dès les premières années de l'installation du nouveau régime, toujours à cause de la doctrine et de sa transposition dans des politiques. Pour clarifier, on fait référence à la Loi de la nationalisation de 1948, qui a marqué le commencement d'un long processus de transformation de l'économie roumaine du capitalisme à la centralisation communiste. Nous contestons de manière véhémement le terme nationalisation dans le sens accepté du mot, qui implique les compensations justes et préalables, conformément aux lois à ce propos valables dans une multitude d'États démocratiques. Dans le cas des communistes, le texte de la loi a été conçu de manière que la décision visant ces compensations soit à la discrétion de l'État, ce qui la rendait inutile³¹.

Afin d'observer l'ampleur des dégâts et, par la suite, la diversité des catégories sociales et, bien sûr, des élites qui ont été affectées par cette loi, il faut dire que 90% de l'économie roumaine passait du domaine privé à la gestion de l'État. Cela incluait toutes les ressources du sol et du sous-sol, aussi bien que les entreprises, sociétés et associations privées visant le domaine bancaire, l'industrie, les mines, les communications etc.³² Tous les grands acteurs économiques qui avaient prospéré pendant la période d'entre-deux-guerres, franchissant, bien entendu, les effets nuisibles de la grande dépression de 1929-1933, se trouvaient maintenant à la tête de la liste de nationalisation. Suite à l'application de cette loi, l'État a poursuivi cette démarche généralisée afin d'y inclure tous les agents économiques au profil social et culturel, un phénomène aux conséquences majeures pour la vie intellectuelle roumaine. Si l'on y ajoute la nationalisation appliquée à une partie importante des habitations à travers le pays, le tableau complet devient extrêmement gris et facilite la compréhension de l'ampleur des interventions de l'État communiste non

³⁰ *Raportul final al Comisiei Prezidențiale pentru Analiza Dictaturii Comuniste din România* (Rapport final de la Commission présidentielle pour l'analyse de la dictature communiste de Roumanie), Bucarest, 2006, p. 434.

³¹ Loi 119 du 11 juin 1948, Moniteur officiel, no. 133 bis.

³² *Romania: a Country Study*, Federal Research Division, Kessinger Publishing, 2004, p. 89.

seulement dans l'économie, mais aussi dans l'essence de l'organisation sociale. Les deux directions mentionnées, la collectivisation agricole et la nationalisation, sont en fait complémentaires et, ensemble, ont abouti à des changements radicaux dans la vie des Roumains dans les décennies qui ont suivi.

Pour conclure, l'avènement du régime communiste en Roumanie, dans un contexte extrêmement tumultueux sur la scène des relations internationales, a causé des dégâts que l'on ressent même à présent. Pendant les premières années d'après la seconde guerre mondiale, toutes les couches sociales ont été affectées d'une manière négative par le cours pris par les gouvernements communistes, y inclus les intellectuels, les paysans et même la classe ouvrière. Cette tentative de prendre le contrôle de tous les aspects définitoires de la vie du pays s'est avérée compliquée, pleine de pressions et, parfois, saignante, le tout arrivant sous un œil censé omniscient de Moscou. Il n'est pas surprenant alors le fait que beaucoup d'intellectuels ont opté pour la voie de l'exil face à de telles conditions, puisque la propagation d'un message anticomuniste à l'intérieur du pays a été trop dangereuse pendant cette période de persécution générale dictée par le nouveau régime de Bucarest.

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ADVANCED E-LEARNING FACILITIES FOR EDUCATION

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Abstract: The paper addresses the learning impact and advantages of using specific tools within an integrated learning environment. We analyze various e-learning tools that are applied additional to face-to-face classes. In this respect, we use our university's e-learning portal – UBBOnline. The case study is performed on BA courses in IT – Introduction to IT and Data Bases, and on the MA course “IT Strategies and Information Systems”, on various student classes.

The learning environment that we use UBBOnline integrates facilities from our dedicated information systems, mainly access to educational and fee information by means of AcademicInfo system. We present and analyze the student feed-back consequent to administering a dedicated survey for evaluating the e-learning facilities that are provided. The survey was created by using built-in portal facilities. Students express a positive perception and appreciate the advantages of having the electronic educational resources available at any time, of using advanced guidance and communication tools and on-line quiz examinations.

The use of integrated e-learning tools has proven to bring important advantages in the educational process. Students who use e-learning tools become more autonomous in learning and working based on specific guidelines, and sometimes may averagely score better (smaller grade dispersion) in on-line evaluations than face-to-face groups.

Keywords: e-learning, learning portal, system integration framework, learning facilities and feed-back, on-line evaluation

1. Introduction

The framework of the knowledge based society brings significant implementations of information technologies in the learning processes¹, as well as within organizational management by means of dedicated information systems; academic institutions are a relevant application case in this respect. E-learning systems² assist the learning “actors” – teachers and students – in creating and sharing a cooperative, multidisciplinary and explorative learning environment and strongly contribute to the development of the student and goal centered learning model³.

The present paper aims at analyzing the impact of the e-learning facilities that we have provided on our integrated e-learning portal, for the BA level discipline “Introduction to IT” and “Data bases” and the MA level discipline “IT strategies and information systems” . We briefly describe the portal characteristics (section 2) and present the e-learning facilities that we have developed for the students: e-learning content (section 3), communication and evaluation facilities (section 4). We further present (section 5) the student feed-back to the e-learning facilities that have been provided, the survey being created by using built-in portal facilities. Students express a positive perception and reveal the advantages of having the educational resources available at any time and of using advanced guidance and communication tools. We discuss the importance of content filling in based on students’ evaluation. Conclusions reveal the most important contributions of the paper

¹ Webster, R., F. Sudweeks, 2006, Teaching for e-Learning in the Knowledge Society: Promoting Conceptual Change, in Academics’ Approaches to Teaching. Current Developments in Technology-Assisted Education <http://www.formatex.org/micte2006/pdf/631-635.pdf>

² Horton, W., Horton, K., 2003, *E-learning Tools and Technologies: A consumer's guide for trainers, teachers, educators, and instructional designers*, Wiley

³ M. Allen, 2002, *Guide to e-Learning*, Wiley

2. Characteristics of the E-Learning Portal

The e-learning portal⁴ that we use, called UBBon-line, is described in⁵. The portal is based on MS technology, using MS SharePoint server for educational purposes and ILM / Forefront Manager facilities for single sign on capabilities. This solution was adopted based on its system integration and database synchronization advantages, as well as on its de-centralized and autonomous administration capabilities, requirements that were very important in order to comply our organizational culture specifics.

The portal integrates, within global web architecture, e-learning services, together with dedicated information system services provided by UBB's information systems: AcademicInfo for educational management, Research management for managing research activities, ManageAsist for administrative management⁶. Dedicated information is automatically provisioned into a global portal database from the specific information system databases: students, curricula, disciplines, study contracts from AcademicInfo database, organization chart and human resources from ManageAsist database, research grants from Research management system⁷

⁴ The portal implementation was supported by the EU funded grant, within the European Fund for Regional Development, "CCE 124/323/31.08.2009 SMIS 4424 - Sistem electronic aplicativ integrat de educatie al Universitatii Babes-Bolyai" – Integrated applied electronic system for education of Babes-Bolyai University - BBU, contracted by BBU with the Romanian Ministry of Communication and Information Society, Organismul Intermediar pentru Promovarea Societatii Informatice (the Intermediary Structure for Promoting the Information Society), during 31-08-2009 – 31-08-2011

⁵ Andreica, A B, Stuparu, D, Ghetie, F, Gadi, R., Marcus, G., Pop, G., Tarta, C., 2011, *Developing E-Learning Facilities within an Integrated Portal Environment*, International Conference on Education and New Learning Technologies, Barcelona, July 2011, Proc, Ed: L. Gómez Chova, D. Martí Belenguer, A. López Martínez, P. 3970-3978

⁶ Andreica, Alina Bianca, "Learning Within An Integrated E-Learning Environment", *International Technology, Education and Development Conference 2012*, Proceedings of INTED 2012, Editor: L. Gómez Chova, A. López Martínez, I. Candel Torres, 2012, P. 576-585

⁷ Andreica, A B, Stuparu, D., Ghetie F., Pop, G., Imre, A., 2011, *A Software Services Framework for Providing E-learning and Dedicated Information Systems Facilities*, Synasc 12th International Symposium on Symbolic and Numeric Algorithms for Scientific Computing, Proceedings of Synasc 2010, IEEE Computer Society Press, Ed: Tetsuo Ida, V. Negru, T. Jebelean, D. Petcu, S. Watt, D. Zaharie, P. 573-576

The portal is very user-friendly and content-design and configuration facilities are extremely easy to use; help and documentation sections are also available on the portal.

3. Modelling the Educational Content

We further describe the educational facilities that we have developed within the portal for the BA level disciplines “Introduction to IT” and “Data bases” and for the MA level discipline “IT Strategies and Information systems”

3.1 Discipline Site Resources and Facilities

The educational resources are structured according to the UBBon-line portal principles, within which discipline sites are automatically created based on the defined templates⁸. The discipline site contains the following sections⁹: *home* – including: title, description, “my contacts”, members & groups, my tasks; *syllabus*, *educational content* – based on a modular content structure, an educational module containing module title, goals, educational resources, feed-back / assignments, references, module evaluation; *discussions* – access to site discussion lists, created on specific topics or categories; *surveys* – mainly for educational feed-back purposes; *tasks* – are assigned to the students as seminar assignments; *site usage reports* – available for teachers and administrators. Specializations, student curricula and educational information is provisioned by AcademicInfo system

For the analyzed disciplines, the following examples are presented: a syllabus site in figure 1, a section of educational resources – in figure 2 and a section of the defined modular educational content – in figure 3

⁸ Andreica, A B, Stuparu, D, Ghetie, F, Gadi, R., Marcus, G., Pop, G., Tarta, C., 2011, *Developing E-Learning Facilities within an Integrated Portal Environment*, International Conference on Education and New Learning Technologies, Barcelona, July 2011, Proc, Ed: L. Gómez Chova, D. Martí Belenguer, A. López Martínez, P. 3970-3978

⁹ Andreica, Alina Bianca, “Learning Within An Integrated E-Learning Environment”, *International Technology, Education and Development Conference 2012*, Proceedings, Ed: L. Gómez Chova, A. López Martínez, I. Candel Torres, 2012, P. 576-585

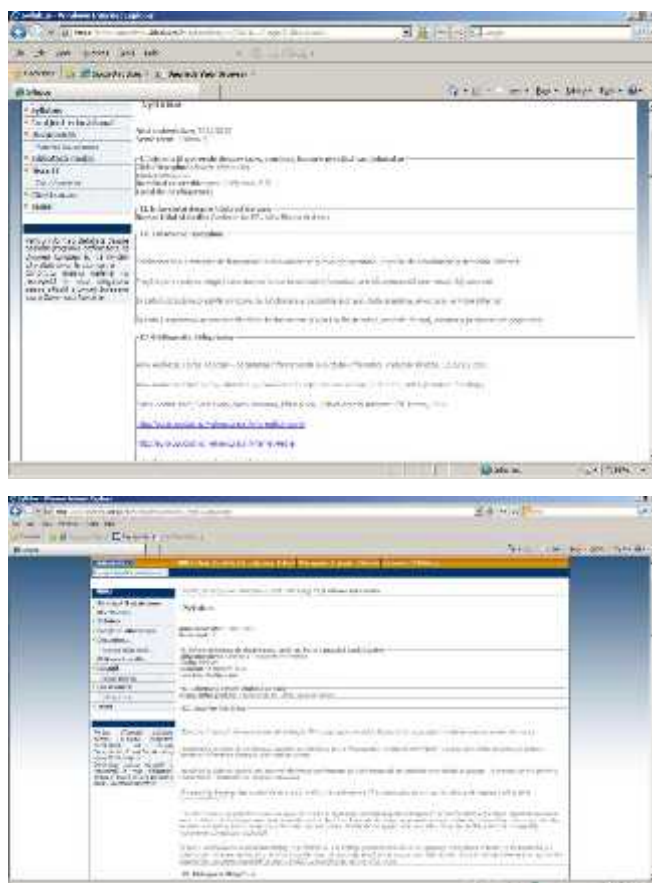


Fig 1: Discipline's syllabus sites

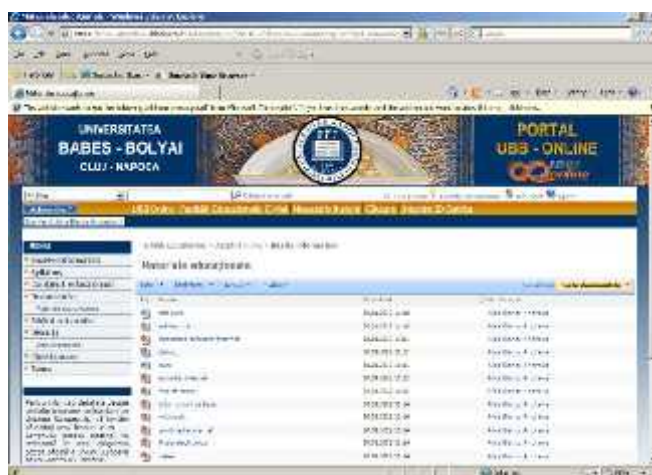


Fig 2: Discipline educational resources



Fig3: Disciplines' modular educational content

The modular content is structured on: learning goals, learning resources, feed-back resources, references and evaluation information. Consequently, this facility has important learning advantages since students can easily pursue the educational aims and cover the learning and feed-back resources. Adequate knowledge assimilation or skill building may be verified according to the principles stated in the evaluation section. Students have a good perception of this resource structuring facility and learning tool (see section 5).

Besides the discipline's site, teachers and students may use dedicated tools and resources that the teacher provides on his / her personal site, which is described in the following section.

3.2 My site

My site is a personal site for each portal user; it provides a specific workspace for the user's documents and tasks¹⁰. The published content may be viewed based on specific permissions; for example, specific file and resource sharings are used for dedicated collaborations between PhD students and their PhD coordinators or students and their graduation paper coordinators. Besides shared content, dedicated assignments may be posted to students, according to their personal educational & research training program. Moreover, "my site" template may be customized according to each teacher's requirements.



Fig 4: My site for a teacher account

4. Communication and Evaluation Facilities

Within discipline sites, we use portal communication facilities, which belong to the following categories¹¹: user communities, shared discussions (see figure 5), e-mail communication (OWA Exchange server is used), instant messaging (implemented with Office Communicator), RSS, alerts and warning messages (see figure 6), blogs and wikis.

Built-in portal evaluation tools include tasks and surveys¹²

¹⁰ Andreica, Alina Bianca, "Learning Within An Integrated E-Learning Environment", *International Technology, Education and Development Conference 2012*, Proceedings, Ed: L. Gómez Chova, A. López Martínez, I. Candel Torres, 2012, P. 576-585

¹¹ Andreica, Alina Bianca, *op. cit.*

¹² Andreica, A B, Stuparu, D, Ghetie, F, Gadi, R., Marcus, G., Pop, G., Tarta, C., 2011, *Developing E-Learning Facilities within an Integrated Portal Environment*, International Conference on Education and



Fig 5: Discipline discussion topics



Fig 6: Setting alerts for the educational content

Tasks are associated to disciplines; they are assigned by teachers to specific users or user groups, while students “reply” by uploading specific documents in order to comply task requests. Figure 7 shows a practical assignment created as a specific task and distributed to the students that are enrolled for the course (according to study contracts information automatically provisioned from AcademicInfo system).



Fig 7: Discipline's task list, including course assignment task

Surveys may be used as evaluation tests for students. Portal surveys are related to disciplines; each discipline may have one or more associated surveys¹³. The dedicated survey presented in next section has been created using this facility. A survey is accessible according to its set permissions – usually, they are editable by the teachers who created them and accessible to students.

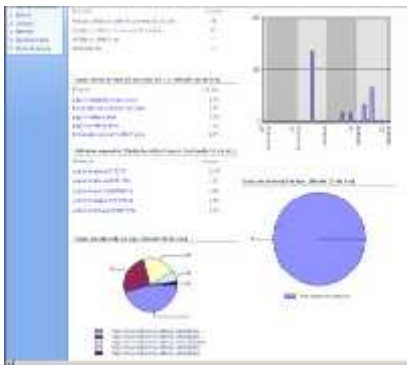


Fig 8: Section of site access report

The system is also open to adding new web-parts, services or components; in this respect, we are working on additional evaluation facilities in order to be integrated into the portal facilities. On-line evaluations may be used both as individual feed-back tests, for assessing

¹³ Andreica, A B, Stuparu, D, Ghetie, F, Gadi, R., Marcus, G., Pop, G., Tarta, C., 2011, *Developing E-Learning Facilities within an Integrated Portal Environment*, International Conference on Education and New Learning Technologies, Barcelona, July 2011, Proc, Ed: L. Gómez Chova, D. Martí Belenguer, A. López Martínez, P. 3970-3978

students' knowledge level at a certain "learning point", or as final examinations. Various grading algorithms are taken into consideration in a general and customizable framework¹⁴.

Teachers may monitor students' activity and site access statistics by using the built-in report facility – see fig. 8; this feature is also useful in order to improve certain sections on the discipline's site (the less accessed pages).

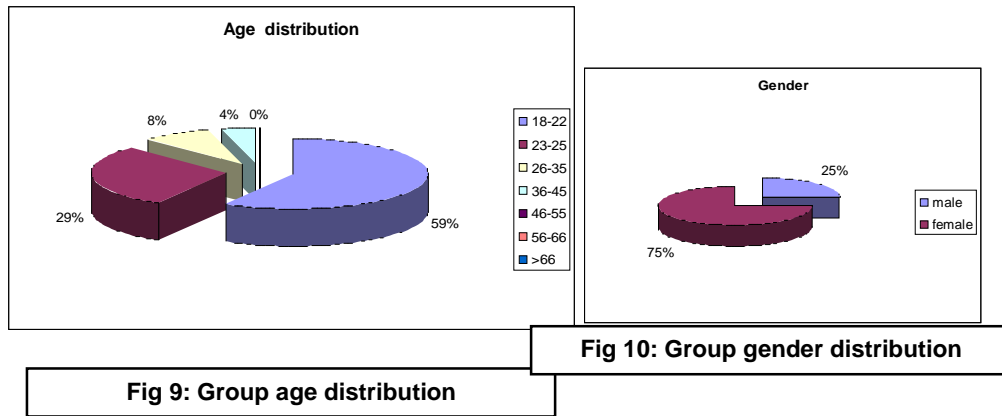
5. Student Feed-back

Regarding the facilities' feed-back, we developed a dedicated questionnaire for students, in order to evaluate the e-learning facilities that have been provided for the analyzed courses, as well as the platform functionalities and potential future developments¹⁵. The questionnaire was created and interpreted using the survey functionality built-un in the platform (Share Point Portal); we underline in this respect the flexibility of the platform's tools.

The survey was filled in fairly early portal implementation stages, when the analyzed disciplines had already full educational content posted on the portal but quite few others disciplines had, the learning content being still under development and uploading for many other disciplines. From a total of 60 students enrolled in the Data bases course, around 80% filled in the survey.

¹⁴ Andreica, Alina Bianca, "Learning Within An Integrated E-Learning Environment", *International Technology, Education and Development Conference 2012*, Proceedings, Ed: L. Gómez Chova, A. López Martínez, I. Candel Torres, 2012, P. 576-585

¹⁵ Andreica, Alina Bianca, "Learning Within An Integrated E-Learning Environment", *International Technology, Education and Development Conference 2012*, Proceedings, Ed: L. Gómez Chova, A. López Martínez, I. Candel Torres, 2012, P. 576-585



Regarding the subject group profile, the age distribution pursues the average trend within these BBU specializations; 75% members of the subject group were female students and 25% - male students – fig. 10. The age distribution places most subjects in the 18-22 interval – 59%, 29% in the 23-25 interval, 8% in the interval 26-35 and 4% in the interval 36-45 – fig. 9

We state, prior to presenting the survey results, that student evaluation has given feed-back to the posted educational resources and available functionalities, rather than to the technical platform functionalities and potentially available tools. Although students were requested to evaluate the resources of the analyzed course, some of them globally rated platform functionalities taking into account other courses as well, which didn't have posted educational content, fact that impacted in a certain degree on the evaluation.

The subject students enthusiastically evaluated platform functionalities – fig. 11 as: good and very good – 79%, moderate – 21%.

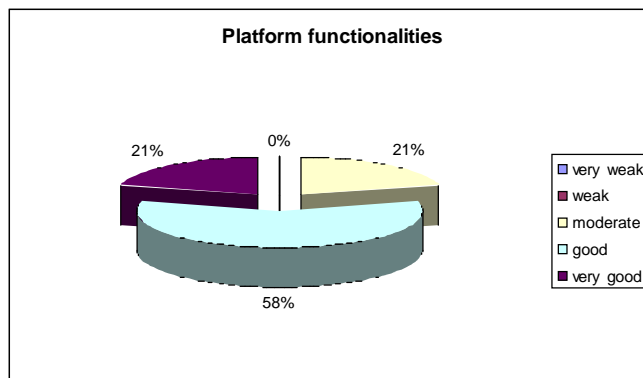


Fig 11 Platform functionalities

Functionalities regarding the educational content of the course had also a very good feedback among students: they were rated as very good by 33% of the subjects, good by 59% of the subjects and moderate by 8% of the subjects– fig. 12.

The efficiency of the course educational resources – fig. 13 is again very well rated: 38% very good, 49% good and 13% - moderate.

The efficiency of accessing the educational resources is also very good: 21% moderate, 33% good, 33% very good – see fig. 14. We note that some of the students were not very familiar with the content structure, since most of them requested in open answers a site map, or simplifying the links / access facilities (37%) even if any resource is available by at most 2 clicks.

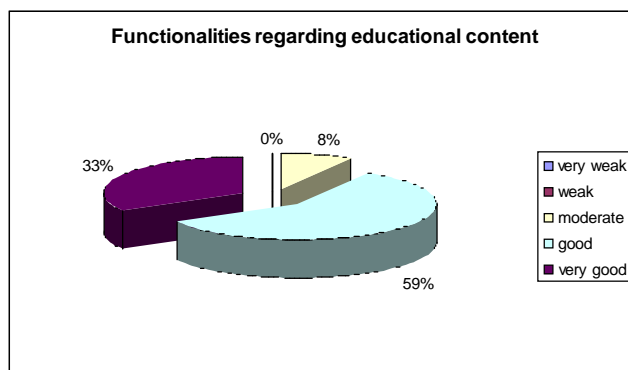


Fig 12: Functionalities regarding educational content

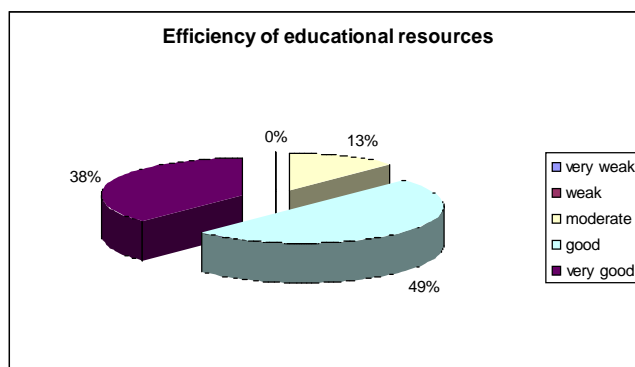


Fig 13 Efficiency of educational resources

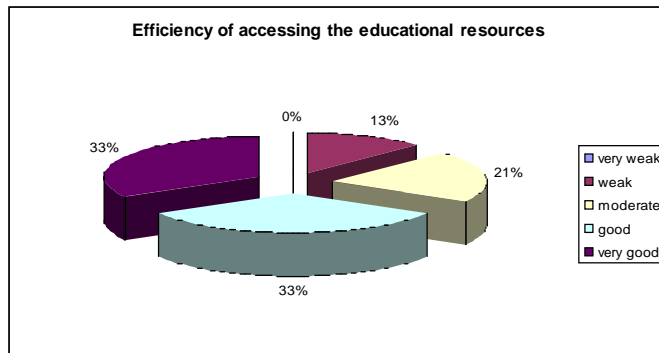


Fig 14 Efficiency of accessing the educational resources

Communication functionalities (mail, chat, discussion lists, blogs) – see fig. 15 – are also very well rated: 21% very good, 62% good, and only 17% moderate.

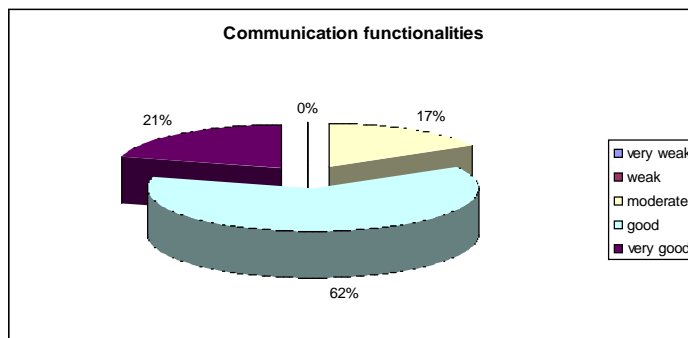


Fig 15 Communication functionalities

We can conclude that the learning facilities provided for the analyzed course within the portal have a very good feed-back, all evaluated facilities displaying a weighted grade around 4, on a scale 1-5

Nevertheless, these facilities should be used for all courses, by filling in specific content in order to address the students' educational needs, the process of content updating and auditing being an important part of the learning process using electronic means. Proficient software tools prove their efficiency only when appropriately used on specific data; this principle is even more relevant when applied in the field of electronic learning. We can conclude that efficient portal functionalities must be sustained by an adequate usage level and content filling -in in order to prove their proficiency.

Compared to other e-learning systems, which have specific e-learning facilities like Blackboard or WebCT, the solution we apply is a more flexible one, since is highly customizable according to user needs and open to adding new components and functionalities. Moreover, compared to a open e-learning system like moodle, it provides the integration and database synchronization advantages previously presented¹⁶

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7 Conclusions

The paper analyzes the impact of using e-learning facilities in teaching; the case study is performed on the BA courses “Introduction to IT” and “Data bases” and the MA course “IT strategies and information systems”, using UBBon-line, an integrated e-learning portal for providing e-learning facilities and dedicated academic web services¹⁷. The information system facilities included in the web portal also provide access to dedicated software services from the specific academic information systems. The portal uses MS technology and provides, as learning services, management content, communication and e-learning

¹⁶ Andreica, A B, Stuparu, D, Ghetie, F, Gadi, R., Marcus, G., Pop, G., Tarta, C., 2011, *Developing E-Learning Facilities within an Integrated Portal Environment*, International Conference on Education and New Learning Technologies, Barcelona, July 2011, Proc, Ed: L. Gómez Chova, D. Martí Belenguer, A. López Martínez, P. 3970-3978

¹⁷ Andreica, A B, Stuparu, D, Ghetie, F, Gadi, R., Marcus, G., Pop, G., Tarta, C., 2011, *Developing E-Learning Facilities within an Integrated Portal Environment*, International Conference on Education and New Learning Technologies, Barcelona, July 2011, Proc, Ed: L. Gómez Chova, D. Martí Belenguer, A. López Martínez, P. 3970-3978

facilities for various user categories. We reveal the advantages that the provided resources and tools have in the learning process, based on the case study of the analyzed disciplines.

We describe the survey that we have developed using built-in portal facilities, for evaluating the efficiency of the electronic resources and learning tools provided within the disciplines' sites, and we discuss its results. Students express a very positive perception and sustain the advantages of having the educational resources available at any time and of using advanced guidance and communication tools.

We emphasize the importance of content filling in and we conclude that efficient portal functionalities must be sustained by an adequate usage level and content filling-in in order to prove their proficiency.

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