CONCEPTUALIZATION OF THE EUROPEAN UNION POLICIES

TOWARDS EUROPE? THE EUROPEAN NEIGHBOURHOOD POLICY, EU CONDITIONALITY AND PUBLIC ADMINISTRATION HISTORY OF CHANGE DYNAMICS IN THE BALKANS[*]

Cătălina Maria GEORGESCU[**]

Abstract: EU conditionality is one of the guiding principles of accession, post-conflict reconstruction efforts in the Balkans being pushed forward by European supranational stimuli. The "return to Europe" theme was a commonplace for political discourses within the South Eastern polities, however, it chose to develop differently throughout the area, occasioned or supported by different contexts, political forces, historical events, ethnical cleavages and social structures. This article tackles the European Neighbourhood Policy offering a discussion under the prospects of the European conditionality and EU-led administrative and state reform for the Western Balkans. It dwelves on policy-specific themes with country evolutions to analyse the historical enlargement dynamics of the Balkans throughout a diachronical perspective.

Keywords: Europeanization, EU conditionality, Western Balkans, agreement, integration.

INTRODUCTION: THE BALKANS AND PROCESSES OF EUROPEANIZATION

The Europeanization of the Balkans is a seminal theme of discussions, researches and studies, producing a series of interesting theories on the change dynamics of a heterogenous territory. It was even emphasised that their history and geography could explain the peculiarities of transition[1]. The rich history, cultural diversity, ethnic cleavages and religious composition reflected in the peace-building process and post-conflict reconstruction efforts[2].

[**] Lecturer PhD, University of Craiova, Faculty of Law and Social Sciences, Political Sciences Specialization, Craiova; Email: cata.georgescu@yahoo.com

[1] Milenko Petrovic, *The role of geography and history in determining the slower progress of post-communist transition in the Balkans*, in "Communist and Post-Communist Studies", No. 41, 2008, pp. 123-145; available at www.elsevier.com/locate/postcomstud, accessed at: 11 June 2014.

[2] Karin Dyrstad, *After ethnic civil war: Ethno-nationalism in the Western Balkans*, in "Journal of Peace Research", No. 49, 2012, p. 817; DOI:10.1177/0022343312439202, available at http://jpr.sagepub.com/content/49/6/817, accessed at: 03 June 2014.

Substantiated democracy establishment commenced after the end of civil wars, violence and ethnic cleansing and mostly following an external impulse[3]. Europeanization is thus assumed in an asymmetrical fashion by different societies, according to their willingness to embark upon the reform process. Despite the convergence of discursive practices towards the "return to Europe" theme, national governments and other political forces have mustered different pathways and different lenses through which they perceived and sought or accepted change. Democratization in the Balkans thus becomes a cause and explanation of change[4].

The European Commission is one of the main actors of the Europeanization drive, exercising high pressure on national governments to fit the framework deemed necessary in Brussels. Europeanization was conceptualized in different styles according to different lines of thought[5]. Change under European pressure was analysed under soft terms: identities, values and/or norms[6], and also as hard Europeanization processes in a top-down perspective as is the case of institutional adjustments conceptualized under the "goodness-of-fit" formula[7] or "upgrading" national legislation to achieve compliance with the European law[8].

EUROPEAN NEIGHBOURHOOD POLICY AND THE EUROPEAN CONDITIONALITY

The present paper deals with the interpretation and the de-construction of the European Neighbourhood Policy through the lenses of the European conditionality and EU-led administrative and state reform for the Balkan countries[9]. The region

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[3] Othon Anastasakis, *The Europeanization of the Balkans*, in "Brown Journal of World Affairs", volume XII, Issue 1, Summer/Fall 2005, pp. 77-88.

[4] Jean Grugel, *Democratizarea. O introducere critică*, Iaşi, Polirom Publishing, 2008, p. 72.

[5] See for instance the definitions and implications on enlargement and integration research in the studies of Aneta Borislavova Spendzharova, *Bringing Europe in? The Impact of EU Conditionality on Bulgarian and Romanian Politics*, in "Southeast European Politics", Vol. IV, No. 2-3, 2003, pp. 141-156; A. M. Dobre, *The Dynamics of Europeanization and Regionalization: Regional Reform in Romania*, in "Perspectives on European Politics and Society", No. 10 (2), 2009, pp. 181-194, DOI: 10.1080/15705850902899222; H. Grabbe, *How does Europeanization affect CEE governance? Conditionality, diffusion and diversity*, in "Journal of European Public Policy", No. 8 (6), 2001, pp. 1013-1031, DOI: 10.1080/13501760110098323, accessed at: 09 February 2015.

[6] Stephan Renner, Florian Trauner, *Creeping EU Membership in South- East Europe: The Dynamics of EU Rule Transfer to the Western Balkans*, in "Journal of European Integration", No. 31 (4), 2009, pp. 449-465, DOI: 10.1080/07036330902919988, accessed at: 10 June 2014; See also Esther Barbé, Oriol Costa, Anna Herranz Surrallés, Michal Natorski, *Which rules shape EU external governance? Patterns of rule selection in foreign and security policies*, in "Journal of European Public Policy", No. 16 (6), 2009, pp. 834-852, DOI: 10.1080/13501760903087845, accessed at: 11 June 2014.

[7] Ian Bailey, *National adaptation to European integration: institutional vetoes and goodness-of-fit*, in "Journal of European Public Policy", No. 9 (5), 2002, pp. 791-811, DOI: 10.1080/13501760210162366, accessed at: 04 June 2014.

[8] Stephan Renner, Florian Trauner, *Creeping EU Membership in South-East Europe: The Dynamics of EU Rule Transfer to the Western Balkans*, in "Journal of European Integration", No. 31 (4), 2009, pp. 449-465, DOI: 10.1080/07036330902919988, accessed at: 10 June 2014.

[9] Rikard Bengtsson, *Constructing Interfaces: the Neighbourhood Discourse in EU External Policy*, in "Journal of European Integration", No. 30 (5), 2008, pp. 597-616, DOI: 10.1080/07036330802439582, accessed at: 10 June 2014.

has faced a troubled transition marked by civil war and a sinuous reconstruction process. The EU and international forces monitored closely the peace establishment and post-war recovery processes, some of the institutions for stability enforcement being actively involved in some governments internal politics even today. Justice and home affairs is one of the areas in which the EU exercises its conditionality in the Balkans[10], the Western Balkan states having signed Stabilisation and Association Agreements which provide engendering the rule of law, fighting illegal migration and drugs smuggling before being confirmed as candidate countries[11]. As an all-encompasing enlargment instrument and stabilization push-factor, a Stabilization and Association Agreement is an innovative tool compared to the former waves of enlargement configured expressly to fit the needs of the Western Balkans. International security threats[12] resumed by Balkans post-communist insability thus created the legitimacy for the pursuit of foreign intervention in different terms such as EU financial assistance[13], trade agreements or different cooperation mechanisms[14].

Meeting EU standards through the Europeanization mechanism and EU conditionality framework offers a fruitful analysis by which to link and understand the stages of the Balkans democratization and advancement on EU membership course. The European Commission was and continues to represent a conditionality push factor in determining compliance for candidate countries and potentially candidate countries[15]: for the South Eastern states, the Western Balkans – Albania, Croatia, FYROM, Serbia, Montenegro, Bosnia and Herzegovina and Kosovo (name statute under UN-Resolution 1244 not affecting the official national positions) and Turkey.

During 2003-2004 the EU succeeded UN[16] police forces and NATO stabilization forces in Bosnia and Herzegovina and in the Former Yugoslav Republic of Macedonia[17].

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[10] Roberto Belloni, *European integration and the Western Balkans: lessons, prospects and obstacles*, in "Journal of Balkan and Near Eastern Studies", No. 11 (3), 2009, pp. 313-331, DOI: 10.1080/19448950903152177, accessed at: 03 June 2014.

[11] Florian Trauner, *Deconstructing the EU's Routes of Influence in Justice and Home Affairs in the Western Balkans*, in "Journal of European Integration", No. 31 (1), 2009, pp. 65-82, DOI: 10.1080/07036330802503908, accessed at: 10 June 2014

[12] Ali Bilgic, *Exploring 'What's Good about Security': Politics of Security during the Dissolution of Yugoslavia*, in "Journal of Balkan and Near Eastern Studies", No. 16 (2), 2014, pp. 260-278, DOI: 10.1080/19448953.2014.910390, accessed at: 19 June 2014

[13] David Bailey, Lisa De Propris, *EU Structural Funds, Regional Capabilities and Enlargement: Towards Multi-Level Governance?*, in "Journal of European Integration", No. 24 (4), 2002, pp. 303-324, DOI: 10.1080/07036330222000038959, accessed at: 10 June 2014.

[14] Arolda Elbasani, *EU enlargement in the Western Balkans: strategies of borrowing and inventing*, in "Journal of Southern Europe and the Balkans Online", No. 10 (3), 2008, pp. 293-307; available at http://dx.doi.org/10.1080/14613190802493600, accessed at: 20 June 2014.

[15] Nebojša Blanuša, *Political Unconscious of Croatia and the EU: Tracing the Yugoslav Syndrome through Fredric Jameson's Lenses*, in "Journal of Balkan and Near Eastern Studies", No. 16 (2), 2014, pp. 196-222, DOI: 10.1080/19448953.2014.910391, accessed at: 19 June 2014

[16] For an in-depth analysis on the conceptualization and de-construction of international security-related vocabulary and definitions kindly refer to Anca Parmena Olimid, *International Peace and Security*

EU CONDITIONALITY, WESTERN BALKANS AND ACCESSION STATUS

The pending accession situation in the Western Balkans features the "readiness" of new entrants, candidates and potential candidates to internalize the conditions of membership status and the readiness of the EU to integrate the new Member States in its structures is a common theme of discussions[18]. A series of variables were introduced into different analyses in order to understand the timing and preferences for enlargement. Thus, conditionality, security issues and identity variables were brought into discussion to form an exploratory and explaining framework of relations between the EU and its member states, candidate countries and potential candidate countries[19].

The idea of a differentiated integration for the European states was supported by researchers who claimed the possibility of forming multiple European zones more deeply or superficially integrated as against bringing all Member States to equal terms and conditions[20]. Romania and Bulgaria were portrayed by the literature as "successful laggards"[21] of the accession process[22] with diverging trends[23] stemming between EU-led conditionality and national political actors[24] and

Cause in UN Security Council Resolutions. A State of Art Analysis (2012-2014), in "Revista de Ştiinţe Politice. Revue des Sciences Politiques", No. 43, Craiova, Universitaria Publishing, 2014, pp. 208-221.

[17] Thanos Veremis, *The Balkans in transition and the great powers*, in "Eur View", No. 7, 2008, pp. 121-128; DOI 10.1007/s12290-008-0026-x, accessed at: 03 June 2014.

[18] Migena Leskoviku, *European Administrative Space as a New European Challenge for Public Administration Reform*, in Ani Matei, Crina Rădulescu (editors), *Public Administration in the Balkans, South-Eastern European Administrative Studies*, ASsee Online Series, No. 4, Bucharest, Economic Publishing, 2011, p. 70.

[19] See, for instance the conceptual map featuring conditionality, security issues and identity formation and up-bringing in the cases of Romania and Turkey in E. İçener, *Understanding Romania and Turkey's Integration with the European Union: Conditionality, Security Considerations and Identity*, in "Perspectives on European Politics and Society", No. 10 (2), 2009, pp. 225-239, DOI: 10.1080/15705850902899289, accessed at: 09 February 2015

[20] Jan Emmanuel De Neve, *The European Onion? How Differentiated Integration is Reshaping the EU*, in "Journal of European Integration", No. 29 (4), 2007, pp. 503-521, DOI: 10.1080/07036330701502498, accessed at: 10 June 2014

[21] Gergana Noutcheva, Dimitar Bechev, *The successful laggards: Bulgaria and Romania's accession to the EU*, in "East European Politics & Societies", No. 22 (1), 2008, pp. 114-144; DOI: 10.1177/0888325407311793, accessed at: 09 February 2015.

[22] Aneta Borislavova Spendzharova, *Bringing Europe in? The Impact of EU Conditionality on Bulgarian and Romanian Politics*, in "Southeast European Politics", Vol. IV, No. 2-3, 2003, pp. 141-156.

[23] Liliana Popescu, *Europeanization of Romanian Foreign Policy*, in "Romanian Journal of European Affairs", No. 10 (4), 2010, pp. 50-65; See also Geoffrey Pridham, *The Effects of the European Union's Democratic Conditionality: The Case of Romania during Accession*, in "Journal of Communist Studies and Transition Politics", No. 23 (2), 2007, pp. 233-258, DOI: 10.1080/13523270701317505, accessed at: 09 February 2015.

[24] Mihaela Bărbieru, *A Critical Assessment of Political Party Performance in the Elections for European Parliament in Dolj County Romania on May 25, 2014*, in "Revista de Ştiinţe Politice. Revue des Sciences Politiques", No. 44, 2014, pp. 134-147.

resistant institutions[25]. Still, these countries are valuable players on the energy[26] and security markets[27].

However, it was argued that the future EU enlargement towards the Western Balkans cannot be paired by former enlargement waves due to its complexity and un-clear time-frame[28]. However, there were studies which showed that the enlargement towards the Western Balkans can be compared to the 2007 enlargement[29]. Arguments are derived by correlating "supranational institutionalism, Europeanization approaches and democratization theories"[30]. The violence that accompanied the fall of the communist regimes and South Eastern European transitions[31] capacitated on the negative imagology of the region as unstable, un-rested, and backward[32].

The European Commission acted as a "carrot and stick" supplier of change which maintained its interest not only in the adoption of refom[33], but also in the implementation of the new legislative packages and the continuous pace of stabilization[34].

[25] A. M. Dobre, *The Dynamics of Europeanisation and Regionalisation: Regional Reform in Romania*, in "Perspectives on European Politics and Society", No. 10 (2), 2009, pp. 181-194, DOI: 10.1080/15705850902899222, accessed at: 09 February 2015. See also A. M. Dobre, *Europeanization and new patterns of multi-level governance in Romania*, in "Southeast European and Black Sea Studies", No. 10 (1), 2010, pp. 59-70, DOI: 10.1080/14683851003606 838, accessed at: 09 February 2015.

[26] Stephan Renner, *The Energy Community of Southeast Europe: A neo-functionalist project of regional integration*, in "European Integration online Papers" (EIoP), Vol. 13, No. 1, 2009, DOI: 10.1695/200900, available at http://eiop.or.at/eiop/texte/2009-001a.htm, accessed at: 12 June 2014.

[27] Diana Bozhilova, *Energy security and regional cooperation in South-East Europe*, in "Journal of Balkan and Near Eastern Studies", No. 11 (3), 2009, pp. 293-311, DOI: 10.1080/ 19448950903152151, accessed at: 19 June 2014.

[28] Florian Trauner, *op. cit.*, pp. 65-82.

[29] Soeren Keil, *Europeanization, state-building and democratization in the Western Balkans*, in "Nationalities Papers: The Journal of Nationalism and Ethnicity", No. 41 (3), 2013, pp. 343-353, DOI: 10.1080/00905992.2013.768977, accessed at: 03 June 2014.

[30] Leeda Demetropoulou, *Europe and the Balkans: Membership Aspiration, EU Involvement and Europeanization Capacity in South Eastern Europe*, in "Southeast European Politics", 2002, Vol. III, No. 2-3 pp. 87-106, accessed at: 23 June 2014.

[31] Geoffrey Pridham, *Assessing democratic consolidation in Central & Eastern Europe: The European dimension*, in "Acta Politica", 2006, 41(4), pp. 342-369, DOI: http://dx.doi.org/10.1057/ Palgrave.ap. 5500165, accessed at: 09 February 2015.

[32] Alina Mungiu-Pippidi, *Of Dark Sides and Twilight Zones: Enlarging to the Balkans*, in "East European Politics and Societies", 2003, Vol. 17, No. 1, pp. 83-90, DOI: 10.1177/0888325402239686, http://eep.sagepub.com/content/17/1/83.citation, accessed at: 03 June 2014; See also Alina Mungiu-Pippidi, *Democratization Without Decommunization in the Balkans*, in "East European Democratization", Published by Elsevier Limited on behalf of Foreign Policy Research Institute, 2006, pp. 641-655, accessed at: 03 June 2014.

[33] Kyriakos D. Kentrotis, *The European Union and the Balkans: between symbiosis and Integration?*, in "Romanian Journal of European Affairs", Vol. 10, No. 3, 2010, accessed at: 03 June 2014.

[34] Cezar Avram, *What's the Point of the Security of the European Union? Institutional Developments and Regional Strategies Reaching Military Autonomy*, in "Revista de Ştiinţe Politice. Revue des Sciences Politiques", Craiova, Universitaria Publishing, No. 45, 2015, pp. 21-30.

The current research of the state of the art of enlargement aims at observing the European Neighbourhood Policy pointing towards the EU as agenda-setter for the reform themes in the Balkans[35]. This view is legitimised through the adoption by the Albanian government of an action plan featuring 12 issues worked out in February 2011 as a position to the EU conditionality expressed through the European Commission opinion. Albania thus received the candidate status under European Commission terms formulated in the recommendation from October 2012[36].

Another instance of EU conditionality was the signing by Serbia of the Stabilisation and Association Agreement[37]. Negotiations with the EU started in October 2005, but were put to a halt seven months later on May 3rd 2006 due to the inconsistencies in the relations with the International Criminal Tribunal for the former Yugoslavia. As a result, the Serbian government changed its demeanour one year later as it states its compliance with the condition of supplying assistance to the international Court. The EU noticed the desired effect through this change in attitude and the negotiations on the Stabilisation and Association Agreement were re-launched on June 13th 2007. Finally, Serbia received a notice from the European Commission for its reform efforts being promised the receival of candidate status conditioned by the fulfillment ob a single issue on October 14th 2011.

Also, the EU Council exercised its conditionality with Turkey by refusing to open eight chapters of negotiations in December 2006. This measure was enforced as Turkey did not observe the Additional Protocol to the Ankara Agreement in its relations with Cyprus. Six moths earlier Turkey and the EU opened and closed Chapter 25 on Science and Research in their accession negotiations.

Moreover, it was noticed that the EU exercises its conditionality on focused policy areas. As researchers argued, such was the case of the visa regime liberalization conditioned through readmission agreements. The EU-Albania Readmission Agreement produced legal effects since May 2006. One and a half year later the visa facilitation agreement was active, while visa free regime for Schengen area for Albanian citizens began since December 15th 2010. The same date marked the lift of visa compulsoriness for Bosnia and Herzegovina citizens. The measure was correlated with the conclusion of the visa facilitation and readmission agreements three years earlier, at the same time, on September 18th 2007. In January 2008 the agreements became active for Bosnia and Herzegovina, for the Former Yugoslav Republic of Macedonia and Montenegro. Six weeks later the Accession Partnership for Macedonia was assumed, while at the end of 2009 the EU removed visa binding regulations for all citizens of Macedonia,

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[35] Florian Trauner, *op. cit.*, pp. 65-82.

[36] D. Cepiku, C. Mititelu, *Public Administration Reforms in Transition Countries: Albania and Romania Between the Weberian Model and the New Public Management*, in Matei, L., Flogaitis, S. (editors) *Public Administration in the Balkans from Weberian bureaucracy to the New Public Management*, South-Eastern European Administrative Studies, Bucharest, Economic Publishing, 2011, pp. 299-322.

[37] Robert J. Pranger, *The Milosevic and Islamization Factors: Writing Contemporary History in the Balkans*, in "Mediterranean Quarterly", Volume 22, No. 1, 2011, pp. 1-14, available at http://muse.jhu.edu/journals/med/summary/v022/22.1.pranger.html, accessed at: 03 June 2014.

Montenegro and Serbia. Also, in its recommendation of October 2009 the European Commission stated its support for the opening of accession negotiations with Macedonia. At the end of June 2012 the EU started the accession negotiations with Montenegro, while half a year later the first chapter had already been negotiated and closed temporarily. Until the end of March 2015 13 other chapters had been opened for negotiations.

Table 1

EU enlargement towards the Balkans – membership status by state (2015)

	European Partnership	Stabilisation and Association Agreement (SAA)	Membership application	Candidate status	Opening Accession negotiations	Full member-ship
Albania	01/06/2004	12/06/2006 Entry Into force 01/04/2009	24/04/2009	27/06/2014	–	–
Bosnia and Herzegovina	18/02/2008	16/06/2008	–	–	–	–
Croatia	10/2001 Entry into force 02/2005	–	02/2003	06/2004	10/2005	01/07/2013
FYROM	30/01/2006	09/04/2001 Entry into force 01/04/2004	14/02/2005	16/12/2005	01/10/2009	–
Montenegro	22/01/2007	15/10/2007 Entry into force 01/05/2010	15/12/2008	17/12/2010	29/06/2012	–
Serbia	18/02/2008	29/04/2008 Entry into force 01/09/2013	22/12/2009	01/03/2012	28/06/2013	–

Source: Author's compilation based on data from the European Neighbourhood Policy, DG Enlargement

CONCLUDING REMARKS: EU CONDITIONALITY, ADMINISTRATIVE CAPACITY AND THE REFORM DRIVE

EU conditionality is one of the guiding principles of accession. The Commissions efforts directed towards candidates' remaining "on track" and not suspending the reform process are significant[38]. The Commission uses a series of

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[38] Antoaneta Dimitrova, *Enlargement, Institution-Building and the EU's Administrative Capacity Requirement*, in "West European Politics", No. 25 (4), 2002, pp. 171-190, DOI: 10.1080/713601647, accessed at: 09 February 2015. Also see Antoaneta Dimitrova, Geoffrey Pridham, *International actors and democracy promotion in Central and Eastern Europe: the*

instruments to leverage compliance such as keeping uncertain the duration and conclusion of the negotiation and accession processes[39], conditioning its support on the government's actions and results in a certain domain and on the pace of the refom process as a whole[40].

The convergence-divergence in administrative terms in its relation to Europeanization still remains an issue for debates[41] as a cross-country convergence cannot exclude different national accents, interpretations and/or perspectives. Moreover, the question of convergence – divergence cannot neglect the policy window and problem solving dynamics which stress the importance of the political context and policy agenda for the government decision. Different Europeanization mechanisms can be used such as the twinning exercises[42] which bring forward the experience, professionalism and good practice of administrators and civil servants relocated in candidate countries for a specific time-frame and also socialization of political actors framework which brings into discussion the EU as a policy arena and meeting point for different practices[43].

The external incentives supplied by the European Commission are arguably the most powerful in establishing observance[44]. As the EU discretion gradually became the common denominator in the region also featuring the intricate former Yugoslavian geopolitical climate corroborated to NATO accession and financial crisis[45].

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integration model and its limits, in "Democratization", No. 11 (5), 2004, pp. 91-112, DOI: 10.1080/13510340412331304606, accessed at: 09 February 2015.

[39] David Phinnemore, *From Negotiations to Accession: Lessons from the 2007 Enlargement*, in "Perspectives on European Politics and Society", No. 10 (2), 2009, pp. 240-252, DOI: 10.1080/15705850902899321, accessed at: 09 February 2015.

[40] Cristina Chiva, David Phinnemore, *Preface: The European Union's 2007 Enlargement*, in "Perspectives on European Politics and Society", No. 10 (2), 2009, pp. 149-151, DOI: 10.1080/15705850902899156, accessed at: 09 February 2015.

[41] George G. Georgiadis, *The convergence–divergence debate revisited: framing the issues*, in "Southeast European and Black Sea Studies", No. 8 (4), 2008, pp. 313-323, available at DOI: 10.1080/14683850802556343, accessed at: 09 February 2015.

[42] Dimitris Papadimitriou, David Phinnemore, *Europeanization, Conditionality and Domestic Change: The Twinning Exercise and Administrative Reform in Romania*, in "JCMS: Journal of Common Market Studies", No. 42, 2004, pp. 619-639, DOI: 10.1111/j.0021-9886.2004.00521.x, accessed at: 09 February 2015.

[43] Liliana Pop, *Strategic Action is Not Enough: A Bourdieuian Approach to EU Enlargement*, in "Perspectives on European Politics and Society", No. 10 (2), 2009, pp. 253-266, DOI: 10.1080/15705850902899347, accessed at: 09 February 2015.

[44] Conor O'Dwyer, *Reforming regional governance in East Central Europe: Europeanization or domestic politics as usual?*, in "East European Politics & Societies", No. 20 (2), 2006, pp. 219-253, DOI: 10.1177/0888325404271286, accessed at: 09 February 2015.

[45] Dimitris Papadimitriou, Eli Gateva, *Between Enlargement-Led Europeanisation and Balkan Exceptionalism: An Appraisal of Bulgaria's and Romania's Entry into the European Union*, in "Perspectives on European Politics and Society", No. 10 (2), 2009, pp. 152-166, DOI: 10.1080/15705850902899172, accessed at: 09 February 2015.

ACHIEVING INTEGRATION OF THE ROMA IN THE EU: DESCRIPTIVE REPRESENTATION AS A POLICY SOLUTION FOR ROMANIA

Rareş DUMITRAŞ[∗]

Abstract: In the content of this paper the author looks for policy solutions for improving the status of the Roma within the EU and particularly in Romania. The theoretical model is taken from studies on descriptive representation of prominent minorities in the US with the purpose of creating an effective policy model. The first part of the paper contains an introduction to the socio-political situation of the Roma and how is it linked to representation, the second part provides a general theoretical discussion of descriptive representation, while in the third part I analyze the representation of the Roma in Romania, and make theory-grounded proposals for its improvement.

Keywords: Roma, descriptive representation, policy proposals, policy solution, Romania.

1. INTRODUCTION

One of the most challenging public policy issues of the European Union is the impoverished status of the Roma, a problem largely linked to bad politics and a long history of discrimination. In the aftermath of the General Affairs Council Meeting of the European Commission held on 8 December 2008, high rank officials of the EU body noted in the Council's Conclusions that people of Roma origin within EU, despite having the same level of rights and obligations like the rest of the nationals form a disfavored community, being liable to social exclusion, poverty and discrimination. In a extended report on proper policies for the inclusion of the Roma, EU policy experts consider that the main causes for the present situation are "racism and discrimination against Roma, civil status and access to personal documents, the general economic and political climate, recognition as a national minority, political participation and representation"[1]. The

last issue, representation (closely linked to political participation) mentioned in the Commission's report, forms the object of the present study. My aim is to provide a framework for a better political representation of the Roma minority in Romania, the largest of this kind in the EU[2], which should help achieve a more profound integration of this impoverished community.

Representation, which in the words of one famous theorist, Hanna Pitkin[3] simply entails the act of making present again is a political concept which offers prospects for improving the status of marginalized minorities by the means of electing descriptive representatives; people who share the same features (gender, sex, ethnicity) or experiences (cf. Young[4]) with the voters.

In the literature, descriptive representation has been linked to positive behaviors which help set up a better functioning and a more inclusive type of democracy, by increasing political participation, knowledge of politics and efficacy[5]. Fowler et al.[6] in their review of the literature, point out that the presence of minority group members in a legislative assembly help prevent the adoption of bills unfavorable towards the marginalized group. Descriptive representation is an effective governmental policy because it has the value of a reparatory measure which encourages people historically apathetic to solve shared problems[7], in our case Romani ethnics who faced discrimination in Romania stemming across centuries.

The background of discrimination for Romani people in Romania has its roots in their condition as slaves during the times of the medieval principalities of Wallachia, Moldavia and Transylvania; the first documented Gipsy slaves being recorded in 1385[8]. As slaves for the Prince, boyars or monasteries, the Roma endured serious hardships like beating, forced labour, rape[9], while attempts towards

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[2] According to the data provided by the 2011 Romanian census, in Romania there are 621,000 citizens of Roma background, or about 3.3 % of the overall population. However, since Roma ethnics frequently do not declare their real identity (due to the undesired public stigma), the real numbers are debatable; while the Council of Europe records are around 1,850,000 people, other organization like the World Bank or the Romanian agency for the Roma mention that around 1 milion Gypsies live in compact communities, Agenția Națională pentru Romi [ANR], *Report 2014*, p. 6, available at http://www.anr.gov.ro/

[3] *Apud* Suzanne Dovi, *Political Representation*, in Edward N. Zalta (editor), *The Stanford Encyclopedia of Philosophy*, available at http://plato.stanford.edu/archives/spr2014/entries/ political-representation/, accessed at: 29 April 2015.

[4] Iris M. Young, *Inclusion and Democracy*, Oxford, Oxford University Press, 2000, pp. 120-153.

[5] See Stacy G. Ulbig, *Political Realities and Political Trust: Descriptive Representation in Municipal Government*, in "Southwestern Political Science Association Meeting", 2005, available at http://www.shsu.edu/~sgu001/npsa2009.pdf, accessed at: April 29, 2015; Fowler Derek J., Jennifer L. Merolla, Abbylin H. Sellers, *The Effects of Descriptive Representation on Political Attitudes and Behaviors*, available at http://wpsa.research.pdx.edu/meet/2012/, accessed at: April 28, 2015.

[6] Fowler Derek J., Jennifer L. Merolla, Abbylin H. Sellers, *op. cit.*, p. 4.

[7] *Ibidem*; see Iris M. Young, *op. cit.*, 120-153.

[8] Mariana Sandu, *Romii din România: repere prin istorie*, Bucharest, Vanemonde Publishing, 2005, p. 5.

[9] Neagu Djuvara, *Între Orient şi Occident. Ţările române la începutul epocii moderne*, Bucharest, Humanitas Publishing, 1995, *passim*.

their liberation were sometimes made by monarchs who faced the reluctance of slave masters[10]. After 1850 the Roma living in the Romanian territories were politically liberated, but many of them continued to preserve an impoverished economic status. During the communist period the existence of the Romani ethnic identity was no longer acknowledged; however the Romanian state did implement strategies aimed at their (forced) integration. This occurred particularly between 1977-1983, by promoting a set of policies which included the provision of housing, (obligatory) employment status, registration of Roma residents, improving public health and education among the ethnics[11]. However, the measures taken by the Communist parties across Europe (including Romania) for integrating the Roma were not always adequate; e.g. since education in Romani language was not provided by the state, frequently Gipsy pupils were sent to classes for retarded children or to segregated institutions; many of them soon abandoned school. In spite of the harsh regulations imposed for the cultural assimilation of the ethnics, Communist governments in Eastern Europe did succeed in improving the socio-economic status of the Romani people[12]. As soon as Communism fell in Eastern Europe, the Roma achieved political and cultural emancipation as part of the democratization process in their countries, but their living standards decreased[13]. According to a study by the World Bank cited in an EU Commission report[14] most of the poverty specific to the Roma in Central and Eastern Europa is a result of their poor professional qualification and loss of the jobs they held during Communism.

In Romania, the accession to the European Union brought in economic development, legislation and institutions aimed at the protection of the Roma, the latter being part of the acquis communitaire. In 2001, the Romanian government adopted the "Strategy for the improving of the situation of the Roma for the period 2001-2010" and created the National Agency for the Roma. Partly due to lack of institutional effectiveness in applying Romania's legislation[15] and party due to the global financial crisis[16] the results are yet to be seen; recent statistics show a worsening in the situation of the Roma. Data shows that while in 2005 two out of five Romanian citizens of Roma origin were living in relative poverty, in 2011 three out of four Romani citizens were in the same situation according to Annex I

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[10] Mariana Sandu, *op. cit.*, p. 5.

[11] Bleahu Ana, Frunzaru Valeriu, *Participarea politică a romilor din România*, Bucharest, Romani Criss, Centrul Romilor pentru Intervenție Socială și Studii, 2004; available at http://www.romanicriss. org/PDF/participare%20politica%20romi.pdf, accessed at: 29 April 2015.

[12] Barany Zoltan D., *Living on the Edge: The East European Roma in Postcommunist Politics and Societies*, in "Slavic Review", Vol. 53, No. 2, 1994, p. 327.

[13] *Ibidem*, p. 328.

[14] European Commission, *op. cit.*, p. 11.

[15] *Assessment of barriers to Roma political participation in Romania*, available at http://www.ndi.org/files/Assessment%20Report%20Final%20%28complete%29.pdf, accessed at: 29 April 2015.

[16] *Strategia Guvernului României de incluziune a cetățenilor români aparținând minorității rome pentru perioada 2014-2020*, available at http://www.anr.gov.ro/docs/Site2014/Strategie/ Strategie_final_18-11-2014.pdf, accessed at: 2 May 2015.

of the Romanian Government Strategy for the inclusion of the Roma in the period 2014-2020. In the same document it is pointed out that only 10-15% of the Roma citizens in Romania are employed, most of them have no qualification or perform activities which do not require a professional qualification, being part of a group extremely liable to impoverishment and social exclusion. This can explain at least partly the wave of migration of Romani people from Romania towards other EU member states. The presence of Romani migrants is frequently presented a matter of public order, with many media outlets launching widespread discrimination against the ethnics; in the opinion of EU bureaucrats this becomes a impediment to the implementation of successful policies for their integration[17].

The status of the Roma in Romania has for a long time been a bone of contention for the country's political elite in the light of the social issues, stigma and negative public image attached to this ethnicity throughout the world. A recent example is the bill enacted by the nationalist deputy Bogdan Diaconu to change the designation of this community in the official documents of the Romanian state, by replacing Roma with "Gipsy", the later term, being deemed as racist by many Roma activists. The initiative was criticized by a segment of civil society for "damaging Romania's reputation abroad, by endorsing the portrayal of a country with racist lawmakers, in which personal dignity and the rights of a national minority are breached with the purpose of creating a false comfortable image for the majority of the country residents"[18].

It is important to point out that the Romanian legal system does not favor discrimination against the Roma, the problem lying rather in the way the law is applied. In 2001 when the National Strategy for the inclusion of Roma was firstly launched, the government constructed the administrative body responsible for implementing it; the National Agency for the Roma (Agenţia Naţională pentru Romi, transcribed as ANR) with its local branches called County Offices for the Roma (Birouri Judeţene pentru Romi – BJR). Employed with the BJRs, the Roma mediators for health and education seem to provide the necessary link between Romani people and the local authorities, although their effectiveness depends on the workload and the support given by the local County Council employees[19]. The Law 14/2003 gives the possibility for minority groups to elect their own representatives in the Parliament, as long as their party passes the 5% threshold. However, since the level of political interest, trust and participation of the Roma is generally low among the ethnics[20], no major Roma party managed to acquire the

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[17] European Commission, *op. cit.*, p. 9.

[18] *ActiveWatch solicită respingerea propunerii legislative de revenire la denumirea de "ţigan"*, in newspaper "Adevărul", April 29, 2015; available at http://adevarul.ro/news/societate/ activewatch-solicita-respingerea-propunerii-legislative-revenire-denumirea-tigan-1_55412646cfbe376e35b06 70b/index.html#, accessed at: 2 May 2015.

[19] *Assessment of barriers to Roma political participation in Romania...*, p. IV.

[20] Ana Bleahu, Valeriu Frunzaru, *Participarea politică a romilor din România*, Bucharest, Romani Criss, Centrul Romilor pentru Intervenţie Socială şi Studii, 2004; available at http://www.romanicriss.org/PDF/ participare%20politica%20romi.pdf, accessed at: 29 April 2015.

votes of the citizens with a Romani origin. According to the Law 14/2003, Roma are represented in the Parliament by assigning them the default seat for a member of their main Romani political organization, "Partida Romilor" ["The Roma Party"], which is in fact an NGO. Since the year 2000, the NGO "Partida Romilor" appointed the same person for Parliament, the deputy Nicolae Păun, who failed to provide substantive representation (promote suitable laws) for the interests of the Roma community. According to his personal page on the Chamber of Deputies the only bill favorable to the Roma he managed to get adopted is the Law 204/2007, increasing the compensations for the people who faced discrimination on ethnic grounds between 1940-1945[21]. He is also the main initiator for an extremely controversial bill awarding amnesty to all convicts imprisoned for corruption[22] (Hotnews website November 26, 2014).

Romanian electoral legislation is very restrictive when it comes to the creation of new parties which can compete in elections. For a political party to be registered successfully, a minimum of 15000 adhesions are required from at least 18 counties of the country. Ethnic minority NGOs can also compete in the elections, but to gain the seat assigned by default to the Roma they have to be registered with the National Council for Minorities, where solely "Partida Romilor" has membership[23].

Based on the literature on descriptive representation and recommendations made in Romani policy reports compiled by NGOs, EU and the Romanian government I show how the status of the Roma population can be improved by adapting the administrative system and achieving substantive representation of the Roma people.

2. DESCRIPTIVE REPRESENTATION OF MARGINALIZED MINORITIES. DEBATES IN THE LITERATURE

Political representation, despite its acknowledged contribution to improving the quality of a polity and the policies affecting its citizens[24] is a concept which did not acquire a unitary understanding among academics. In the words of one of the most influential researchers on this matter, Hanna Pitkin, representation means

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[21] Romanian Chamber of Deputies website http://www.cdep.ro/pls/parlam/structura.mp?idm= 261&leg =2004&cam=2, accessed at: 2 May 2015.

[22] *Hotnews.ro*, online news portal, *Deputatul Nicolae Păun vrea să depună în Parlament un nou proiect al legii gratierii*, November 26, 2014, available at http://monitorizari.hotnews.ro/stiri-atacuri_j ustitie_declaratii-18670433-deputatul-nicolae-paun-vrea-depuna-parlament-nou-proiect-legii-gratierii.htm, accessed at: 2 May 2015.

[23] *Assessment of barriers to Roma political participation in Romania..., passim.*

[24] For a review of the literature on political representation and the assessment of its efficiency with the use of statistical models, I recommend apart from the studies of Ulbig (2005) and Fowler et al. (2012), already cited in this study, the excellent analysis by Haider-Markel Donald*, Representation and Backlash: The Positive and Negative Influence of Descriptive Representation* in "Legislative Studies Quarterly", Vol. 32, No. 1, 2007, pp. 107-133.

supplying the presence of the electors in public policy matters through representatives who advocate, express opinions and concerns on their behalf; it is a form of "political assistance"[25]. However, this definition does not substantiate enough the reality of the representation concept, since frequently the lives of citizens are not directly affected by those they awarded a popular vote, but by appointed public officials (e.g. clerks, social assistance workers), who are generally not directly responsible to voters. Pitkin does recognize the importance of being responsible for decision making, "accountability" (possibility to sanction the elected for their decisions) along with "authorization" (legitimate accession to the official position) being the cores of the political representation conception in her understanding. But what is missing from her wide definition is the influence of institution functioning. Weissberg[26] corrects this, although his definition of representation refers solely to formal representatives (meaning those who compete in elections), he acknowledges the impact of the administrative system, contending that "the amount of representation is more a matter of institutional arrangements than of electoral control". Other authors, like Andrew Rehfeld, take this concept to a very general level considering as representation the simple act by an audience of accepting somebody as a representative[27].

Descriptive representation was chosen as the suitable framework for this study because it can make marginalized minorities feel "more empowered"[28]. The mechanism functions this way; the descriptive elected represented shows more openness and availability to voice and pursue the interests of the oppressed minority, which in turn leads to higher levels of political information, participation in politics and efficacy among the marginalized group. According to Fowler et al.[29] these effects should be treated as important by anyone who is interested in a democratic polity where the oppressed (in their study black people of the US) feel involved and assess positively the political administration and its actors. Achieving the latter goals is of particular importance to the Roma minority, since studies[30] showed that 75% of the ethnics are not interested in politics and many of them vote for direct economic benefits (alcohol or social wages). Another problem with regard the their political organization cited by the same study is that the informal leaders of traditional communities are not authorized/ legitimated, while party heads are not necessarily accepted by the community.

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[25] Suzanne Dovi, *Political Representation*, in Edward N. Zalta (editor), *The Stanford Encyclopedia of Philosophy*, available at http://plato.stanford.edu/archives/spr2014/entries/political-representation/, accessed at: 29 April 2015.

[26] Robert Weissberg, *Collective vs. Dyadic Representation in Congress*, in "The American Political Science Review", Vol. 72, No. 2, 1978, pp. 535.

[27] Suzanne Dovi, *Political Representation*, in Edward N. Zalta (editor), *The Stanford Encyclopedia of Philosophy*, available at http://plato.stanford.edu/archives/spr2014/entries/political-representation/, accessed at: 29 April 2015.

[28] Stacy G. Ulbig, *op. cit.*, p. 2.

[29] Fowler J. Derek, Jennifer L. Merolla, Abbylin H. Sellers, *op. cit.*, p. 4.

[30] Ana Bleahu, Valeriu Frunzaru, *op. cit.*, p. 32-35.

The main idea behind descriptive representation is that representatives should resemble as much as possible the represented, possess their typical characteristics. Similarities might not refer solely to physical features like gender or skin color, but also to shared life experiences[31]. This implies, for instance, that a person who lived in prison for a considerable amount of time can be seen as a proper representative for all the imprisoned, one gained a social perception that is communal to all detainees, sharing the same interests with them (improve the comfort of the cells, for example).

In general, descriptive representation has been considered a proper means to improve the status of a marginalized group. Since the disadvantaged minority was not given the possibility to participate in the political life of a given polity, their interests might not be properly expressed by decision makers coming from other social backgrounds, because they do not have the perspective about life which disfavored group members share. The communal understanding of life specific to that marginalized minority stems from their "shared experiences and/or social position", resulting in "narratives that members develop collectively"[32].

The common "social perspective" is the main argument set forth by another author, Young[33] for applying descriptive political representation for the case of marginalized groups. She contends that people who spent their time in similar life conditions will have resembling perceptions of the social field. However, one should not understand the social perspective specific to a disadvantaged minority as completely unitary, competing views might emerge among group members. In the author's account a communal perspective does not result in well-established generalizations about the life specific to a social stratum, it is only a starting point for a debate about the group's status: "Social perspective consists in a set of questions, kinds of experience, and assumptions with which reasoning begins, rather than the conclusions drawn"[34]. Therefore, competing views on the social life that that arise among group members should not be seen as mutually exclusive, they simply add to the larger picture.

Weldon[35] agrees with the point that a group perspective should not be seen as a monolith, but as a "collective product" that results from deliberative disputes among factions of the minority. To establish the boundaries of a social perspective, intra-group interaction is absolutely necessary; members debate issues affecting them in newspapers, public meetings, TV shows etc. and come up with a list of common focal areas, problems that affect the community in its entirety (while

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[31] Jane Mansbridge, *Should Blacks Represent Blacks and Women Represent Women? A Contingent 'Yes',* in "Journal of Politics", no. 61(3), 1999, pp. 628-657.

[32] Laurel Weldon, *Beyond Bodies: Institutional Sources of Representation for Women in Democratic Policy-Making*, in "The Journal of Politics", no. 64(4), 2002, pp. 1153-1174.

[33] Iris M. Young, *Inclusion and Democracy*, Oxford, Oxford University Press, 2000, *passim.*

[34] *Ibidem*, p. 137.

[35] Laurel Weldon, *op. cit.*, p. 1153.

proposed solutions may vary). For a policy maker to behave as a good representative it is absolutely necessary to participate in deliberations with other group members and get acquainted to the difficulties that these people face as disadvantaged citizens. More than that, mechanisms of accountability and authorization are also required to assure the substantive representation of the group members[36], otherwise those occupying the seats in the legislative assembly might feel little motivation to properly defend the interest of the oppressed minority.

For certain authors, the common social perspective specific to a marginalized group is an illusion, there are too many differences in perceptions between community members, therefore it is not a strong argument in favor of reparatory measures of descriptive representation. This argument does not stand; as I showed earlier in the paper, descriptive representation of disfavored minority does not entail that a social perspective is characterized by a predefined content; it just shows there is a stronger "affinity" between group members to understand the problems specific to their class, while non-members will have to pay a greater effort to comprehend what difficulties are faced by the oppressed minority[37].

Another criticism brought against this form of representation is that descriptive representatives are less skilled to act as professionals in a decision making position; in other words "no one would argue that morons should be represented by morons"[38]. The counterargument that can be brought against this assumption is that assigning a representative position to an individual from a group is usually a selective process (authorization through voting or other procedures), it gives higher chances to well prepared individuals to get elected rather than to "morons".

Descriptive types of representation were also criticized because they contain no clear guidelines about which specific group categorization are relevant in this political process: should we allot a fixed number of seats to left-handers, blondes or the blue-eyed? Depending on the type of polity we are dealing with, the answer to this kind of criticism follows different arguments. In a deliberative democracy it would seem reasonable to give voice to left-handers if their opinion is relevant with regard to the outcome of a specific decision, for example how to design the handle of a new repairing tool. In an aggregative model of democracy, the decision is dependent upon the will of the dominant group(s); if they suffer a lot by not accepting left-handers as representatives of their constituency, they will most likely change their decision in the next elections and vote for them[39]. For the case of Romania the cost of not assuring proper political representation to the Roma is translated in social tensions generated by poverty in those communities, tensions that also impact citizens of non-Roma origins through crime and bad reputation in the Western media.

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[36] *Ibidem*, p. 1155.
[37] Iris M. Young, *op. cit.*, p. 137.
[38] Jane Mansbridge, *op. cit.*, p. 631.
[39] *Ibidem*, p. 634-635.

Other theorists value descriptive political representation of marginalized groups because it is a reparatory measure (considering their history of oppression by the majority) and because it favors social inclusion and political participation. The past exclusion from political affairs of a disadvantaged minority can contribute to a feeling of apathy among such people, while assigning leadership positions that descriptively represent those community members might encourage them to become engaged in politics, to help solve "shared problems"[40].

Mansbridge also appreciates the benefits of descriptive representation, holding that it can help diminish the feeling of distrust by improving communication between the dominant and the subordinate group. This is not the only the advantage, according to the author, in the case of a community with uncrystallized interests, the presence of a descriptive representative can help improve substantive representation because she is given the possibility to draw attention on the problems affecting the group in policy debates with other legislators. In her theoretical model, Mansbridge[41] endorses representation by descriptive decision makers for two other additional reasons: it creates "a social meaning of 'ability to rule' for members of a group in historical contexts where the ability has been seriously questioned" and increases "the polity's de facto legitimacy in contexts of past discrimination". She does not view descriptive representation as a panacea to solve problems of inequality between different social strata, being rather a context based strategy which should be put into practice only if after serious deliberation it is proven that benefits outweigh the costs.

3. ANALYSIS AND PROPOSALS FOR IMPROVING THE STATUS OF THE ROMA MINORITY

In the case of the Roma from Romania the descriptive representation of their minority in government bodies can be an appropriate reparatory measure, but its application has to be further refined. Although they are the second largest minority in Romania according to the latest census (621,000 or 3.3% of the population) no major political party managed to capture their group interests and gain significant representation in the Parliament. The Romanian Constitution guarantees one seat in the Parliament for every ethnic group but the presence of one elected Roma politician in the legislative assembly did not contribute to the substantive representation of their interests; inequalities between them and the majority population being still high[42].

The absence of Roma political leaders in mainstream politics is a phenomenon pertaining not only to Romania, but a general situation across Europe.

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[40] Iris M. Young, *op. cit.*, p. 144.
[41] Jane Mansbridge, *op. cit.*, p. 628.
[42] Agenția Națională pentru Romi [ANR], *Report 2014*, available at http://www.anr.gov.ro/

As explained in the Report of the European Commission on good policies for the inclusion of the Roma[43], Romani representatives activating in the political establishment are rather rare, being mostly active at local and municipal level. According to the document, if Romani ethnics seek a political position, they should attempt it via mainstream parties, not with the help of ethnocentric parties. For this reason, the Commission sees NGOs as the agents for boosting the political participation of the Roma. For assuring a proper representation of the Romani citizens, the EU executive officials consider supporting civic organizations, assigning seats and ensuring the presence of the ethnics in Consultative bodies as the proper means to achieve this goal. The authors of the report take their strategy even further, directly accounting for substantive representation: the expertise of Roma Consultative body members has to provide an input into policy making. The bureaucrats who drafted the report shared Iris Young's opinion on descriptive representation; it is not something monolithical, but rather accumulating perspectives of the marginalized group members. For this reason they required assuring that all segments of the Romani society are represented within the supported NGOs, including the preservation of gender balance[44].

The Commission's skepticism towards providing support to Romani ethnocentric political parties is extremely relevant for the case of Romania; according to research reports by civic organizations[45], Roma people see little legitimacy in elected officials because they all appear corrupt. On the other hand, the rulers who come across as proper representatives are administrative workers from whom they can seek help (County Council Roma officers, health mediators). This establishes a loophole in Laurel Weldon's conception of descriptive representation; the above mentioned officials do share the descriptive features of the marginalized group (have Romani identity), but are not bound to any mechanisms of authorization and accountability; in most of the cases they are appointed to office. My opinion is that representatives who share descriptive features and achieve substantive representation (by pursuing favorable policies) are still legitimate representatives, despite the lack of mechanism for authorization and control.

The important aspect which stems from most research reports (by the European Commission Report, NDI and ANR reports) is that proper institutional organization and competent bureaucrats are the keys to obtain the substantive representation of the Roma. For these goals to be achieved the following measures have to be implemented:

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[43] European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Unit G4, *Improving the tools for the social inclusion and non-discrimination of Roma in the EU Report,* Luxembourg, Publications Office of the European Union, 2010, *passim.*

[44] *Ibidem*, p. 22.

[45] See the studies by Romani Criss (2004) and by the National Democratic institute for international Affairs (2009).

- Adopt the proper policies to ensure the socio-economic status of the Roma is improved. This should be done by promoting after-school programs for poor children, supporting employers who hire Roma people, counseling and incentivizing the ethnics to achieve professional qualification. The underlying idea is that good communication between representatives (officials) and the represented (Romani citizens) can only be achieved if the latter reach a certain level of development.
- Better coordinate government institutions and professionalize public officials.

The last point requires a more detailed explanation given its complexity. The NDI report recommends synchronization between the Parliament and the Government when policies on the situation of the Roma are adopted. The good news is that Romanian government officials already seek this objective. To achieve this goal the Romanian Government Strategy for Roma integration between 2014-2020 provisions the creation of Ministerial Commissions headed by state secretaries in charge of Roma policy making. The NDI report requires that all such commissions to fall under the authority of the ANR which should be given the resources for supervising these governmental branches.

The policy reports and the research on improving the condition of marginalized minorities cited in this study follow a descending mechanism; while perfecting the functioning of the government and the parliament contributes to better representation, the main focus rather falls on representatives at local and regional level who are the main actors for obtaining substantive representation.

There are three main strategies required to be followed in order to achieve the goal of improving Roma representation: professionalize public officials, enforce proper policies and monitor the results. With regard to the first strategy, the NDI report recommends enhancing the training and development programs for Roma mediators, while in the Strategy set forth by the Romanian government (2014-2020) learning modules about Romani history and culture are advised for local administrators with no Romani origins.

I contend that both measures bring a positive contribution towards substantive representation because they create bridges for communication between the minority group members and the majority. As a matter of fact, in most Roma research reports, proper policies are considered those which foster communication between Roma community leaders and public officials. Romanian government officials proposed the creation of Local Initiatives Groups (Grupuri de Inițiativă Locală – GIL), formed of the Roma leaders belonging to the municipality and aware of the community needs. GIL members should take part in period meetings with the city hall to be informed about public decisions taken and to express the opinion of the represented. This initiative is well adapted to the cultural characteristics of Romani community members, which according to the Report by Romani Criss[46] generally do not vote on individual level but consult with their local leaders. For this policy to fit perfectly the pre-requisites of descriptive

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[46] Romani Criss, *op. cit.*, p. 42.

representation, mechanisms for authorization and accountability have to be established together with the Roma inhabitants. To enable a good environment for communication, both the NDI and the European Commission report recommend partnerships between public institutions and civic organizations of the Roma. Other main strategies for obtaining a proper representation and political participation of the Roma are issuing ID cards to citizens who do not hold them, advocacy by Romani NGOs and voluntary data collection about Romani ethnics. The latter one was successfully implemented in 2004 in Slovakia[47] where the government collected personal data about Gipsy communities that were used afterwards to shape better policies aimed at this ethnic group.

Monitoring is a key factor for benefiting from effective descriptive representation, entailing the idea of representatives' accountability (as shown by Weldon). Romanian Government officials recommend for instance that works of Ministerial Commissions to be monitored by at least 3 experts who should issue a report. The NDI report[48] is very critical of the work done so far by government officials in charge of Roma policies requiring that the activity of County Offices (BJRs) to be coordinated by the Minister of Internal Affairs and examined by external auditors.

A strategic policy proposed by the NDI which helps achieve a better democracy conveys the idea that parties, including Romanian mainstream ones, should establish stronger connections with the Roma electorate to get more involved in the life of the community. They suggest ruling parties to support Roma candidates for seats in the Parliament, to create coalitions between Romanian parties and Romani NGOs so that the marginalized minority becomes more eager to participate in politics. The idea underlying the findings in the report is that policy makers should improve deliberation with the Roma minority on issues relating to their status, they should get acquainted to their social perspective (which is not unitary). Getting informed continuously on the focal areas which are of interest for the marginalized group will give future Romani decision makers credibility, but also authorization from the marginalized community.

In this set of policy proposals the role of the EU is crucial; to continuously monitor progresses and sanction the government for massive failures, such as the low absorption of EU funds aimed at the integration of the Roma.

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[47] European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Unit G4, *Improving the tools for the social inclusion and non-discrimination of Roma in the EU Report*, Luxembourg, Publications Office of the European Union, 2010, *passim*.
[48] *Assessment of barriers to Roma political participation in Romania...*, pp. 30-36.

SPIRITUAL ITINERARIES:
MYTHS AND TRADITIONS REINTERPRETED

ROMANIAN TRADITIONAL INSTITUTIONS. MIDWIFERY[*]

Anca CEAUŞESCU[**]

Abstract: In the villages from Oltenia, the entering into the world of the living of a new member of the family is supervised by the midwife, the great initiate. The midwife is, above all, a *mediator*. At birth, she performs the sacred and the profane acts, meant to bring into this world the new-born child, to integrate him into the family, kin and community, to guarantee the mother and child's health. Her attributions are complex: she assists the woman for the delivery, the midwife takes the baby away from the mother, tells the father the sex of the child, cuts the umbilical cord, gives the baby the first ritual bath, lays the table for the fate fairies, she takes care of the food and hygiene of mother and child.

The competences of the midwife do not cease in the moment of birth, where she has certain ceremonial roles: she gives the child a new set of clothes, she carries the baby until the Church, she brings the baptising water, she kneels when the priest blesses the "midwife's water".

Keywords: Oltenia, the traditional village, institution represented by the midwife, mediator, ritual acts.

In the villages from Oltenia, as in the entire Romanian space, the entering into the world of the living of a new member of the family is supervised by the midwife, the great initiate, representative of the kin and collectivity. The midwife performs complex ceremonial roles, in which Christian elements are superposed to the pagan ones.

Participating to all the rituals, of birth, marriage and funeral, she had a well individualised part in the entire assembly of ceremonies "We have to take into consideration that in the traditional life of the village, the midwifery owns a position, an honorable status, it is not just a profession in the established meaning of the word and, she was committed to the fulfillment of the ritual, and between her, the

women and the children that she assisted, it was established a social connection that involved obligations"[1].

As referring to the traditional form of the birth customs, the pregnant woman benefits by a double assistance: a "professional" assistance, provided by the old women, who know the old practices of the traditional medicine and pharmacopoeia, solicited only in case of problematic deliveries, and a mandatory assistance, assured by the midwife (for the moment of giving birth there were asked to come "old women and the midwife")[2].

In the traditional village, each family has their midwife. She only assists the mother, from the first delivery pains and remains beside her, until the performing of all the magical-ritual acts, which carry out for three days, after that visiting her periodically. Therefore, there is a *midwife of the village*, a woman who *performs this as a profession*, specialised in gynaecological issues, who helps for the delivery and whose mission completes once with the delivery of the baby, and *the family midwife*. A recent mention from the village of Dârvari, Mehedinţi County, is of great importance in this situation: "It used to be a woman in the village, who would know how to help the woman to deliver. The midwife who used to help the women at birth, was not the same with the one who laid the table for the fate fairies. Later, women would give birth to their babies at the hospital, assisted by the midwife of the commune"[3].

We can place the information from the village of Bratuia, commune of Dăneşti, Gorj County, in the same category: "The woman used to give birth assisted by skilful women. The midwife came and cut the umbilical cord. Each lately confined woman had a protective couple (*moş* – approx. patriarch, and *moaşa* – approx. midwife). Most of the time, they were relatives… It should not be confused with the midwife of the village. Nowadays, it is still chosen a midwife (a protector)… After the delivery, it was called the hereditary patriarch, each family having a protective couple for all the children, in order to cut the umbilical cord…, who then was tying it…"[4]. In other villages from Oltenia too, the delivery was assisted by a specialised midwife and by that of the family, as, for example, at Cetate, Dăbuleni, Galicea Mare, Dolj County and Brăneşti, Gorj County, where: "there was a midwife who would help with the delivery and one who would cut the umbilical cord"[5]. At Bistreţ and Bulzeşti, Dolj County: "The midwife who cut the umbilical cord was called *moşică* (a diminutive from *moaşă*). She was different

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[1] Mihai Pop, *Obiceiuri tradiţionale româneşti*, Bucharest, CCES, 1976, p. 131.

[2] Florica Lorinţ, *Obiceiuri de la naştere din Oltenia de Nord*, I, in "Revista de etnografie şi folclor", Bucharest, volume 13, no. 6, 1968, p. 524.

[3] Inf. Vultureanu Lucica, 73 years old, Dârvari, Mehedinţi County.

[4] Ion Ghinoiu (coordinator), *Sărbători şi obiceiuri. Răspunsuri la chestionarele Atlasului Etnografic Român*, vol. I, Oltenia, edition supervised by Ofelia Văduva and Ofelia Pleşca, Bucharest, Enciclopedic Publishing, 2001, p. 15.

[5] *Ibidem*.

from the woman who helped at birth. The midwife who performed her profession, came only if she was needed and called"[6].

In the popular tradition, the midwife has a special significance during the birth ceremony, "becoming the mistress of the mother's and child's faith"[7]. The midwife is the mediator between the two worlds, the world from which the child comes, pre-existence, and the world in which he enters, the existence. Her role is a "socio-family complex one, meant to ease the passing, to determine the forces of Good to be diverted towards the fulfilment of the Sacred existence"[8].

"To attend a child's delivery as a midwife, means *to help the child with his absolution from sins*", as Gheorghe Iordache remarks in a study dedicated to the phenomenon of this type of birth assistance, at the Romanian people[9]. In the author's opinion, the assistance does not imply only the concrete help provided for a woman who delivers, but the assurance that the new-born is properly received, by observing the traditional ritual, into "the white world". Therefore, the midwife integrates the child, a nameless being, who came from the world of the fore-fathers, into this side world, into the family, into the kin, into the religious society, and into the community. Hence, in this way, the new-born is integrated into the generations in which there is still kept the belonging to *fathers, great-fathers, great-great-fathers*, the ascendants of the child[10].

The notion of *moş*, with all its derivate terms, is, as I. I. Russu mentioned, of pre-Roman origin and belongs to the old Carpathian-Balkan autochthonous fond: "it is related to the Albanian form and is probably part of the Illyrian-Thracian-Dacian languages, therefore it belongs to the old Carpathian-Balkan autochthonous fond"[11]. Paul Stahl, in an ample study about the Romanian tradition of having birth protectors and godfathers, notices that for Romanians, the word "moş" is at the origin of other important words of our social life, "moaşă", the feminine form of the word "moş", having different meanings, all of them designating an older woman: "For the Romanians, it lies at the basis some important words of the social life… Maybe the old meaning of these words, «moş» and «moaşă», is the most interesting one, because «moaşă» signifies an older person, a foremother, a grandmother, and a woman who helps the children entering this world"[12]. In the

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[6] *Ibidem*.

[7] Mihai Dăncuş, *Moaşa – mediator între nou-născutul "necunoscut" şi lumea "cunoscută"*, in "Memoria ethnologica", Year II, no. 2nd -3rd of February-June 2002, p. 265.

[8] Narcisa Alexandra Ştiucă, *În pragul lumii albe*, Bucharest, The National Centre for Preservation and Promotion of Popular Tradition and Creation, 2001, p. 69.

[9] Gheorghe Iordache, *Despre "moşitul" la romāni*, in "Arhivele Olteniei", SN, no. 14, 1999, p. 186.

[10] Florica Lorinț, Constantin Eretescu, *"Moşii" în obiceiurile vieții familiale*, in "Revista de etnografie şi folclor", volume 12, no. 4, 1967, p. 301.

[11] Vasile Scurtu, *Termeni de înrudire în limba română*, Bucharest, Romanian Academy Publishing House, 1996, p. 15.

[12] Paul H. Stahl, *Moşitul şi năşitul. Transmisia lor în cadrul neamului*, in "Revista de etnografie şi folclor", no. 5, volume 38, 1993, p. 428.

acceptation of the linguists, the general term, the feminine word, implies, besides the meaning of old person, a kinship connection too[13].

In Oltenia, the word is used to designate the woman who assists the delivery, according to the traditional norms, and who has a kinship relation with the family of the new-born. In some regions of the country, for example in Maramureş, in the older customs, the grandmother was frequently called "moaşă", because she used to be the one who helped the woman to deliver[14]. As Florica Lorinţ observes, "we consider that from this original meaning, it was gradually being made the transition towards the professional acceptation. In the past, the function of the term was a socio-familial one, among the attributions of the midwife (an old woman who used to represent the kin and the household) being also included that of attend to a woman's delivery"[15].

The significations that the notion of midwife had along the time (old woman, aunt, grandmother) gradually disappeared, and it was used preponderantly the meaning of *sage femme*. "The meaning of *sage femme* has been preserved since the times when only the old women, with their experience, professed as *obstretix* midwifes. Defining, in time, as social function too, it broadened its sphere: the specialised meaning occupies the main place, the top position", as Vasile Scurtu noted in a referential paper[16].

The word "moaşă", having the meaning of a woman who helps for the delivery, is met in all the regions of Romania, the midwife having an important role in the customs that accompany the first moment of an individual's existence.

Nevertheless, the midwife is a significant character in the social life of many peoples. It is met all over the European space, but differently shaped. At Bulgarians, the midwife is an old lady (a sorceress) because, in the belief of the population from here, the birth assistance represents a magical art and every old woman becomes a magician; in the Serbian communities, the traditional midwife is called "babiţa" – she is an old and "clean" woman, who protects both the mother and the child against the evil forces from the birth; she is different from the midwife who assists the maternal deliveries[17].

The same situation is meat at the Greeks too, the midwife is the main performer when carrying out the birth ritual. Mihai Dăncuş, citing Yvonne de Sike, noted: "the midwife is a mediator between life and death… being… an instrument of the divine grace, she is the character with a noble function and profession, both important and dread"[18]. The midwife had an important role, especially at the first

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[13] Vasile Scurtu, *op. cit.*, p.12.

[14] Mihai Dăncuş, *op. cit.*, p. 266.

[15] Florica Lorinţ, *Tradiţia moaşei de neam în Gorj*, in "Revista de etnografie şi folclor", volume 12, no. 2, 1976, p. 132.

[16] Vasile Scurtu, *op. cit.*, p. 15.

[17] Mihai Dăncuş, *op. cit.*, p. 268-269.

[18] *Ibidem.*

birth, for the ones being called only in special cases, in order to help the women if the situation got unexpectedly complicated.

It is assumed that the midwives appeared during the period of the matriarchate, the first ones being the mother of the lately confined woman, the grandmother, a sister, a cousin, or an older woman from the family[19]. In the patriarchate period, the maternal midwife was replaced by one who came among the father's relatives[20].

Generally, according to the tradition, the midwife is necessarily chosen among the blood relatives of the father, being therefore a mandatory of the patrilineal kin. The condition to be related to the father of the child, is indirectly realised by her, through her husband, who was considered a "moş" (forefather). Only in case of illegitimate delivery, the midwife was chosen among the mother's relatives.

As a particular aspect, Florica Lorinţ talks about the existence, in the county of Mehedinţi, of the tradition according to which, the birth assistance was assured by a man, a blood relative of the child's father, and not by his wife[21].

Therefore, generally, the midwife was a replacer of the father' family, for the child. Yet, recent research do not confirm this entirely, anymore. There are field ethnographic evidences that show that at the end of the 20th century, in the north of Oltenia, at Runcu, the midwife was chosen among friends, according to the preferences: "Around our places, each woman chooses a midwife that she likes. The midwife offers the child all the clothes that are necessary, baths him for three days and gives food to the mother, still for three days. And the child is called her nephew"[22].

In the villages from Ialomiţa, the midwife was never part of the family, and the activity performed by her did not represent a social institution, with a significant position in the life of a society, as in Oltenia[23].

Numerous authors mention the preserving of the *related midwife*, called, in Gorj, *hereditary midwife*, a term that implies the tendency of continuity, when choosing her, for several generations[24], and it reflects, in the same time, the relation between the household of the midwife and that of the new-born child. A rich ethnographic material, attests the keeping of this tradition: "everyone had their midwife; she was hereditary, as the godparents; she assisted the delivery of all the children in a family"[25]. In the commune of Crasna, Gorj County, "The midwife was

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[19] Andrei Hîncu, *Geneza complexului riturilor de trecere,* in "Anuarul Arhivei de folclor", XVI-XVII (1994-1996), 1997, p. 160.

[20] *Ibidem.*

[21] Florica Lorinţ, *Obiceiuri de la naştere ...*, I, p. 523.

[22] Xenia Costa-Foru, *Cercetare monografică a familiei*, Bucharest, Fundaţia "Regele Mihai", 1945, p. 70.

[23] Germina Comanici, *Contribuţii privind cercetarea obiceiurilor de la naştere în judeţul Ialomiţa*, in "Revista de etnografie şi folclor", volume 27, no. 2, 1982, p. 152.

[24] Florica Lorinţ, *Tradiţia moaşei de neam în Gorj*, in "Revista de etnografie şi folclor", volume 12, no. 2, 1976, p. 128.

[25] Inf. Tonciu Maria, 87 years old, Maglavit, Dolj County.

the midwife of the family, being maintained over generations"[26], and at Ghioroiu, Vâlcea County "… If she had assisted the delivery of the first child, then she took care of the woman if she got pregnant the second, or the third time. The midwife did not change"[27]. The midwife appears described in connection with the father's family and, moreover, the kin. Paul H. Stahl notices that the *kin midwife* is specific for Romanians, being met under different appellatives, on the entire territory dwelt by them[28].

The tradition of keeping the related midwife is also appreciated by the doctor Charles Laugier, who noted, at the beginning of the 20th century: "the most important is, unquestionably, the custom – almost as an institution, of the *mother-midwife*. The role and the prestige of the midwife is brought to the position of relative and protector, and it is one of the characteristics of the Romanian people, and it would be of great importance if we could discover its origin"[29].

According to the tradition, the obligations of midwife were transmitted from generation to generation. The place of the midwife, who reached the old age, had to be taken by a younger woman from the same family, usually her daughter in law or her daughter.

The midwife is, above all, a *mediator*. At birth, she performs the sacred and the profane acts, meant to bring into this world the new-born child, to integrate him into the family, kin and community, to guarantee the mother and child's health. Her attributions are complex: she assists the woman for the delivery, helps the child, she takes care of the food and hygiene of mother and child, using practises and empirical medicine knowledge that only she knows. Actually, before the birth of the child, the midwife resorts to certain magical practices that have augural signification (she places near the bed of the woman who is about to delivery, objects as: distaff for spinning, an axe, salt, bread etc.) that would generate the diligence and the luck of the new born[30].

Immediately after birth, the midwife takes the baby away from the mother, tells the father the sex of the child, cuts the umbilical cord, gives the baby the first ritual bath, lays the table for the fate fairies, advises the new mother about how to take care of her baby. Then, she makes sure that the mother carries out other ritual practices related to the moment of birth.

The symbolic act of taking the baby from the mother and the wishes made in that moment, referring to his future, represent, in fact, the receiving and the introducing of the new-born into the family and kin. The gesture in which the midwife touches the baby with the forehead against the low threshold of the door,

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[26] *Sărbători şi obiceiuri ...*, p. 16.

[27] *Ibidem*.

[28] Paul H. Stahl, *op. cit.*, p. 419-437.

[29] Charles Laugier, *Contribuţiuni la etnografia medicală a Olteniei*, Craiova, Scrisul Românesc Publishing, 1927 (republished in 2011, Craiova, Aius Publishing House), p. 9.

[30] Gheorghe Iordache, *op. cit.*, p. 187.

marks the moment in which the child enters, for the first time, in touch with the world, represented, at least for the moment, by the household universe.

The immediate moment after the birth is accompanied by magical practices, having augural and modelling significations. According to a piece of information from Runcu, Gorj County, "Immediately after the delivery, the child is taken by the midwife, who is expecting on the threshold, and is poured cold water over, to become hardened to cold"[31]. A similar custom was registered by the physician Charles Laugier in Dolj County, where "…the child is introduced to the father, who pours cold water on his head, from a new clay pot, well burnt and not enamelled… The baby is poured water on his head, to be resistant to cold in his life"[32].

It is still the midwife who mediates the meeting of the new born child's fates[33]. In the evening of the third day after the birth, she "lays the table for the faith fairies" – the most important divination ceremonial act, meant to establish the destiny of the new member of the collectivity. That moment, the child enters for the first time in touch with the Sacred. On the round, low, three-legged peasant table, having the function of an altar bearing offerings for the Fates[34], the midwife puts the things with recognised valences: the round shaped bread (unleavened bread or the bread of the Fate Fairies), basil, a glass of water, one of wine, sugar and different objects: a mirror, a book, a needle, sewing thread, a padlock, a hoe etc. The preparations made for this event have the role to determine these super-human beings, representatives of the sacred, to be merciful with the faith of the new-born, to be benevolent and generous. Their benevolence has to be gained, for the things that the wish to be auspicious.

For 40 days, in the tradition of the villages, the midwife will stay around the mother and child. She has the responsibility to help avoiding the eventual dangers, to which the couple mother-child was exposed, the hygiene of the two, the preparing of the food for the mother, the preserving of house cleaning etc. This time interval is a critical one, of passing, when the evil spirits manifest actively. In order to avoid them coming closer to the child, it is the midwife who does different preparing activities, a generally spread action being that to place next to the child protecting iron made objects, or other talismans with apotropaic role.

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[31] *Sărbători şi obiceiuri ...*, p. 22.

[32] Charles Laugier, *op. cit.*, p. 25.

[33] In the spirituality of the Romanian people, there are three Fates, having unlimited powers and certain tasks to fulfil as regarding the destiny of a new-born child. As regarding both the number and the origin of their duty, the Romanian Fates correspond to the Greek Moirai and the Parcae and with the Fata Scribunda of the Romans: "Romanians from the past had, as also the nowadays ones, three birth fairies … they called them Parcae, from the verb pario-partus = to give birth, they were Parca, the fairy from the birthday, the second was Nona and the third Decuma, named after the ninth and the tenth month when the people were born) (Simion Florea Marian, *Naşterea la români – studiu etnografic*, Bucharest, Saeculum I.O. Publishing, 2000, p. 115). As a proof for their Roman origin we can mention the using by the Romanian people of the expressions: "this is my faith", "it is fated", "this was my destiny/so it had been ordained for me".

[34] Ion Ghinoiu, *Comoara satelor. Calendar popular*, Bucharest, Romanian Academy Publishing House, 2005, p. 183.

Worthily to be mentioned is the preoccupation to revitalize, at each birth, the possibilities of fertilization of all the women. Thus, the midwife, the godmother and the wives that assisted to the first bath after the Christianization were going into the garden to throw the water at the root of a fruit bearing tree for the child to grow, to bloom and to be fertile. The midwife threw the water, turned up side down the trough and in the same time around her took place a ritual dance while they said the next words: *"The trough was turned over/ Long live the grand-daughter/ It was turned over one more time/ She shall have another daughter/ It was turned over on a leg/ She shall have a boy too"*[35].

The ritual aimed both the fertility of mother and of the young wives who wished to have children. In a cheerful and joyful atmosphere the young people jumped over the trough while the midwife said: *" – Come on, jump over the trough, / You shall have a daughter,/ If you jump higher/ You shall have a son"*[36].

After the fulfilment of these ritual acts connected with the first step in life, between the midwife and the family of the new-born is established a kinship relation, of spiritual nature. The midwife calls the child nephew (niece), and the same way is called the mother (niece). The kinship relationship that begins, between the family of the midwife and the *nephews/nieces*, can be regarded as a blood relation, the terminology used in this situation (in Romanian, the words indicating nephew/niece, grandson/granddaughter, correspond: *nepot/nepoată*), indicating this fact: midwife – nephew/niece, patriarch – nephew/niece, similar to the consanguine relation: grandmother – grandson/granddaughter, grandfather – grandson/granddaughter. Moreover, "when the midwife belongs to the same family, the priority relation is that established due to the delivery assistance (*moşie*), as a consequence resulted from the ancient organisation of the family"[37]. From here, the interdiction of marriage between the members of the midwife's family and her nephews/nieces, or between the nephew/niece's children and those of the midwife.

The competences of the midwife do not cease in the moment of birth, where she has certain ceremonial roles: she gives the child a new set of clothes, she carries the baby until the Church, where she places the child on the ground, from where the godmother takes him/her, she brings the baptising water, she kneels when the priest blesses the "midwife's water". Moreover, the midwife has several obligation during the first years of the child. A tradition that is still present in Oltenia, is the touching of the child's head against the upper side of the threshold (*datul la grindă*), a ritual that takes place for three or seven years, in the morning of the New Year.

Although it does not benefit from the privilege offered by the Church, such are the godparents, the institution of midwifery is presented in different firmly consolidated forms, expressed through the rites, which preserve obvious layers of pre-Christian, archaic culture.

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[35] Simion Florea Marian, *op. cit.*, p. 187.
[36] *Ibidem*, p. 188.
[37] Nicolae Constantinescu, *Relaţiile de rudenie în societăţile tradiţionale. Reflexe în folclorul românesc*, Bucharest, RSR Academy Publishing, 1987, p. 92.

FUNERARY REMNANTS OF THE GETO-DACIANS IN THE ROMANIAN POPULAR CULTURE[*]

Loredana-Maria ILIN-GROZOIU[*]

Abstract: The funerary ceremony arouses a special interest for the researcher, preserving itself until today in obvious and expressive traditional forms, as an example being, on this respect, the multitude of ritual-magical practices and the archaic elements that they encompass. This ceremony attests the crisis moment from each human's life, constituting a warranty and, in the same time, the remaining of the individual inside the group of belonging, which is the same and, yet, different.

The keeping almost unchanged of the funeral rites and rituals, from ancient times until nowadays, is explained though the belief that any deviation from the norm could trigger the loss of the efficiency of "passing", a belief that imposed itself over all the traditions, with different coercive power. There can be therefore found, exquisitely coherent, archaic gestures, ceremonial acts, beliefs and funeral ritual songs that have continually been performed until today, in most of the folkloric areas from our country.

Keywords: cult of the dead, immortality of the soul, Romanian popular culture, funerary practices, soul.

In the Romanian ethnographic space, the funerary practices used to aim, and they still do nowadays, the post-existence, the initiation of *the pure-white traveller* into the mysteries of the Other Side World, the assuring of the further existence, on another ontological level, along with the defence of the living against the aggressive actions of the passed away. In a traditional type society, there is a tendency to uphold the funerary ritual-magical practices, which determined their preservation, even after they lost or changed their significance, because most of them encompass elements characteristic for the primitive way of thinking.

The rich ethnographic and folkloric Romanian material allows a quite precise diagnosis of the different cultural-religious "layers" and "roots", starting from the living people towards the missing ones"[1], as T. Herseni was noticing.

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[1] T. Herseni, *Forme străvechi de cultură populară românească*, Cluj-Napoca, Dacia Publishing, 1977, p. 100.

Further on, we are trying to demonstrate, with the help of a couple of examples, that the numerous funerary rites and rituals, obviously anterior to the Christian period, can still be found in the Romanian traditional background. It is a rather difficult task, because, if for certain archaeological documents, the ethnological correspondences are missing, in the same way, a part of the funerary traditions are not confirmed by the archaeological material as well. Therefore, as referring to the perpetuation of the obituary practices, according to which the soul survives after the death of the body, being rooted in the Geto-Dacian world, we are going to discuss: *the fir-tree spear*; *the wake masks*; *the ritual cracking of a pot* and *the funerary feast*; *the custom to close up with clay the skull's orifices* and *the rite of the soul window*.

One of the examples that sustain the affirmations above, is the *fir-tree spear*, which is placed at the graves of those who passed into the Other Side, before the fulfilment of the earthy destiny, such are the unmarried, and, in extension, at the graves of all the deceased. Taking into account the sequencing of the ritual successions that constitute the funerary ceremony, we are truly inclined to believe that the fir-tree spear is related to the Zamolxian cult[2]. The fir-tree spear represents "the symbol of the sky column and, through it, the cosmic tree"[3], as Romulus Vulcănescu said.

The wake masks[4] are elements with ancient magic valences, certainly pre-Christian. The presence of the mask implies the performing of a role; the role is an intentional act that presents the passing from an anterior condition to a superior one. "The roles are based on an ancient system of values, with a concrete pattern, in a relation of determination between the performer – possible and creator – and the present collectivity that receives, along with the precedent one, which contributed to the creation of the pattern. Therefore, the role play, as an element of the cultural pattern, is the result over generations", as Nicoleta Coatu mentioned.

The person who will wear the mask will not just play the role of the character that is imagined, but he will identify with this. Only in this way, there can be assured the communion with the sacred being, whose gestures he brings forward, and the form of equilibrium can be re-established. The bearer of the mask "is given its power, he is taken out from the profane time and space, does not feel the touch of the individual and ever changing «self». Maybe this is the reason for which the name of the mask, *persona*, will also include that of the individual, unrepeatable through what he owns more steadfastly, less occasionally and transiently, in relation with the others"[5]. We must permanently consider the fact that "the mask

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[2] See Loredana-Maria Ilin-Grozoiu, *Concepte, credinţe şi tradiţii privind nemurirea sufletului şi cultul morţilor*, Craiova, Universitaria Publishing, Bucharest, Pro Universitaria Publishing, 2014, *passim.*

[3] Romulus Vulcănescu, *Coloana cerului*, Bucharest, Romanian Academy Publishing House, 1972, p. 116.

[4] See Constantin Eretescu, *Măştile de priveghi – origine, funcţionalitate*, in "Revista de Etnografie şi Folclor", tom 13, no. 1, Bucharest, 1968, pp. 37-43.

[5] Ivan Evseev, *Enciclopedia simbolurilor religioase şi arhetipurilor culturale*, Timişoara, Învierea Publishing, 2007, p. 351.

and the mask bearer are successively inverted, and the vital force condensed in the mask can take into possession the person who wished to be protected by it"[6].

In case of the wake to which there are used masks and ritual dancing, a special signification is held by the characters that the mask impersonate: old men, old women, the priest, the devil, the stork, the goat or the bride. At the funerary ceremony, from Moldova, the masked couple, *the old woman and the old man*, who mime the act of procreation and the symbolic birth, bear important significance. If Lucia Berdan associates the masked couple with the fore-fathers of the dead and of the kin[7], C. Eretescu brings forward the apotropaic function of the masked performance[8], and I. H. Ciobotaru associates this game with the erotic crisis of the young people who interpret it[9].

Another performance that we can also meet at the funerary wake from Moldova, related to the Geto-Dacian fore-fathers, takes place as following: "two masked boys carry a third one on two pieces of wood, who also wears a mask and holds a bludgeon. The two, wearing a pot on their heads, enter in the room with the passed away and improvise a horse selling, for which they ask a *leu* and a farthing"[10]. The refuse to sell the horse, in exchange for this price is also accompanied by the breaking of the pot in the middle of the room.

Most of the wake performances include, in the same time, the children, the young people, the old people, man and women, the neighbours, the friends, the dwellers of the same village, because "the interdictions about age, gender and social position are abolished here"[11]. Even if the wake for the dead, with masks and ritual dancing is organised for the all people to join in (in the regions where this ritual is still carried on: in villages from Transylvania – Luncani Platform, Apuseni Mountains, the region of Pădureni and Moldova), there are evidenced differentiations for the people who are quite old and those who filled a special social position in that community. At the wake, "the people laugh in such a way that the house is trembling. Everybody laughs, the relatives of the dead, the children, all the other people too"[12].

In the villages from Vrancea, the wake performances represent an important sequence of the ritual-magical scenario included in the myth of *the great journey*. In the ancient communities, the watching of the passed away in the light of the

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[6] Jean Chevalier, Alain Gheerbrant, *Dicționar de simboluri*, vol. II, Bucharest, Artemis Publishing, 1994, p. 275.

[7] Lucia Berdan, *Fețele destinului*, Iaşi, Alexandru Ioan Cuza University Publishing, 1999, p. 185.

[8] Constantin Eretescu, *op. cit.*, pp. 37-43.

[9] I. H. Ciobotaru, *Folclorul obiceiurilor familiale din Moldova,* in "Caietele arhivei de folclor", VII, 1986, p. XXV.

[10] Lucia Berdan, *op. cit.*, p. 173.

[11] Tiberiu Graur, *Jocuri de priveghi în Munţii Apuseni*, in "Anuarul Muzeului Etnografic al Transilvaniei pe anii 1971-1973", Cluj, 1973, p. 593.

[12] I. Conea, *Clopotiva: un sat din Haţeg*, vol. II, Bucharest, Institutul de Ştiinţe Sociale al României, 1940, p. 294.

burning fire, was also accompanied by the mask performances. The fire is joining the group of the other symbolic elements, such are water, air, cross, green twig, apple, wine, wheat, sounds, rooster etc., which are conferred with a rich and varied semantics, recorded as magical and religious codes. As Romulus Vulcănescu remarked, "the fire is the permanent element, eternal and always present, in everything that is encompassed in the cosmic and terrestrial life"[13].

In the present context, the fire fulfils the role of purifying element; the pushing of a child or an adult towards its flames must be a reminiscence of an ancient ritual offering. According to the traditional mentality, the person who touched the fire is, at least symbolically, incinerated, travelling towards the sky in a purified condition. Through performing and ritual masking, the wake acts as a protecting shield for the family of the passed away, against the action of the evil spirits[14].

On the same coordinates, it can also be placed *the ritual of creaking of a pot at the funerary feast*. In the magical thinking, the shaping and the breaking of the clay pot are associated with the birth and the death of the human being. Through the ritual breaking, the pot becomes again what it used to be, clay, and returns to the place from where it emerged, the Earth. Correspondingly, the human body, separated from the soul, returns into the Earth and it is identified with it[15].

The presence of the ceramic fragments of Coțofeni type – in the mantle of the tumuli or on the old stepping levels under the mounds identified at Plenița, Rast, Târnava (Alexandrov) – is regarded, by Ionuț Semuc, in relation with the practices that involved the breaking of ritual pots that had been built during the construction of the mounds; these rites were connected to the separation of the living from the dead. Moreover, this custom of breaking the pots over a special surface, near the graves or above them, can also be met "in the funerary complexes of steppe regions, and in other areas of the Balkan Peninsula (Goljama Detelina, Piskove)"[16].

In the researched tombs from Ştefăneşti (Botoşani), which date back from the time of the early Thracians, there were found in the pit, and covered with a bowl that was serving the purpose of lid, broken dishes, probably coming from the funerary feast or from the pyre[17]. The custom of the funeral offerings is mentioned by Herodotus as well: "The Thracians, after they mourn the dead, they display the body for three days; then, they scarify different animals and organize a funerary feast (…). The funerary feast, with the ritual breaking, over the tomb, of the dishes they had used"[18].

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[13] Romulus Vulcănescu, *Mitologie română*, Bucharest, Romanian Academy Publishing, 1985, p. 380 (next cited as: Romulus Vulcănescu, *Mitologie română...*).

[14] Lucia Berdan, *op. cit.*, pp. 193-194.

[15] See Ion Ghinoiu, *Lumea de aici, lumea de dincolo. Ipostaze româneşti ale nemuririi*, Bucharest, Fundaţia Culturală Publishing, 1999, pp. 44-47.

[16] *Ibidem.*

[17] C. Iconomu, C. Asăvoaie, *Contribuţii privind cunoaşterea ritualului de înmormântare a tracilor timpurii în lumina cercetărilor de la Ştefăneşti-Botoşani*, in "Pontica", XXVII, 1994, The National History and Archaeology Museum from Constanţa, p. 29.

[18] H. Daicoviciu, *Dacii*, Bucharest, Enciclopedic Publishing, 1972, p. 179.

At the Geto-Dacians, in the second Iron Age, it became generalised the rite of incineration in flat cemeteries, under tumuli, situated outside the settlements. The incineration was taking place in as specially prepared area (*ustrirum)*, or exactly on the grave, the ashes and the offerings being deposited into the pit or in urn and buried under the ground, similar with the other populations from the south of Danube, as the Thracians, the Illyrians or the Germans. The numerous archaeological discoveries attest the fact that the Geto-Dacians practiced certain religious rituals that included the funerary feasts and dances, human sacrifices, along with the offerings[19].

In the extra-Carpathian space, in the 8th-10th centuries, fragments of dishes broken ritually near the pyre, on the occasion of a funeral feast, were found in almost each necropolis. At Balta Verde, in the researched tombs, there were deposed ceramic fragments, manually moulded or with the pottery wheel: Sultana – 6 tombs; Platoneşti, Izvoru, Sihleanu, Frăteşti, Obârşia, Păuleasca, Chiscani[20]. At Obârşia, from the 99 inhumation tombs, there were discovered, in the pit and in its filling, ceramic fragments from several "ritually" broken dishes[21].

For the region of Dobrogea, broken dishes, probably ritually, during the funerary feast, were discovered at: Cernavodă, Sarichioi, Chilia Veche, Mihai Bravu[22], Luncaviţa "Drumul Vacilor", Luncaviţa "Mocuţa", Independenţa (Murighiol), Babadag, Garvăn-Mlăjitul Florilor, Satu Nou, Celic Dere, Niculiţel-Cornet[23].

In the nowadays communities, after the deceased in taken out of the house, it is broken a pot that could be empty or filled with water or ashes, by a closed relative of the passed away, on the place of death, on the threshold of the house or at the grave: "A woman remains inside the house, closes all the doors and breaks a pot with ash, to prevent the death of another person from the family"[24], at Prunişor, Mehedinţi County; "It is broken a cup, from which it had been poured water to wash the dead"[25], at Racoviţa, Gorj County; "The pot used for the incensing of the passed away is broken in the middle of the house, where the dead remained"[26], at Cetate, Dolj County; "After the funeral procession leaves, it is broken a cup/glass

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[19] M. Petrescu-Dâmboviţa, Hadrian Daicoviciu, Ligia Bârzu, *Istoria României de la începuturi până în secolul al VIII-lea*, Bucharest, Didactical and Pedagogical Publishing, 1995, p. 214.

[20] C. Luca, D. Măndescu, *Rituri şi ritualuri funerare în spaţiul extracarpatic în secolele VIII-X*, Brăila, Istros Publishing, 2001, p. 67.

[21] *Ibidem*, p. 60.

[22] At Mihai Bravu, there were identified, among the tombs, few open fireplaces, on which there had been ritually broken Dridu type vessels (*X th cen.*) (Gh. Mănucu-Adameşteanu, *Aspecte ale ritului şi ritualului funerar din perioada feudalismului timpuriu în lumina descoperirilor din Dobrogea*, in "Symposia Thracologica", no. 7, Tulcea, 1989, p. 429).

[23] Ionuţ Semuc, *op. cit.*, p. 69.

[24] Ion Ghinoiu (coordinator), *Sărbători şi obiceiuri. Răspunsuri la chestionarele Atlasului Etnografic Român,* vol. I, *Oltenia,* edition supervised by Ofelia Văduva and Ofelia Pleşca, Bucharest, Enciclopedic Publishing, 2001, p. 187.

[25] *Ibidem*, p. 188.

[26] *Ibidem*, p. 187.

on the threshold of the house, over which the dead passed. A girl superficially sweeps the house; the people who live there throw coins on the floor, which the girl gathers with the broom"[27], at Melineşti, Dolj County.

The signification for the breaking of the pot, at the funeral, is related to the belief according to which, "after the soul has come out through the ascendant mouth, it flies away from the house, through the window, open widely by the family members. After it visits the beloved place, from while he it was alive, it returns inside the house and wishes to renter into the abandoned shelter, triggering the transformation of the dead into a wraith, a wondering soul that refuses to leave this world"[28].

In some areas of the country, along with the breaking of the pot against the threshold, the door is slammed, gestures made for the assuring that not only the body, but the soul, left the house[29].

Moreover, we have to mention another practice, archaeologically attested, *the custom to close up with clay the skull's orifices.* This "is related to the multitude of ritual interdictions that belong to the belief that the skull is a recipient of the soul, which at the tribes belonging to the Catacomb Culture (the Bronze Age) has different manifestations (the dislocating or the severing of the head, its trepanation or deformation, the colouring in ochre, the masks)"[30]. In order to remove this danger, nowadays, at the communities from Argeş County, the dead is turned into stone, meaning that all the orifices are filled with pounded stones and glass, incense etc., for impeding the soul to enter the deserted body[31].

The belief into a post-mortem existence is also sustained by *the rite of the soul window.* This is actually a perforation made in the lid of the funerary recipient, in which the ashes and the calcined bones, resulting after the incineration, were deposed. The archaeological discoveries confirm the existence of this practice, starting with the Bronze Age. For example, some of the urns, from the necropolises that belong to Monteoru culture from Cândeşti (phases IIa and IIb), had a small orifice on the bottom part, in order to ease the spiritual access of the spirit of the incinerated[32].

In the Second Iron Age (La Tène), it was discovered at Sighişoara, a funerary dish with a cavity through which the soul of the deceased entered and got out, freely, after the inhumation. After the Roman conquering, this rite was further kept by the autochthonous population, a theory supported by the discoveries from the

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[27] Inf. Elisabeta Cimpoieru, village of Melineşti, Dolj County, 2014.
[28] Ion Ghinoiu, *op. cit.*, p. 47.
[29] *Ibidem,* p. 246.
[30] Ionuț Semuc, *op. cit.*, p. 69.
[31] Ion Ghinoiu, *op. cit.*, p. 86.
[32] Marilena Florescu, *Câteva informații referitoare la ritul şi ritualurile practicate de purtătorii culturii Monteoru în lumina săpăturilor de la Cândeşti (jud. Vrancea)*, in "Carpatica", X, 1978, p. 106.

Dacian cemetery, of Roman period, from Soporul de Câmpie. Here, there were found longish dishes, with a small inclined orifice, realised before burning, near the supporting ring from the bottom side[33].

In Bucovina, an opening is made in the eastern side, where there are positioned the legs, called *door*[34]. It is thought that, through these windows, the passed away is able to see "the people who gathered to accompany it on the way to the grave, and to say good-bye", there being also the channel through which the passed away can talk to the living, during the funeral[35].

Romulus Vulcănescu mentions, for Muntenia, the custom to make "a small window near the head, through which the dead can see and hear the advice (…) and through which a frog can enter to pinch the dead's nose, for (…) it to start rotting"[36].

It is well known the belief of the Geto-Dacians in immortality, and more than that, they also discovered a way to continue their existence after death. Even if there it is not of great importance the way in which they reached immortality (initiation in the Cult of Zamolxis, attendance to the ritual feasts and ceremonies, bravery etc.), this belief contributed decisively to the consolidation of the Dacian state. Quite a lot of the Geto-Dacian funerary traditions can still be found, in different ways, more or less "improved". For the mythology of the death, the funerary practices presented above encompass great importance: through genesis, forms, number and function, but particularly through the ancient signification that they promote.

In the traditional mentality, death is perceived as a painful, frightening occurrence, which appears unexpectedly. Far from representing an end, but only from the lack of physical absence point of view, the *Great Passing* is regarded by the members of a collectivity as a threshold, as a boundary, beyond which *The True Life* is displayed. Any passing implies, on one side, a breach in the old state, an annulment or an exceeding and, on the other side, the initiation or the preparation of one individual for his accessing towards a new identity. This passing proves to be, most of the times, laborious, because the individual has to overcome an intermediary situation, between two existential conditions. The ceremonial acts and manifestations that accompany the Great Passing are mainly performed for the reestablishment of the equilibrium that was lost along with the ceasing of the anterior existential condition.

Although there are signs of death and other premonitions or incurable diseases, most of the times the close people of the passing away are spiritually unprepared and the sadness, the "emptiness" from their souls, sometimes

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[33] D. Protase, *Un cimitir dacic din epoca romană la Soporul de Câmpie. Contribuție la problema continuității romane în Dacia*, Bucharest, Romanian Academy Publishing, 1976, p. 73.

[34] Ion Ghinoiu, *op. cit.*, p. 71.

[35] Ionuț Semuc, *op. cit.*, p. 66.

[36] Romulus Vulcănescu, *Mitologie română...*, p. 189.

disappointment, cannot be surpassed or annulled but through their attempt to establish a connection between This World and The Other Side World, transforming the "space", whose "transparency" is to be substituted by their own mental instruments, into an accessible one. Therefore, the funerary behaviour contains performances that regard the chasing away of the horror and pain, the overcoming of fright and death fear, while the passed away has his access to the Other Side Wold facilitated.

Without false modesty and not at all subjective, we can assert that in Oltenia there are also pertinent perceptions about the funerary ceremonies, gained from the pure Orthodox tradition, appeared though our fore-fathers, those who knew to understand and interpret the symbol and the reality from different things and elements, perpetuating the idea of good, beautiful, living with God.

This study determines us to reflect upon the old and primary rituals and traditions, from long time ago, of our fore-fathers that referred to the belief in the after life, but, in the same time, they oblige us, the present ones, to preserve and perpetuate the rich ethnographic evidences and Christian feats traditions. All these Christian customs, precious inheritances, related to immortality of soul and the cult of the dead must be cultivated and transmitted, depending mostly on the keeping of respect and solemnity for the Romanian spiritual values.

THE APPARENT ABSENCE OF HEIRS – A CENTRAL MOTIF IN CERTAIN ROMANIAN FAIRY-TALES

Gabriela BOANGIU[∗]

Abstract: A central motif present in some fairy-tales is that of the absence of heirs; either we deal with an old man and an old lady, an emperor and an empress, the both couples suffer from the same reason – the lack of continuity in this world, through children. We are going to analyze several fairy-tales, trying to unravel the main aspects for which this motif is present in them.

Keywords: fairy-tales, symbolic representatives, heirs, immaculate conception, mentality.

A central motif present in some fairy-tales is that of the absence of heirs; either we deal with an old man and an old lady, an emperor and an empress, the both couples suffer from the same reason – the lack of continuity in this world, through children. Further on, we are going to analyze several fairy-tales, trying to unravel the main aspects for which this motif is present in them.

The fairy-tale "Prince Charming the Lost"[1], tells the story of two people who could not have children: "Once upon a time, there was a couple, very hard-working. As it is often the will of God (…). They would have liked to have a child, but it proved to be impossible"[2]. At some point in the story, the old man meets a sorcerer, who gives them an apple: "Your wife, and only her, should eat this apple. But pay great attention, no other creature of this world, ought to have a tiny bite of it"[3]. Nonetheless, not only his wife, but also the mare eats from the apple, and, thus, a child and a wonderful foal are miraculously born. The child grows up miraculously, "when he was one year old, he looked as if he were five, and when he was five, as if he were fifteen" and "he could learn as much as no one other, from this white world. He barely heard something from his teacher, that he immediately learnt". One day, he rushes, along with his wonderful foal, far away

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[1] *Cele mai frumoase basme româneşti. Basme de aur*, Bucharest, ERC Press, 2008, p. 73
[2] *Ibidem.*
[3] *Ibidem.*

from his house, he gets lost and the foal leads him towards the palace of some fairies, and advises him to become their servant. Here, he baths in the fairies' water, when they are gone from the house and becomes even more handsome, with golden hair, he steals three miraculous nuts, which are actually hiding royal clothes, made of copper, silver and gold. He runs away, from the fairies, and becomes the gardener of an emperor, whose daughter finds his secret and falls in love with him. He finds his parents and marries the emperor's daughter.

The motif of the miraculous birth and the exceeding of the initial condition, can be met in this fairy-tale. His extraordinary birth, assures him a different destiny, from that of the common people, being all the time under the protection of the supernatural forces, being always accompanied by his wonderful foal, whose birth is also a miraculous one.

The fairy-tale "The Wonder Grimalkin"[4] is part of the same series of fairy-tales in which the heirs are missing… at least for the moment, in our story: "Once upon a time, there was a husband and a wife who didn't have children. One day, being merrier than usually, the man says to his wife: "The goodwill of God didn't descend upon us, we can't have children. Let's go on the field, and take whatever we find, and that should be our baby (…)"[5]. So, they found a lean-and-lank dirty kitten, and took him home. They took care of him and brought him up, as if he had been their child. The time was passing, and the kitten was getting nicer and nicer, until he became a gorgeous grimalkin. At some point, the woman "became pregnant. The joy you could see! The woman gave birth to a chubby beautiful and healthy child"[6]. The child was playing with the cat, as they had become mates, and "after a while", the child and the cat remained on their own.

The grimalkin helps the boy to find a situation and, through different tricks that remember of the popular anecdotes, he arranges the marriage of the boy with the daughter of a great boyar, he cunningly obtains the entire fortune of some dragons, which he chases away. The motive of the heirs absence gains, in this fairy tale, new interpretation, the care for the "lean-and-lank" kitten, which was belonging to the profane world and which proved to be magical, he talks, he transforms himself, plans trickeries for helping his master to be regarded favourably. The goodwill that he was shown, in the household of the two common people, is rewarded as regarding their son, a supernatural "plot" specific for the fairy-tales, which places the narration under the sign of "as the work, so the pay", a good deed has the same good consequences, the good is always victorious.

The fairy-tale "The Emperor of the Snakes"[7] depicts the consequences suffered after stealing a child's soul: "Once upon a time, in a long forgotten hamlet, an old man and an old woman were living. They became poor, spending all they

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[4] *Ibidem,* p. 91.
[5] *Ibidem.*
[6] *Ibidem.*
[7] *Ibidem*, p. 117.

had gathered for having a son, but itwas all in vain"[8]. At their old ages, they decide to go out on the field and to take whatever they will find, and to take care of their child. They find a baby snake. The snake grows and, one day, he thanks them for help and ask them to bring him back to the place he was found. Sadly, they take the snake back to the place where they found him. That was the emperor of the snakes and had miraculous powers, giving them, a hound that could spit golden coins, a hen that could lay golden eggs and a bat that could hit at the request: "Help me bludgeon". They arrive to a jeweller, who stelas first their dog, then the hen, and, eventually, the bat, which will in the end determine him to give back the gifts to their initial owners. And from now on, the old man and the old woman lived happily ever after.

We meet the same mentality horizon, in which the facts are rewarded accordingly, the heirless couple comforts their lack by taking care of a wild animal, which has fantastic powers. The reward for their deed will be according to it, without being exempted from certain delays that remind of the human malevolence – the stealing of miraculous objects. Yet, everything comes to a balance, and the reward of the old people is made complete.

The fairy-tale "The young man, born with a book in his hand"[9] talks about the miraculous birth and the fabulous life of a Prince Charming, born with a book in his hand: "Once upon a time, there was an old lady and an old man. Until their old ages, they hadn't had a child". They decide to go into the wide world, only to find a cure for their bareness. When they return home, the old lady gives birth to a child who was holding a book in his hand. The old man heard the Fate Fairies saying: "This child is going to be a Prince Charming, and he is going to be rich", "This child, at the age of 12, will be abducted by the evil spirits", "If he escapes from their imprisonment, he will be an emperor"[10]. The child grows up miraculously, being protected by all the people from the village, yet, the evil spirits manage to capture him. He succeeds in escaping from the evil spirits, but he gets into a cursed kingdom. The princess from that kingdom could not marry, because he man who was wooing her, had to sleep at least one night in her room, but, the next day none of the men were alive. He manages to break the curse, and he marries the emperor's daughter. He returns to his parents, but the adventures still continue. He is able to get back to the emperor's daughter and they live happily ever after… The motif of the miraculous birth and the supernatural protection of the baby can be found in this fairy-tale too, the wise child is protected by the entire community, he passes all the tests thanks to his strong will for reading from the holly book that he was holding when he was born, therefore his protection is infallible. His birth under the sign of miracle, leads him towards a blissful fulfilled destiny

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[8] *Ibidem.*
[9] *Ibidem*, p. 125.
[10] *Ibidem*, p. 127.

The fairy-tale "Stan Boulder" was collected by Ion Pop-Reteganul, heard from a shepherd from Reteagand written in Deva, while he was a teacher[11]. Thus, there was once a wealthy man, who didn't have any children. He was praying to God every day, but it was all in vain, until, one day, he met with God and Saint Peter, who were willing to help him, asking: "Tell me, what is your wish? Because I am the One who can make any wish come true!", he answers all the three times, the same: "I want children, Lord! Children are all I want!". God listened to him: "Very well, children you will have, as you wished", and Stan Boulder, as our character is called, gets one hundred children in his household, all of them telling him father, and asking him for food. The man sells his fortune and buys food for the children, but he realises that he has to work harder, in order to bring all up, therefore he decides to go into the wide world. The fairy-tale seems to originate from an anecdote, because Stan Boulder reminds us of Păcală (Merry Jester). Hence, he defeats an ogre by squeezing water out of a rock, a piece of cheese actually, he defeats the ogres, hyperbolising the trials that he had to pass: to throw the mace – he is afraid not to hit the Moon, to bring water inside the skin of a buffalo – Stan decides to take the entire well, for not wasting the time carrying the water from it, to bring logs from the forest, more than the ogre, whomanaged to pluck the trees out of the ground – he wants to tie the entire forest with a chain and fetch it at home. All these tests, hyperbolised by Stan Boulder, scares the ogres, who want him dead, but he cunningly survives, and uses the ogres to carry at home an immense treasure – bags full of gold.

Another reason for which we consider having a certain connection with the anecdote, is the fact that the desire to have children is over exaggerated, being rewarded by God through a lot of children – 100 more precisely. This represents a fine sense of humour, inserted in the structure of the fairy-tale, because the needs, the concerns increase exponentially with the high number of children, being transformed into a matter of rationality ("And what *else* do you want?", "Only children"): the power of God is great, He is mighty, He can offer everything, but it matters what you wish for. The obsession of having children is rewarded through a hyperbola in the number of children. Stan Boulder is "a well-to-do man", his destiny is unbalanced by this lack of heirs, the absence of children becoming obsessive and disturbing the other plans too, darkening any perspective, any other value, his destiny looking as if it gets stuck in this issue. This is why, the obsessing, repeating answer "I want children", to all God's questions, seems a blockage that cannot be rewarded but through a hyperbola, as a lesson that our character, "well-to-do man", has to learn. The equilibrium appears through the evidencing of a native cleverness, similar to Păcală, an initial stupidity, then shrewdness as the story unfolds, a character without fantastic qualities, but proving extraordinary cleverness in the confrontation with the ogres.

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[11] Ion Pop-Reteganul, *Basme Ardeleneşti*, Bucharest, Poseidon Publishing, 2012, p. 110.

Moreover, it is a matter of belief: what kind of help does God offer you? What hopes do you have, which is your ideal? What ideals do you have? The fairy-tale is balancing itself on the way, because the cleverness surpasses the instinct, the richness saves all the 100 children, Stan Boulder wakes up from the impasse in front of God and St. Peter, he starts to realise the reality, life gains more ample values, he notices the way in which he can become a winner – which is actually a continuity between welfare and intelligence, both blessed by God, because he had learnt the lesson.

Another fairy-tale collected by Ion Pop Reteganul, is "Apple-Tree and Pear-Tree", told by N. Trîmbiţoniu, a primary school teacher in Varhely[12]. Thus, the fairy-tale depicts that: there was once an emperor and an empress, who didn't have any heirs, they were extremely rich, but the fear that "their bloodline, their family will vanish" was terrifying, especially because "all the people from their kingdom were grieving, because the emperor's line was disappearing; and they were good people, the emperor and his empress, with the hearts of gold! There was no one in the entire kingdom, who didn't benefit from their kindness, not a poor that they didn't help, not a sick that they didn't send a gift, as soon as they heard of his condition (…), they were afraid not to be replaced by malicious leaders, who would make their existence as bad, as good it had been so far"[13]. The instinct of procreation, of reproduction, the nature, the biological condition appears here from a cultural perspective – it is not about the saving of the species, but about the taming of the biological features, through the elimination of violence, through wisdom, through continuous kindness, through good deeds, through a rightful heritage, clear and obvious, towards the inheritors, lacking the violence, the fights for power that would weaken any kingdom, the extreme poverty, the violent nature, the violence.

One day, the empress is crossing a bridge, when she sees a beautiful fish in the water and orders to be caught. The cook, who was a gipsy woman, prepares the fish, but she also tastes the food. The empress eat the fish and they throw the bones to a lady-dog. After a while, the empress, the gypsy woman and the lady-bitch get pregnant. There is a great joy when, nine months after, Apple-Tree is born, the son of the emperor and empress: "The old people had reasons to be joyful, they had who to kiss, there was someone who would take their place for leading and who would inherit their fortune, and the people weren't afraid anymore that the good kin would disappear"[14]. The cook also gives birth to a child too, and she decides to call him Pear-Tree. The lady-dog had also given birth to six beautiful puppies. The children look the same, and even more, they start wearing the same clothes, they are good friends, they become sworn brothers and go hunting together, and each of them has three puppies with him. Nonetheless, the empress wants to make the difference between them, so she burns her son's hand.

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[12] Ion Pop-Reteganul, *Basme Ardeleneşti*, Bucharest, Poseidon Publishing, 2012, p. 143.
[13] *Ibidem*, p. 112.
[14] *Ibidem*, p. 113.

The symbolic birth from the fish is a sign of a miraculous and fortunate kinship, but the differentiation leads towards the loss of the original quality, therefore implying a symbolic death and an auspicious rebirth, a necessity to re-establish the initial miracle.

It becomes symbolic the importance of "being similar", the idea to preserve the parents' good genes. The violent gestures (the burnt) is punished because it breaks the initial balance – the birth from the same fish, the indistinct, the undifferentiated, the uniform quality (empress, gypsy woman, lady-dog) – the union into the miraculous:

>   "Mother, you chased away my luck! Unlucky I'll be from now on, and I'll have no rest until I find my luck again, because I can't live without it. May God protect you! I'll be on my way now, to live as quickly as I can my unfortunate life… for gaining again my fortunate existence"[15].

The symbol of the fish – "the beautiful fish", creates appetite, desire; it is recreated, it does not vanish, the idea of fecundity, luck, prosperity, continues the generational kindness. The fish is "the symbol of the element Water, in which it lives", "the fish is also a symbol of life and fecundity (…). In the Indo-European peoples' iconography, the fish, an emblem of water, it is the symbol of wisdom. Living hidden in the deepness of the Ocean, it is touched by the sacred power of the abyss, it supervises the fecundity of the world"[16].

>   "In China, the fish is the symbol of fortune. The symbols of fish was also extended over the Christianity. The Greek word **ichthys** (fish), is interpreted by the Christians as an ideogram, each of its five letters being considered the initial letter of a word from the syntagma Iesous Christos TheouYiosSoter (Jesus Christ, the Son of God, the Redeemer). This is considered the origin of numerous symbolic representations of fish on the old Christian monuments. It becomes the symbol of the Eucharistic meal too, where it appears next to the bread. Living in water, its symbol will be prolonged and it will be regarded in connection with the baptising: born from the baptising water, the Christian is identified with a fish, created similar to Jesus Christ Himself"[17].

Apple-Tree leaves, but he gives a handkerchief to his brother, confessing him that he has to die, but if he looks at the handkerchief at the exact moment and sees the signs – three drops of blood – his brother will be able to save him, and he will be lucky again.

He leaves in the wide world and saves several communities from anogre, a wild bull, a seven-headed dragon. He meets the daughter of an emperor, who is sentenced to death, being given to the seven-headed dragon. Apple-Tree saves her from dying and he begins to have faith for a brighter future. Now, we meet the

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[15] *Ibidem*, p. 117.
[16] Jean Chevalier, Alain Gheerbrant, *Dicţionar de simboluri*, Vol. III (P-Z), Bucharest, Artemis Publishing, 1994, p. 72-73.
[17] *Ibidem*, p. 73.

exceptional quality of the royal people: the similarity with the angel and the motif of the sacrifice:

> "a delicate young girl, you could think she is an angel descended from above. With her golden hair, flowing on her back, beautiful face, sky-blue eyes, thin and red lips, she didn't have a pair among the other children of God"[18].

Love gives him back the trust in the returning of luck, in rebirth, "Because we MUST live and be happy"[19]. Many questions can be asked about the signification of happiness: the advice "Rejoice" from the ancient prayers, in Christianity. About the meeting of the predestined one, it is a miracle written in the destiny of the character: "if it hadn't been for me to save you, I wouldn't have been alive either, not being able to forget you for the rest of my time on earth"[20]; the symbol of the unforgotten, the continuous presence in the memory, the love as the confident force for achievement.

The tests that he faces include demonic presences that troubles the balance of the communities, thorough these trials – doing good deeds, he will be forgiven and the equilibrium will be re-established, through his contribution for the defeating of the evil forces and the restoration of order into the community of people. The reaffirmation: Good always defeats evil! Yet, his trials do not stop here, he leaves to find the cure for the emperor's daughter's parents, who became ill at the thought that they might lose their daughter. Mother-Ogre, the mother of the three monsters that Apple-Tree defeated and killed, captures his powers and defeat him. His brother sees the signs of his death on the handkerchief, and leaves to look for him. He arrives at the saved communities, and the mentioning of his good deeds, transform Apple-Tree into an immortal being, "He was a good man" – is the remark of the dwellers. Before the burnt, he lived in a kind of atemporality, the time was uniform, equal, good. In the moment of the burning, he steps onto the time wheel, which can bring unexpected events. But he does good deeds, therefore the mentioning of his actions means remembrance, he is mentioned three times.

The signification of the two young men's names – the main characters of the fairy-tale, is also very important, the apple tree is miraculous in the popular tradition, being considered the tree of life, the tree of immortality, the tree of life secret. His brother, Pear-Tree is, as well, fantastic, because, as the Holy Sunday tells him, "a bright future expects you"[21], he is "a loyal brother, as you are"[22].

Apple-Tree loses his luck not when he starts his voyage, but when he forgets to do a good deed – to consolidate Holy Sunday's house, who taught him well, and in the confrontation with Mother-Ogre, and saved on his own.

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[18] Ion Pop-Reteganul, *Basme Ardeleneşti*, Bucharest, Poseidon Publishing, 2012, p. 125.
[19] *Ibidem*, p. 126.
[20] *Ibidem*, p. 128.
[21] *Ibidem*, p. 135.
[22] *Ibidem*, p. 140.

The hero from the fairy-tales, his existence, is "dominated by deeds and occurrences that belong to the field of"[23] the fantastic. His birth "is placed under the sign of fabulous or miraculous, Prince-Charming being often the result of an immaculate conception that leaves a mark, from the beginning, on his destiny. Usually, his parents obtain him in their old ages and through means that surpass "the normality", as it is understood people"[24]. George Călinescu makes an inventory of the means, from a fairy-tale, in which a childless family can have an heir[25], "the future mother prays to God, obtains an enchanted apple, she eats from it and becomes pregnant, drinks a plant tea, offered by a "plump-lipped blackamoor", eats a golden fish, swallows a pepper seed or a tear dropped from Virgin Mary's holy icon"[26].

Ovidiu Bîrlea was also mentioning that the birth of Prince Charming is miraculous, "Prince Charming Ioviță is born from an empress after she tastes from a golden barbell (…). Prince-Charming seems to be conceived after the bath with a water in which a plant was boiled (…). A barren woman gives birth to *Prince Charming the Lost*, after getting an apple from a sorcerer"[27].

"The immaculate conception and the miraculous birth provides a similarly important upbringing of the young man, making his relations with the parents, between the moment of birth and that of his leaving, to consume rapidly"[28]. The child gains fantastic attributes, he is precocious, he grows up in one year as other do in seven, he learns very fast from his teachers and the philosophers from the emperor's court.

All these fairy-tales talk about the motif of the heir absence, the solving of this problem being a miraculous, immaculate birth, or the emerging of lots of children, who change the destiny of the person who suffered a crisis from this point of view, or a miraculous solution, or a hyperbolisation at the maximum dimension, according to the desire to have children. The fairy-tales offer miraculous, supernatural solutions in a characteristic way, the destiny of a child, born differently from the other children, opens the way towards the exceeding of the profane existence, and the entering into the fantastic one, which means the exceeding of his common condition.

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[23] Nicolae Constantinescu, *Relaţiile de rudenie în societăţile tradiţionale. Reflexe în folclorul românesc*, Romanian Academy Publishing, 1987, p. 122.

[24] *Ibidem.*

[25] George Călinescu, *Estetica Basmului*, Bucharest, E.P.L., 1965, p. 186, *apud* Nicolae Constantinescu, *Relaţiile de rudenie...*, p. 122.

[26] *Ibidem*, p. 122.

[27] Ovidiu Bîrlea, *Mică enciclopedie a poveştilor româneşti*, Bucharest, Scientific and Enciclopedic Publishing, 1976, p. 179; Apud Nicolae Constantinescu, *Relaţiile de rudenie...*, p. 122.

[28] Nicolae Constantinescu, *Relaţiile de rudenie...*, p. 123.

THE BIBLICAL FLOOD AND PARALLEL MESOPOTAMIAN MYTHS[*]

Radu Cosmin SĂVULESCU[**]

Abstract: In every religious culture where it appears, the Flood myth implies the destruction of humanity, through the force of the unleashed waters, and its replacement with a new human race. Water is both the environment of the first creation and of its complete destruction followed by a resurrection. The best known version of this myth is represented by the Biblical Flood, a narrative that influenced the understanding of Creation and Re-creation in Judaism, Christianity and Islam. In this paper we tried to explain the most important aspects of Noah's story and to show the main similarities and differences between this narrative and the Mesopotamian versions of the Flood myth (*Ziusudra*, *Atrahasis*, *Gilgamesh*).

Keywords: flood, myth, Noah, Israel, Mesopotamia.

1. INTRODUCTION

In the religion of Israel, the Flood represents an historical event with extremely important consequences well beyond history. For the redactors of the book of Genesis, but also for the Israelite and Jewish religiosity as a whole, the Flood is not only a vengeance of Yahweh / Elohim, determined by human sin; although the punitive component is present and even emphasized by the Biblical text, the final purpose of the Flood is the re-creation of the original integrity of the fallen human race. The Biblical narrative of the Flood has numerous similarities to the narrative of Creation. We can easily see the author's (or authors') intention to underline the fact that through the waters unleashed from the sky, Yahweh aimed to bring the entire creation back to its primeval, shapeless state, in order to re-create it on superior moral grounds, using Noah, his family and the creatures from the ark[1].

[**] PhD Student, Faculty of Letters, History and Theology, West University of Timişoara; Email: savulescuradu@yahoo.com

[1] Barry Bandstra, *Reading the Old Testament: Introduction to the Hebew Bible*, Cengage Learning, Belmont (CA), 2008, p. 62.

In fact, for the Israelites, but also for later Judaism, the moral dimension of the Flood has an essential role. Yahweh's decision to proceed to a radical destruction of creation is not the consequence of the observation of technical imperfections, but of the increasing sinfulness of humanity, beyond the limits of divine tolerance[2]. Nevertheless, the Flood is not a manifestation of an angry, impulsive god, with a harmed ego; after the waters retreat completely and Yahweh begins to talk to Noah, He is not explicitly sorry for his decision to destroy humanity. Although He promise that "never again will the waters become a flood to destroy all life" (Gen. 9:15), Yahweh has no regret in respect to the victims of the cataclysm[3]. The death of the entire creation – except for those in the ark – was necessary for the process of re-creation on new premises. The Flood was the instrument through which Yahweh provided the framework of the new creation, a creation governed by another set of laws than those established in Paradise for Adam and Eve.

It is interesting to note that the Biblical text that precedes the observation of Yahweh concerning the increasing sinfulness of human race generated an important exegetical and hermeneutical debate. In the center of this passage are the "sons of God" (Hebr. *běnê hā'ělōhîm*), characters on whose identity various theories emerged[4]. These sons of God were strongly attracted by women's beauty and got to marry them[5]. Therefore, we can note an essential difference between the way that Yahweh "sees" humanity and analyzes the moral aspect of its existence, and the way the sons of God are more preoccupied with the bodily aspect, being interested in the beauty of the daughters of humans[6]. This contrast is another proof

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[2] "The Lord saw how great the wickedness of the human race had become on the earth, and that every inclination of the thoughts of the human heart was only evil all the time. The Lord regretted that he had made human beings on the earth, and his heart was deeply troubled" (Gen. 6:5-6).

[3] Mircea Eliade, *Istoria credinţelor şi ideilor religioase*, vol. 1, Chişinău, Universitas Publishing, 1992, p. 178.

[4] In the modern and contemporary exegesis we can find three major theories concerning the identity of the "sons of God". The first one identifies them with the angels who failed to obey the divine commandment and mixed with humans. The second theory considers that the sons of God are earthly rulers, a warrior class – most probably Cainites – who had significant authority on the community. Finally, the third theory states that the sons of Go were actually descendants of Seth, therefore representing the "good humanity", close to God, unlike the Cainites (a detailed description of these theories concerning the sons of God can be found in K. A. Matthews, *The New American Commentary*, Genesis, vol. 1A: Genesis 1-11:26, Nashville, B&H Publishing, 1996, pp. 325-330). Beyond these theories, which are focused on the Biblical narrative, we have to note the obvious similarity between the Hebrew *běnê hā'ělōhîm* and the *phr bn 'ilm* ("the assembly of the sons of El") from the Ugarit library. In the Canaanite religion, this assembly was in fact a pantheon, presided by the supreme God, El; Yahweh is also portrayed as such a supreme God, presiding an assembly: "God presides in the great assembly; he renders judgment among the gods" (Ps. 82:1) (see Aleksander R. Michalak, *Angels as Warriors in Late Second Temple Jewish Literature*, Tübingen, Mohr Siebeck Publishibg, 2012, pp. 18-19).

[5] Gen. 6:2: "The sons of God saw that the daughters of humans were beautiful, and they married any of them they chose".

[6] Craig A. Evans, Joel N. Lohr, David L. Petersen, *The Book of Genesis: Composition, Reception, and Interpretation*, Leiden, Brill Publishing, 2012, pp. 75-76.

for the fact that Yahweh does not unleash the Flood to correct an error in His creation: humans were increasing in number (Gen. 6:1), fulfilling the initial divine commandment (Gen. 1:28), and their daughters were so beautiful that they drew the attention of the sons of God, becoming their wives (Gen. 6:2) The Flood was a consequence of moral decay, which could have been caused, in its turn, by the mixture between the divine sphere (represented by the sons of God) and the human sphere (represented by the daughters of humans).

2. THE TWO REDACTION STRATA OF THE BIBLICAL NARRATIVE

The research on the Biblical narrative of the Flood has to take into account the fact that the Scripture text is not uniform, the version found in Torah and in the Pentateuch being the result of centuries of redactions. Many authors, from different eras and various schools of thought brought their contribution to the text that we read and analyze nowadays. As with the narrative of Creation, in respect to the Flood we also have two different stories, which are essentially similar, but do present some differences that can be explained only if we accept subsequent redactions or at least rearrangements of the original material. The modern and contemporary research underlined the existence of at least two redaction strata in the narrative of the Flood: the Priestly stratum (P) and the Yahwist stratum (J)[7].

The differences between the two redaction strata are not everywhere obvious. Even if both the Yahwist and the Priestly story are consistent and coherent, in several situations it is impossible to establish what was the source of the respective passages[8]. There are, though, some clear differences, both in respect to the unfolding of the cataclysm and to the events that followed its end. For example, in Gen. 6:5-8 we deal with the Yahwist source that describes how God made His decision to unleash the Flood, while the next passage (Gen. 6:9-13) shows once again, in an abrupt manner, the story of Noah's life and the reasons that God decided to send the Flood for. This passage, Gen. 6:9-13, is without doubt from the Priestly source, such as the rest of Chapter 6, which includes the instructions of God (Elohim) concerning the construction of the ark and the selection of creatures to be embarked on it. There are several differences here, too, between the Priestly and the Yahwist sources: firstly, Elohim commands Noah to take into the ark "two of all living creatures, male and female, to keep them alive with you" (Gen. 6:19). In the Yahwist source, though, which includes the divine commandments in the beginning of the seventh chapter, Yahweh asks Noah to take "seven pairs of every

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[7] A parallel between the Priestly and the Yahwist narratives can be found in Norman C. Habel, *The Two Flood Stories in Genesis*, in Alan Dundes (editor), *The Flood Myth*, Berkeley-Los Angeles-London, University of California Press, 1988, pp. 13-28.

[8] E. A. Speiser, *Genesis: Introduction, Translation and Notes. (The Anchor Yale Bible)*, New Haven & London, Yale University Press, 1974, p. 54.

kind of clean animal, a male and its mate, and one pair of every kind of unclean animal, a male and its mate" (Gen 7:2)[9].

As for the Flood itself, the Priestly source description is more detailed and frightening than the description of the Yahwist redactors. Thus, in Gen. 7:12 and 7:17 we read, from the Yahwist source, only that it rained for forty days and forty nights and the water increased enough to lift the ark high above the earth. Therefore, it is only about a flood caused by the fall of rain. In the Priestly source, however, rain is accompanied by another factor that determines the flooding, namely the subterranean waters, described in Gen. 7:11: "In the six hundredth year of Noah's life, on the seventeenth day of the second month – on that day all the springs of the great deep burst forth, and the floodgates of the heavens were opened". The terminology used by the Priestly sourcesprovides an obvious link to the narrative of Creation. The Flood is, in fact, an inversion of the creative process. In the narrative of Creation, life appears as a result of the separation of waters[10], while in the Flood narrative the entire creation is destroyed through the mixing of the subterranean and heavenly waters. The humanity was born because God tamed the chaotic forces of the abyss, which opposed the creation of life, and was destroyed through the Flood, when God no longer opposed these forces. Given freedom, the chaotic forces unleashed in order to recreate the original deep (*tehôm*, Gen. 1:2)[11].

The mixing between the waters form above and those from below is the reason why water continued to increase on earth for another one hundred and ten days, although the rain itself lasted for only forty days. As Gen. 7:24 notes, the entire Flood, with the two aforementioned phases, lasted for one hundred and fifty days[12]. The scope of the flooding was huge and this is why the complete retreat of the waters was only possible after a year (Gen. 8:14). Therefore, the entire process of destruction and return of the creation to its initial state lasted a full year; in this respect, the Flood narrative resembles the Ancient Near Eastern myth of the annual conflict between order and chaos, concluded with the victory of the creator god, a

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[9] Despite the fact that in the Biblical text there is an obvious difference between the expression "two of all" from Gen. 6:19 and "seven pairs of every kind" from Gen. 7:2, some authors think that in the second situation we are dealing only with an explanation of the first instruction. In other words, God first tells Noah that he has to take two creatures from all species – male and female – and then He specifies that Noah will take seven such pairs (Gordon J. Wenham, *Genesis 1-15*, Word Biblical Commentary, Dallas, Word Books, 1987, p. 177).

[10] Gen. 1:7: "So God made the vault and separated the water under the vault from the water above it".

[11] K. A. Matthews, *op. cit.*, p. 376.

[12] That the one hundred and fifty days include the forty days of proper rain is obvious from the corroboration of the data concerning the beginning of the cataclysm ("in the six hundredth year of Noah's life, on the seventeenth day of the second month", Gen. 7:11) with the data concerning the moment when the ark came to rest on the Ararat mountains ("and on the seventeenth day of the seventh month the ark came to rest on the mountains of Ararat", Gen. 8:4). Therefore, we have five month or one hundred and fifty days.

victory that was celebrated as the New Year[13]. The similarities stop here, because in the book of Genesis God guarantees that the Flood was a unique event and Noah is assured that the primeval waters will not be allowed anymore to interfere with the creation[14].

We should note that there are two redaction strata as far as the events following the Flood are concerned. The first stratum can be seen in Gen. 8:20-22, a passage that constitutes the short version of God's commitment to the humanity represented by Noah. Following the sacrifice that Noah offered to God after leaving the ark, Yahweh looks upon the remaining humans and decides not to send anymore such radical punishments over humanity: "As long as the earth endures, seedtime and harvest, cold and heat, summer and winter, day and night will never cease" (Gen. 8:22). The terminology used here indicates a Yahwist redaction: God smells the burnt offering of Noah, considers the Flood a curse over the earth because of humans and reasserts the evil nature of the human heart as the main reason why it was necessary to unleash destroying forces of such magnitude[15].

The covenant of God with the new humanity, represented by Noah, is contained in its extended form in the first part of the ninth chapter of Genesis (Gen. 9:1-17). We don't see here a negotiated covenant, because God is the only one who talks and establish obligations for both Him and humanity. The Biblical text can be split in two: in the first part (Gen. 9:1-7) we read a renewal of the original instructions that God gave to the first humans, while in the second part we find the covenant proper between God and Noah. After the divine blessing from Gen. 9:1 – "Be fruitful and increase in number and fill the earth" – there are two laws for the new creation: the first one concerns the killing and eating of animals (Gen. 9:4) and the second one concerns the killing of humans by other humans or beasts (Gen. 9:5-6). Given that these laws precede the covenant from Mount Sinai, they apply to the entire humanity, not only to the chosen people[16]. This is why "the covenant that God concludes with Noah, after the Flood (Genesis 9:8-17) represented for Jews the basis for natural religion, a reason for rabbis to use even nowadays the expression 'children of Noah' to designate the entire humanity. Based on this covenant, Judaism promoted the concept of 'Noahide laws', which include the fundamental elements of human religiosity and ethics"[17].

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[13] The myth of the combat between Baal and Yam, the personification of the unleashed sea, a combat concluded with the victory of Baal, was recited in Ugarit at the New Year celebrations (Mircea Eliade, *op. cit.*, p. 168).

[14] Norman C. Habel, *op. cit.*, pp. 24-25.

[15] *Ibidem*, p. 25.

[16] K. A. Matthews, *op. cit.*, p. 399.

[17] Our translation from the Romanian original: "legământul pe care Dumnezeu îl face cu Noe, după Potop (Geneza 9:8-17), a constituit, pentru evrei, baza religiei naturale, motiv pentru rabini să folosească, și astăzi, sintagma de «copii ai lui Noe», pentru desemnarea întregii umanități. Pe baza acestui legământ, iudaismul avea să promoveze conceptul de «legi noahice», cuprinzând elementele fundamentale ale eticii și religiozității umane" – Mihai Valentin Vladimirescu, *Fenomenul globalizării din perspectivă antropologică și religioasă*, Iași, Muzeul Național al Literaturii Române Publishing, 2013, p. 16.

In the Judeo-Christian spirituality, the sign of the covenant between God and Noah is considered to be the rainbow. The Bible translations in modern languages support this: "I have set my rainbow in the clouds, and it will be the sign of the covenant between me and the earth" (Gen. 9:13). In the Hebrew Bible, the term used is *qĕšĕṯ*, which has the primary meaning of bow with arrows. The corresponding noun from the Septuagint, *τόξov*, has the same meaning[18]. In both cases, therefore, the meaning of rainbow is only secondary. In order to explain this situation, some exegetes suggested that Yahweh sealed the covenant by abandoning his weapon, his bow with arrows. In contemporary exegesis, though, this kind of explanation was rejected, because it is considered that the Priestly redactor of this passage really referred to the rainbow, a universal natural symbol for the restoration of order[19].

Despite the divine promise, some authorities of Hellenistic and Rabbinic Judaism noted that this promise concerns only the water flood, not any kind of flood: "Never again will the waters become a flood to destroy all life" (Gen. 9:15). According to Flavius Josephus, Adam himself predicted that humanity will be destroyed by both a water flood and a fire flood. This is why his descendants built two pillars, one of stone and the other of brick. On these pillars they wrote all their knowledge, in order for the information not to be lost because of the Flood[20]. Some rabbis, such as Eliezer of Modium, are convinced that an eventual flood of fire does not violate the covenant between God and Noah, while others rabbis, such as Rabbi Azariah, consider that only if God forces the interpretation of the covenant, He can send a flood of fire to destroy the humanity[21]. The New Testament took up the idea of the flood of fire and gave it a meaning strongly connected to the second coming of Christ. Thus, the water of Noah's Flood and the fire from the Judgment Day are extremities for the existence of the new creation: "By the same word the present heavens and earth are reserved for fire, being kept for the day of judgment and destruction of the ungodly" (2 Pet. 3:7).

3. THE STORY OF KING ZIUSUDRA AND THE EPIC OF ATRAHASIS

The Biblical Flood has parallels in the mythical and religious thought of the Ancient Near East, mainly in the Mesopotamian literature, where we find several versions of the flood myth. All these versions have common elements and they

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[18] James Swanson, *Dictionary of Biblical Languages with Semantic Domains: Hebrew (New Testament)*, Logos Research Systems, Inc., Oak Harbor, 1997, 8008; Idem, *Dictionary of Biblical Languages with Semantic Domains: Greek (New Testament)*, Oak Harbor, Logos Research Systems, Inc., 1997, 5534.

[19] Gordon J. Wenham, *op. cit.*, p. 196.

[20] Flavius Josephus, *Antiquitates Judaicae* I, iii, 3, in W. Whiston, *The Works of Josephus: Complete and Unabridged*, Peabody, Hendrickson Publishing, 1987, 1.67.

[21] Jack P. Lewis, *A Study of the Interpretation of Noah and the Flood in Jewish and Christian Literature*, Leiden, Brill Publishing, 1968 (reprint 1978), p. 180.

present some similarities to the Biblical narrative. Some of these texts were discovered in the 19th century and they were found to be older than the book of Genesis. This finding created the framework for thorough research in Semitic compared mythology. For some researchers, the existence of older Semitic versions of the Flood, prior to the Biblical narrative, represented the best proof of the fact that the Flood cannot be considered a historical event, being just a Hebrew interpretation of an Oriental myth. For others, though, the presence of various narratives of the Flood all over the Ancient Near East was a further proof that the event really happened, as it remained in the conscience of so many nations[22].

The oldest version of the Flood myth in the Mesopotamian world is the Sumerian version, whose main character in King Ziusudra from Sippar. This version was not known to the academic world until1914, when the German-American orientalist Arno Poebel (1881-1958) published some fragments written on a clay tablet found at the University Museum from Philadelphia. These are, in fact, the only known references to the Sumerian flood myth[23]. According to the clay tablet discovered by Poebel, the pious king Ziusudra is informed – most probably by god Enki[24] – that humanity is close to be destroyed through a flood sent by gods. Given that the text starts abruptly, with this warning, we cannot determine why the gods had decided to destroy the entire human race. We also lack the fragment that could have included the description of the ark, but we understand from the remaining fragments that there was such an ark, because after the flood the god of Sun, Utu, sent his rays over the huge vessel[25]. Unlike the Biblical narrative of the flood, in the Sumerian version there is only one survivor, king Ziusudra, who is transferred to the land of Dilmun, to continue his life in a semi-divine style[26].

Much richer information on the Flood we find in the *Epic of Atrahasis*, which has an Akkadian version, dated around 1700 B.C.[27]. According to the list of the Sumerian kings, Atrahasis was either the ruler of the city of Shuruppak, or the son

[22] Alan Dundes, *op. cit.*, pp. 3-4.

[23] S. H. Hooke, *Middle Eastern Mythology* (unabridged version), Mineola, Dover Publications, 2004, p. 30.

[24] In the Sumerian pantheon, Enki was the god of sweet waters, his force being behind the emergence of subterranean waters: torrents, rivers, sweet lakes. In the Sumerian literature, Enki is portrayed as a benevolent god, who helps humans, such as in the case of Ziusudra's story (Tamra Andrews, *Dictionary of Nature Myths: Legends of the Earth, Sea, and Sky*, Oxford University Press, 2000, p. 66).

[25] Daniel Hämerly-Dupuy, *Some Observations on the Assyro-Babylonian and Sumerian Flood Stories*, in Alan Dundes (editor), *The Flood Myth*, Berkeley-Los Angeles-London, University of California Press, 1988, p. 56

[26] Mircea Eliade, *op. cit.*, pp. 64-65.

[27] There are some other fragments, too, in Akkadian and Late Assyrian, dated up until the 6th Century B.C. (W. G. Lambert, A. R. Millard (editors), *Atra-ḫasīs: The Babylonian Story of the Flood*, Oxford, Clarendon Press, 1969, p. 31 sq).

of a ruler of this city (a man also called Shuruppak)[28]. There is a wisdom writing from the third millennium B.C., entitled *The Teachings of Shuruppak*, containing the advices given by Shuruppak to his son, Ziusudra[29]. Therefore, we are dealing with one and the same legendary hero, named both *Ziusudra* and *Atrahasis*, depending on the version of this myth.

In the *Epic of Atrahasis*, the gods observe the overcrowding in the world and decide to take measures in order to reduce the number of humans. Enlil, the god of storm, is the first to react and he addresses the higher gods:

> "The noise of mankind has become too much.
> I am losing sleep over their racket.
> Cut off supplies to the people!
> Let the vegetation be too scant for their hunger!"[30].

But famine and the other measures do not manage to reduce the overcrowding and please god Enlil. Consequently, he makes the decision to destroy humanity through a flood. As in Ziusudra's epic, in the *Epic of Atrahasis*, too, god Enki is the one who saves humans. He asks Atrahasis to demolish his house, to build an ark and embark of it living creatures. The hero fulfills these commandments with help from several old men, a carpenter, a reed worker, a child and poor people. Once the ark was built, the weather worsened and Atrahasis and the others took refuge in the vessel, sealing the door with bitumen. The text describes the events that followed in frightening words:

> "The Flood roared like a bull,
> Like a wild ass screaming the winds [howled]
> The darkness was total, there was no sun"[31].

The flood ends as expected, with the complete destruction of humanity. Seeing the terrible consequence of the cataclysm, the higher gods regret the decision and lament. Atrahasis, though, offers a sacrifice and calls all the gods to have a meal together. On this occasion, Enki presents the other gods his solutions to prevent the reappearance of overcrowding in the world. He invokes Nintu, the goddess of birth, and asks her to create a new humanity, making sure that only two thirds of women will be able to give birth. Likewise, a demon will wander in the world and will steal children from their mothers. Finally, a third measure of birth

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[28] Stephanie Dalley, *Myths from Mesopotamia: Creation, the Flood, Gilgamesh and Others*, Oxford, Oxford University Press, 2000 (1989[1]), p. 1.

[29] The writing is representative for the Sumerian wisdom and had a wide circulation in Mesopotamia, a proof for this being the large number of manuscripts conserved. See Richard J. Clifford (editor), *Wisdom Literature in Mesopotamia and Israel*, Society of Biblical Literature, 2007, p. 4.

[30] *Atrahasis*, Tablet II, I, in Stephanie Dalley (editor), *Myths from Mesopotamia: Creation, the Flood, Gilgamesh and Others*, revised edition, Oxford, Oxford University Press, 2000 (1989[1]), p. 20.

[31] *Atrahasis*, Tablet III, III, *op. cit.*, p. 31.

control and prevention of overcrowding is the consecration of three categories of women – *ugbabtu*, *entu* and *egisitu* – as servants to the temples, removing them from social life[32].

Even though the reasons behind the decision made by the Sumero-Akkadian gods to destroy humanity are different that those that were on the basis of the analogous decision made by Yahweh / Elohim, in both cases the gods reach the same conclusion: humanity must have clear laws of existence, in order to prevent a critical situation that asks for radical solutions. In the book of Genesis, Yahweh / Elohim establishes the *Noahide laws* to prevent the increase of human sinfulness, while in the *Epic of Atrahasis* the laws set by Enki are aimed to prevent the reappearance of the cause that lead to the Flood – the overcrowding of the world[33].

4. THE GILGAMESH EPIC

A Mesopotamian version of the flood myth that presents numerous similarities to the Biblical narrative is contained in the *Gilgamesh Epic*. This masterpiece of Mesopotamian literature was conserved, in its standard version – as considered by specialists – on twelve clay tablets, written in Akkadian. The epic narrates the adventures of Gilgamesh, the king of the city-state of Uruk, who becomes a friend of his rival Enkidu and leaves with him in search of immortality[34].

One of the episodes Gilgamesh's adventures is when the main character, deeply troubled by the death of his friend Enkidu, reaches Utnapishtim[35], a legendary hero from the times before the Flood. On this occasion, the author of the epic narrates, through the words of Utnapishtim, the events that preceded the cataclysm, as well as the unfolding of the Flood itself. The similarities between the story of Utnapishtim and the epics of Ziusudra and Atrahasis determined some researchers to assert that this narrative was inserted into the Gilgamesh Epic by later editors, being an independent Sumerian legend[36]. Regardless of how things really stand, we have to emphasize the significant similarities between the narrative of Utnapishtim and the Biblical account of the Flood. Like Noah, Utnapishtim is asked by the gods to build an ark and embark in it the seed of all living creatures. During the seven days of flood the sea rises its level (cf. Gen. 7:18: "the waters rose and increased greatly on the earth") the rain stops and Utnapishtim sends a dove that quickly returns to the ark (cf. Gen. 8:8-9). Then, he sends a raven, which sees that the water level is lower and flies in circles, waiting for the land to dry

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[32] *Atrahasis,* Tablet III, VII, *op. cit.*, p. 35.

[33] Tikva Frymer-Kensky, *The Atrahasis Epic and Its Significance for Our Understanding of Genesis 1-9*, in "The Biblical Archaeologist", vol. 40, no. 4 (Dec. 1977), pp. 150-151.

[34] Jeffrey H. Tigay, *The Evolution of the Gilgamesh Epic*, Waucond (IL), Bolchazy-Carducci Publishers, Inc., 2002, pp. 3-4.

[35] The name Utnapishtim is an approximate translation, into Akkadian, of the Sumerian name Ziusudra (Stephanie Dalley, *op. cit.*, p. 2).

[36] Stephanie Dalley, *op. cit.*, p. 43.

(f. Gen. 8:7). In the end, Utnapishtim leaves the ark and, like Noah, offers a sacrifice to the gods, who smell it, like Yahweh did (Gen. 8:20-21)[37].

The similarities between the Biblical account and the story of Utnapishtim are so striking that we find it difficult to maintain that the two narratives are independent myths. In the same time, though, we cannot assert with certainty that the redactors of Genesis had simply copied the Akkadian myth. In fact, the story of Utnapishtim itself is similar in many ways to the other Mesopotamian versions of the myth, such as those of Ziusudra or Atrahasis. Consequently, we could say that all these narratives – Mesopotamian and Israelite – had a common, archaic Semitic source. Although the Flood is not a creation of Israelite religion, the religious genius of the chosen people had an enormous contribution in the selection and critic of such archaic myths, a contribution through which "it transformed the relation between God and the chosen people into a 'sacred history' of a previously unknown type. From a certain point, this 'sacred' history, exclusively national in appearance, proved to be the exemplar model of the entire humanity"[38].

5. CONCLUSIONS

In the general framework of Israel's religion, the Flood represents a crucial moment in the sacred history. This history has two major phases: before and after the Flood. In fact, this was the purpose that Yahweh had in mind when he decided to unleash the waters: to destroy the initial creation and to re-create the world from a "healthy seed". For the Israelites, but also for the later Jewish and Christian thought, the Flood itself is a unique event in history, firstly because God promised not to destroy again humanity and secondly because He established a set of law that are aimed to prevent the reappearance of such a moral decay like the one that triggered the Flood.

In many ways the Biblical narrative is similar to the Mesopotamian versions of the flood myth. But this is not enough for us to conclude that the book of Genesis, being more recent, simply copied a preexistent myth from Mesopotamia. On the other hand, we can't be sure that the spreading of the flood myth all over the Ancient Near East represents the ultimate proof for the historicity of this event. All we can do is to understand the correlations between the Flood and Creation and to point the similarities and differences between the Biblical account and the other Semitic versions of the myth; beyond this lies the "trap" of the investigation of origins, which lead to interminable and fruitless debates.

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[37] Barry Bandstra, *op. cit.*, p. 63.
[38] The Romanian text by Mircea Eliade, *op. cit.*, p. 179: "a transformat raporturile lui Dumnezeu cu poporul ales într-o «istorie sacră» de un tip necunoscut până atunci. Pornind de la un anumit moment, această istorie «sacră», aparent exclusiv «națională», s-a relevat drept modelul exemplar al întregii umanități".

DIALECTIC AND CONTRADICTION

LE PROBLÈME DU PASSAGE DE L'UN AU MULTIPLE

Gheorghe DĂNIŞOR[∗]

THE PROBLEM OF THE PASSAGE FROM ONE TO MULTIPLE

Abstract: On a metaphysical level, the concept of "passage" is problematic. Therefore, in this analysis we put into question numerous times this term. The word "passage" is used because we have no other to designate this reality which, in its transition into something else, does not disappear, actually. This dificulty is felt, it seems, to Hegel, because neither he failed to adequately express the paradox of the passage that does not pass. The solution can come from the deduction of this paradox significance from the Greek meaning of "theoria" (contemplation, sophia), which contains in itself two terms that mean the same thing: theo-passer and reo-passer, which could be expressed as the passage of the passage, ie, the location in the divine (Thea).

Keywords: multiple, passage, beyond, metaphysics, logic, phenomenology.

Sophia, en tant que passage au-delà du passage, est, selon Platon, le choix divin (*ale theis*) car elle incarne la vérité (*alethes*). A partir de ces signification, Platon soutient dans son dialogue *Cratylos:* «quant à l'homme (*être*) et ousia (*essence*), ils s'accordent avec *alethes* (*vérité*) lorsqu'ils reçoivent un *i*: dans ce cas-là, *ion* (en marchant), et à son tour *ouk on*, comme le prononcent certains, arrive être *ouk ion* (celui qui ne devient pas)»[1].

A partir de ces considérants, le passage qui n'est pas passage signifie aussi chez Hegel passage au-delà du passage, position occupée par le *sage*. Le dialectique est en fait chez Hegel choix divin, l'être pur qui représente «celui qui ne devient pas». Le devenir appartient à notre connaissance en tant que créatures finies et non pas à l'être pur qui reste en soi éternellement identique à soi. C'est le sens dans lequel Hegel soutient que «Dieu, qui est la vérité, est connu par nous dans sa vérité, c'est-à-dire comme esprit absolu, parce qu'on reconnaît que le monde créé par lui, la nature, l'esprit fini, est faux dans sa différence d'après Dieu»[2]. Le devenir ne se retrouve pas au niveau de l'esprit absolu, il n'existe pas de passage en autre chose, mais il *apparaît* ou *disparaît* du champ «visuel» de la conscience. C'est la dernière qui

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[∗] Prof. dr., chercheur scientifique de premier degré, l'Institut de Recherche pour les Sciences Socio-Humaines "C. S. Nicolăescu-Plopşor", Académie Roumaine, Craiova; Email: gheorghedănisor@gmail.com

[1] Platon, *Opere alese,* vol. III, Bucarest, Scientifique et Encyclopédique Éditeur, 1978, p. 303.

[2] Hegel, *Enciclopedia ştiinţelor filosofice. Logica*, Bucarest, Académie Roumaine Éditeur, 1962, p. 168.

devient parce que l'apparition montre sa profondeur, a de la profondeur à mesure que la conscience a accumulé de l'expérience dans la pensée. Le souvenir des marches de son évolution, tel qu'il est présent dans la *Phénoménologie*, est essentiel pour la découverte de la profondeur de l'apparition spirituelle. Il existera un moment où *le devenir de la conscience finie rencontrera la vérité absolue*, Dieu, et alors le devenir de la pensée humaine cessera, parce qu'elle fonde dans l'absolu, et le rapport au moi sera dépassé.

Cette idée que seulement ce qui est fini devient et c'est ainsi qu'il passe dans une autre chose est soulignée par Hegel lorsqu'il compare les différents systèmes philosophiques avec la Philosophie. Ainsi, dit-il,

«chaque système philosophique doit être considéré comme exposition d'un moment particulier ou une certaine marche dans le processus de développement de l'Idée. L'information d'une philosophie a donc seulement le sens que sa limite a été dépassée et que son principe particulier est descendu à un moment idéal. L'histoire de la philosophie s'occupe ainsi, dans son contenu essentiel, non pas de ce qui est passé, mais de ce qui *est éternellement et effectivement présent*; elle ne doit pas être comparée dans son résultat à une gallérie d'errances de l'esprit humain, mais plutôt à un panthéon de figures divines. Ces figures sont cependant justement les différentes étapes de l'Idée, telles qu'elles surviennent, l'une après l'autre, au cours du développement dialectique»[3].

Ces considérants peuvent avoir le désavantage de maintenir dans la sphère métaphysique même une certaine séparation entre la conscience et l'objectivité de la vérité absolue. A cause de cette séparation il s'est créé dans la philosophie l'illusion que tout doit commencer par *le Moi*. En étant pourtant marqué par des limites, en étant donc limité, *le Moi* ne puisse constituer le fondement de tout le travail dialectique parce qu'il reste bloqué dans ses limites, se trouvant ainsi dans l'impossibilité de tendre vers l'absolu. Pour que *le Moi* soit commencement de la philosophie, il faut que ce concept soit éloigné de lui, acte absolu par lequel *le Moi* est purifié de lui-même et apparaît à sa conscience comme *le Moi* absolu. Seulement que ce *le Moi* pur n'est dès lors *le Moi* immédiatement donné, connu, habituel de notre conscience, par lequel la science devrait commencer pour tous et de manière immédiate. L'acte dont il s'agit ne serait pas, à vrois dire, autre chose qu'élévation à la science pure, où la différence entre subjectif et objectif disparaît[4]. Pour atteindre l'immédiateté de l'Être (le Rien), l'homme doit expérimenter le vide total. Mais c'est une expérimentation de la Liberté absolue, c'est-à-dire négation de ce qui est fini et transposition de soi comme infinité. La liberté s'affirme comme négation absolue de ce qui a le caractère de *quelque chose*.

De ce que Hegel soutient ici, il en résulte qu'il a eu l'intention de supprimer la subjectivité, pour que l'idée ait le caractère de l'objectivité. De cette manière, l'apparition de l'esprit n'est pas exposition devant une conscience extérieure, mais

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[3] *Ibidem*, p. 173.
[4] Hegel, *Ştiinţa logicii*, Académie Roumaine Éditeur, Bucarest, 1966, p. 58.

ex-position de soi en soi-même, c'est la conscience de soi de l'esprit infini, c'est-à-dire libre. «Car la liberté, dit Hegel, signifie justement cela: être dans son autre, chez soi-même; dépendre de soi, être ce qui se détermine soi-même»[5].

On se confronte avec une certaine ambigüité dans la philosophie de Hegel. On ne peut pas déduire de son exposition si le moi a toujours un rôle dans la dialectique de l'idée. Ne se perd-il pas sans possibilité de revenir chez soi? En éliminant du moi tout ce qui est concret, il se confond dans l'idée dans son absolue objectivité. A partir du moi purifié (libre) on crée le commencement de toute philosophie, en l'identifiant comme Hegel avec le rien absolu. Dans cette situation, ne maintient-on pas la subjectivité au premier plan, l'objectivité en étant le résultat de l'action par laquelle *le Moi* se purifie soi-même (se libère de soi)? La dialectique de Hegel est la modalité par laquelle l'homme se purifie de la donnée de la représentation et de l'intelligible pour *se* retrouver comme être pur. C'est une action intérieure du Moi orientée vers l'extériorité qu'il anéantisse se libérant ainsi de l'extériorité, où tout fond comme dans un creuset. C'est une modalité d'arriver à la contemplation. L'objectivité est dans son propre soi, *le Moi*. Je crois que dans ce sens doit-on recevoir l'affirmation de Hegel selon laquelle «Le moi est ce vide, le récepteur de tous et de tout, pour lequel sont tous et qui conserve en soi tout»[6].

Une autre modalité est celle analytique: on arrive à la contemplation par la discipline intérieure, sans pourtant arriver à anéantir l'extérieur. Ce dernier est seulement négligé. Le résultat en est le même: l'élévation au-delà de la connaissance discursive, c'est-à-dire que *le Moi* devient vide de tout contenu? La projection subjective sur l'objectivité reste, dans ce cas, fondamentale. De cette manière pourtant le dépassement du kantisme en est une illusion parce que *le Moi* reste le fonds sur lequel se déroule toute la dialecticité du soi-disant réel. La philosophie commence toujours avec *le Moi*, bien que purifié. La purification assure-t-elle l'objectivité? C'est ce qu'on doit prouver, mais Hegel prend pour donné ce qui en fait doit être prouvé.

Ces signes d'interrogation apparaissent en ce qui concerne le caractère absolu de l'être égal avec le rien par lequel il commence, selon Hegel, toute pensée philosophique. Si l'être pur du commencement, le rien pur est absolu, tout passage au-delà est impossible pour la simple raison que l'absolu n'a plus rien en dehors de lui vers lequel passer. Mais s'il est absolu, il n'admet même pas dans son intérieur le passage comme de quelque chose à autre chose. C'est ce que soutient Hegel même à plusieurs occasions dans sa philosophie. Dans cette situation le passage au-delà est bloqué. Or Hegel soutien qu'un pareil passage est possible.

Si le passage est bloqué lorsqu'on se situe au niveau de l'être pur absolu du commencement, il en résulte que ce passage n'est rien d'autre que le fruit de notre connaissance de l'absolu, et quand on parle de la méthode dialectique on revient à la subjectivité. Mais avec la subjectivité on ne peut pas penser un commencement

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[5] Hegel, *op. cit.*, p. 47.
[6] *Ibidem*, p. 76.

absolu qui comprenne toute la réalité. On peut alors penser que ce commencement-là absolu est choisi arbitrairement par le moi qui connaît et ainsi le commencement est seulement un «quoi admis». «D'ailleurs, dit Hegel, soit-il un contenu de l'*être* ou de l'*essence*, ou du *concept*, le commencent, parce qu'il est un quoi *immédiat* est un *quoi admis, préalablement pensé, assertorique*»[7].

Hegel a prévu toutes ces objections et a essayé de les prévenir dans *La science de la logique*. Elles ne peuvent pas pourtant être éliminées. Le problème le plus difficile est celui du passage de l'être absolu du commencement dans lequel il manque tout rapport et, par conséquent, la spatio-temporalité, vers l'être concret, relationnel et encadré dans la spatio-temporalité. L'être pur du commencement est l'*Un* au sens absolu, inanalysable et, comme tel, il est le rien pur. Comment se décide-t-il à devenir quelque chose? S'il n'existe pas une impulsion extérieure, se décide-t-il de lui-même de devenir quelque chose? Cette difficulté a été ressentie par Platon, ce dernier ne réussissant pas à lier l'idée avec le phénomène. Mais si l'être est absolu, peut-il passer en quelque chose d'autre? Ne se crée-t-il pas l'impression qu'il produit sa propre extériorité et alors son caractère absolu disparaît? Hegel soutient que ce caractère reste bien que l'être pur passe dans quelque chose d'autre. Disons que ce n'est pas l'être pur absolu qui passe en quelque chose d'autre, mais les termes de *quelque chose* et de *quelque chose d'autre* sont ses différenciations internes entre lesquelles se crée une relation. Mais, comme l'on vient de voir, la relation manque de manière absolue dans l'être pur du commencement. La différenciation intérieure entre *quelque chose* et *quelque chose d'autre* limite intérieurement l'être même, le détermine; alors il n'est plus absolu.

A notre avis, Hegel ne peut pas faire le passage de l'Unité primaire et absolue vers la Multiplicité spatio-temporelle. La seule chose qu'il peut faire est de prendre pour donnée ce qui est à prouver. A ce niveau, cependant, nous dit Aristotel, la démonstration n'est pas possible. Tous ces doutes nous placent dans la situation de considérer ce concept de l'être absolu et du rien avec lequel commence la philosophie et dont Hegel fait usage, comme ayant un haut degré d'artificialité. Autrement dit, la philosophie hégélienne n'échappe pas au constructivisme.

Cependant ces difficultés peuvent s'estomper si l'on sépare le concept de devenir et celui de mouvement vers quelque chose. Si dans la *Phénoménologie le Moi* joue le rôle central et il est soumis à la marche temporelle, dans la *Science de la logique*, *le Moi* a accompli son devenir. La *Phénoménologie* comme chemin de la suppression du moi et du temps fait le passage vers la *Science de la logique*, la véritable ontologie hégélienne. En fait, tel comme note Alexis Philonenko, «le passage de la *Phénoménologie* à la *Logique* n'est rien d'autre que le passage de l'homme au Dieu»[8]. Dans la *Logique* le devenir s'inscrit dans l'éternité, il est pensé au-delà du domaine étroit du spatio-temporel subjectif. C'est pourquoi à ce niveau

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[7] *Ibidem*, p. 828.
[8] Alexis Phitonenko, *Commentaire de la "Phénoménologie" de Hegel. De la certitude sensible au savoir absolu*, Vrin, Paris, 2001, p. 284.

le devenir n'est plus mouvement vers quelque chose, mais activité contemplative du divin en soi-même. Dans la *Science de la logique*, Hegel ne parle plus de l'homme et de son histoire, mais de Dieu. Ce n'est que regardé de ce point de vue que le concept de passage utilisé dans un paradoxe de la *Science de la logique* puisse être compris. Le terme de dialectique est-il équivalent ici avec celui de passage? Il semble que non, en étant plutôt l'équivalent de la *théorie* avec sa signification de passage au-delà du passage ou de course divine. La *Science de la logique* qui dépasse la capacité humaine de penser est une sorte de livre de la sagesse divine. Le problème est celui de la place que l'homme peut occuper dans l'éternité. Du moment où l'homme pense le divin, n'a-t-il pas, grâce à cette pensée, une «place» dans le cœur du divin? Cette place est le «vide» absolu, c'est-à-dire la liberté absolue, comme récepteur de tout ce qui est par la négation. L'absolu est l'être; comme étant absolu, l'être est non-être, il a en soi-même le moment de la négativité. Comme négativité, il est esprit. L'homme en étant dans son essence un être spirituel, cela signifie qu'il est un être qui nie. Nier quelque chose signifie l'anéantir, te libérer de ce quelque chose. La place de l'homme comme esprit est dans l'être-non-être, négativité et, comme telle, libre en soi. L'identité d'essence entre l'être et l'homme est une identité en liberté: l'être est en soi-même esprit libre.

De cette manière on s'interroge sur la capacité de l'homme de penser librement parce qu'il pense l'absolu, le Dieu. C'est le message que Hegel insère dans la *Science de la logique*. Cet événement a commencé avec l'aptitude de la conscience de supprimer le temps historique pour pouvoir s'inscrire dans une réalité transcendant l'histoire. L'homme peut penser l'être pur sans rapport et il peut ainsi penser *le rien* comme libération de tout ce qui est contingent. L'anéantissement du contingent c'est le but caché du message hégélien. Il s'agit d'un contingent en deux étapes: 1. la contingence de la représentation sensible et 2. la contingence de la rationalité. La *Science de la logique* se place, de cette manière, dans un domaine qui transcende, la rationalité et, par conséquent, dans un domaine qui transcende l'histoire. Dans cette transcendance l'homme rencontre la transcendance de la liberté qu'il transpose ensuite historiquement. La liberté humaine dans la vision hégélienne vise le *On*, au-delà de l'ontologie.

La situation de Hegel au-delà du rationnel et donc sa situation dans la métaphysique n'est comprise que dans la première section de la *Science de la logique*. Autrement, Hegel est un grand logicien.

KARL MARX – L'ERREUR ORIGINAIRE

Ion MILITARU[∗]

Karl Marx – The Original Error

Abstract: There is a premise in Marxist thinking, which, according to Marx's own theses, is based on a contradiction: one should start considering things in themselves and studying man in his historical environment. However, in *Capital* (*Das Kapital*) this methodological requirement was violated and, instead, another opposite premise was taken into consideration: the welfare of those societies dominated by the capitalist mode of production emerges as an immense accumulation of commodities. Nevertheless, this is not a practical description; rather, it is an interpretation. In his Eleventh Thesis on Feuerbach, Marx stated that "The philosophers have only interpreted the world in various ways; the point is, to change it". In *Capital*, Marx interprets it!

Keywords: capitalism, law, system, historical order, Marx.

1.

La richesse des sociétés dans lesquelles règne le mode de production capitaliste s'annonce comme une **immense accumulation de marchandises**[♦] *et chaque produit, pris séparément, comme forme élémentaire de cette richesse. L'analyse de la marchandise sera le point de départ dans notre étude*[1]. Proposition de grande impacte, prémisse et axiome radical – c'est d'elle que tout va résulter: la logique de la construction entière, l'analytique et la synthèse du *Capital*; c'est toujours ici, dans le monde qui se présente comme «*une immense accumulation de marchandises*» que la révolution communiste retrouve ses origines et le monde qui lui succède.

Comment est-il possible une telle chose? Comment, d'une seule proposition, un monde peut être détruit et construit un autre? Quelle est la logique et les outils

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[∗] Chercheur scientifique de premier degré, l'Institut de Recherche pour les Sciences Socio-Humaines „C.S. Nicolăescu-Plopşor", Académie Roumaine, Craiova; Email: militaruion_l@yahoo.com
[♦] Marx fait référence à la première variante de cette formule.
[1] Karl Marx, *Capitalul. Critica economiei politice*, vol. I, Éditeur Parti Communiste Roumain, 1947, p. 69.

sur lesquels on peut compter pour réunir deux bouts de l'action qui impliquent les points **α** et **ω**, l'apocalypse et la genèse?

La note marquée avec⁕, qui suit au syntagme «*immense accumulation de marchandises*», appartient à Marx et fait référence à la variante première de la définition: Karl Marx, *Zur Kritik der politischen Oekonomie*, Berlin 1859, p. 3. A la page 3 de l'ouvrage en discussion, la même définition est rencontrée dans la formule suivante: *à première vue, la richesse bourgeoise apparait telle comme une énorme accumulation de marchandises, chaque marchandise, prise séparément, comme existence élémentaire de cette richesse. Mais n'importe quelle marchandise se présente sous un double aspect: comme valeur d'usage et comme valeur d'échange*[2].

Du reste, les autres variantes du *Capital*: *Les bases de la critique de l'économie politique* ou *Salaire, prix, profit* et *Contributions à la critique de l'économie politique* font à peine place à la *marchandise*, leur investigation étant en ce cas orientée différemment[3]. La marchandise n'est pas une découverte tardive, dans les approches antérieures du mode de production capitaliste, elle n'est pas totalement absente. La conclusion immédiate de la présence de la marchandise en tant qu'opérateur principal dans l'analytique de l'économie politique du capitalisme et, tout à la fois, de sa relative absence dans l'analytique du même système, est la suivante : le mode de production capitaliste peut être abordé par la catégorie de la marchandise selon qu'il peut être abordé par le biais d'une autre chose que la marchandise-même. Par conséquent, la marchandise est un terme quasi-aléatoire, dépourvu de nécessité dans l'analytique du système. D'autres termes, d'une efficacité égale, peuvent être impliqués dans l'étude du monde capitaliste. La marchandise n'est pas le terme-clé du capitalisme : celui-ci peut être considéré comme monde de la marchandise et d'une manière égale, peut être considéré comme un monde différent.

Ainsi donc, la lecture de Marx pour le mode de production capitaliste n'est pas le résultat de la lecture des lois, mais le résultat de sa propre recherche. Son histoire est la preuve des possibilités des perspectives plurielles.

⁕ Marx fait référence à la première variante de cette formule.

[2] Karl Marx, *Contribuții la critica economiei politice*, in Marx, Engels, *Opere*, vol. 13, Bucarest, Éditeur Politique (notre traduction), 1962, p. 15.

[3] Dans les *Bases de la critique de l'économie politique*, ouvrage considéré comme variante première du *Capital,* c'est à peine à la page 56 que le mot *marchandise* est prononcé sans lui accorder aucune importance. À la page 57, la *marchandise* gagne une signification propre dans le contexte de la discussion sur l'or et l'argent, dans une définition contradictoire intentionnellement: L'or et l'argent sont des marchandises comme toutes les autres. L'or et l'argent ne sont pas des marchandises comme toutes les autres, là est en jeu la réduction de l'or et de l'argent à leur qualité transcendantale. Elle fait place aussi à la contradiction de la marchandise par laquelle Marx va expliquer le système du monde capitaliste, pourquoi ce système doit tomber et comment peut-il être remplacé par un autre où sa catégorie fondamentale, la marchandise, disparait (notre traduction).

2.

Dans l'*Idéologie allemande*, Marx fait la description de la manière de procédure scientifique: Les prémisses d'où l'on part ne sont pas arbitraires, ne sont pas des dogmes; elles sont des prémisses reelles, dont on peut se passer dans l'imagination seulement. Il s'agit des individus réels, de leur activité et de leurs conditions matérielles de vie, celles qu'ils ont déjà trouvées en réalité aussi que celles qu'ils ont créées par leur propre activité. Ces prémisses peuvent être constatées, par conséquent, sur la voie purement empirique. La première prémisse de toute histoire humaine est l'existence des individus humains vivants[4]. À cette condition de méthodologie épistémique s'ajoute la première partie de la thèse 11ᵉ sur Feuerbach: *les philosophes n'ont fait qu'interpréter le monde…*

Dans le *Capital,* le point de départ est la marchandise. De son analytique: contradictions, antagonismes, tensions va résulter le mode de production du monde du *Capital.* Ici, la marchandise est le terme originaire, tout comme pour Platon – l'*Idée*, pour Kant – le *phénomène* et *noumen*, pour Hegel – l'*esprit* ou pour Heidegger – l'*être*.

Dans les variantes de début du *Capital*, la marchandise ne figurait pas dans la position privilégiée de terme-clé. Au contraire, elle était une simple déduction des autres termes plus importants, mieux placés outre l'exigence d'une origine transcendantale.

La possibilité que la marchandise soit une déduction a crée déjà un problème dans la philosophie qui se propose de renoncer aux *interprétations*, de procéder *scientifiquement* à partir de l'*existence,* des hommes réels, mais aussi des choses réelles. Dans ces termes, la marchandise n'est pas une réalité.

La marchandise semble être une déduction, une création relativement tardive dans l'analyse d'un mode de production. Comment peut-elle donc être dans la condition de prémisse, c'est-à-dire d'entité originaire, quand Marx lui-même, dans les quelques variantes de jeunesse du même sujet, n'avait pas trouvé une telle position? Au contraire, dans les *Bases de la critique de l'économie politique*, la marchandise était quelque chose de tardif, résultat de l'analyse de l'échange et de l'argent. Elle était précédée de ces catégories économiques qui, dans cette position, sont plus originaires que celle-ci. Dans les *Manuscrits économico-philosophiques* de 1844, dans le chapitre *Travail aliéné,* le point de départ est un autre: Nous sommes partis des prémisses de l'économie politique. Nous avons accepté son langage et ses lois. Nous avons supposé la propriété privée, la séparation du travail, du capital et de la terre, ainsi que celle du salaire, du profit capitaliste et de la rente foncière, puis la division du travail, la concurrence, la notion de valeur d'échange etc[5].

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[4] Marx Engels, *Ideologia germană,* in *Opere*, vol. III, Bucarest, Éditeur Politique, 1962, p. 20 (notre traduction).
[5] Marx, *Manuscrise economico-filosofice* din 1844, in Marx Engels, *Scrieri din tinerețe*, Bucarest, Éditeur Politique (notre traduction).

Quittons Marx dans le bénéfice d'un simple dictionnaire d'économie. Peu importe le courant, l'auteur ou l'interprétation, la marchandise est définie de cette manière: *produit du travail humain destiné à l'échange.*

Par conséquent, la marchandise est précédée de *travail humain et échange.* A peine les deux*, simpliciter,* disent ce que c'est la marchandise. Ceux-ci la précèdent en la conditionnant dans sa structure physique et sa signification.

Par la suite, la marchandise n'est pas un terme originaire. Elle ne peut pas soutenir une interprétation scientifique, nécessaire, l'une qui vise une explication exclusive du monde. La marchandise n'explique pas, parce qu'elle n'a aucune priorité, elle n'est pas terme originaire. En tant que terme second, dérivé, la marchandise s'explique elle-même ou on nous l'explique.

Qu'est-ce que c'est l'existence de ce monde dont la richesse est vue comme «*immense accumulation de marchandises*»? Elle n'est pas l'existence-même de ce monde-là, eux, ils ne sont pas les *individus réels* demandés dans l'axiome déjà mentionée, aussi qu'il n'y a pas *l'activité et les conditions matérielles de vie.* La marchandise n'appartient pas à cette sphère des prémisses qui peuvent être constatées, par la suite, sur voie purement empirique. En bref, la marchandise n'est pas l'axiome de base de la pensée, elle n'est pas l'*esprit*, ni l'*idée* ni l'*être*, elle n'est pas ni *phénomène* ni *noumen*. *La marchandise est interprétation*!

Par l'interprétation, Marx entre dans la catégorie des philosophes désavoués en devenant la cible de sa propre critique méthodologique. Il est pré-marxiste dans l'ordre et la logique de sa propre pensée. Ce qu'il conteste c'est sa propre procédure. *Les philosophes n'ont fait qu'interpréter le monde diversement. L'important est de le changer-*cette phrase devient elle-même interprétation.

En fait, à qui s'adresse Marx? Evidemment à tous, mais de la longue liste de ceux-ci, lui-même ne peut pas manquer. Le premier produit contesté par la logique marxiste est *Le Capital.* Il se trouve dans la proximité immédiate de l'exigence méthodologique. Entre Marx et le monde c'est son interprétation, le monde comme une *immense accumulation de marchandises*!

3.

La richesse des sociétés dans lesquelles règne le mode de production capitaliste s'annonce comme une **immense accumulation de marchandises**♦ *et chaque produit, pris séparément, comme forme élémentaire de cette richesse. L'analyse de la marchandise sera le point de départ dans notre étude.*

La marchandise trouve son appui dans la richesse. La richesse la précède comme mode originaire – plus originaire ! – d'être du monde capitaliste. Bien que la richesse ne soit pas le terme – clé de l'analyse marxiste – l'être du monde du capital-elle est donnée, au moins ici, au début. Elle rend intelligible la marchandise

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♦ Marx fait référence à la première variante de cette formule.

et le monde en question tout à la fois. De la marchandise, on peut se transférer vers la richesse. Comme position lexicale et linguistique, la richesse est plus privilégiée métaphysiquement – la dernière Thulé.

Comme épuisement du projet, du désir ou de l'intention, comme accomplissement, ni la richesse ne lui précède pas, par conséquent son sens dans la terminologie métaphysique ne peut être que secondaire. Elle ne peut pas être concept métaphysique, axiome ou prémisse dans l'investigation scientifique.

Si l'attachement du monde capitaliste à la marchandise comme terme originaire à valeur transcendantale n'est pas du même rang que la découverte du *cogito*, de l'*esprit* ou de l'*être*, ni la poussée de ce monde vers la richesse n'est pas ainsi. Donc, aborder ce monde d'une manière ou de l'autre de ces deux, c'est la même chose.

Notre étude commencé par l'analyse de la marchandise ou de la richesse-comme point de départ, assuré dans l'exigence des dates-mêmes, est en conclusion inconsistant.

4.

La structure élémentaire, de facture classique, de la connaissance, donne comme des points originaires les sensations, les perceptions… La phénoménologie entreprend sa propre réduction et rencontre le contenu originaire du monde, purifié de toute infiltration interprétative.

De telles stratégies rencontrent des contenus non-culturels du monde, non-interprétatifs, contenus qui ne sont pas altérés par des opinions, idées, hypothèses-l'idéal philosophique éternel. C'est sur lui qu'on peut bâtir le monde, c'est lui qui peut expliquer le monde. Comment pourrait-on y arriver?

Marx a expliqué maintes fois la conduite épistémologique standard: il faut partir de l'existence et la protéger d'interprétation. Lui-même a ignoré la condition et, dans *Le Capital*, il est parti de l'interprétation.

5.

Pour fonctionner comme *énorme accumulation de marchandises*, le capitalisme est système. Un système qui organise les marchandises, leur exposition, la production, leur présentation. Ensuite, dans l'ordre de la perpétuation de soi, le capitalisme fonctionne sur la base du système législatif qui réglemente les opérations les plus fines de même que les plus grossières. Le système législatif fonctionne sur base d'institutions et réalités répétitives. Tout cela signifie *ordre*.

Autrement dit, l'ordre du monde capitaliste, pour fonctionner comme *immense accumulation de marchandises,* se sépare dans des divisions transcendantales plus originaires. Pourtant, elles ne font pas l'objet de l'analyse de Marx. Les lois, l'ordre, ses institutions aussi sont ignorées. Or, si elles sont prises en considération, c'est seulement pour les mettre dans le catalogue des instruments de survie du système, non pas de l'ordre historique en tant que telle.

6.

La séquence originaire – la réduction eidétique du monde historique; la description essentielle de l'objet.

*La richesse des sociétés dans lesquelles règne le mode de production capitaliste s'annonce comme une **immense accumulation de marchandises**♦ et chaque produit, pris séparément, comme forme élémentaire de cette richesse. L'analyse de la marchandise sera le point de départ dans notre étude.*

Description exacte pour Londres, Manchester ou Bristol. Description pour toute l'Angleterre et sous peu, pour tout le monde. Le monde comme dépôt de marchandises, d'accumulation et de chaos. C'est plutôt une description dystopique du monde qu'une exacte pour le milieu du XIXe siècle.

Comment était ou, surtout, comment pourrait être ce monde concentré en richesse et décrit telle une immense accumulation de marchandises? Et autrement?

7.

L'hypothèse non-interprétative

Tout est interprétation. Pour éviter l'inscription sur l'orbite de celle-ci, demandée par Marx dans la 11ᵉ thèse de l'ouvrage *Thèses sur Feuerbach*, il est nécessaire d'adopter la position originaire que Marx appelait *l'existence telle quelle*.

Comment peut-on partir de l'existence de sorte que le piège de l'interprétation soit dépassé? Quelle forme de celle-ci doit être assumée pour qu'elle soit autre chose que de l'interprétation?

Dans le point de départ de Marx, il y a quelque chose d'original qui dissout la marchandise dans son *noumen*. La marchandise telle quelle, nous l'avons vu, est du phénomène. Elle est manifestation contradictoire de la valeur et de la valeur d'échange, de la valeur d'usage et du prix, de l'argent et du temps socialement nécessaire pour la produire. Tout cela n'explique pas la marchandise comme un *noumen*. Elles ne sont pas autre chose que des formes de manifestation des éléments de la marchandise un peu plus originaire. Pour que la marchandise soit produite, on a besoin de tout ça, de chacun pris à part et de beaucoup d'autres choses.

Par ceux-ci, la marchandise ne touche pas à la source authentique de sa provenance : Elle n'atteint pas donc son Idée, l'esprit ou l'être. Les éléments qui précèdent la marchandise ne sont pas son noumen, mais des diverses formes élémentaires de manifestation des éléments qui la composent.

Néanmoins il y a quelque chose dans l'analyse de Marx qui mène l'investigation vers des formes originaires de la marchandise, vers des aspects de celle-ci qui ne sont pas des divisions plus faciles ni des interprétations.

♦ Marx fait référence à la première variante de cette formule.

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Parlant de l'existence en tant que telle, Marx la sépare en quelques éléments: activité, individus réels etc.

Nous arrivons dans la même impasse: circonscrire l'existence réelle n'est pas possible autrement qu'en tant qu'interprétation. L'activité, les individus sont eux-mêmes de l'interprétation.

La pensée est la victime de sa propre condition. L'interprétation ne peut pas être dépassée de sorte que l'exigence originaire, nommée par Marx dans les deux variantes: le refus de l'interprétation et l'existence immédiate, ne peut pas être satisfaite. Marx s'illusionne de dépasser cette impasse en se situant sur une position naturaliste. Son objet sont *les gens, considérés non dans un isolement et une immobilité imaginaire, mais dans leur processus réel de développement, qui peut être observé sur voie empirique et a lieu dans des conditions déterminées*[6].

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La solution ignorée
Il y a quelque chose de présent dans l'analyse marxiste, une possible issue de l'impasse, qui n'est pas pourtant explorée.

En parlant de la marchandise, Marx l'explique par ses contradictions, par l'antagonisme des diverses valeurs, par l'implication de l'argent et de l'échange etc. Pourtant il existe un sentiment qui accompagne tout ça, un sentiment qui est propre tout à la fois à la marchandise, en tant que sa première circonscription.

Le premier contact avec la marchandise, dit Marx, est celui d'étonnement. La marchandise se présente devant celui qui la regarde comme *mystère*. Au premier regard, première évaluation cognitive, elle est nommée *mystère*. Le langage de Marx est ici riche: le mystère est tantôt énigme, tantôt inconnu. La fréquence de ces termes est si riche que, de la fonction d'expressivité avec laquelle sont crédités, comme tous les autres, ils deviennent favoris. Marx a de la faiblesse pour la marchandise en tant que *mystère*.

L'ampleur de la qualification est si profonde que le chapitre destiné à la description générale, c'est-à-dire au premier impact de la marchandise, s'enrichit d'une approximation plus intense. **La marchandise est un mystère dans sa qualité de fétiche.**

Pour le début, Marx explique la marchandise par des catégories économiques générales: valeur d'usage, valeur d'échange, valeur. Plus encore quelques développements: la forme valeur totale ou développée, valeur simple, singulière ou accidentelle, valeur relative et forme équivalente.

De longues pages semblent épuiser, sous l'aspect de l'explication, le contenu de la marchandise. L'implication de l'argent dans le processus de transit de la marchandise met en relief sa vraie nature: elle continue de rester, malgré tout

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[6] Marx Engels, *Ideologia germană*, in Marx Engels, *Opere*, vol. 3, Bucharest, Politics Publishing.

développement et toute catégorie impliquée, un *mystère*. La rencontre originaire avec la marchandise ne retient de celle-ci, ne découvre pas en elle, ni valeur, ni valeur d'usage, ni valeur absolue ou simple, selon qu'elle n'y voit pas d'argent.

Cette rencontre lui dévoile son premier contenu non-interprétatif*: la marchandise est un mystère*. Au but de l'analyse de la marchandise, d'une manière involontaire, Marx discute de sa vraie nature. Le point 4, final, du chapitre qui porte sur celle-ci, la rapporte, dans sa vraie nature. Ce sous-chapitre parle de la marchandise dans la perception originaire: *Le fétichisme de la marchandise et son mystère.*

Plus loin, on passe au deuxième chapitre du *Capital*. Dans la première préface du livre, Marx avait averti que dorénavant, après le chapitre qui porte sur la marchandise et son fétichisme, tout va en résulter plus simplement. Le chapitre difficile avait passé. Il se rapportait à la marchandise et la difficulté de la parcourir résidait dans l'admission tardive du mystère, après la tentative antérieure de l'élucider. Mais la tentative de l'élucider n'avait pas pu estomper sa vraie nature. Tout ce qui a été impliqué scientifiquement est reconnu de qualité secondaire, c'est pourquoi donc, insuffisant.

Maintenant à peine l'explication de Marx gagne l'honnêteté d'admettre le point de départ dans une nature qui n'est pas strictement scientifique. A première vue, une marchandise semble être une chose simple, banale. Mais une analyse de celle-ci prouve que c'est une chose très compliquée, pleine de subtilités métaphysiques et bizarreries théologiques[7].

Par conséquent: d'où provient le caractère mystérieux du produit du travail dès qu'il prend la forme de marchandise?[8].

Il est évident: nous avons une réponse, mais ce qui nous intéresse ce n'est pas la réponse explicite, recherchée par Marx. Elle sera plus ou moins de l'interprétation. Ce qui nous intéresse c'est le constat originaire de Marx sur la marchandise. C'est aussi la première circonscription de celle-ci, par conséquent beaucoup plus valeureuse dans la pensée marxiste, que les interprétations. On se situe ainsi dans le champ de la réponse originaire, obéissant à l'exigence transcendantale et évitant le piège de l'interprétation.

Le caractère mystique de la marchandise, telle est l'expression de Marx sur la même page. Peu importe en quoi consiste ce caractère, selon que peu importe le zèle mis dans sa démolition. Ce qui importe c'est d'assumer la rencontre originaire, du *premier moteur*.

[7] *Ibidem*, p. 99.
[8] Idem.

THESES AND ANTITHESES IN LITERATURE AND LINGUISTICS

LES TERMES D'APPARTENANCE JURIDIQUE EXCLUSIVE DANS LE NOUVEAU CODE CIVIL

Diana-Domnica DĂNIŞOR[∗]

TERMS WITH EXCLUSIVE AFFILIATION TO LEGAL VOCABULARY IN THE NEW CIVIL CODE

Abstract: The aim of this study is to highlight the relevant features for linguistic structure of normative acts that bear on what jurilinguists consider, rightly, a first obstacle in the legal communication: the lexicon. We will analyze two terms, accession and superficies, as an exception for accession. These terms will be analyzed from the point of view of the meaning, the signification of their synonyms and antonyms, to conclude that they are terms with exclusive affiliation to legal vocabulary because they are not known to other registers of language, their meaning and thei use being solely legal.

Keywords: Jurilinguistics, Civil Code, accession, superficies, meaning.

Certains termes juridiques n'ont qu'un sens juridique. «Les termes exclusivement juridiques constituent un ensemble défini dont les éléments pourraient être exactement dénommés à partir de la liste des mots du vocabulaire juridique»[1].

«Le juriste a un pouvoir reconnu par la société: celui de préciser le sens de tous les termes ou expressions qu'il utilise. Le législateur et le juge sont donc, plus que tout autre personne, amenés à influer, dans l'exercice de leur activité, sur le langage de la société»[2].

La loi représente pour la majorité d'entre nous le langage du droit par excellence.

La première caractéristique qu'on peut observer est le fait que le langage juridique est caractérisé par d'opacité, bien qu'il soit clair et précis. «Le droit est un phénomène aussi social que la langue, mais qui suscite un sentiment étrange au

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[∗] Maître de conférences, Faculté de Droit et Sciences Sociales, Université de Craiova; Email: danisordiana@yahoo.com
[1] Gérard Cornu, *Linguistiquer juridique*, 2ᵉ éd. 2, Paris, Montchrestien, 2000, p. 69.
[2] Elisa Rossi Danelzik, *Le langage juridique italien*, thèse, Université Lumière-Lyon 2, 2000, pp. 13-14.

plus grand nombre de personnes»[3]. Tant le lexique que les énonciations qui tiennent au style juridique, dans ce cas, du style législatif, font qu'en droit la communication se heurte d'un écran linguistique «qui se situe en dehors du circuit naturel de l'intercompréhension qui caractérise les changements habituels entre les membres d'une communauté linguistique donnée»[4].

On s'arrêtera à certaines particularités du discours juridique: les termes d'appartenance juridique exclusive, pour démontrer l'opacité du langage juridique. Si les deux conditions de la loi, pour être comprise, sont la clarté et la précision, on verra que même quand la loi répond à ces exigences, elle est opaque à cause de l'utilisation de certains termes qui n'ont de signification que dans le droit.

L'italien et le français sont des langues de la même famille. Si les deux possèdent les mêmes ressources, le français ne peut se plier sur les acrobaties baroques de l'italien: c'est une question d'histoire et de tradition qui explique le gout pour la sobriété et la modération. Le roumain, comme le français, est imprégné par la préoccupation pour la clarté et la raison, en se situant sur le plan de la compréhension; la conceptualisation est mise au service de la clarté et de la compréhension.

Nous avons opté pour le syntagme *le langage spécialisé*, parce qu'il permet de considérer la réalité comme un système virtuel à l'intérieur de la langue naturelle.

> «Langage signifie en même temps catégories de la langue et catégories du discours. Non par l'une sans l'autre, ni l'une ou l'autre, ni même l'une premièrement et ensuite l'autre, mais l'une et l'autre à la fois, distinguées et intégrée»[5]. Dans cette acception nous allons utiliser le syntagme pour désigner «l'utilisations spécialisée d'une langue commune à tous»[6].

Dans toutes les branches de la science il y a la tendance de l'option pour la formule symbolique. Les critères fondamentaux qui sont à la base des choix lexicaux et stylistiques pour qu'une communication spécialisée atteigne son but en sont deux: la précision et la concision. Lorsqu'il existe un conflit entre ces deux critères, il intervient un troisième, le caractère propre des termes utilisés. Pour qu'une communication spécialisée soit vraiment efficace, la condition nécessaire en est l'existence d'un équilibre entre ces critères[7].

Une autre étude nuance[8] les critères déjà cités. L'auteur réalise une liste composée de 11 caractéristiques relatives à la communication spécialisée: la précision, la simplicité et la clarté; l'objectivité; l'abstractisation; la généralisation;

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[3] Jean-Louis Sourieux, Pierre Lerrat, *Le langage du droit*, Paris, PUF, 1975, p. 10.

[4] Gabriela Scurtu, *Traduire le vocabulaire juridique français en roumain*, dans "Méta", nᵒ 4, 2008, p. 884.

[5] Jean-Claude Gémar, *Réflexions sur le langage du droit: problèmes de langue et de style*, dans «Méta», 26/4 1981, p. 101.

[6] *Ibidem*, p. 85.

[7] J.C. Sager, D. Dungworth, P.F. McDonald, *English Special Languages*, Wies-Baden, 1980, p. 323.

[8] Maurizio Gotti, *I linguagi specialistici*, Florence, La Nova Italia, 1991, pp. 13-15; Alberto A. Sobrero, *Lingue speciali*, dans "Introduzione all' italiano contemporaneo", 1993, pp. 243-244.

la densité de l'information; la concision; l'absence d'ambigüité; l'impersonnalité; la cohérence logique; l'utilisation des termes techniques précis. Dans le cas du langage juridique, certaines de ces caractéristiques peuvent se superposer, tel comme la neutralité et l'impersonnalité, la clarté et l'absence d'ambigüité. Il est rare qu'un texte spécialisé présente toutes ces caractéristiques. Un discours sans ambigüité peut se heurter à l'exigence de la concision. A notre avis, les traits fondamentaux du langage juridique législatif sont: la précision, la clarté, la concision, l'absence d'ambigüité et la neutralité émotionnelle. Les études qui viennent d'être présentées ont le mérite de faire une récapitulation synthétique et générale des différents critères qui vont servir pour base à l'explication et à la différencialisation des choix du législateur.

Le trait le plus analysé de tout langage spécialisé est le vocabulaire. C'est ce qui le différencie, comme une caractéristique première, du langage courant. Pour le langage juridique législatif on doit distinguer la nomenclature (les termes d'appartenance juridique exclusive, les termes de double appartenance) et le vocabulaire de soutien qui joue un rôle d'encadrement[9]. Pour exprimer un sens, la nomenclature a besoin du vocabulaire de soutien. Le vocabulaire a pour longtemps constitué le domaine privilégié de la recherche des langages spécialisés. Mais ce n'est pas seulement le vocabulaire utilisé qui différencie le langage juridique d'autres langages spécialisés: «le fait de ne considérer ni la syntaxe, ni les réalisations textuelles des langages spécialisés équivaut à leur perception comme assemblage de termes»[10]. Il est évident que la matière traitée influe non seulement sur le choix du vocabulaire, mais aussi sur d'autres choix de type syntaxique, textuel et stylistique.

L'exigence de monoréférentialité est un gage de la précision. Dans le cas des termes d'appartenance juridique exclusive, cette exigence est totalement respectée.

1. *L'ACCESSION*, MODE D'ACQUISITION DE LA PROPRIETE

Selon le Dictionnaire explicatif de la langue roumaine, l'*accession* est «un mode d'acquisition de la propriété résultant de l'union naturelle ou par l'intervention de l'homme d'un bien avec un autre plus important, appartenant à une autre personne»[11]. Bien qu'il ne soit pas mentionné dans le texte que le terme appartient au langage juridique, la définition qui lui est donnée nous autorise de

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[9] Jean Darbelnet, *Réflexions sur le discours juridique*, dans «Méta», 24, 1979, pp. 26-28; J. Darbelnet, *Niveaux et réalisations du discours juridique*, dans Jean-Claude Gémar (dir.), *Langage du droit et traduction: essai de jurilinguistique*, Montréal, 1982, p. 51-60; Jean-Claude Gémar, *Terminologie, langue et discours juridique. Sens et signification du langage du droit*, dans «Méta», 36/1, 1991, pp. 275-278; Jean-Claude Gémar, *ouvrage cité*, vol. 2, Québec, 1995, pp. 89-90.

[10] Elisa Rossi Danelzik, *op. cit.*, p. 31.

[11] Institutul de Lingvistică „Iorgu Iordan", Academie Roumaine, *Dicționarul explicativ al limbii române*, Bucarest, Univers Enciclopedic Éditeur, 1998 (*DEX* dans le texte).

l'encadrer dans ce langage. Le dictionnaire de néologismes spécifie que le terme appartient au registre juridique de la langue, en le définissant de manière similaire: «Mode d'acquisition de la propriété, résultant de l'union naturelle ou par l'action de quelqu'un d'un bien avec un autre bien plus important»[12]. Dans un autre dictionnaire, avec un sens pur juridique, l'accession est définie comme «mode d'acquisition d'une propriété par l'union d'un bien avec un autre plus important»[13]. Les étymologies offertes par les dictionnaires roumains (DN, MDN) qui attestent le terme comme spécifiquement juridique sont: française, *accession* «mode d'acquisition de la propriété qui fait que le propriétaire de la chose principale acquière toutes les choses accessoires qui s'unissent avec cette chose»[14] et latine, *accesio*, avec le sens d'«accession, ajout, accessoire»[15].

L'accession est donc fondée sur l'idée que la propriété d'une chose principale attire la propriété d'une autre chose appelée accessoire.

> «L'accession que le Code Calimach appelle *sporire* (accroissement) ou *adăugire* (ajout), et qui chez les Romains n'était pas un véritable moyen d'acquisition de la propriété semble être considérée comme telle par le législateur moderne (l'art. 645) (...) le code actuel comprend un vice de classification, car la place naturelle de l'accession était le Livre III, où le législateur s'occupe des modes d'acquisition de la propriété»[16].

Le Code civil de 1864 définit l'accession dans l'art. 482 qui dispose:

> «La propriété d'une chose meuble ou immeuble donne droit sur tout ce qui produit la chose et sur tout ce qui s'unit, comme accessoire, avec la chose, d'une manière naturelle ou artificielle. Ce droit s'appelle *droit d'accession*»[17].

Le Nouveau Code civil réglemente l'accession en tant que mode d'acquisition des droits réels. Ainsi, l'art. 557 réglemente dans son premier alinéa

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[12] Florin Marcu, Constant Maneca, *Dicţionar de neologisme*, Bucarest, Academie Roumaine Éditeur, 1986 (DN dans le texte).

[13] Florin Marcu, *Marele dicţionar de neologisme*, Bucarest, Saeculul Éditeur, 2000 (MDN dans le texte).

[14] *Nouveau répertoire de droit,* Paris, Dalloz, t. 3, 1964, p. 872.

[15] Idem.

[16] Dimitrie Alexandresco, *Esplicaţiune teoretică şi practică a dreptului civil român în comparaţiune cu legile vechi şi cu principalele legislaţiuni străine*, Tomul al II-lea, Iaşi, Tipografia lucrătorilor români asociaţi, 1888, p. 469.

[17] Pour approfondir la définition de l'accession dans la doctrine roumaine et étrangère, voir Aubry et Rau, *Cours de droit civil d'après la méthode de C. Zachariae*, II, p. 180-183; Baudry et Chauveau, *Des biens*, 282, 283, 286; Ambroise Colin, Henri Capitant, *Cours élémentaire de droit civil*, ed. a 2-a, I, Paris, Dalloz, 1959, p. 726-730; Demolombe, *Cour de Code Napoléon*, IX, 109; Théophile Huc, *Commentaire théorique & pratique du Code civil,* t. IV, Librairie du Conseil d'Etat et de la Société de législation comparée, Paris, 1894, p. 109; Laurent, *Principes de droit civil*, VI, 187; Mourlon, *Répétitions écrites sur le premier, le deuxième et le troisième examen du code Napoléon*, VIIeme édition, I, p. 688; Dimitrie Alexandresco, *Explicaţiunea teoretică şi practică a dreptului civil Român*, III, partie I, deuxieme édition, p. 283 et suivantes; Matei Cantacuzino, *Elementele dreptului civil. Despre libertatea individuală şi persoanele juridice*, p. 145.

les modes d'acquisition de la propriété, selon la loi: «par convention, par testament, succession légale, accession, usucapion, comme effet de la possession de bonne foi dans le cas des biens meubles et des fruits, par usucapion, tradition ou décision de justice, quand elle est translative de propriété par elle-même». Tout un chapitre du Code civil, le Chapitre II, Titre II du Livre III s'occupe de l'accession (art. 567-601).

Le Nouveau Code civil définit l'accession dans l'article 567, comme mode d'acquisition de la propriété, par lequel «le propriétaire d'un bien devient propriétaire de tout se qui s'unit avec lui ou s'y incorpore, si la loi ne prévoit pas autrement». L'ancien Code civil (art. 488: «tout ce qui s'unit et s'incorpore à la chose revient au propriétaire de la chose») est la source d'inspiration pour les dispositions de cet article[18].

> «La rédaction de ce nouveau texte de loi est supérieure parce que, d'une part, il utilise expressément le terme *accesiune* (accession), et... par sa formulation... suggère le fait que l'accession est un mode d'acquisition de la propriété»[19].

En plus du fait qu'il définit l'accession, le code en spécifie également les formes: l'accesssion est naturelle ou artificielle (art. 568)[20]. L'accession a donc un domaine général d'application: elle s'applique tant en matière immobilière que mobilière. Dans le cadre de l'accession naturelle immobilière il est faite distinction entre les alluvions, la terre laissée par les cours d'eau, la terre laissée par les eaux stagnantes, les avulsions, les lits de rivières, les îles et les graviers, le droit de propriété sur les îles nouvellement formées, les lits de rivières desséchées, chacun en disposant d'une réglementation dans des articles distincts. C'est toujours dans un article séparé que l'accession naturelle des animaux est traitée.

L'accession immobilière artificielle traite dans le cadre des dispositions communes l'acquisition du travail par le propriétaire de l'immeuble, les catégories de travaux qui font l'objet d'un mode d'acquisition de la propriété, les présomptions en faveur du propriétaire de l'immeuble. Il est aussi réglementé le régime juridique des travaux réalisés avec les matériels d'autrui, en précisant aussi en préalable les travaux autonomes et ceux ajoutés. Dans le cadre de la réalisation d'un travail autonome à caractère durable sur l'immeuble d'autrui interviennent les notions de bonne et de mauvaise foi qui contribuent à l'encadrement juridique de ces travaux. Les travaux ajoutés à caractère durable sur l'immeuble d'autrui sont classifiés en travaux ajoutés nécessaires, travaux ajoutés utiles et travaux ajoutés voluptuaires.

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[18] Voir, pour l'accession en droit civil français, Théophile Huc, *Commentaire théorique & pratique du Code civil*, t. IV, Paris, Librairie du Conseil d'Etat et de la Société de législation comparée, 1894, pp. 108-147.

[19] Eugen Chelaru, *Noul cod civil. Comentariu pe articole*, Bucarest, C.H. Beck Éditeur, p. 634.

[20] Art. 568 – L'accession est naturelle lorsque l'union ou l'incorporation est la suite d'un événement naturel ou artificielle, quand elle résulte du fait du propriétaire ou d'une autre.

C'est toujours dans ce chapitre que le législateur a considéré nécessaire de clarifier le sens de certains termes tels bonne foi ou mauvaise foi de l'auteur du travail, l'art. 14 – norme générale. Sont aussi réglementés, dans des articles distincts, les cas spéciaux d'accession.

Une section spéciale est réservée à l'accession mobilière qui constitue l'union de deux biens qui appartiennent à des propriétaires différents, sans une convention entre eux en ce qui concerne le bien qui en résulte[21].

De ce qu'on vient de présenter, on observe les trois acceptions interdépendantes de l'accession:

> «le fait matériel de l'incorporation d'un bien accessoire dans un bien principal; le droit d'accession résulté de ce fait juridique au sens restreint en faveur du propriétaire du bien principal dans l'hypothèse où les deux biens appartiennent à des propriétaires différents et sont remplies les conditions prévues par la loi; l'accession comme mode d'acquisition du droit de propriété sur le bien accessoire par le propriétaire du bien principal, soit directement, comme effet du fait matériel de l'union ou de l'incorporation, soit comme effet de l'exercice du droit d'accession, si sont réunies les conditions prévues par la loi»[22].

On observe que si dans le cas de l'accession mobilière la réglementation de l'ancien Code est très ample, même disproportionnée, vu la sphère restreinte d'application de cette institution juridique, le Nouveau Code civil la règlemente plus succinctement, en lui réservant seulement deux articles, en en considérant que les textes de l'ancien Code sont «des réminiscences du droit romain»[23].

Le Nouveau Code civil ne définit pas les *démembrements du droit de propriété*. C'est à la doctrine qu'il appartient de les définir. Selon cette dernière, ils représentent des droits réels principaux, dérivés du droit de propriété privée sur un bien propriété d'une autre personne, qui se constituent et s'acquièrent par le transfert de certains éléments du contenu juridique du droit de propriété sur le bien respectif vers une autre personne ou par l'exercice de certains éléments par le propriétaire du bien et une autre personne.

2. L'EXCEPTION A L'ACCESSION, *LA SUPERFICIE*

Si l'ancien Code civil ne réglementait pas la superficie (selon le modèle du Code civil français), son contenu se déduisant par l'interprétation de l'article 492,

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[21] Voir, dans ce sens, Constantin Stătescu, Corneliu Bârsan, *Drept civil. Drepturile reale*, Bucarest, Université de Bucarest, Faculté de Droit, 1988, p. 275; Eugen Chelaru, *Drept civil. Drepturile reale principale în reglementarea noului Cod civil*, Bucarest, C.H. Beck Éditeur, 2013, pp. 200-201; Eugeniu Safta-Romano, *Dreptul de proprietate publică şi privată în România*, Iaşi, Graphix Éditeur, 1993, pp. 330-332; Paul Mircea Cosmovici, *Introducere în dreptul civil*, Bucarest, All Éditeur, 1993, pp. 92-93.

[22] Eugen Chelaru, *op. cit.*, p. 635.

[23] Cristian Jora, *Unele consideraţii cu privire la accesiune*, dans "Noul Cod civil. Studii şi comentarii", Bucarest, Universul Juridic Éditeur, 2013, p. 110.

le Nouveau Code civil réglemente expressément la *superficie* comme exception à l'accession. L'accession n'est pas applicable dans le cas où il est convenu entre le propriétaire du terrain et celui qui édifiera des travaux ou des constructions sur ce terrain pour que ceux-ci deviennent la propriété de cette dernière personne, en reconnaissant au propriétaire un droit de superficie qui justifie la possibilité du propriétaire de la construction d'utiliser le terrain pour l'exercice de son droit de propriété sur la construction. Donc, l'exception à l'accession est représentée par l'hypothèse qui réclame la constitution du droit de superficie.

On verra par la suite quelles sont les définitions lexicographiques du terme pour en décider qu'il est d'appartenance juridique exclusive, et ensuite on analysera en détail le droit de superficie dans le Nouveau Code civil.

Le Dictionnaire Explicatif de la langue roumaine ne spécifie pas le fait que la superficie appartient au langage juridique, mais il offre une seule définition du terme dans le syntagme *droit de superficie* qui est «le droit de propriété sur l'édifice construit ou sur la plantation se trouvant sur le terrain d'une autre personne et le droit de jouissance sur cette terre». Le dictionnaire de néologismes spécifie que le terme appartient au langage juridique, en offrant la définition du droit de superficie, dans le sens rarement rencontré de «surface, aire», comme étant «le droit de propriété qui se limite à la surface du sol et à ce qui se trouve au-dessus». Le seul dictionnaire qui offre deux sens au mot c'est le MDN qui reprend le premier sens du DN dans le syntagme *droit de superficie*, mais consigne encore un sens, cette fois-ci figuré, celui d'«apparence».

Le français connaît des termes distincts pour le propriétaire du droit de superficie, le *superficiaire*, et pour celui qui est le propriétaire du terrain, *le superficiant*, tandis que le roumain ne connaît que le terme *superficiar*, consigné par le MDN comme appartenant au langage juridique, avec la définition suivante: «personne qui a le droit de superficie». On propose de *lege ferenda* l'introduction du terme *superficiant* pour désigner le propriétaire du terrain, pour distinguer, au niveau terminologique celui qui a le droit de construire sur ce terrain.

Le terme n'a de synonymes, ni d'antonymes et c'est le fait qui atteste qu'il est très bien encadré du point de vue de son sens juridique.

Le Nouveau Code civil offre la définition de la superficie dans l'article 693 comme étant «le droit d'avoir ou d'édifier une construction sur le terrain d'autrui, au-dessus ou dans le sous-sol, sur lequel le superficiaire acquiert un droit de jouissance». Selon cette définition, le droit de superficie est

«un droit réel immobilier, démembrement du droit de propriété privée, qui comprend dans son contenu juridique le droit de propriété sur une construction, plantation ou d'autres travaux autonomes à caractère durable, par hypothèse situés sur le terrain propriété d'autrui, ainsi que la prérogative de la jouissance et, de manière limitée, les prérogatives de la possession et de la disposition sur le terrain respectif»[24].

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[24] Sevastian Cercel, *Noul cod civil. Comentariu pe articole*, Bucarest, C.H. Beck Éditeur, 2012, p. 748; V. Stoica, *Drept civil. Drepturile reale principale*, Bucarest, C.H. Beck Éditeur, 2009, p. 238.

Au-delà des formes, du contenu et des caractères juridiques de la superficie, le Code réglemente aussi l'acquisition, l'étendue et l'extinction du droit de superficie.

Le droit de superficie apparaît comme une construction juridique complexe: au démembrement de la propriété sur le terrain d'autrui elle juxtapose un droit de propriété sur la construction[25]. C'est le droit de propriété sur les constructions édifiées et sur les plantations sur le terrain d'autrui. La superficie «sous la forme du droit de propriété horizontale sur l'étage ou sur l'appartement»[26] n'est pas réglementée, dans les conditions où elle constitue un problème d'une actualité maximale. On propose, de *lege ferenda*, l'introduction de ce droit dans la règlementation de la superficie, parce qu'il est inacceptable de «limiter l'établissement d'un droit de superficie à la situation où la construction est adhérente au sol et son rejet dans le cas de la construction d'un étage»[27], pour la raison que les parties communes de la construction déjà existantes sont celles qui font la liaison entre la construction et le terrain.

De l'analyse qu'on vient de faire il en résulte que tous les termes qui réglementent les démembrements du droit de propriété, sauf le droit d'usage, sont des termes d'appartenance juridique exclusive.

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[25] Stelian Ioan Vidu, *Superficia*, dans «Noul Cod civil. Studiii şi comentarii», Bucarest, Universul Juridic Éditeur, 2013, p. 243.

[26] Sevastian Cercel, *op. cit.*, p. 750.

[27] Marin Voicu, Mihaela Pocoapă, *Dreptul de proprietate şi alte drepturi reale. Tratat de jurisprudenţă 1992-2002*, Bucarest, Lumina Lex Éditeur, 2002, p. 272.

DENOMINATIONS BASED ON FEMININE NAMES
IN THE TOPONYMY FROM OLTENIA AND MUNTENIA[*]

Iustina BURCI[**]

Abstract: In toponymy, numerous place names are derived from anthroponyms. Most are male anthroponyms. This is explained by the fact that for a long time, men have been the focus of family life and society. Only in the absence of man (duet o death, military service, etc., for long periods of absence, in general), or when he entered, through marriage, in the wife's family, the whole family yielded to woman's name.

In this article, we intend to analyze the extent and form in which the female anthroponyms are now encountered in Oltenia and Muntenia.

Keywords: femanel anthroponyms, structure, transfer, toponymy.

Subsequent to the appellatives, the anthroponyms represent the second most important source for the emerging of toponyms. Either with or without formal modifications, simple or part of a complex or analytical structure, people's names, in toponymic function, are frequently met both in macro-toponymy, and, especially, in micro-toponymy. Moreover, at the countryside, the percent of the toponyms that appeared from anthroponyms is rather high. "This represents the natural consequence of the fact that the most important elements of a village are the people, therefore their names mark the different parts of the settlement, in order to make a difference between them"[1].

In the past, the reason for the occurrence of many of these names denoting places, depended on the socio-economic and family relations that, at some point,

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[*] The present article is part of the researching project called *Toponimie în Oltenia şi Muntenia* (Toponymy in Oltenia and Muntenia), of "C. S. Nicolăescu-Plopşor" Institute for Research in Social Sciences and Humanities, Craiova. As regarding the feminine first names from Oltenia, I also approached the subject in *Prenumele feminine – repere locale şi sociale în toponimia actuală din Oltenia* (The feminine first names – local and social landmarks in the actual toponymy from Oltenia), in "Analele Universităţii din Craiova. Seria Ştiinţe Filologice. Lingvistică", year XXXII, no. 1-2, Craiova, Universitaria Publishing, 2010, pp. 35-44.

[**] 2nd Degree scientific researcher, PhD, "C. S. Nicolăescu-Plopşor" Institute for Research in Social Sciences and Humanities of the Romanian Academy, Craiova; Email: iustinaburci@yahoo.com

[1] Ion Toma, *Toponimia Olteniei*, Craiova, The Reprography of the University from Craiova, 1988, p. 63.

existed inside the community (of ownership, origin, marking of a collectivity existence etc.), along with the relations between its members (neighbouring areas, destination, different circumstances etc.), sometimes "based on facts or situations impossible to be actualised (today – a/n) without any documents"[2]. All these and, furthermore, the fact that the person who played the role of the head of the family and could carry on his activity, both inside and outside it, was the man, were entirely reflected in the names of the places: the masculine names are preponderant as regarding all the toponymic structures.

If the man had obligations outside the family too (taking care of the administrative, political, military etc. affairs of the community), the statute of the woman was an inferior one from the juridical point of view[3], the role being one limited, for a long period of time, strictly inside the boundaries of the household; as a proof, the small number of women who were mentioned in documents[4], but also in the way they were mentioned, such is in relation with their father's name and, later, their husband's, observing the rule that "… the common name of the kin, along with the individual to whom the belonging is shown, is chosen on the line of male origin"[5].

Nevertheless, we meet situations in which the supporter of the family, the beneficiary of a princely document of allotment is a woman, usually a widow. In such cases, the members of the family use her name. Referring to the way in which it was given the name of the family group, when the father was missing, and his position was replaced by the mother, Iorgu Iordan showed that: "The children's family name could be their mother's first name, without any formal modification, the same as in the situation when the father's name was given: *Ilinca, Maria* etc. ..."[6] or "… the suffixed mother's name: to the husband's first name, there was added a feminine suffix in order to show the presence of a woman. For example: *Mântuleasa, Dobriţoaia* etc. At first, these names had the form of the genitive case: *of Mântuleasa, of Dobriţoaia* etc. Being rather difficult to use, they were changed into the form of the direct case (nominative), much easier to operate with.

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[2] Idem, *Etimologia toponimică. I. Elementele româneşti*, in "Studii şi Cercetări de Onomastică" (SCO), no. 4/1999, Craiova, Universitaria Publishing, p. 21.

[3] Being considered unable to perform works that involved physical strength and developed intellectual capacity.

[4] Internal documents, having a private character, are the inheritance documents, the wills, the sale-purchase agreements, those involving the judging of disagreements etc. The women used to have in the past, too, the right to ownership: usually, after marriage, they used to receive their share of inheritance. The remaining parts of this system can also be seen today in toponymy: *Partea* (the lot of …) *Ilenei, Partea Ilincăi, Partea Stanei Gurguiasa* etc. In the boyars' families, the girls were put in possession of land when they got married and the estates – that they had at their disposal, according to the situation: they could decide to keep, sell or donate them – often took the names of the landladies.

[5] Şt. Paşca, *Nume de persoane şi nume de animale în Ţara Oltului*, Romanian Academy Publishing, 1936, p. 74.

[6] Iorgu Iordan, *Dicţionar al numelor de familie româneşti*, Scientific and Enciclopedic Publishing, 1983, p. 13.

Sometimes, the genitive was preserved, but without the Romanian article *a*, which is the word *of* in English, and without the final *i*: for example, *Boculesi* originates from *a Boculesii*”[7].

Although from the quantitative point of view, they are much fewer than the masculine ones, it does not mean that they are less valuable. For this reason we are approaching them in the present article. At the end, we are going to notice that they hold a significant position for the history research and for the evolution of our denominative system, altogether mirroring the way in which the involvement of women in the Romanian society has been gradually changing.

We based our research on the information excepted from two toponymic dictionaries: those of Oltenia[8] and Muntenia[9] regions. They record both the present names of places, due to field enquiries, and those registered in historical, geographical and administrative sources, having access, in this manner, to an extremely rich studying material.

For the beginning, we can declare that the typology of geographical objectives, with feminine names[10], is a rich one. Numerous ponds, churches, fields, communes, hill peaks, hills, fishponds, commons, thermal water springs, isolated households, slums, estates, hillocks, mountains, ruts, forests, streams, parts of villages, glades, paths, villages, precincts, valleys, dales, riverside coppices etc. from our country have such names. Some of them got their names directly, other, indirectly, through trans-onimisation (when there are present, on a relatively small space[11], several forms of relief with identical names).

As regarding the typology of the inventoried feminine names, it can be detailed according to the next diagram: – I. *First names*, II. *Surnames*[12], III. *First names + Surnames* –, followed by few comments made about them.

I. *First names*:

A. **Simple**: *Albinuşa* (Gj[13]), *Anicuţa* (Vl), *Anuţa* (Ot), *Augustina* (Ot), *Aurora* (Mh), *Bogdana* (Gj), *Brânduşa* (Dj, Gj, Mh, Vl), *Catalina* (Tr), *Catinca* (Db, Ph),

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[7] *Ibidem.*

[8] *Dicţionarul toponimic al României. Oltenia* (coord. prof. Gh. Bolocan, PhD), vol. 1 (A-B), Craiova, Universitaria Publishing, 1993 and next.

[9] *Dicţionarul toponimic al României. Muntenia* (coord. prof. Gh. Saramandu, PhD), vol. 1 A-B), Bucharest, Romanian Academy Publishing, 2005; vol. II (C-D), 2007; vol. III (E-J), 2009; vol. IV (L-M), 2011; vol. V (N-P), 2013.

[10] The same for the masculine ones.

[11] In Bumbeşti-Jiu from Gorj County, a mountain, a stream, a forest, a sheepfold and a field are named *Dumitra*. The name was transferred from the mountain to the other forms of relief.

[12] Nowadays, all the Romanian surnames are masculine, no matter the gender or the form they have (*Dumitru, Dumitra, Dumitrică, Dumitrica, Dumitreasa, Dumitroaiei* etc.). Nevertheless, originally, some of them were feminine sur/names. We consider these ones in our article.

[13] I kept abbreviations counties in the two mentioned toponymic dictionaries.

Catrina (Ag, Br), *Călina* (Dj, Vl), *Cârna*[14] (Dj, Gj, Mh), *Cârstiana* (Vl), *Cârstina* (Ag), *Chiajna* (Gj, Mh), *Chiriţa* (Gj, Vl), *Chiţa* (Br, Gr), *Chiva* (Il), *Chivuţa* (Gj), *Coca* (Vl), *Constantina* (Dj), *Cosmina*[15] (Ph), *Constanţa* (Dj), *Costandina* (Dj), *Dana* (Db), *Dara* (Vl), *Daria* (Db), *Despina* (Ph), *Dăiana* (Gj), *Deia* (Gj), *Dia* (Dj), *Diana* (Vl), *Didina* (Dj), *Diţa* (Bz), *Dona* (Vl), *Dora* (Ph), *Dospina* (Gj), *Draghina* (Mh, Ot), *Drăghina* (Mh), *Drăguţa* (Tr), *Dumitra* (Gj), *Dumitrăşcuţa* (Vl), *Duşa* (Gj), *Elena* (Cl), *Elis(z)abeta* (Mh, Tr), *Eliza* (If), *Eufrosina* (Vl), *Floarea*[16] (Ag, Br, Gj, Vl), *Florica* (Ag, Br, Bz, Cl, Dj, Gr, Mh, Ot, Tr), *Floricica* (Bz), *Frosa* (Gj), *Gafiţa* (Ph), *Galiţa* (Mh), *Gherghina* (Dj, Gj, Vl), *Guica* (Ot), *Iana* (Dj, Gj), *Ileana* (Bz, Cl, Dj, Gr), *Ileniţa* (Il), *Ilinca* (Gj), *Ilincuţa* (Gr, Mh), *Iliuţa* (Vl), *Ilona* (Gj), *Ioana* (Mh), *Ioniţa* (Gj), *Irina* (Vl), *Ivana* (Gj), *Lala* (Ag, Dj, Mh), *Leanca* (Db), *Leanţa* (Tr), *Lecsindra* (Tr), *Lia* (Gj), *Liana* (Vl), *Lica* (Vl), *Lucia* (Br, Tr), *Macaria* (Gj), *Ma(ă)crina* (Br, Bz), *Maliţa* (Ag, Db), *Mara* (Db), *Marcela* (Dj), *Marga* (Gj, Mh, Vl), *Margareta* (Tr), *Margarita* (Ot), *Marghioala* (Gj), *Maria* (Ot, Vl), *Marica* (Ag, Gj), *Maricica* (Vl), *Marina* (Ag, Gj), *Ma(ă)rioara* (Bz, Vl), *Mariţa* (Dj, Gj, Ot, Ph, Tr, Vl), *Marta* (Db), *Maruşca* (Vl), *Mădălina* (Vl), *Măndica* (Il), *Mărica* (Gj), *Măriuca* (Vl), *Ma(ă)riuţa* (Bz, Cl, Db, Gj, Gr, Il, Ot, Tr), *Mica* (Dj, Gj), *Milica* (Dj), *Milioara* (Vl), *Miţa* (Ag), *Miţica* (Ph), *Nasta* (Dj, Gj, Vl), *Nastasia* (Dj), *Nădiţa* (Ag), *Năsturica* (Gj, Vl), *Neacşa* (Ag, Dj, Ph, Vl), *Neaga* (Ag, Bz, Tr, Vl, Gj), *Negoiţa* (Bz), *Negoslava* (Ph), *Negruşa* (Br), *Negruşca* (Il), *Nica* (Gj), *Nona* (If), *Oana* (Ag, Bz, Dj, Gj, Ot), *Odrica* (Dj), *Olea* (Ag, Db, Vl), *Olga* (Vl), *Oleniţa* (If), *Olimpia* (Bz), *Opriţa* (Gj, Mh), *Panaghia* (Db), *Parasca* (Ph), *Paraschiva* (Cl, Gj), *Păpuşa* (Ag, Gj, Vl), *Pătruţa* (Dj, Vl), *Păuna* (Ag, Db, Dj, Gj, Il, Mh), *Petra* (Gj, Mh), *Profira* (Db), *Rada* (Dj, Gj, Mh, Ot), *Rădiţa* (Ot, Vl), *Răduţa* (Gj), *Răfăila* (Dj), *Safta* (Dj), *Sanda* (Vl), *Sara* (Gj), *Săvătia* (Ot), *Sida* (Vl), *Sinca* (Vl), *Slăvuţa* (Gj), *Smaranda* (Dj), *Stana* (Gj), *Stanca* (Dj, Gj), *Stăncuţa* (Gj), *Sulfina* (Dj), *Şerbana* (Vl), *Ştefana* (Vl), *Tica* (Gj), *Tita* (Dj), *Tiţa* (Vl), *Tofia* (Ot), *Tolia* (Gj), *Tudosia* (Mh), *Tutana* (Dj), *Valica* (Dj), *Vica* (Gj), *Vlăicuţa* (Dj), *Voica* (Mh, Vl), *Voislava* (Dj).

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[14] Referring to some toponyms with feminine anthroponymic base, Emilian N. Bureţea showed that names as "*Cârna, Creaţa, Ianca* etc., we do not consider they could be regarded as having their origin in the corresponding feminine anthroponyms, but, moreover, in the anthroponyms *Cârnu, Creţu, Iancu*, formed with the toponymic suffix *-a*, which has a possessive value, the initial meaning of the name being, as a consequence, the one of «the estate, the pool or the settlement (village) of a person called *Cârnu, Creţu, Iancu*»" (*Contribuţii la studiul toponimiei româneşti*, Craiova, Universitaria Publishing, 1995, p. 88). Therefore, it is not necessary to analyse each singular toponym, in order to identify its origin, an activity which is not always easy to perform.

[15] The toponym can have as a basis a feminine first name and, in the same time, a masculine one, with the suffix *-a* (*moşia lui Cosmin*) (the estate of Cosmin).

[16] The toponym *Floarea* (along with *Floricica*) can have double etymology: from the anthroponym, or from the homonym common noun (*flower* in English).

B. **Complex structures**:

– *entopic term + nominative first name*: (the hayfield) *Fâneaţa Marina* (Ph); (the estate) *Moşia Bianca* (Ph), ~ *Suzana* (Ph), ~ *Simona* (Ph); (the hillock) *Movila Sultana* (Cl); (the islet) *Ostrovu Paraschiva* (Cl); (the forest) *Pădurea Bălaşa* (Db), ~ *Ileana* (If), ~ *Mara* (Db), ~ *Rada* (Ag), ~ *Bogdana* (Il), ~ *Bogdăniţa* (Ph), ~ *Brânduşa* (Db), ~ *Domnica* (Ph), ~ *Florica* (Bz); (the stream) *Pârâu Dochia* (Ph), ~ *Catrina* (Ag), ~ *Dumitrana* (Vl), ~ *Ioana* (Gj), ~ *Tina* (Ag); *Podu Jana* (Tr), ~ *Măriuţa* (Cl); (the glen) *Poiana Catarina* (Ph), ~ *Cârstina* (Ph), ~ *Cristiana* (Ph), ~ *Stana* (Ph), ~ *Zinca* (Ph), ~ *Chira* (Db), ~ *Voica* (Ag); (the well) *Puţu Despina* (Db) etc.

– *entopic term + genitive first name*:

1. with enclitic article: (the inn of …) *Hanu Ilinchii* (Db), ~ *Soricăi* (Ag); (the lake of…) *Lacu Puichii* (Tr); (the apple trees of…) *Merii Despei* (Db); (the mill of…) *Moara Marandei* (Bz); (the nut tree of…) *Nucu Dinei* (Ph); *Odaia* (the room of…) *Florii* (Tr); (the tableland of…) *Padina Măndichii* (Tr); *Partea* (the lot of…) *Ilincăi* (Bz), ~ *Margăi* (Tr), ~ *Neacşei* (Bz), ~ *Oanei* (Db), ~ *Stancăi* (Ag, Bz, Ph), ~ *Stanei* (Bz), ~ *Stoianei* (Bz); (the pear tree of…) *Păru Caliţii* (Tr), ~ *Păunii* (Db), ~ *Stanii* (Tr); (the forest of…) *Pădurea Marghioalei* (Db), ~ *Ioanii* (Ag); *Pârâu Chirei* (Bz), ~ *Frusinei* (Ph), ~ *Măgdălinei* (Vr), ~ *Muşei* (Vl), ~ *Angelicăi* (Ag), ~ *Auricăi* (Vl), ~ *Diţii* (Ag), ~ *Dobriţei* (Vl), ~ *Floricăi* (Ag), ~ *Genicăi* (Ag), ~ *Linicăi* (Ag), ~ *Mandii* (Ag), ~ *Mioricăi* (Bz), ~ *Viorelii* (Ag), ~ *Zmarandei* (Ag); (the burnt place of…) *Pârlitura Gherghinei* (Db); (the rock of…) *Piatra Anei* (Db), ~ *Frusinei* (Ph), ~ *Lalei* (Ag), ~ *Rădiţei* (Ag); (the hill peak of…) *Piscu Dochiei* (Bz), ~ *Didiţei* (Ag), ~ *Mădiţei* (Ag); *Pivniţa* (the cellar of…) *Măndicăi* (Ph); (the footbridge of…) *Podu Cristinei* (Db), ~ *Ancuţei* (Tr), ~ *Smarandei* (Ph); (the glen of…) *Poiana Antoanei* (Ph), ~ *Călinei* (Ph), ~ *Dafinei* (Ag), ~ *Radei* (Ag), ~ *Albei* (Ag), ~ *Drăguşei* (Db), ~ *Gherghinei* (Bz), ~ *Ghinei* (Ag), ~ *Joiţei* (Ag), ~ *Miţei* (Ot), ~ *Monei* (Ag), ~ *Nanei* (Ag), ~ *Uţei* (Db), ~ *Zamfirei* (Ag); (the path of…) *Poteca Anetii* (Ag); (the plum trees of…) *Prunii Catrinei* (Ph), ~ *Floarei* (Ag), ~ *Leanchii* (Db); (the well of…) *Puţu Ancuţei* (Il), ~ *Floarii* (Bz), ~ *Ileanii*[17] (Tr), ~ *Mandii* (Db), ~ *Marghii* (Db), ~ *Neaghii* (Ph), ~ *Smarandei* (Ph), ~ *Tinchii* (Bz), ~ *Urâtei* (Ag) etc.

2. with proclitic article: (the ash tree of…) *Frasinu lu Lina* (Ot); (the glade of…) *Poiana lu Gherghina* (Mh, Vl); (the well of…) *Puţu lu Ivana* (Tr), ~ *lu Maria* (Db), ~ *lu Safta* (Db), ~ *lu Tudora* (Br), ~ *lu Vera* (Il), ~ *lu Zamfira* (Ag) etc.

II. *Surnames*:

A. **Simple** (formed with different suffixes, from the husband's name[18]): *-easca* – *Aniţeasca* (Mh)*, Benguleasca* (Gj)*, Călineasca* (Gj, Vl)*, Davideasca* (Vl)*,

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[17] Sometimes, the first names differ in the way they form the genitive: *Floarii / Floarei, Ileanii / Ilenii, Margăi / Marghii, Mădicăi / Măndichii* etc., or by phonetism: *Zmarandei / Smarandii*.

[18] The situations should be analysed differently and individually, because the inherited properties (especially the estates) can form their names through suffixation, from that of their owner.

Panaiteasca (Bz), *Paraschiveasca* (Vl), *Pârvuleasca* (Gj), *Petreasca* (Ag, Db, Dj, Ph, Tr), *Salomireasca* (Ot), *Şerbăneasca* (Gj, Vl); **-oaica** – *Armăşoaica* (Gj), *Băgioaica* (Dj), *Bărboaica* (Gj), *Cristinoaica* (Mh), *Dănoaica* (Dj, Vl), *Diţoaica* (Vl), *Dobroaica* (Dj), *Oncioaica* (Gj), *Predoaica* (Dj, Mh), *Tomoaica* (Gj); **-easa** – *Bogdăneasa* (Vl), *Călineasa* (Vl), *Chirculeasa* (Dj), *Cârnuleasa* (Ot), *Dăneasa* (Gj, Vl), *Diaconeasa* (Dj), *Dumitreasa* (Dj), *Surduleasa* (Mh), *Şerbăneasa* (Vl), *Todoreasa* (Gj); **-oaia** – *Albinoaia* (Vl), *Aricioaia* (Vl), *Avrămoaia* (Gj), *Băcănoaia* (Dj), *Bălănoaia* (Gj), *Băloaia* (Vl), *Băluţoaia* (Gj, Ot, Vl), *Bărboaia* (Vl), *Brânzoaia* (Vl), *Călinoaia* (Vl), *Chiriţoaia* (Dj, Ot), *Dragomiroaia* (Dj, Ot), *Răduţoaia* (Gj), *Turcoaia* (Dj); **-anca** – *Brătăşanca* (Vl), *Deleanca* (Vl), *Pârscoveanca* (Dj), *Piersăceanca* (Vl), *Săceleanca* (Gj); **-oasa** – *Băcioasa* (Dj), *Băloasa* (Dj, Vl); **-aia** – *Stănaia* (Dj) etc.

  B. **Complex structures**:

  – *entopic term + nominative surname*: (the forest) *Pădurea Niculeasca* (Bz), ~ *Andreiasca* (Ph), ~ *Buzeasca* (Tr), ~ *Cantacuzeanca* (Ag), ~ *Călinoaia* (Db), ~ *Ioneasca* (Ag), ~ *Marineasca* (Db), ~ *Silveastra* (Db); (the glen) *Poiana Săvuleanca* (Vl), ~ *Stănculeasa* (Ag); ~ *Ştefănoaia* (Db); (the ravine) *Privalu Dinuleasca* (Br); (the plum trees) *Prunii Mateoaia* (Ph); (the well) *Puţu Ştefănoaia* (Ag) etc.

  – *entopic term + synthetic genitive surname*: (the alder trees of…) *Aninii Popeascăi* (Gj); (the hill peak of…) *Piscu Şerbănesei* (Ph), ~ *Stăniţoaiei* (Ag); *Poiana* (the glen of…) *Bădulesei* (Ag); (the pear tree of…) *Păru Marionoaiei* (Bz), ~ *Turcioaei* (Db); (the well of…) *Puţu Pandeloaiei* (Ag) etc.

  III. *First name + Surname*.

  A. **Simple**[19]: *Cătălina Scurtu* (Tr), *Mica Ţiganca* (Ph), *Stanca Gropileanca* (Vl) etc.

  B. **Complex structures**:

  – *entopic term + first name + surname*: *(in nominative)*: (the plateau) *Podişu Sanda Bucuroaia* (Ph), (the glen) *Poiana Dina Ţiganca* (Ag) etc.;

  – *entopic term + first name in genitive + surname in nominative*: (the inn of…) *Hanu Elenchii Cârlănoaia* (Db); (the lot of…) *Partea Anei Găteşoaia* (Bz), ~ *Ilenei Muşulea* (Bz), ~ *Neagăi Oloaga* (Ag); (the well of…) *Puţu Floarii Ciolan* (Ph), ~ *Leanchii Stăncilă* (Db);

  – *entopic term + first name in genitive + surname in genitive*: (the lot of…) *Partea Ilincăi Clorascăi* (Vr); (the hill peak of…) *Piscu Dumitrei Boieroasei* (Ot); (the well of…) *Puţu Anghelinii Badii* (Tr) etc.

  – *entopic term + article + first name + surname*: (the lane of…) *Linia lu Anghelina Perşinaru* (Bz), (the nut tree of…) *Nucu lu Ioana Dima* (Il); (the foot bridge of…) *Puntea lu Lina Riţa* (Db); (the well of…) *Puţu lu Anca Mihalache* (Il),

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[19] We inserted here the names formed from first name + surname, without other supplementary elements.

~ lu Angelina Perşinaru (Bz), *~ lu Ileana Lunga* (Br), *~ lu Ilinca Ţiganca* (Ag), *~ lu Ioana Gândac* (Il), *~ lu Veta Ionescu* (Ph) etc.

The examples presented above allowed us to make the next observations:

- The simple feminine first names entered into the toponymy through transferring, with the same form as the baptising names had. These are:

– with their proper form: *Aurora, Chiajna, Dăiana, Diana, Dospina, Elisabeta, Eufrosina, Floarea, Ileana, Ilinca, Ioana, Iolana, Irina, Liana, Marcela, Marghioala, Maria, Mădălina, Nastasia, Neaga, Olga, Paraschiva, Safta, Smaranda, Tudosia, Voica* etc.

– diminutives: *Anicuţa, Anuţa, Florica, Ilincuţa, Ioniţa, Marica, Maricica, Mariţa, Măriuca, Măriuţa, Maruşca, Milica, Milioara, Rădiţa, Slăvuţa, Stăncuţa, Vlăicuţa* etc.

– hypocoristic names: *Coca, Dara, Deia, Dia, Dona, Duşa, Frosa, Lala, Lia, Lica, Marga, Mica, Nasta, Nica, Olea, Sanda, Sida, Tica, Tita, Tiţa* etc.

Some of them are formed from the masculine names (*Bogdana, Constantina, Constandina, Dobriţa, Dumitra, Macaria, Neacşa, Opriţa, Pătruţa, Petra, Răfăila, Şerbana, Ştefana* etc.), while other come from nick-names (derived or not) that are extremely old, as people's names, in our anthroponomy: *Albinuşa, Brânduşa, Cârna, Năsturica, Păpuşa, Sulfina* etc.

From the point of view of their origin, the first names cited above are, generally, either laic Slavic names (*Cheajna, Deica, Neaga, Olga, Rada, Stana, Stanca, Voica, Voislava* etc.), or laic Romanian names (*Brânduşa, Floarea, Năsturica, Păpuşa, Păuna* etc.) and ecclesiastic Romanian names (*Despina, Elisabeta, Ioana, Irina, Maria, Marina, Paraschiva, Todosia* etc.).

- In the complex structures, the sur/names can be combined with popular geographical terms (with or without prepositions), and with simple or complex prepositions too. From the point of view of the internal composition, the first pattern selects, syntactically, two modalities of expression: either with the help of the nominative case, or with the genitive. The nominal formulas are more rigid in their construction, being rather formal, while the genitive ones are closer to the popular way of expression.

Moreover, when observing the composed toponyms, formed with the help of genitive – synthetic or analytical (with possessive article, *a, al, ± lui*) –, we notice that it actually represents the old popular formula of denomination, according to which the establishing of an individual's identity was done, by relating it to the person recognised as the head of the family. Being either in one of the hypostasis or another – of dependency or official supporters of their households – the women were "caught", nominally, in many of these structures, which have been preserved since nowadays in the toponymy. Here are several of the examples classified, this time, according to the relations inside the family group:

– a masculine person is related to a feminine one: (the clearing of…of…) *Curătura lui Mihai al Ioanei* (Vl); (the beehive of…of…) *Ştiubeiu lu Gicu Stanchii*

(Gj), ~ *lu Ion al Dinii* (Mh), ~ *lu Ion al Stanii* (Gj), ~ *lu Melache al Aniţî* (Mh), ~ *lu Nicu Bălaşii* (Mh), ~ *lu Oane al Ioanei* (Vl); (the forest of…of…) *Pădurea lu Dumitru a lui Mihai al Mândri*[20] (Gj), ~ *lu Nicolae a lu Maria* (Gj); (the cellar of…of…) *Pivniţa lu Niţă al Vetii* (Gj); (the spring of…of…) *Pârâu lu Gheorghe al Anii* (Gj), ~ *lu Petru Ioanii* (Gj), ~ *lu Voicu Anghelinii* (Gj); (the place of…of…) *Plaţu lu Mărin al Floarii* (Mh); (the footbridge of…of…) *Podu lu Radu Păunii* (Vl); (the glen of…of…) *Poiana lu Ion a Maricăi* (Vl); (the land of…of…) *Pomostu lui Dumitru Catrinii* (Ag); (the well of…of…of…) *Puţu lu Gheorghe al lu Ion al Radii* (Tr), ~ *lu Marinică al Savinii* (Cl), ~ *lu Petru al Fănichii* (Gr) etc.;

– a feminine person is related to a masculine one: (the commons of…of…) *Islazu Gherghiţei Sandului* (Ot); (the beehive of…of…) *Ştiubeiu Linii lu Florea* (Gj), ~ *Leanii lu Albéi* (Dj), ...); (the well…of...) *Puţu Frusina lu Vasile Radu* (Db), ~ *Stanii lu Iordan* (Il); (the vineyard of…of...) *Via Măriei lu Păun* (Gj); (the lane of…of…) *Uliţa lu Ioana lu Cică* (Dj), ~ *lu Veta lu Chesan* (Mh) etc.;

– a feminine person is related to another feminine one: (the land of…of…) *Ocina*[21] *Neacşei a Leroaei* (Bz), (the hill peak of…of…) *Piscu Rusandrii Dinii* (Gj); (the glen of…of…) *Poiana Linii Catrinii* (Ot); (the well of…of…) *Puţu Saftii Anii* (Db), (the beehive of…of…) *Ştiubeiu Floarii Păunii* (Gj) etc.

• The formula becomes even more complex when there are introduced factors on addressing the location or the direction, expressed with simple or complex prepositions: (at…'s of…) *La Dumitru Smarandii* (Db), (spring from…of…) *Pârâu de la Niţă al Tiţii* (Ag), (around the corner, at…of…) *Pe Colţ la Maria lu Nae* (Ph), (around the corner, at…of…) *Pe Colţ la Ţaţa Vasilica a lui Morărică* (Ph), (on the lane, at…of…) *Pe Uliţă la Ţoi al Vetii* (Vl), (nearby the footbridge of…) *Pe la Pod pe la Sabina* (Ag), (nearby…'s place, up the hill) *Pi la Ioşculeasca în Dial* (Vl), (the footbridge from…of…) *Podişca de la Miţa lui Păun* (Tr), (the footbridge from…of…) *Podu dă la Gheorghe al Voichii* (Ag), (the glen from…of…) *Poiana de la Maria Smarandei* (Ag), (the glen from…of..) *Poiana de la Mărioara lu Matei* (Ag), (the well from..of…) *Puţu de la Anica Circăloii* (Ag) etc.

In most of the prepositional constructions (either simple or complex), the feminine anthroponym already fills the position of toponym, before the adding of the preposition ([at] *La Niculeasa* – Tr, *La Norica* – Bz, *La Olimpia* – Tr, *La Miţa Mustăcioaia* – Ag, [in] *În Cârjoaia* – Ag, *Pe Eliza* – Bz, [on] *Pe Popeasca* – Ag, *Pe Mălina* – Ag, *Pe Safta* – Dj etc.) or is a part of a more complex structure[22] ([at the pool at…of…] *La Baltă la Nae al Saftii* – Dj, [the forest from the hill peak

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[20] The identification can continue up to the third generation (the anthroponym *Savu Sandu Ghenea Iorgu,* for example, gathers the first name of the person, *Savu*, then, the first name of the father, *Sandu*, the grandfather, *Ghenea*, and the great-grandfather, *Iorgu*).

[21] In few cases, the names are not followed by the entopic term: *Mioara Viţulesei* (Ph), *Oprica Voichii* (Ag).

[22] Where there can be joined two simple prepositional structures or entopic terms followed by prepositions.

of…] *Pădurea din Piscu Dochiei* – Bz, [on the filed at…of…] *În Plai la Marina Radului* – Db, [the layland round the wall of lady…] *Pârloaga de la Zidu Doamnei Neaga* – Bz, [around the corner at….'s] *În Cot la Profira* –Tr, [on the estate of…] *Pe Moşia lu Elena Ciutuleasa* – Il etc.), in which there is also used as a toponym, anterior to the process when the other elements had been merged.

• Some toponyms – yet reduced in number and variety, as comparing to the ones presented above – were formed from the feminine names that emerged from the appellations that were showing the ethnic and the social belonging, or indicating the profession: *Poiana Unguroaica* (Ph) (the glen of the Hungarian woman); *Pârâu Călugăriţa* (Ag) (the spring of the nun), ~ *Principesei* (Ag) (…of the princess), ~ *Preotesei* (Ag) (…of the clergyman's wife), ~ *Olăresei* (Ag) (…of the potter woman), ~ *Oltencii* (Ag) (…of the woman from Oltenia); *Pădurea Domnişoarei* (Ph) (the forest of the miss), ~ *Domniţei* (Ph) (…of the lady) etc. The statute of the proper noun is going to be established here after the investigation of each situation; this is due to the fact that the toponymy registers numerous similar cases, in which there is a common noun on the second place – *Piatra Jupânesei* (Bz) (the rock of the boyar's wife); *Pietrele Doamnei* (Ph) (the rocks of the lady), ~ *Fetei* (Bz, Vr) (…of the girl); *Plaiu Croitoresei* (Db) (the field of the dressmaker); *Podu Doamnei* (Gr) (the footbridge of the lady), ~ *Jupânesei* (Ph) (…of the boyar's wife); *Poiana Doamnei* (Bz, Ph) (the glen of the lady), ~ *Preotesei* (Ph) (…of the clergyman's wife), ~ *Reginei* (Ph) (…of the queen) etc. – and not an athroponym.

• Another category (also reduced in volume) of anthroponyms present in toponymy, is made of feminine nicknames, which became surnames later: *Bălaia* (Dj) (the fair-haired woman), *Beteaga* (Vl) (the crippled woman)*, Cioanta* (Mh) (the one-handed woman)*, Ciorâca* (Dj, Mh) (the crowish-looking woman)*, Coţofana* (Dj, Vl) (the magpie woman)*, Coţofanca* (Mh) (magpie-looking woman), *Oarba* (Dj, Ot, Vl) (the blind woman), *Şchioapa* (Vl) (the limping woman), *Şchiopana* (Gj) (the lame woman) etc. They entered into the anthroponimy "thanks" to the person's deficiency, and into the toponymy, probably due to her attendance to a happening/event that led to the transfer of the nickname towards a specific place.

• Few toponyms are based on anthroponymic constructions, which include terms that express the kinship or the addressing names: *Piscu Mătuşii Floarea Meleroaia* (Vl) (the hill peak of aunt…), *Dealu Mătuşii Floarii* (Vl), *Baba Floarea* (Vl) (grandma…), *Baba Ioana* (Mh) (grandma…), *Baba Lupa* (Dj) (grandma…), *Baba Nedela* (Dj) (grandma…), *Baba Neta* (Gj) (grandma…), *Baba Opriţa* (Dj) (grandma…), *Baba Rada* (Dj) (grandma…), *Baba Stana* (Dj) (grandma…), *Pădurea Baba Nastasia* (Il) (the forest of grandma…), ~ *Baba Ana* (Il) (grandma…); *Pădurea lu Coniţa Stănculescu* [s. Beneşti c. Bălceşti-Vl] (the forest of lady…); *Pârâu Baba Dobroaia* (Bz) (spring from grandma…), *Podu lu Baba Iovana* (Dj) (the footbridge of grandma…), *Puţu Ţaţei Păuna* (Ph) (the well of aunty…) etc.

● There are situations when the name was simplified, through the loss or the renouncing to one of the terms: for example, in the village of Ociogi, the commune of Brâncoveni (Olt), a place is named *Rachirii* (from *Rachira*); the form of genitive indicates the fact that at some point there was also an entopic term[23] that, in time, was omitted.

● The feminine anthroponyms enter into the toponymy through the masculine group names or patronyms. Therefore, we came across, in the analysed material, with names as *Ancuţeşti, Anuţeşti, Catrineşti*. In these cases, the family was constituted around a woman – *Anca, Anuţa, Catrina* – whose first name all the successors related to. Other toponyms got their names from a masculine anthroponym, derived from a feminine one *Săftoiu* (Gj), *Dealu Saftu* (Ag) (the hill…), *Dealu Brânduşu* (Mh) (the hill…), *Lazu Frusinoiu* (Ph) (the clearing…), *Catrinoiu* (Bz), *Golu Catrinoiu* (Ph) (the layland…).

The more frequent the names – feminine, in our case – are, the bigger the chances to enter into the trans-onimisation become. Nonetheless, the mentioned criterion is not a decisive one. In toponymy, there are also present factors that relate to "socio-historic aspects, among which the form of property might play the essential part"[24], to the degree of participation of the women in the life of a community, to their position inside the family and, not at last, many toponyms (especially micro-toponyms) can appear by chance[25]. However, as the situation evolved and the social circumstances changed, "there is not present anymore, as it used to be, a relation of filiation between the founder of the village and its dwellers, or one of property between the landlord and estate, but it is respected a member of the family, a friend etc. [26]. Not being considered the juridical and economic relations, the gender, such is the civil status of the "godfather" does not matter anymore"[27].

The studying of the feminine anthroponyms presents great interest nowadays, for at least two reasons: their presence/absence reflects the role and the place that the women had, during certain periods of time, inside the family and the society, fact that ought to caught the attention of the sociologists; if we consider the history and the evolution of the personal denomination, we can observe the extent and the form of their participation to the shaping of this system. Moreover, the toponymy preserved names that display the past occupation of women and, from this point of view, the ethnography should also have an interest in.

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[23] In *Nume de locuri din Banat* (Timişoara, Facla Publishing, 1982, p. 99), Vasile Ioniţă showed that certain toponyms were formed, in an initial stage, from at least two members: "In time, there was used only the determinant, the appellative remaining implied (Village of) *Cireşu*, (Village of) *Cuptoare* etc.; (Valley of) *Strâmbă*, (Mountain of) *Ţarcu* etc.".

[24] Ion Toma, *Toponimia Olteniei*, p. 65.

[25] There is a certain occurrence, after which the sur/name of a person is associated with that specific place.

[26] Iordan, I, *op. cit.*, p. 177.

[27] *Ibidem*, p. 177.

SHAKESPEARE IN EMINESCU'S VISION

Diana COTESCU[*]
Tudor NEDELCEA[**]

Abstract: Eminescu proved that he was a professional analyst of universal and comparative literature, an authentic interpreter, anticipating the great teacher-scholars of the twentieth century (Tudor Vianu, Eugen Lovinescu, George Călinescu, Zoe Dumitrescu-Buşulenga, Edgar Papu etc.). In his view, Shakespeare is a role model.

Keywords: Eminescu, Shakespeare, literature, Romanian's, culture, geniouse.

Shakespeare and Eminescu are two tutelary genius, whose creative authority has been consolidated by posterity. It is interesting to note, however, Mihai Eminescu, the Romanian national writer's view about the greatest playwright of all time, Englishman William Shakespeare, whose work the author of "Evening Star" has met not only by German translations, but the creation itself into the original English language.

Perpessicius, an exegete and editor of Eminescu poems, noticed, with arguments, the findings of praise but deserved at Shakespeare, placing our poet, especially through the "Letters" and "Evening Star", "The right word", between Shakespeare and Fr. Villon. Because, Perpessicius comments "this outpouring of poetry throughout thrilled that tremble in the writing of Eminescu, the area of a lake caressed by the rays of the world, there is continuous presence of air spirit, an Ariel inspired and inspiring, that animates Eminescu's most beautiful pages, and this spirit is Shakespeare «It seems that the genius of Shakespeare breathed divine brit a new angel on earth lunatic, one new Ophelia» is written in place of «Poor Dionis», and our impression is that this image could become a true flagship, until one is present as «the breathing» Shakespearean genius in poetry and literary prose of Eminescu. A closer look elsewhere shows not only the rich and references to Shakespeare's name, but even the presence of a true Eminescu Shakespearian cult".

Studying closely Eminescu's creation (poetry, prose, drama, journalism), as Eminescu's publisher urges us, who wrote pages of deep understanding for

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Shakespeare, we can say, from the very beginning, that Shakespeare's influence was not decisive in Eminescu's creation and thinking – the Eminescologists discovering stronger foreign influences, but the presence of a cult of the British writer.

Active member of "Junimea" led by Titu Maiorescu, Eminescu has very exciting literary views about the creation and the role of popular literature, putting, for each European national culture, the tutelary genius: Shakespeare for Great Britain, Goethe for Germany, Dante for Italy, Cervantes for Spain, Hugo for France, even in music, Beethoven's musical genius is appreciated praise, this axiological hierarchy remaining valid today.

A question imposes itself: Eminescu read the original works of Shakespeare or by intermediate German and French editions? In other words, our poet knew English? Opinions are divided: George Călinescu believes that Eminescu was not been able to speak English", Al. Duțu that Eminescu did not know or knew very little English. On the opposite pole, Vladimir Streinu wrote that Eminescu was a persistent English' reader, Mark Beza believes that Eminescu was Shakespeare's original reader with influence in "Emperor and Proletarian" (from "King Lear"), "Mortua Est" and "The Brazen Bells of Midnight"… (from "Macbeth", "The Storm", "Hamlet") and Leon D. Levitchi appreciate that "[...] Eminescu speaks English at some level and in a sense that was guided mainly by the original and not by German and French's translations, which seems a plausible opinion".

Shakespeare was known to the public in the Romanian countries since the late eighteenth century, when there has been played some of his dramas, Caesar Balbac, Ion Heliade Rădulescu, Constanța Duma, Grigoriu Moldovan have written about him, his biography, written by Le Tourneur, was translated by Thomas Alexander Bagdat, fragments of his work have appeared in magazines such as "Ilustrațiunea", "Amicul Școalelor", "Tribuna".

The first information about Shakespeare were found by Eminescu in ET Rőtscher's treatise "Art of dramatic representation", which he translated to Pascaly Michael's request, the band in which he was prompter. This translation started in 1868 and Shakespeare is considered to have a brilliant artist's nature, "Microcosm's creator".

Consecrating one's obituary, after his death on April 9, 1871, Eminescu notes the paper "Treaty of filosofia art" in which Theodor Henrich Rőtscher has endeavoured to establish aesthetic stage art bolder [...] on the rapport of philosophy in works of art, an analysis of Shakespeare's and Goethe's major tragedies.

Also regarding the influence of Shakespeare in Eminescu's creation, opinions are divided. From the exaggerations of D. Murărașu concerning sources in some Eminescu's poems, "izvorâstii" as G. Călinescu called them, giving, however, evidence of scholarship, scientists have demonstrated a genuine scientific interest, comparative research, or simply excluding some parallels transmission of the themes' or ideas' concordances.

In Shakespeare's creations are images, themes or motifs such as:

a) life as a dream (from Hamlet: "dream of a shadow and the shadow of a dream") in "The Poor Dionis", "Memento Mori", "The Brazen Bells of Midnight"…, "Emperor and Proletarian", "The First Letter", "Andrei Mureşanu", "Standing at the window", "Day-and day he added me", "Sleepy Birds", "Sweet Girlfriend, Oh Leave Me", "I do not think either in Jehovah", "Shadow of Istrate Dabija Voevod", "O-wisdom, you have wings of wax!", "Melancholy";

b) the world as a theatre (of "Hamlet", "Merchant of Venice", "The storm", "As You Like") especially in "Gloss". But, as Stephen Avădani justifies, the presence of these motifs and themes in other literature "simultaneously or sequentially, can be explained firstly by the existence of archetypal patterns of thought and feeling – so pure parallels or analogies".

According to G. Călinescu, Misanthrope Timon of Athens is "akin to Eminescu pessimistic" and "Athenian Timon's influence [pharaoh TLA Avatars nn] is evident", as "Mortua Est" "meanings are closer to the Shakespeare's drama (Hamlet), whose hero finds the revenge human values and, consequently, the nonsense of life in a badly-made world".

Other similarities can be made between the couple Bogdana – Sas in "Bogdan- Dragoş" and Lady Macbeth from the play with the same name, between the feminine character of Mira and Ophelia from "Hamlet", evoking "the old King Lear" in "Emperor and Proletarian" etc., but with all these Shakespeare echoes one can said that at Eminescu we can talk not only about taking influences, which would alleviate the damaging problem, but about congeniality" because Eminescu "plainly not only the tragic sense of Shakespeare's creation (although allusions to these meanings are the most common), but also did he decipher the resonances of a Renaissance stage", as with Falstaff's reply translation of Henry IV.

To Shakespeare, Eminescu does not only predict the value of his genius as a national symbol, but also has a cult, as he expressed himself in the poetry "Icon and Sill": "I also feel the charm and I admire in my soul / The way Shakespeare used to admire once with his big eyes'".

He dedicated him an odd, in 1876, at his 26 years old, in "Books" poetry, which expresses his feelings of appreciation and love:

> *Gentle friend of my soul*
> *The full font of your chants*
> *Flashes in my thought and I repeat it again.*
> *You are so cruel, and so soft,*
> *Today is storm and gentle is your voice*
> *As God you show yourself in a thousand of faces*
> *And learn what a century can't learn you*

In the same admiring tone he continues the characterization in the next three stanzas:

"For all that I feel, is evil or good / I feel Pretty-all-you-thank you / You have opened my eyes light, / I've learned to read the word, / being wrong as you, I love mistake: / to be like you is all my pride".

Tudor Vianu concluded, from comparative studies, that in some Eminescu's poems is "the astonishing reflection of the greatest English poet's genius into the greatest Romanian poet genius" and Zoe Dumitrescu Bușulenga signals "the catalytic influence of the English genius into the Romanian's genius".

Eminescu was planning to write a play about the Romanian ruler Alexandru Lăpușneanu, taking Shakespeare as a model: "From Alecsandru Lăpușneanu it could be made a Romanian Macbeth especially if you use the last act of Negruzzi's novel" notes Eminescu. That Eminescu knew and appreciated Shakespeare's creation, it is proved by the next scrap on Shakespeare and national art,

"Shakespeare spoke of a man, the man how it is His drunker is a drunkard, his hero, his madman is insane, his sceptic is sceptical and every man is bemired with the collaboration of his character, because The People conceive the way he sees and Shakespeare belonged to his people, par excellence".

Admirable appreciation for a national writer!

In a letter to Iacob Negruzzi, on 17 June 1870, Eminescu takes up the idea of Epigones: "Our ancestors believed in what they wrote, as Shakespeare believed in his fantasies".

In prose, "the divine brit" appears in the novel "Poor Dionis", novel read in the literary club Junimea on 1 September 1872, kept at Titu Maiorescu's home, featuring Vasile Pogor, Iacob Negruzzi, N. Gane, Miron Pompiliu, A.D. Xenopol.

Shakespeare's name appears on the scene of Dionysus' house, in front of which was a beautiful white house at night, and through the window one can hear "sweet notes of a piano and a shattering young child's voice wafting a lightsome prayer". Opening his eyes, Dionis saw a "flapper girl dipped in a white robe, quivering with her twiggy fingers, long and sweet, the ivories of an acoustic piano, accompanying a slight sounds of the divine notes of its sweet and soft voice. It seemed that Shakespeare's divine genius breathed a new angel on earth lunatic a new Ophelia".

The same text is repeated in Eminescu's novel "Empty Genius"[1] which was written, according to the correspondence between the poet and Iacob Negruzzi, between 1868-1871: "Then I started writing my novel partially regarding the immediate impressions after 1868, at a time when I was in Bucharest, and partially after an episode I was told by a student at Transylvania"[2].

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[1] Novel printed by Ion Scurtu, as original novel, with a critical introduction and notes, Bucharest, Chart Institute "Minerva", 1904, XXXV, p. 183. The text in which Shakespeare appears in M. Eminescu, *Works*, VII, p. 183. See also ms. In 2255.

[2] I. E. Torouțiu, Gh. Cardeș, *Literary studies and documents*, I, Bucharest, Institute of Graphic Arts "Bucovina", 1931, p. 321-322 (*apud* D. Vatamaniuc, notes to Eminescu, Works, VII, p. 356).

In the novel, the foreign writers who are further quoted are Al. Dumas, Torquato Tasso, Jókai Mór and in the quoted letter, Eminescu refers to his trip to Blaj, in 1866, which offered him information about the Revolution of 1848[3].

In journalism, Shakespeare is often quoted as an exemplifying model for justification of relevant statements in various fields.

For instance, advocating for the establishment of a national theatre (an idea "just as beautiful as it is useful"), with an appropriate repertoire, an idea supported by Iosif Vulcan and by the press of that time in Transylvania, Eminescu proposes a repertoire of works that serve the national idealism, that send a message, even if they don't have a special aesthetic value.

He makes use of the "public's patience with regard to the enumeration of a list of our dramatic inheritance" V. Alecsandri (partially), V.A. Urechia, B.P. Hasdeu Samson Bodnărescu, Al. Depărăţeanu. Interesting is the fact that he does not recommend the works of D. Bolintineanu (whose poetry is a composition "full of genius and heart [...] gold mirrors of the Romanian past"), because in drama, it "seems to be the case of casting his eyes on the Northern genius: on Shakespeare".

With objectivity, he criticizes the difference in value between the two writers, offering the opportunity to characterize the author of "Hamlet":

> "Indeed, when you take his works in your hands, they seem so torn, no links to one another, and it seems that there is nothing easier than writing like him, in fact maybe even surpassing him. But there might not have been another tragic author than Shakespeare who had dominated his work more, who had woven with more awareness all the threads of his work precisely because it only seemed to be torn as a more experienced eye could soon realize the unity full of symbolism and profundity that reigns in all creation of this powerful genius. Goethe – a genius – declared that a playwright who reads yearly more than one of Shakespeare's plays is a playwright ruined forever. Shakespeare should not be read, but studied, in such a way that you can discover what your power does not allow you to imitate, because, in my opinion, Shakespeare's land, on which Mr. Bolintineanu could have successfully stepped, is that of abstraction as in «A Midsummer Night's Dream», «Winter's Tale», «As you like it» etc, and not that of a serious and terrible land, the matter of historical relevance, and most of all the pretension to be above all true"[4].

"With a clearer vision", stepping through the creation of geniuses such as Shakespeare, Goethe and Hugo, Eminescu responds to potential allegations of misunderstanding of these world literature classics: there should be a higher degree of public cultural education, and Romanian playwrights should understand the need to subordinate themselves to «their nation» and "the models in that regard are the Spanish playwrights, Shakespeare, and a Norwegian author, perhaps too hardly known to the Romanians and that is playwright B. Bjornson"[5].

Because, Eminescu continues his demonstration in the article signed and published by him in "The Family" of Iosif Vulcan[6], a genuine playwright is one

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[3] See also Tudor Nedelcea, *Eminescu, the historian*, Craiova, Fundaţia "Scrisul Românesc", 1998.
[4] *Ibidem*, pp. 85-86.
[5] *Ibidem*, p. 86.
[6] "Family", VI, no. 3, 18/30 January 1870, pp. 25-28.

who "by meeting the size and beauty, purity and true Christian piety, stands completely out of his exclusive circles consisting of only some social classes in order to reach the great and powerful abstraction of the people".

Being an authentic dramatic chronicler, Eminescu applies an aesthetic and critical judgment to the dramatizations of the "attic" novels or "boulevard dramas" as a result of reading Aristotle and Rötscher, his model being also Shakespeare:

> "We do not believe that a cruel and realistic representation of the bodily weaknesses is the mission of dramatic art. It is true that of all the infirmities only two do not offend the spirit of drama, but only through the silence they inspire: blindness and madness. «Both of these characteristics may be depicted in the tragedies of the oldest writers and in the works of the greatest poet: in Shakespeare's King Lear or in Hamlet»"[7].

When continuing the axiological considerations of universal drama, he notes that the Spanish have *"from age to age a few isolated geniuses",* while the tragic Greeks and the French *"have got very far"* and this is "the time of Molière and Shakespeare" [8].

According to this aesthetic principles Eminescu criticizes the growing number of translations and transpositions on stage of mediocre dramatic writers, recommending classical works to the Romanian translators, apart from emphasizing the value of authentic folk as I. Creangă did,

> "the translation of written work without value is the easiest work which dispenses the writer from his own production and from interpreting the meaning of words. A translation of Shakespeare, Molière or Goethe is a merit, because the form and meaning are so intertwined, that the translator must interpret word by word and phrase with phrase"[9].

Being preoccupied with creating a quality repertoire for a national theatre, with a "capital of roles appropriate for the talent and physique" of the actors, with "a capital of good plays", especially Shakespeare's and Molière's, Eminescu proposes a capitalization on the experience of the Burgtheater in Vienna (where he used to go frequently), "a theatre of the court" just as he wanted to be the theatre in Iaşi ("a home for national art"), because "art is serene and eternal. The plays of Shakespeare and Molière's comedies may be put on stage even after thousands of years and they will be heard with the same keen interest because human passions always remain the same"[10].

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[7] Theatrical magazine "Courier de Iaşi", IX, no. 139, December 22. 1876, p. 3, Works, IX, p. 293.

[8] *Ibidem*, p. 294. Eminescu translates the study of Heinrich von Treitschke (1884-1896), Ein Wart Judenthum über Unser, regarding the fate of Jews in Germany and Europe, Shakespeare is mentioned in this paper as opposed to religious tolerance from the sage Lessing Nahan (*Readers of newspapers* ..., in "Time", V, no. 21, January 26. 1880, p. 1, X works, publicist, November 1. 1877-15 February 1880, Bucharest, RSR Academy Publishing, 1989, p. 401.)

[9] New sheet in the "Courier de Iaşi", X, no. 1, January 5, 1877, p. 3, Works, IX, p. 298.

[10] Theatrical magazine "Courier de Iaşi", X, no. 31, 20 March 1877, p. 3; *Works, IX*, p. 350.

But, in order for these dramas to endure time, it is necessary that their translation into Romanian to be closer to the original value. From this point of view, Eminescu brings critical arguments to one of the most active translators of Shakespeare's works (in addition to Scarlat Ion Ghica şi Haralamb G. Lecca), Adolf Stern, who translated "Hamlet, Prince of Denmark" (in 1877 and 1905), "Julius Caesar" (1881), "King Lear" (1881):

> "Among the many misfortunes that the famous swan of Avon encountered, we can also enumerate the translation into five iambic feet that Adolf Stern, a man of letters from Bucharest, applied to the melancholic Hamlet. Who will translate Mr. Stern's gibberish into Romanian – that's the question?"[11].

Even the actors who have interpreted Shakespearean characters are not spared from his critical scrutiny. The Italian actor Ernesto Rossi (1827-1896) offers him the opportunity to do that; he was on tour in Iasi, in January 1878, with the plays: "Romeo and Juliet", "Othello", "Hamlet", "King Lear", "Richard III", "Macbeth", and, though famous in his country, he could not step up to Shakespeare's level of creation. Spectator at these performances, Eminescu discusses the representative art of universal drama, because a play, "but especially one of Shakespeare, is a work of art, in which all characters are so meaningful that they should be played by great artists" taking into account, however, that

> "one may never find a group that actually meets the expectations of so many excellent artists so that the whole work of art can be as fit as a bass-relief in which no figure should stand out of the edges that separate the statue, isolated from the bas-relief"[12].

From this point of view, he is aware of a discrepancy between Rossi's play and his team, which has – in Eminescu's opinion – to act as an orchestra, while Rossi plays his role as the main instrument. With no other opportunities, the dramatic chronicler of the "Time" becomes more concessive, given the electrifying atmosphere of the public in Iaşi:

> "But as we are thankful for any true art, we give up the idea of seeing Shakespeare performed as a whole, that's what we see with the eyes of our soul, and we declare ourselves overly defeated by the strong play of the great Italian master".

Classical culture has, in his opinion, an important role for any country – especially for Romania – for worldwide recognition and, therefore, classical education must be at the grounds of any school reform. In the official newspaper of liberal civilized polemic "The Romanian", Eminescu criticizes harshly Emil du Bois-Reymond, his former professor of physiology at Berlin, who claimed that "all ancient culture is built on sand"[13]. By denying the role and value of traditional

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[11] Shakespeare, in "Courier de Iaşi", X, no. 45 May 1877, p. 4; Works, IX, p. 373.

[12] Rossi's performances in "Time", III, no. 22, January 28, 1878, p. 3, Works, X, p. 42.

[13] D. Jules Ferry, seems to us ..., in "Time", V, no. 177, August 9, 1880, p. 1-2; Works XI, Journalism. 17 February -31 December 1880, Bucharest, RSR Academy Publishing, 1984, p. 293.

culture – an idea taken up by liberals – du Bois has compromised himself, because, Eminescu maliciously comments,

> "if Goethe lived, he would not write Faust, but he would be a parliamentary, and today Homer would be an apprentice pharmacist and Shakespeare would be an editor at The Telegraph. Here is the evidence presented by the government in favour of limiting classical studies"[14].

In his famous study, "Old Icons and New Icons", Part III, "The Old and The Young", Eminescu formulates theories, with compelling arguments, about the primacy of work that must underpin the development of culture and civilization and thus raise the individual's intellect, the need for productive work, using in this mainly economic and social study, the name of Homer, Kâlidasa, Shakespeare, Raphael, Palestrina, Beethoven, Ștefan cel Mare, Mihai Viteazul, Matei Basarab, Vasile Lupu, Grigore Ureche, Miron Costin etc.

Starting from the concept:

> "Just as life consists of movements, so is social truth, the mirror of reality, forever in motion", because "what is true today, tomorrow is doubtful and not only human fate goes up and down the wheel of this world, but ideas too"[15], Eminescu finds that only art is constant, and "that is a strange thing, meaning not what benefits the people, but what people need for their personal pleasure"[16]. In this gallery of artistic geniuses Shakespeare is also mentioned with justification: "We are still so pleased with the creations of the greatest poet that has lived on Earth, Shakespeare's creations, and we enjoy their beauty, and even perhaps more than his contemporaries"[17].

Starting from the same idea of the primacy of work, which must be based on productive capital, Eminescu notices the "*social decomposition*" in Russia, where "*positive classes*" are deprived, and "*brutal materialism*", created by Karl Marx, takes the place of old beliefs and of Christian civilization. In art, Eminescu explains that "the elegant style of Renaissance architecture, the greatest Gothic style pales in front of the monotonous style of barracks for rent, Shakespeare and Molière resort to ironies and dramatic works of incest and adultery, Offenbach and cancan drive away Beethoven and Mozart"[18]; it is a sad, decadent era, when "great ideas become dusk, the gods die," because of a "general economic corruption"[19].

In other political articles, Eminescu finds the opportunity to make reference to Shakespeare. For example, while speaking about the English government, a supporter of the Ottoman Empire, and about the British liberal opposition which organized protest meetings against the Turkish atrocities in the Balkans, Eminescu quotes from "Henrich IV", Part I, Act III, scene 7 (a play with a very limited access in the nineteenth century):

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[14] *Ibidem.*
[15] Old and New Icons in the "Time", II, no. 281, December 14. 1877, p. 2-3, Works, X, p. 22.
[16] *Ibidem.*
[17] *Ibidem*, p. 23.
[18] *The other day, Monday morning ...*, in "Time", V, no. 73, April 5. 1879, p. 1-2; Works, X, p. 214.
[19] *Ibidem.*

"All of them promise religiously to the public that they will give the impression of the immortal Sir John, of the admirable Sir John Falstaff, as he was described by Shakespeare: the divine Sir John who has not seen his knees for many years because he is thick and fat and who has gained his enviable size only due to ... his sentimentality"[20].

Commenting on the new literary direction of the "Press" magazine Eminescu quotes the lyrics, *"For Brutus is a man worthy of esteem / worthy of esteem are all of course*, as Shakespeare the master says"[21].

Parodying the liberal ambassador Ştefan Belu, nicknamed Pandarus, sent by the Bucharest government to the wedding of the Grand Duke of Luxembourg, Wilhelm III, King of Holland (1849-1890), Eminescu refers again to the great British writer: "in a lesser-known drama of Shakespeare, entitled Troilus and Cressida, there is an elderly gentleman who manages to bring peace to the hearts of the two sighing turtledoves in Troy, by welcoming them into his house", a clear reference to welcoming Jesus in the house of Martei, and he concludes: "the hospitality of a woman was an ancient virtue, while in the case of lord Pandarus it was an ancient vice"[22].

Similarly, in order to highlight the "division and hatred between citizens of the state, for the fiction and the demagogue gentlemen's honest cheeks" who deny meritocracy, Eminescu calls for the "immortal Shakespeare"[23] quoting the lines of Ulysses in "Troilus and Cressida" (Act 1, scene 3).

Although he was in a constant dispute of ideas with the official newspaper "The Romanian" and with the Liberal government, led by I. C. Brătianu (whose many merits he acknowledges), Eminescu takes a public stand against the attack towards the liberal Prime Minister:

"We do not apologize or ever justify a crime. But we look for an explanation: there is a clear distinction between an excuse and an explanation. If we explained the vicissitudes the soul of Richard III has to go through, if we were to reveal those deep and dark sophistry that a great critic of Shakespeare's calls the logic of passion, we would not excuse and justify the crimes of the king of England"[24].

The proclamation of the Kingdom of Romania, in 1881, and the news regarding a *"radical change in the I. C. Brătianu cabinet"* with perpetual passage of politicians from one party to another, offer Eminescu the opportunity to refer, again, to Shakespeare's creation:

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[20] Turkey "diplomacy with going ...", in "Courier de Iaşi", IX, no. 97, September 1, 1876, p. 3, Works, IX, p. 356.

[21] *Literary conversation*, in "Courier de Iaşi", X, no. 36, April 6, 1877, p. 3, Works, IX, p. 356.

[22] *Pandarus, wedding best man*, in "Time", III, no. 285, December 30, 1878, p. 1, Works, X, p. 165.

[23] *We think we talked enough* ..., in "Time", IV, no. 5, January 9 1879, p. 1-2; Works, X, p. 169.

[24] *The truth hurts, nothing hurts like the truth* ..., in "Time", V, no. 278, 13/25 December 1880, p. 1, Works, XI, p. 442.

"But be it one or the other, any agreement that in order to become someone enamu che enasu with Cariagdi, Carada, Giani etc., the soul of a well born man needs to go through almost tragic adventures, like Timon from Athens, a hero of a Shakespearian drama. In fact for a man so friendly, hospitable, generous like Timon in Act I to be turned into a savage misanthrope, a hermit like Timon in Act IV, his soul goes through a lot of adventures that take him from one extreme to another, and turn him from white to black, from a lily to a mandrake"[25].

Even Mihai Kogălniceanu's speech, held at the House of Representatives on 1st May 1882, regarding the issue of the Danube is also dealt with references to Shakespeare. The liberal "bad faith" government cannot be trusted so then "what advice can you give a man you cannot trust and who has irrecusably proved that he is not worth it?"[26] the journalist asks himself while continuing his comment:

"But it is understandable that this advice is not appreciated. When I told them the words that Shakespeare sometimes put into the mouth of his characters, Go hang yourself because you have paid your dues to the world!, then the cold feeling of nothingness embraces C. A. Rosetti almost to the point of hysteria and making no sense"[27].

In the reading notes, transcripts or excerpts, the name of the famous British writer occurs frequently and with admiration. In a note of January 9th, 1873 regarding certain aesthetic principles, Eminescu asks himself: "What would be the art of the future in the edges of reason?", and giving his answer: "The combination of fantasy with reason"[28], continuing the reading note: "Clear metal without imperfection. Heine. Lyric. Shakespeare in the passing of time [...] the passion, the movements of life are in Shakespeare"[29].

In an excerpt he writes about "dreams that arise in deep sleep, having dramatic consistency (A nobody, but in a dream – a Shakespeare)"[30].

Commenting on the relationship between pseudo talent, talent and genius, Eminescu advises young people to embrace only the profession or the occupation they have vocation for: "Rather than being a pseudo talent in literature, it is better to be a talented shoemaker" because the appearance of a genius in any field of human activity is more difficult than "the birth of a new solar system in the unborn valleys of chaos"[31].

And he exemplifies: "Homer, Shakespeare, Raphael, geniuses in the arts are born once every 3 to 4 thousand years, Newton and Galileo, Kant and Darwin,

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[25] *D. Bratianu, confirming the news himself*, mss 2264, Works, XII, journalism. January 1st. - December 31. 1881, Bucharest, R.S.R. Academy Publishing, 1985, p. 463.

[26] *In his speech on 1 May ...*, mss 2264, Works, XIII. Journalism. 1882-1883, 1888-1989. Bucharest, R.S.R Academy Publishing, 1985, p. 355.

[27] *Ibidem.*

[28] *Beauty-aesthetic*, mss 2257, Works, XV, p. 410.

[29] *Ibidem*, pp. 410-411.

[30] *Reality and Dream*, Mss 2287; *Works*, XV, p. 434.

[31] *Pseudotalent, talent and genius*, Mss 2225; *Works*, XV, p. 142.

geniuses in science, every thousand years"[32]. He wishes to stress the difference between genius and talent: "If we have talent, meaning a few centigrams of brain more than simia communis, we can stand out through constant work in our time; if we do not work, we will resemble our brethren, the beasts"[33].

When transcribing the book of M. Lazarus and N. Steinthal, *Introductory reflections on the psychology of peoples*, he finds the difference between ancient tragedy, on the one hand, and the German or the English one, on the other hand, the latter being represented by Schiller and Shakespeare: "These tragedies created by poets are even essentially different from the Greek ones"[34]. And in the transcription of Rudolf Gottschall's work, *The novels of Gustav von See*, he notes: "Many studies of Shakespeare have praised those circles of action that mirrored one and the same fundamental idea, circles which seem to have a central spiritual point and only different rays" [35].

After this incursion into his literary and publishing work, we can say that Eminescu had a real cult for Shakespeare, not just a reverential and complex one, but also a productive and lucrative one, not so much by direct influence, but by enriching the range of ideas and themes of his own creation. Reading only his original work, Eminescu sensed his geniality and appreciated it as such, the presence of Shakespeare in literary works, especially in publishing – to which a wider and diverse readership had access – was beneficial for the whole Romanian literature, from the age of great Romanian classics. The Shakespearean model in Romanian culture, promoted by Eminescu, was an axiological standard to which all literary, directing and performing productions related.

It should also be pointed out a fact noted by G. Călinescu:

"the literary value of these articles lies first of all in the advisable way to translate the great abstractions without many neologisms, in a language available to all. Maiorescu had this gift. But Eminescu exceeds him by far on the formal side. He comes down to the village sayings and proverbs, resorts to conclusions and he certainly makes stunning figures. Never were the general ideas expressed to the reader in our newspaper in such a way to give the illusion that everyone understands" [36].

Eminescu proved that he was a professional analyst of universal and comparative literature, an authentic interpreter, anticipating the great teacher-scholars of the twentieth century (Tudor Vianu, Eugen Lovinescu, George Călinescu, Zoe Dumitrescu-Bușulenga, Edgar Papu etc.). In his view, Shakespeare is a role model.

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[32] *Ibidem.*
[33] Idem.
[34] Mss. 2285; *Works*, XV, p. 640.
[35] *Ibidem*, p. 714.
[36] George Călinescu, *Opera lui Mihai Eminescu. V. Analize. Eminescu în timp şi spaţiu*, Bucharest, Fundaţia Regală pentru Literatură şi Artă, 1936, p. 299.

SHAKESPEARE'S TIMELESS WOMEN

Ramona-Alexandrina CHIRIBUȚĂ (MITROI)*

Abstract: The history of women's struggle for equality during the last two centuries is relatively well documented; studies of women's history often construct a meliorist narrative in which the progress women have made in recent times represents the final stage in a long upward trajectory. Women's power and authority extended beyond the limits of their families. The example of the Tudor queens Mary and Elizabeth is well known, and the 'anomaly' of Elizabeth's position has been endlessly noted; but they were not the only women who exercised political authority. As owners of boroughs, two of the Queen's female subjects were able to choose Members of Parliament. Women also possessed considerable economic power, not only through inheritance from fathers and husbands, but also by virtue of their own gainful employment. Women lower on the social scale earned their livings, not only as servants, but also in a variety of trades that took them outside the household. In Shakespeare's world, inequalities between men and women were taken for granted. Sanctioned by law and religion and reinforced by the duties and customs of daily life, they were deeply embedded in the fabric of culture. However, the gender hierarchy in Shakespeare's time coexisted with a hierarchy of status and rank, which was also rationalized by theology, and by history as well.

Keywords: Shakespeare, female power, misogyny, feminist, historicist literary scholarship.

In Shakespeare's time, England and Scotland were both ruled by female monarchs, and Catherine de Medici was the regent of France. Shakespeare lived in a time and place when women were excluded from the universities and the learned professions, married women lost the right to their own property unless special provisions were made to preserve it, and wife-beating was regarded as a perfectly acceptable means of resolving domestic disputes.

In that same time and place, however, aristrocratic women managed great estates and wielded economic power comparable to that of the head of large modern corporation; and women lower on the social scale were active in trades that are now regarded as "traditionally male". The construction of a historical narrative inevitably involves multiple selections. The records that supply the materials for that narrative are themselves the product of a long process of record-keeping,

* PhD student, The Department of British, American and German Studies of the University of Craiova, Romania; Email: chiributaramona@yahoo.com

which is conditioned at every point by the personal motivations and institutional constraints that determined what information would be recorded and which records would be kept and retrived. The selection of the materials for a historical narrative, is similarly constrained by the resources and limitations, both personal and professional, of the historian who makes the selection.

In historical research, you're likely to find what you are looking for, and what most of us have been looking for in recent years is a history of men's anxiety in the face of *female power,* women's disempowerment, and of outright *misogyny.* We need to interrogate that history, not because it is necessarily incorrect but because it is incomplete. It constitutes only one of many stories that could be told about women's place in Shakespeare's world and we need to consider the implications of its current hegemony. Some of the most important recent *feminist/historicist literary scholarship* includes reminders that the period was fraught with anxiety and rebellious women and particularly their rebellion through language; that women's reading was policed and their writing prohibited or marked as transgressive even when they were not engaged in other criminal activities, and that an obsessive energy was invested in exerting control over the unruly woman-the woman who was exercising either her sexuality or her tongue under her own control rather than under the rule of a man.

The female characters we encounter in Shakespeare's plays are not the same ones that appeared in the original productions. In the theatre, we rarely see them potrayed by male actors, but even in reading the women we imagine represent the end product of over four hundred years of modernization to redefine their roles in terms of new conceptions of women's nature and women's roles in the world. Not all of Shakespeare's women have changed to the same degree: in some cases they have been easily recruited to serve as role models – both positive and negative – for women born hundreds of years after their original creation.

In other cases, they have required more updating because the fit between the roles they originally had and the roles post Shakespearian readers and revisers have imagined for them is less than seamless. An examination of the roles that have been most drastically reshaped both in theatrical production and in readers'comments can tell us a great deal about the history of women's roles in the disparate worlds in which the plays have been performed and read. Paradoxically, however, this implication of Shakespeare's female characters in the process of historical change has tended to occlude their own historicity, as they served, and continue to serve, in everchangeing guises as models of an unchanging, universal female nature.

It is also important to recognize that this process of updating Shakespeare's female characters and the consequent occlusion of their historical difference did not begin with post – Shakespearian revisers. Shakespeare himself often updated the women he found in his historical sources to shape their roles in forms that made them recognizable in term of his own contemporaries' expectations about women's

behaviour and motivation. These changes offer a revealing glimpse of the contested and changing gender ideology that shaped Shakespeare's original audiences' conceptions of women's proper roles, not only in the plays they went to see but also in the lives they lived.

Probably the most obvious manifestation of the way the updating of Shakespeare's female characters both bespeaks and obscures their historical location can be seen in theatrical costume. Illustrations of eighteenth and nineteenth and even early twentieth – century productions of the plays almost always look outdated. In their own time, the costumes and sets these illustrations depict were undoubtedly designed to provide the most appropriate possible realizations of the characters Shakespeare created, but in ours they look like quaint period pieces, and the period to which they belong is not that in which the plays were originally set or produced but that of their own production. Clearly what it shows us is not the way the characters were originally conceived but the ways they were imagined in times and places that are now unmistakably marked as distant, both from our world and from that of Shakespeare.

Illustrations of recent productions, by contrast, tend to obscure their own historicity, coming to us either as "authentic" recreations of the plays' original productions or their historical settings, or else as manifestations of the timeless contemporaneity of Shakespeare's representations of universal human experience.

The only sixteenth – century illustration of a Shakespearian text that we have is a drawing that dates from the mid – 1590 in which Tamora, the Queen of the Goths in Titus Andronicus, pleads with Titus to spare her two sons. In keeping with the ancient Roman setting of the play, Titus is dressed in a classical-looking draped garment, perhaps copied from a Roman statue; but Tamora wears a much more modern costume. We do not have an illustration of Cleopatra as she appeared when Antony and Cleopatra was first performed, but the playscript indicates that she must have been dressed in anachronistically modern clothing. Early in the play, Shakespeare's ancient Egyptian queen orders her attendant to cut her lace, a demand that would have made sense only if she wore a tight, stiffened busk or bodice like the costumes worn by fashionable ladies in Shakespeare's own time.

To be sure, on Shakespeare's stage modern costume was more the rule than the exception: the two soldiers who attend Titus are also dressed in contemporary Elizabethan costume; in Julius Caesar, the conspirators pluck anachronistic hats about their ears; in Richard II, one courtier threatens another with an anachronistic rapier and many other examples could be cited. Nonetheless, the anachronism in Tamora's costume is suggestive because it implies that even when her male antagonist is seen as belonging to a specific historical context, the woman's characterization is untouched by the contingencies of time and place.

The anachronism that erases the historicity of the woman and the plebeian men in the illustration from Titus Andronicus lies deeper than dress. Here, as in Shakespeare's English plays, historical location seems to be a privilege reserved

for royal and aristocratic men. The Henry IV plays, which cover a broad spectrum of society, provide a striking example. The king's court, inhabited exclusively by high-born men, is relatively free of anachronisms, and of women as well. Not even the queen appears. The East cheap tavern, by contrast, is presided over by a woman, Mistress Quickly, and it is depicted in strikingly contemporary terms. Mistress Quickly entertains a dissolute crew of lowlife men with anachronistic cups of sack, a wine that was not served in English taverns until 1453[1]. She is accompanied by another woman, the prostitute Doll Tearsheet, who reproaches the anachronistically named Pistol for tearing her anachronistically Elizabethan ruff.

Mistress Quickly and Doll, like the low-life men they entertain, are placed in an anachronistically contemporary setting that separates them from the high-born men at the king's historical court. But in the case of the women, their anachronistic location is overdetermined because in these plays, even the high-born women are conceived in anachronistic terms. Hopstur's wife, unlike Doll and the Hostess, had a real historical prototype-the granddaughter of Lionel, Duke of Clarence, the same ancestor on whom the Mortimers based their claim to the English throne- but she too seem to inhabit the present world of Shakespeare's audience rather than the late fourteenth-century world of her historical prototype.

All these details – the references to confectioners and their wares; to Finsbury, a district of open walks and fields favoured by London citizens; to the velvet guards that ornamented the gowns of aldermen's wives-associate Shakespeare's Lady Percy with the late sixteenth-century citizens' wives in the playhouse, even though her historical prototype had died in 1403. The anachronistic details of speech and dress evoke a contemporary female stereotype-that of the respectable citizen's wife-which would have been entirely familiar to members of Shakespeare's original audience.

Like Tamora's anachronistic costume of Cleopatra's anachronistic laces, they depend on-and also reinforce – the assumption that women are always and everywhere the same, immune to the historical contingencies of time and place. They interpellate the women in the audience with identities that are defined solely by their gender-identities constrained by usually hostile and always restrictive stereotypes.

All of Shakespeare's female characters, the figure who seems to offer the most unmanageable resistance to those stereotypes is Cleopatra. It is not surprising that modern film-makers have never chosen to produce Shakespeare's version of her story is a big-buget film, despite the obvious attraction of the fabulous Egyptian queen as a cinematic subject[2].

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[1] Samuel Burdett Hemingway, *The Variorum edition of Shakespeare's Henry the Fourth, Part I* Philadelphia and London, J. B. Lippincott Publishing, 1936, p. 174.

[2] Katherine Eggert, *Age Cannot Wither Him: Warren Beatty's Bugsy as Hollywood's Cleopatra*, in Lynda E. Boose, Richard Burt (editeds), *Shakespeare the Movie. Popularizing the Plays on Film, TV, and Video*, London and New York, Routledge Publisher, 1997, pp. 202-214.

Already legendary when Shakespeare produced his version of her story, the powerfully ambivalent Cleopatra he staged drew on a variety of sources. These included the Roman writers who had defined her as Eastern, barbarian, "harlot queen" and the fifteenth and sixteenth century predecessors who had identified her with threatening power of women's insatiable appetite[3] as well as the antitheatrical polemicists who had insisted on the deceptiveness and corruption of Shakespeare's own theatrical medium.

The combination of erotic power and political authority that had made Cleopatra such a troubling figure to Romans and humanists alike might also have struck a responsive chord in Shakespeare's original audiences: they had, until very recently, lived under the sway of their own powerful queen. For twentieth – century American filmgoers, by contrast, Cleopatra had to be reduced to a fetishized female body, adorned in spectacular costumes for the pleasure of male spectators and the emulation of other women. Her motivation is clear and simple: to pleasure her man. In 1963 Joseph Mankiewicz, for instance, Cleopatra's suicide is no longer staged as a demonstration of her royalty. Instead of ordering her women to show her like a queen, Elizabeth Taylor's Cleopatra says she wants to be seen by Antony, as he first saw her.

Katherine Eggert observes, the film "domesticates Cleopatra into a spectacular mannequin" who intends to give pleasure only to her man.

Even at the end of the seventeenth century, when John Dryden produced his own version of the play, he found it necessary to transform Shakespeare's dangerously powerful and supremely artful heroine into a stereotype of artless feminine helplessness. Dryden's play, unlike Shakespeare's, brings Octavia to Alexandria for a meeting with Cleopatra, an encounter that Dryden justifies in his Preface as a "natural" expression of their characters as women. To justify his innovation, Dryden relies on what he imagines as the unchanging nature of women to discount any distinctions of nationality, rank, or historicity.

Dryden wrote at a time when neoclassical beliefs that general nature should supersede the accidents of individual identity in the representation of dramatic characters were widely endorsed; and all for Love was explicitly designed as a new version of the story of Antony and Cleopatra rather than merely an adaptation of Shakespeare's play. Nonetheless, Dryden's insistence upon transforming Shakespeare's female characters to bring them into conformity with what he regarded as an unchanging female nature outlasted his era. Even when Shakespeare's plays were not rewritten, the women's roles repeatedly reshaped to fit the Procustean bed of whatever gender ideology prevailed at the time and place of the plays' production. This practice is strikingly illustrated in the collection on nineteenth-century images of Shakespeare's heroines that were exhibited in 1997 at the Folger Shakespeare Library in Washington, DC. As Georgianna Ziegler pointed

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[3] Mary Hamer, *Signs of Cleopatra: History, Politics, Representation*, London, Routledge Publisher, 1993, pp. 33-44.

out in the accompanying catalogue, Shakespeare's female characters were imagined to conform to Victorian ideals of female behaviour. She notes that even Lady Macbeth was redeemed as a good, Victorian wife, a woman whose "ambition was all for her husband"[4].

If, as Ziegler argues, "Lady Macbeth, with her aggressiveness and murderous instincts turned to madness, was one of the most difficult of Shakespeare's heroines for the nineteenth century to appropriate", she has proved remarkably adaptable to twentieth-century understandings of feminine psychology. O Mary McCarthy, writing in the 1960s, Lady Macbeth was clearly recognizable in temporary terms as:

> "a woman and has unsexed her, which makes her a monster by definition... the very prospect of murder quickens an hysterical excitement in her, like the discovery of some object in a shop – a set of emeralds or a sable stole – in which Macbeth can give her and which will be outlet for all the repressed desires he cannot satisfy. She behave as though Macbeth, through his weakness, will deprive her of self-realization; the unimpeded exercise of her will is the voluptuous end she seeks"[5].

McCarthy's references to "hysteria", repressed and unsatisfied desires that are clearly sexual, and a lust for the glittering objects of conspicuous consumption mark her diatribe as a mid-twentieth-century period piece; but it, no less than the Victorian apologia cited by Ziegler, measures the character against modern norms of wifely behaviour. "Her wifely concern", McCarthy charges, is "mechanical and far from real solicitude". She regards her "as a thing, a tool that must be oiled and polished"[6].

Despite the three centuries that separated Dryden's Cleopatra from the Victorians' and Mary McCarthy's Lady Macbeth, and despite the manifold differences between the roles of the two characters and the play worlds in which Shakespeare set them, all were judged by reference to the paradigmatic modern embodiment of female virtue, the good wife. Dryden's Cleopatra may have engaged in an illicit alliance with Antony, but, like all good women – she was designed by nature for marriage and domesticity as "a wife, silly, harmless household dove". The Victorian's Lady Macbeth may have been guilty of regicide, but, like all good women, she was motivated by ambition of her husband's advancement. Mary McCarthy's Lady Macbeth was monstrously unwomanly because she was ambitious only for herself.

McCarthy's satirical portrait of Lady Macbeth is exaggerated and oversimplified, but it expresses in the simplest possible terms the preoccupations

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[4] Georianna Ziegler, Frances E. Dolan, Jeanne Addison Roberts, *Shakespeare's Unruly Women*, Washington, The Folger Shakespeare Library, 1997, p. 75.
[5] Mary McCarthy, *General Macbeth*, originally published in "Harper's Magazine", June 1962, in Sylvan Barnet (edited), *The Signet Classic Edition of Macbeth*, reprinted, New York, New American Library, 1963, p. 234.
[6] *Ibidem.*

with her sexuality and her relationship with her husband that have dominated modern conceptions of her character. Modern critics and playgoers, like McCarthy, have found in Lady Macbeth a character easily understandable in terms of their own preconceptions about female psychology, especially in the soliloquy in which lady Macbeth calls on murderous spirits to "unsex" her. Along with sleepwalking scene, this soliloquy offers a great showpiece for modern actresses, as well as a powerful advertisement for modern assumptions about female character. Often accompanied by autoerotic display as the actress foldes her own breasts, breathes hard, and writhes in the throes of passion, the speech clearly demonstrates that the lady is, in fact sexed; and it locates her sex in the eroticized breasts of the woman who performs the role. On a modern stage. Its meaning seems perfectly transparent.

The implications of the speech when it was first performed would have been much more complicated. First, of course, it would have been spoken by a male actor. Some scholars have speculated that the actor may have gestured toward his crotch when he said "unsex me here", alluding to his own "unsexing" a he took on the woman's part. However, although it is impossible to know exactly how to soliloquy was originally performed, the references in the speech to "my woman's breasts' and "my milk" suggest that he probably did gesture towards the place where the woman's breasts would have been if he had them. But although the erotic implications of the character's breasts seem overwhelming in a modern production, they may have been much less central on Shakespeare's stage, not only because the original actor did not really have a woman's breasts but also because women's breasts had other implications as well as erotic.

To modern Western eyes, the eroticization of women's breasts seems "natural"; on a modern stage, the meaning of Lady Macbeth's soliloquy seems equally self-evident. The beliefs it assumes-that there is a psychological polarity between men and women, based on sexual differences that are embodied, natural, biologically grounded, and virtually self-evident-are by now too familiar to require explication.

At the time the speech was written, however, these assumptions did not yet represent a cultural consensus.

In the Renaissance, although women's breasts were already eroticized as tokens of female sexuality, celebrated by poets as "buds", "strawberries", or "hemispheres", and featured in erotic paintings that depicted women with a man's proprietary hand cupped on their breasts[7], this was not their only implication, and it may not have even been their primary one. Medieval images of lactating Virgin, of the Church allegorized as a nursing mother, and of souls suckled at the breast of Christ, which associated breast milk with charity and spiritual sustenance[8], were

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[7] Natalie Angier, *Goddesses, Harlots and Other Male Fantasies*, review of Marilyn Yalom, *A History of the Breast*, New York, Alfred A. Knopf, 1997, in The New York Times Book Review, 23 February, 1997, p.4

[8] Caroline Walker Bynum, *Holy Feast and Holy Fast*: *The Religious Significance of Food to Medieval Women*, Berkeley, University of California Press, 1987, p. 207.

still current in the Renaissance and still powerful; and they resonate in the details of the soliloquy Shakespeare wrote.

That soliloquy, spoken by Lady Macbeth in order to steel herself for Duncan's murder, is worth quoting at lenght. The "smoke of hell" locates Lady Macbeth's desires in a theological context, as does her reference to remorse and compunction. Her supplication to "take my milk for gall" suggests a diabolical exchange, in which she will exchange those benevolent feelings for the poisonous bitterness that will enable her to murder Duncan; and it also carries the suggestion that she is inviting the evil spirits she is invoking to feed on her, as witches were believed to feed the demonic imps who served as their "familiars". This is not the only context, of course. Lady Macbeth's association of her woman's milk with remorse and compunction also implies that women have a natural aversion to killing, physically grounded in their sexed and gendered bodies, which are designed to feed and nurture. Before she can kill, the spirits that wait on nature's mischief' will have to unsex her.

This implication that feminine gentleness is grounded by nature in a lactating female body is clearly legible in twenty-first-century terms. It also provides a striking example of the ways Shakespeare female characters have participated in the historical production of feminity as naturally grounded in women's role as wives and mothers, not because it misreads Shakespeare's playscript, but because it does not.

In this speech, Shakespeare transformed his historical sources to define Lady Macbeth's character in terms of an emergent gender ideology that culminated, over three centuries later, in the kind of reading I quoted Mary McCarthy. The beginnings of the process can be seen in Shakespeare's transformations of his character's historical prototype, and post-Shakespearian transformations of the character he created illustrate its realization, especially in twentieth-century readings which emphasize her sexuality and analyse her behaviour in psychoanalytic terms.

But the version of Lady Macbeth that looks so familiar to modern audiences is the product of a long history of anachronistic revision, not only because the psychological motivation we so easily recognize is distinctly modern but also because Shakespeare's own representation of her character required a radical revision of the descriptions of ancient Scotswomen he found in his historical source.

Lady Macbeth soliloquy should probably be read in connection with a passage in Holinshed's Chronicles in a chapter entitled "of the Manners of the Scots in these Days, and their Comparison with the Behaviour of the Old, and Such as Lived Long Since within this Island"[9]. As the title suggests, the chapter's theme is the conventional Renaissance opposition between a virile, heroic past and a degenerate, effeminate present. In ancient Scotland, according to the chronicler,

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[9] M.C. Bradbrook, *The Sources of Macbeth*, in "Shakespeare Survey Volume 4: Interpretation", Cambridge University Press, 2007, pp. 35-48.

"the women... were of no less courage than the men; for all stout maidens and wives... marched as well in the field as did the men, and so soon as the army did set forward, they slew the first living creature that they found, in whose blood they not only bathed their swords, but also tasted thereof with their mouths with no less religion and assurance conceived, than if they had already been sure of some notable and fortunate victory. When they saw their own blood run from themin the fight, they waxed never a whit astonished with the matter, but rather doubling their courage with more eagerness they assailed their enemies"[10].

Although Shakespeare's Lady Macbeth retaines some of the fierceness of her ancient predecessors, she lacks their taste for blood. The obsessive theme of her sleepwalking, in fact, will be her repeated, futile efforts to wash what she calls "damned spots" of Duncan's blood from her hands. Here, as in her preparation for Duncan's murder, Shakespeare's eleven-century Scotswomen rehearses a prototypically modern conception of universal feminity, proving once again in her madness that killing is antithetical to woman's essential nature.

In the words of the eighteenth- century English actress, Sara Siddons, most celebrated for her portrayal of Lady Macbeth, the lady's feminine nature, her delicate structure, it is too evident, are soon overwhelmed by the enormous pressure of her crimes[11].

Shakespeare's antithesis between women's milk and murder, which also became an essential feature of Lady Macbeth's character, required an even more radical revision of his source. In the "Description of Scotland", lactation is not opposed to killing; the two, in fact, are associated. Those same bloodthirsty women of ancient Scotland, according to the chronicler,

"would take intolerable pains to bring up and nourish their own children... nay they feared lest they should degenerate and grow out of kind, except they gave them suck themselves, and eschewed strange milk, therefore in labour and painfulness they were equal, and neither sex regarded the heat in summer or cold in winter, but travelled barefooted"[12].

Here maternal breastfeeding is evidence both of the women's physical hardiness and of the equality of the sexes in a primitive culture that lived close to nature. This passage in the chronicle is not illustrated, but a very similar conception of ancient Scotswomen seems to lie behind "the true picture of a woman neighbour to the Picts' that was published in Thomas Hariot's A Brief and True Report of the New Found Land of Virginia (London, 1590).

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[10] Raphael Holinshed, *Chronicles of England, Scotland and Ireland*, 1587, second edition 1808, London: J. Johnson I., 1808, Vol. 5, pp. 22-27. Holinshed's' is shorthand: the *Chronicles* included the work of many writers-predecessors whose work had been incorporated, successors who augmented the narrative after Holinshed's death, and collaborators at the time of its original production. The *"Description of Scotland"*, for instance, was translated by William Harrison from a Scots translation by John Bellenden of Hector Boece's early sixteenth-century Latin text *Historia Scotorum.*

[11] Nina Auerbach, *Ellen Terry: Player in Her Time*, New York, Norton Publisher, 1987, p. 352.

[12] Raphael Holinshed, Iop. *op. cit.*, pp. 23-24.

The woman in the picture is armed, scantily dressed, and barefooted, and the caption explains, "they let hang their breasts out, as for the rest they did carry such weapons as the men did, and were as good as the men for the war".

Neither the chronicle nor the play offers a reliable picture of ancient Scotswomen. Both are inflected by sixteenth and seventeenth-century debates about breastfeeding-and also by changing conceptions of women's place in the world, and the basis of gender itself. Historians of sexual difference have argued that "sex as we know it was invented" some time "in the eighteenth century", but the modern conception of sexual difference that Thomas Laqueur as the "two-sex model"[13] seems clearly anticipated in Shakespeare's representation of Lady Macbeth. For although both the chronicler and the playwright can be said to advocate maternal breastfeeding, their advocacy takes strikingly different forms. In the chronicle it is a means by which the strong mothers of ancient Scotland produced strong offspring; in Macbeth it is a distinctively female activity which express the gendered gentleness that is the natural disposition of all women in every time and place.

Because this conception of womanhood has become so well established, Shakespeare's characterization of Lady Macbeth has been both accessible and acceptable to modern audiences. The new requirement that all mothers nurse their own children emphasized instead the distinctions between the male domain of public economic and political action and the female enclosure of private, domestic affairs. This is not to say that all women have ever been enclosed within the household. Even women who might have preferred domesticity have been forced by economic necessity to work outside their homes; but the ideal of woman's "natural" and "traditional" place at home is undisturbed by that reality. The only division that "counts" is the "natural" division between men and women that was to become one of the salient features of modernity.

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[13] Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud*, Cambridge, Harvard University Press, 1990, p. 149.