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## **The Existence of Disagreements in Organisational Entities - Source of the Occurrence of Conflicts at Work**

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### **Abstract**

The organisational entity as a whole can provide the context in which high levels of motivation can be reached, by providing incentives and rewards, satisfaction in work and possibilities to learn and develop. To do this, it is necessary to understand the motivational process in organisational entities, which leads to eliminating the possibilities of occurrence of conflicts in these organisations. The idea that many conflicts are part of the life of modern organisations is admitted increasingly more nowadays. The division of labour and the specialisation of tasks create distinct and complex entities at the level of organisations: departments, services, operational and functional groups. This differentiation is manifested in many aspects and often produces conflicts between the groups of the same organisation or even between organisations and the interest for solving them is an outstanding part of management. Abordarea dezacordurilor într-o analiză strategică a organizației măsoară, prin intermediul conflictelor, intensitatea forțelor aflate în confruntare, pentru a găsi cauzele lor de declanșare și manifestare sau ecuațiile de negociere și soluționare. Addressing the disagreements in a strategic analysis of the organisation, by means of conflicts, measures the intensity of forces under confrontation, in order to find their triggering or manifestation causes or the negotiation or settlement equations.

**Keywords:** organisational entity, disagreement, organisational conflict, conflict diagnosis.

**JEL:** Z32, M41

## **1. Content of the Research**

The idea that many conflicts are part of the life of modern organisations is admitted increasingly more nowadays. The division of labour and the specialisation of tasks create distinct and complex entities at the level of organisations: departments, services, operational and functional groups. This differentiation is manifested in many aspects and often produces conflicts between the groups of the same organisation or even between organisations and the interest for solving them is an outstanding part of management.

Addressing the disagreements in a strategic analysis of the organisation measures, by means of conflicts, the intensity of forces under confrontation, in order to find their triggering or manifestation causes or the negotiation or settlement equations.

In the traditional theory of management, the term „conflict” is perceived differently in organisations, given that it describes individuals' different emotional states of anxiety or hostility, cognitive states, regarding the awareness of conflict or behavioural situations, expressed by a passive reluctance of individuals, as response to aggressive manifestations.

The description, analysis and control of conflict situations involves the identification of many types of oppositions and antagonistic interactions. One of the main roles of managers is to „integrate the differences between groups and between organisations”, respectively to solve the conflicts. This task monopolises everywhere, as shown in the surveys carried out in American companies, a significant part of managers' work.

Some organisations perceive the conflict as something „bad and undesirable”, although when it is properly managed and settled, it favours the development of imagination and innovations arising from tension and confrontation.

In organisations, conflicts occur between individuals or between groups. When there is rivalry between two or more groups, which is based on performance achievement, we can describe a situation of competition with positive value for the activity of the enterprise and the careful stimulation of the opposing parties by the manager becomes appropriate. In this case, the competition is considered to be a constructive conflict situation, with positive effects for the whole organisation. However, if the rivalry is generated by the desire to obtain power or advantages of different nature, the conflict has complex negative valences.

When disagreements are manifested as constructive conflict, the individuals and organisations become more creative and more productive through their actions of response to challenges, while amid a destructive conflict, a great consumption of personal and organisational resources in an atmosphere of hostility and contempt is determined.

Because of this, the special importance is assigned to the management of conflict, by increasingly more specialists. Conflict is a precedent of change, and change is the essential element for open organisations.

In the Romanian organisational space, the conflict energies have accumulated in increasingly more tense confrontations in recent years, and the objectives those in conflict pursue are many. The outbreak of interpersonal, intergroup or inter-organisational conflicts is preceded by long years of oppression and arrogance of power, characterised by disregarding the human needs. People have realised today that being placed in a position to choose, they should build alternatives, everything being anchored in a context of connections and favourable relations that can generate the change.

Management studies have enriched considerably in terms of conflicts by researches taken from social sciences. According to Robbins, the evolution of management enables the distinction of three concepts in defining the conflict in organisations.

The traditional concept of conflict is that which arises again in the '30s and '40s, being supported by the papers of Frederic W. Taylor, Elton Mayo, Henri Fayol, Max Weber. The early theorists of management considered the conflicts within an organisation to be harmful and irrational and therefore they must be avoided or suppressed. Conflicts expressed the symptoms of an ambiguous management, which managers could improve, meeting the principles of scientific management described in that period.

In the Tayloristic view, the objective of management was to achieve maximum prosperity, both for the manager and for each employee. The activities of workers had to be preceded and followed by managers' activities. As a result of this way of „cooperation”, it is presumed that potential conflicts between the two parties were at least reduced, if not even eliminated.

Behaviourist (behavioural) concept of conflict dominated approximately between 1940 and 1970. According to this school of managerial thinking, conflicts are inevitable, even beneficial for the institution, but should not be encouraged. According to an austere concept of classic management by which aspects of human nature are ignored, due

importance was given to the quality of human relations within the organisation, assessing that the work results are influenced to a greater extent by them than by the material incentives or working conditions. The desire to have friendly relationships with colleagues, valuing the human instinct of association, and the cohesion are factors supporting the need for a relaxed atmosphere in the work groups, reducing the encouragement of conflicts.

In the modern vision, the concept of conflict has developed to the acceptance of its necessity in any open organisation. The causes of the conflict must no longer be sought in management errors but in a set of factors wherein the design of the organisation, the exigencies of the institution's internal and external environment, the differences in the perception of participating actors etc. are included. From this perspective, conflicts should not be suppressed nor avoided, but managed and stimulated for efficiency, creativity and innovation would be in a relationship of dependency.

The existence of a large number of conflict situations, of many conflicts determined by various causes explains the need to develop some specific techniques to address them. Managers try to diminish the unfavourable aspects of the conflict situations occurred, seeking solutions that would determine the convergence of the opposing parties' interests and allow the normal course of the organisations' activities.

Conflicts become phenomena with constructive or destructive effects, depending on how they are managed. A conflict is called functional when it allows an individual or a group to reach their goals and improve their efficiency. The dysfunctional arises when it causes effects that are reverse to the situations described. This means that the relationship that transforms the intensity of conflicts into efficiency is expressed by the dependence between the results of employees and the conflict state in which they perform their activity (Bogathy, 2002).

Employees' efficiency is optimal at a moderate level of conflict, and the absence of conflict expresses a certain limitation of their performances.

When the level of the conflict is high, the failures arising can even threaten the existence of that organisation. Analysing the behaviours of groups, Schen and Brown observed special manifestations thereof, in different situations. Thus, in the attempt to reach their objectives, the members of the group forget about the differences and unite - the cohesion of the group increases. They accept to be managed and, to a greater extent, in an authoritarian and directive manner. Each member gets the advantages determined by the rules of the group and expects a similar behaviour from

their teammates. The situation often involves the danger of conformity and may result in the phenomenon of „groupthink”.

In his researches on groups, I. L. Janis (2015) described the symptoms of group thinking, by the absence of conflict or what goes on when a group of decision makers absolutely reaches to a consensus on a problem, to the detriment of constructive confrontation and discernment. Janis identified the factors altering the performance of the decision process and preventing the group to benefit from the contribution of autonomous thinking. Among them, there are: the illusion of vulnerability, or overestimation of the group capacity; collective rationalisation (the tendency to ignore aspects of their reasoning, voluntarily or involuntarily); the belief in a high morality of group actions (united groups develop the feeling that their actions are not only logical, but also morally justified); formulating prejudices and negative stereotypes to the adverse groups within the organisation; the belief in censorship (the members of the group reduce any doubts regarding the decisions taken); illusion of unanimity (previous events determine the members of the group to show the false feeling that everyone agrees with the decisions taken).

From the analysis performed by I. L. Janis (2015), we can observe that all decisions completed negatively as a result of groupthinking are characterised by three categories of factors: the antecedents (of which the high cohesion of the decision-making group, an authoritarian leader, the pressure of time and decision importance) arise significantly); the processuality and its symptoms (collective reasoning, self-censorship of non-consensual opinions); the consequences (poor search for information and distorted processing thereof, the incomplete inventory of alternatives and failure to evaluate them correctly).

Thus, it becomes important for the team of decision makers to immediately recognise the symptoms of the groupthink phenomenon and to initiate ways to avoid its effects, namely: assigning a role of critical evaluator to each group member, as well as encouraging a part of the objections formulated by them (Brown, 1995; Davies, Ellison & Bowring-Carr, 2005); avoiding the situations in which the leader partially addressed another way of action; creating subgroups that operate under different leaders and work to solve the same problem; discussions between the managers of the group and subordinates by topics, taking into account their reactions; inviting external experts; assigning the role of „devil's advocate” to a group member; creating alternative scenarios with the intention to develop the competition between groups.

S. L. McShave and M. Von Glinow (2012) consider the presence of a „constructive controversy” necessary within a group when discussing a tense problem and seeking solutions to solve it. He mentions that a „constructive controversy” arises only when the members of a group assert different opinions and when they discuss matters starting from an open dialogue. To achieve this condition, the group should consist of heterogeneous members. For the leader of a group, to select heterogeneous members means to encourage structured debates. Such a situation involves dividing the group into two subgroups. Part of it will prepare a formal report on the situation, determining a formal way to solve the problem, which the whole group prefers. The other part will criticise this solution, looking for errors of logic, assumptions, misinterpretations of the information. Groups tend to choose the best solutions and the role of the leader is to lead a constructive discussion. He is attentive to questions more than the present. By this, even if the members of the group that loses blame their opponents lose, the connections between the two groups consolidate.

To counter the dysfunctional effects of groupthink, it is suggested to: establish a relaxed atmosphere, where individuals can object freely on the opinions issued; form several independent groups to debate the same issues; invite an external observer in order to challenge the ideas of the team. The aforementioned matters express the certainty of a modern visions attributed to conflict in the current management of organisations. Promoting a work environment where differences of constructive opinions coexist and are openly expressed constitutes in managers' distinct responsibility. Its fulfilment allows the members of the organisations to implement improved opinions, develop innovative ideas, but also to redefine certain problems, to test solutions and impose a certain rigour of the debates on common issues (Binney, 1992). Conflicts are varied forms and hide multiple manifestations that are at different levels within the institution. A much deeper state of affairs almost hides behind some reasons of dissatisfaction.

The role of management is to progressively seek the deep sources determining the outbreak of conflicts in order to eliminate them or maintain the control over events in the organisation, to prevent conflicts. When one distinguishes well the expression of conflict from its deep reason, one can seek the actions for settlement and negotiation.

People within organisations become competitive for resources and power. There is a continuous confrontation between those who want to change things and those who want to live a quiet life at the workplace. The working conditions, wage claims and fluctuations, training and promotion of

the personnel, easiness of labour, the fight for power, manifestation of independence, the inconsistency of ideas on a situation are the factors most often involved in the development of conflict.

The working conditions are one of the main sources of dissatisfaction. Employees companies calls for redefining working time, want to use equipment and technology adapted to the conditions imposed by the market. Knowledge of these requirements is important for managers through constant supervision of the activity and results. They provide ways to reflect for the improvement of the working conditions and assurance of the personnel's health condition.

The analysis of the working conditions provided to employees can be carried out depending on the specific aspects in the physical and social environment that the manager should know when creating their strategies for avoiding the conflicts. People react constructively when managers are concerned openly in their working conditions. From supporting these elements, at all hierarchical levels, there emerges the need for managers to intervene continuously by reorganising the work to prevent conflicts. It can be satisfied by removing certain ambiguities related to the organisation of the working process. The precise definition of the access to the job, the requirements of each employee's tasks as well as providing the working conditions enable the avoidance of deviations and reduction of disagreements since the moment of employment.

Wage claims arise frequently within an institution. The personnel always compare the work they perform with the size of the salary they receive. This is often a matter of fairness, because the personnel is interested by the clear specification of the criteria for assessing the work and wants to observe the correlation between the performances achieved and the level of the negotiated wage.

The manager will be responsible to explain to the personnel why some employees are promoted rapidly, or receive a better salary, while others, although they have a certain seniority in the institution, enjoy all this only in terms of the performances they obtain. Once the wage differences are established and applied to some employees, they must be communicated to the other members of the organisation to be better understood and accepted. The wrong perception of the wage differences can often contribute to the emergence of conflicts.

Personnel training, as objective that determines the maintenance and acquisition of new skills is often a form of dissatisfaction, as it provides each employee in the organisation with the way towards promotion. When the

activities for training and promoting the personnel are not well coordinated, individuals' behaviour is manifested increasingly more by dissatisfactions with the insufficient methods proposed in this field, contributing to the multiplication of the sources of conflict. Personnel training, schooling, improvement should be considered rather as an investment with long-term effects than an effort of the company.

The fight for power is one of the main sources of conflict in the enterprise and this situation often hides behind actual claims. Power is exercised at all levels through multiple forms. It is also useful, being at the centre of all relations: everyone exercises it in order to prevail certain interests or opinions. Exercising the power can often lead to abuses that arouse different reactions of those who have it and foster the manifestation of some forms of passive resistance or fierce oppositions (Glasl, 1999; Druker, 2002; Ionescu, 2015).

Thus, the power of a manager may be exercised by strictly handling the system of rewards and sanctions, which aims to control the behaviour of subordinates in the sense desired by the manager. It is however obvious that a management based exclusively on the fight for power will cause adverse consequences to the organization (Pondy, 1967; Le Saget, 1999; Siminică & Traistaru, 2013). It leads to distracting the people from the activities and goals that are important for the organisation. It is possible that the employees subject to such a way of exercising the power would build strategies for self-protection, such as: various forms of managers' sabotage, deliberate limitation of the standards of productivity, the open revolt or even leaving the organisation, by those who cannot be constrained by exclusively applying such means.

This is precisely why it is considered that, to ensure the stability and efficiency of an organisation, it is very important that the authority and the power are in a relationship of equality, and the recognition of the power is always an opening towards a field of negotiation. Every individual seeks to show their independence. Their need is to feel both as an actor and as a subject of their work. To achieve this goal, they use different strategies. Some individuals feel frustrated when the affirmation of their independence is systematically denied, even if this would meet their needs and manifests violently. Others seek to avoid conflicts, respond affirmatively to all actions proposed to them and accept all the requirements of others, even if this bothers them. To assert their independence, some individuals show their own power and become victims, believing that thus they will sensitise the others.

All these aspects are generated by the manifestation of the lack of competence and responsibility from managers. To avoid their effects within an organisation, or a group, managers will organise a competitive environment and supervise the observance of the independence of employees up to the limit of legitimacy, seeking to preserve the positive aspects.

Sometimes the occurrence of the conflict is based on the differences in appreciating the values and does not occur only due to the directly observable facts or realities. This category includes the conflicts between generations: the ideas of two or more individuals or groups become contradictory when are formed in different views on the tradition or progress of the institution. The manifestation of disagreements occurs when each seeks that their ideas are understood and observed.

Any employment relationship requires changes and adjustments, requires open communications, in which once launched, individuals feel fragile and do not always know what to ask and what to give. Disputes between individuals often start from small things that have accumulated over time but were never dealt with. They determine a difficult communication, given that confrontation is not visible and each one of the individuals experiences tensions without manifesting them. The situations of this kind „close” the individual and cause them to have a behaviour manifested through various forms of passive resistance. In such moments, managers' attitude of careful and sustained observation of what goes on around them still allows the avoidance of conflict.

Certain manifestations indicate the withdrawal or opposition behaviour of some employees and allow the attempt to remedy those things that go wrong. Managers' intervention at the appropriate moment favours a good understanding between individuals and creates conditions for conflict prevention. A clear localisation of determinants in order to avoid conflicts provides the managers with the possibility to undertake precise actions in determined situations (Voinea, 2014; French & Bell, 1994).

Managerial actions to locate the determinants in avoiding the conflicts take into account the following directions: to check if the individual has the necessary skills and if they can easily acquire the information they need; to analyse whether the job is clearly defined, the security devices are satisfactory and the state of deterioration of the equipment has not reached the critical point; to verify whether the job description is flexible and work procedures are well established and understood by the employees; to get informed about the reached level of noise, temperature, light; to aim at maintaining a normal climate in the employment relationships and relations

between the subordinates; to analyse whether the relationships between services and departments rely on good collaboration; to analyse what the image of the company is for each employee and how the enterprise participates in building the social and professional identity of the individual within the organisation.

Managers who fail to give importance to these factors before the dissatisfactions of the employees trigger conflict situations are often in the difficult position of settling the conflicts manifested. Sometimes, for the managers to respond to the situations in a flexible manner, it is important that the messages sent to or received from the subordinates are well clarified.

Open communication and the reduction of uncertainty are means that can be used to distinguish the hostile, unnecessary reactions of employees, the dissatisfaction, choleric reactions that have not been expressed for a long time.

Employees' various ways of manifestation in an organisation, depending on the factors described above, allow the schematic achievement of the process of conflict development. This can be described in three phases (Fig. 1): the emergence of the signs preceding the conflict; the manifestation of disagreements; the amplification and development of the conflict.

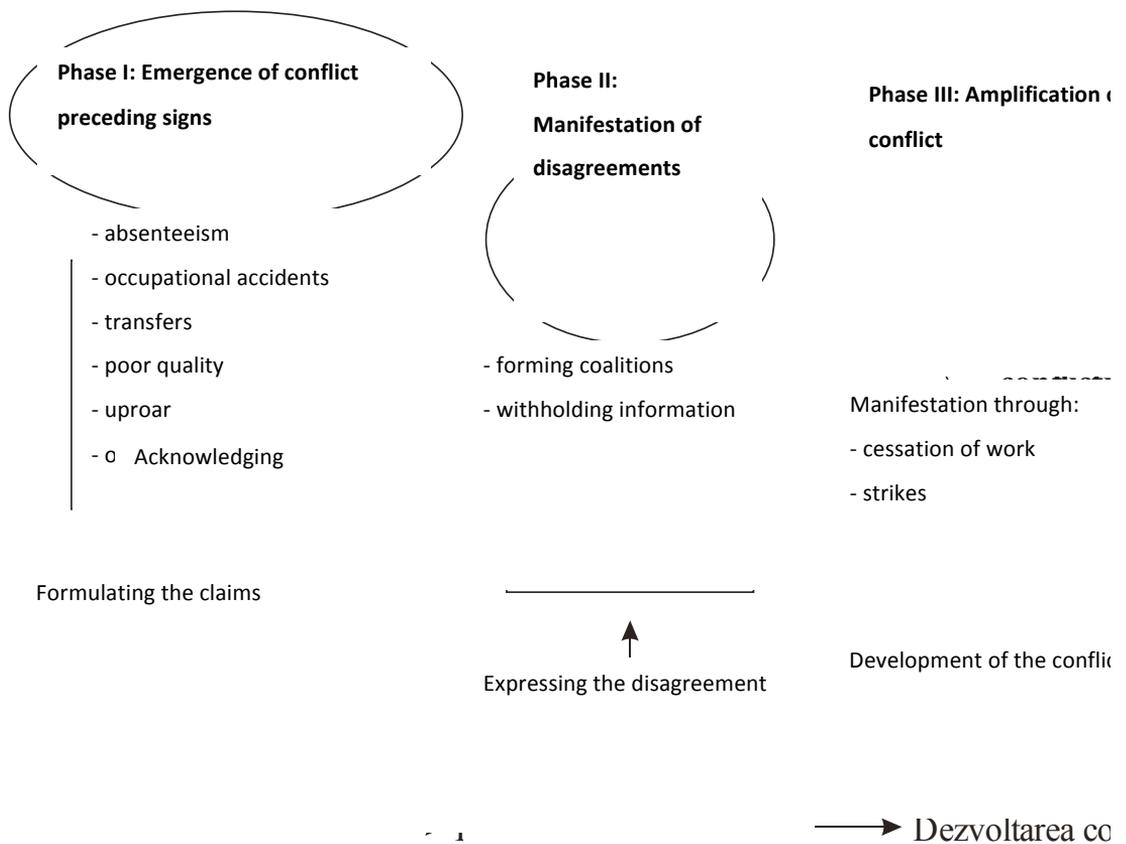


Figure 1. **Stages of conflict development in the organisational space**

Marking the phases of conflict development enables the description of the managerial attitude and behaviour, specific in the process of settlement from one conflict situation to another, both depending on the localisation of the causes and sources of the conflict and on the management style adopted.

People interact within the institution, as the individual alone has a limited power of choice and action. The limits of an individual, defined as „those obstacles or hindrances that hamper the desire to do what they intended to do,” are determined, on the one hand, by the situation in which they act (environmental factors) and, on the other hand, by their biological capabilities.

Illustrating the manifestation of these limits determines precisely the fact that there can be no ideal organisations. There are only organisations where the quality of the interactions between members determines the conflicts manifested permanently. Managers perform their activities according to their

own habits and values which they promote (Plane, 2013; Negrea, 2015; Budică & Dumitru-Traistaru, 2015). To decide always means to choose between various alternatives and any of the choices presents inconveniences. It is important that managers find a way to solve the problems occurred, depending on the context, the form of the conflict, the constraints that limit the choice and the nature of the stakes they determine. The way managers deal with conflicts becomes very important, influences the course of events and can determine solutions unforeseen previously.

Engaging in the settlement of the conflict with the idea to win at all costs triggers a type of a well specified relational relation qualified in the „win-loss” manner. Facing the reactions of an interlocutor, without allowing them to search a solution to satisfy their needs bears a high risk, blocks the negotiation and cultivates greater adversity between the discussion partners. This kind of attitude generally develops tense relations, seldom reaching the expected solutions.

The managerial action in the conditions of conflict states created by employees can be structured into distinct stages determined by the direct participation of the parties in conflict: anticipating the discontents, searching for answers and settling the conflict by mitigation or resolution (Fig. 2).

In reality, the managers facing conflict situations adopt different styles of approach depending on the seriousness of the problems to be solved, the magnitude of the consequences conflicts determine in the organisational space and on the effects perceived at the level of employees in particular.

Generally, different ways to deal with a conflict are distinguished, depending on the context of the problem to be solved, which are just as many communication ways of managers with their employees. Although each of the methods of dealing determines possible ways of resolution depending on the contextual situations, for some managers, the safest variant is conflict prevention.

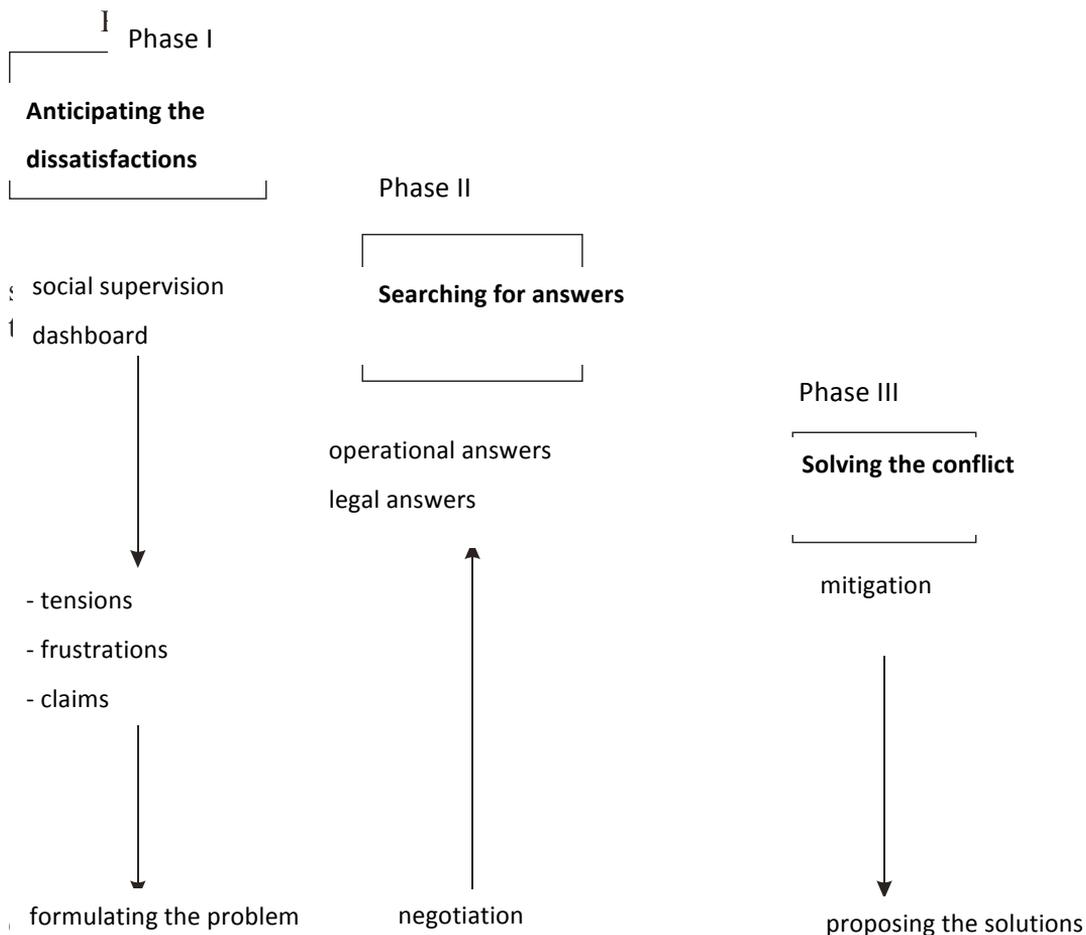


Figure 2. **Managerial actions in conflict situations**

A preventive approach to conflicts means handling a high volume of information of various qualities. For those managers who do not allow reaching the actual phase of manifestation of conflicts, it is structured in relation to the definition and observance of precise directions to be followed.

Creating an atmosphere of cooperation within the groups and organisation is an important factor in preventing the conflicts. For managers, it is very important to admit that organisations differentiate by their pluralistic nature, based on the existence and mutual actions of groups or individuals with different interests and aspirations. Open and continuous dialogue is necessary in order to grasp the trends of some group interests that can be under conflict. It allows the detection of the working climate,

underground political manoeuvres, which will develop more difficultly. The operation of an organisation requires the manifestation of some behaviour that is identical to that of a political system. Knowing the size and quality of influence or power areas, their very operation only means replacing the backstage manoeuvres with an open and efficient communication, not only for top managers, but also for those located at lower hierarchical levels. The effects of the collaboration atmosphere are achieved by clearly defining the tasks, understanding and accepting the openness by all employees and giving up the ambiguities in defining the organisational and individual objectives (Neculau & De Visscher, 2001). In some organisations, the existence of a structure inappropriate for the specified goals may create an environment favourable for the emergence and development of conflicts. The responsiveness of managers to structural issues determines changes in a wide range of development of organisational events, from providing a motivational system to blocking the creativity. Reducing the number of conflicts is reached by a structural adjustment to be made with „finesse” if we take into account the impact it has on the personnel involved. Some organisations have high structures of authority and responsibility, with many levels in organisational charts. Individuals are closely controlled a manager being appointed to coordinate a limited number of subordinates. However, some structures allow a sufficient freedom to employees in manifesting their own behaviours. An optimal structure provides an adequate space of manoeuvre, which is dependent on the relationship between the manager and their group. The structure is considered an option dependent on many behavioural factors such as: low morale and insufficient motivation of employees, the delay and inefficiency of the decisions received, lack of coordination or the inability to respond to new situations. By their manifestation, they are formed in the typical problems of conflict outbreak (Dahrendorf, 1996; Jansen, 2007).

The control of competition is also a safe way to prevent a conflict. Competition stimulates and channels the energies of different intensities. When it comes to allocating limited resources, some groups consider them necessary more for themselves than for others.

An open competition requires that the basic rules and criteria to allocate the resources are known, in order to stimulate the groups that are on the route to achieving the goals. Therefore, it is always important to clarify whether the emergence of tensions between the groups within the organisation is related to the limitation of resources. Competition for resources, threatening to escalate into conflict in those organisations that develop slowly or not

developed at all. Conflict can be a symptom of the organisations that are too stable (Thomas, 1992; Ștefănescu, 2000).

Keeping a distance from the first signs of a conflict situation allows managers to avoid partisan positions, to focus more on knowing the causes rather than on the divergence of manifestation. Creating a climate of openness that is healthy and beneficial for the entire organisation is possible by removing the retained emotions such as fear or frustration. The manager's task is to capture the negative energies and to use the differences within the organisation for its development by allocating time for discussions that allow the expression of feelings less likely to degenerate into conflict.

Organisational conflicts are often manifested through verbal aggressions. The employees make complaints to the management team, blaming certain people, incriminating the quality of their work or even the manifestation of incompetence. In all cases, verbal aggression harms the working ambiance. They generate a climate of mistrust and suspicion and incite to the formation of cliques, rivalries and appeals. Verbal aggressions are very difficult to remove by managers when they are completed with negative, inter-conditioned discourses that also affect the other members of the organisation.

Managers can adopt a nuanced style in the relations with their subordinates, continually expressing their point of view to encourage and stimulate the work climate. Obviously, their role is to know all the moments in which the collaborators failed to properly fulfil their responsibilities and to avoid the causes leading to the situation of reaching critical points.

Another way for employees to express the dissent consists in withholding the information in order to distort it. Withholding the information hinders the performance of the work, multiplies the imperfections and enhances the hidden desire for revenge. The information becomes a source of power for the person who has it and they hope to draw attention of their leader, disturbing the actions of others. It is preferable that the essence of knowledge, skill and capability to be formalised, in order to be transmitted directly on the information flow and the responsibility for a document, file, or a certain technique to not be attributed to a single individual, when the other members of the group also need to use them.

An efficient communication and the development of real confidence among employees are two possibilities that can prevent the outbreak of conflicts. Managers create such a good balance between a certain transparency of the information, able to mobilise the employees and some certain discretion when the solutions are not exactly safe (Heelriegel et al., 1992; Grigoruta,

2001; Vlăduțescu, Budică, Dumitru & Stănescu, 2015).

The manifestation of dissents may also have another consequence, that of forming coalitions. Certain people are grouped in order to give more credibility to their claims and to succeed to obtain them. These people rely on their power of persuasion and use various „counter-powers” to put pressure. The coalition forms around a minority or attracts most of the collaborators of a group. In both cases, it agrees to be recognised if it is a matter of the desire of innovation or of the force of resistance within the group.

The role of managers in the administration constitute „mess” created by the coalition, distinguished and employees who are open to novelty, for those who create disagreements without providing solutions. The managerial activities that can be used in assessing the disagreements are: to clearly define the objectives of the assessment; to objectively evaluate the collaborators; to recognise the work that is well done and implement the regulations; to limit the power games within the organisation; to develop a climate of trust; to maintain a balanced proportion between the transparency and discretion of the information; to assess the situation occurred; to identify the inertia or the changes; to facilitate the expression of innovations (Dima, 1996; Jehn, 1997).

The quality of manager involves the rapid reaction to the manifestation of employees' disagreements. Therefore, when the behaviour of their collaborators is not appreciated, it is necessary that the managers inform them on this. This avoids failures of any kind that would later manifest in the entire organisation, giving rise to conflict more difficult to resolve. Should employees' deviations from complying with the discipline be also noticed, managers can use specific tools, turning to educational actions such as: warning, changing the job held or dismissal.

The improvement of the legislative and regulatory framework in the field of employment relationships is the contribution to defining the rights, obligations and responsibilities of managers and employees, and the compliance with these has beneficial effects for everyone involved (Johns, 2007; Teodorescu & Călin, 2015).

The diagnosis of conflict situations is the discovery of the dimensions and implications that require some priority attention of analysis. In managerial theory, diagnosing a conflict requires knowing the limits of the cases located at the „difficult to solve” pole and those „easy to solve.” In this respect, managers face frequent conflict situations, they must create their own model of diagnosis, and this involves the adoption of the methods

for which there is a small number of „difficult to solve” aspects and a large number of elements located at the opposite pole.

In the process of diagnosis, the conflict problem itself is identified by perceiving the disagreements among the parties, which are described in detail. If the principles based on which the content of the problem is analysed do not determine a suitable compromise or people have to sacrifice their own integrity, managers face a situation that is difficult to resolve. The content of each principle becomes an element of crisis and each party involved will consider the point of view of the other party to be wrong (Yukl, 2001; Smarandache, 2015; Smarandache, Vlăduțescu, Dima & Voinea, 2015).

By identifying the disagreements among the parties, any intervention is effective if both parties can reach an agreement, but still believe in their own opinions and have legitimate points of view. Thus, the parties become more prepared for the next steps in the actual settlement of the problem. The size and the influence of the stake of what can be won or what can be lost determine an increased difficulty in finding an immediate solution to a conflict state. By emotionally getting involved in conflicts, people enter into a winning-losing type of controversy and are tempted to give a greater subjective value to the stake measured as such than to the actual value of the situation in which they are.

The period of time in which the parties under conflict are considered to be involved determines maintaining the continuity or discontinuity of their interaction. The interactions between parties can involve continuous long-term relationships. Conflicts that occur along the way are easy to solve because of the collaboration based on advantages and profitable. The continuity of the interaction is required to be the most important aspect in achieving the mutual objectives of both parties. However, if it is a matter of conflict episodes manifested discontinuously, it is difficult to convince the interacting parties to accept initiatives to adapt to the solutions proposed. They are not willing to solve the differences immediately and permanently, arguing that one of the parties could be more favoured than the other. The protagonists of a conflict become parties involved in a game that can be „with a positive sum” when they expect to obtain benefits as a result of the collaboration for settling that conflict, or in a game with a „null sum”, when each party considers that the other will win against them. The interdependence between the warring parties thus measures, choice of manner of finding a solution. Group leader behaviour of employees in conflict with the managers can influence speedy settlement of the conflict.

The firm trade union leader, supported by their representatives, who is open to cooperate, is more easily accepted by managers in the process of negotiation. The influence of the informal structure manifested by a strong cohesion is visible through the safety state it creates. The cases in which rebel groups coexist within the organisation structure, which are disintegrated by internal fights, marked by the instability in choosing and supporting the same trade union leader, are difficulties for managers in their action to adopt techniques for resolving the conflicts occurred.

## **2. Conclusions**

The parties in conflict often bear unwanted effects caused by the following situations: poor communication accompanied by irrational arguments and personal attacks, transmission of distorted messages and perceptions or the performance of unreasonable actions. Mitigating these moments is possible and necessary through the presence of the third party. In conflict situations, the managers involved cannot be a neutral party, the mediation being undertaken by arbitrators, consultants or professional experts who have the mission to supervise and maintain reasonable and constructive limits in the relations of exchange between the two parties. They can solve conflicts by providing them with a public feature and judging the situations after they have listened to the problems reported by both parties. Knowing how the conflict was perceived by its protagonists is very important during its course. Conflict management is exercised by alternatives solutions with moderate benefits for both parties. They are obtained through managers' availabilities in adopting decisions, properly achieving the diagnosis and in finding the balance position within the organisations facing such situations.

The aspects pursued in diagnostic a conflict situation are: the conflict problem itself; the size and influence of the stake; the continuity of interactions; the interdependence of the parties; structuring the parties; the involvement of a third party; the perception of the evolution.

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## **Public Relations Profile in Current Postmodern Context**

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### **Abstract**

This study is based on meta-analytic method and it clarifies the concept of public relations in our postmodern life. Even we know that the public relations have over 400 definitions, they are adjusting while the times passes and because of that, people from the field of communication and public relation have to be more creative than before. An organization can't promote its image without the instruments of public relations; this mean that every organization that wants notoriety must apply to people from public relations to realize a campaign in order to inform the public about the existence of the company.

A campaign of public relation is a process that have the purpose of development the image of a company and to promote it inside different groups of a society. The public relations campaign is starting from the moment when it's fixing the purposes and then passing into action in achieving its objectives. Every campaign of public relation is based on creative people who are using the instruments of media properly. If in the past was a problem in promoting an image, nowadays it is becoming easier through social media: Facebook, blog, Twitter, LinkedIN, etc.

**Keywords:** public relations, communication, media, social media, campaign

**JEL:** Z13, Y80

## **1. Introduction**

Starting with the 20<sup>th</sup> century, the public relation had known a development of modern means of communication, as emphasized C. H. Botan and M. Taylor: “Public relations is both a professional practice and a subfield of communication with its own research and theory base” (Botan & Taylor, 2004, p. 645). The public relations can be seen as a mode of communication between an organization and its public. They have in their content a clear evidence of the sense and social value of the society. Public relations are used in the social space who is composed of three parts: public space, organizational space and media space with three situations of the process of social communication: public communication, organizational communication and media communication (Hutton, 1999).

Public space is representing by the community through it supports and protects the life of people. It may seem that is a link between a person and the community structure. The public space is valorized through the interest of its public; here, the public time can be easily passed as a cultural time where a person’s state of mind is an expression of the social activism. In every organization, the public relations are in fact a strategy of public communication. Organization space is composed of organizations that can have internal and external public. In this content, the organizational communication is representing a mix of structure and communication process through the organization is adapting at the changes from the external circumstance. The crisis of communication can’t overcome only through a strategy of a public and optimum communication (Ionescu, 2015). The last one is the media space and it belongs of course to the media. It results that the public and organizational space are over the impact of the media. They are controlled by it. We can say that the public relations are represented in fact a strategy and a technology of media communication where the connection between media and society is processed by an action based on the communication with the media and through the media.

The relation between media and the organizational structures are conducted by a series of information necessary in co-working together. Another important factor for this team is that in the first round is given the necessary information for the media to give to its public where the messages from the organization are promoted and can attract people to it.

Public relations generate different activities through the participation of different persons in the activities of public relation; sometimes this may cause confuses. Rex F. Harlow in 1976 said that the public relations are representing the managerial function that can help to sustain and maintain a

limit of communication, a reciprocal acceptance and cooperation between an organization and its public (Harlow, 1976). They imply the information that is necessary for the managers to respond to the public opinion. The public relations are used as instruments to work the research and the communication based on ethical principles.

## **2. Public relation of an organization**

For an organization to have success, it needs a powerful campaign and in order to achieve that, it may take a pass through the most important steps of the communication activity-the planning. So, the most important elements for reaching a campaign are: analyzing the situation, setting goals, establishing the campaign message and establish the strategy and the tactics. Communication is a part of society, including all the organizations. For a person to know in detail every part of the organization that he is a member, the ideas for a campaign of public relation must reach from the company reality. In the analyze of the situation, a good PR must conduct the campaign through the eyes of an analyze called S.W.O.T. (Strengths, Weaknesses, Opportunities, Threats) to catch all the elements from the organization and outside of it. The research is the keyword in this step. This action sets the objectives of an activity of a campaign that help the people from public relation to identify the real problems and to achieve the results.

Setting the goals causes to find the objectives of a public relations campaign, but beside that, it must rely on the analyze from the first step. The objectives are representing the reactions that we are waiting for from the public. If the objectives are formed correctly, they will suggest a proper method of evaluation based on quality and quantity indicators (Coman, 2004; Prună, 2006; Badea, 2008; Voinea, 2015). The third step is representing the establish the message of the campaign. Also, it is known as the main idea of any text that will be in the campaign, starting from the scripts of ads to publish articles on a blog or Facebook. The message must be dynamic and personalized according to the image of the company. So, the message must count on objectives, the profile of a campaign and what are the characteristic of its public target, also which the elements with main character are. If the message will be received wrong, the entire company will be compromised. In the last step, establish the strategy and the tactics, it is very important to know what means the strategy and the tactics.

The strategy represents a general plan to implement, a direction to attack from where will be defined means of actions-tactics. There are plenty

of tactics specifically on public relations from the simple to very complex one (Coman, 2011; Grunig, 2013; Brown, 2014; Strehie, 2015).

The public relations are composed by a process of creation and maintain relations between the public based on the instruments and channels. Also, public relations mean image management.

The activity of the public relations represents a credible way to promote the truthful information. It's important to know that the public relations are like a chess game where in time you visualize the move of the other, you can make a strategy; every details count. The actions of the public relations give power to the organization in order to create a more stabile relationship, based on trust and respect. Another interesting fact about the public relations is that they have double personality as organized and as public. It means that you have to make all the people from a society to listen. Public relations mean critical thinking and ingenuity as well as imagination and intense documentation. Public relation's instruments are handled carefully because they are in a continuous battle with stereotypes, prejudices and unfounded opinions. It results that public relations mean people, education, ethics and prestige. The public relations are important too for the organization in avoiding the attacks from the others competitors. Public relation can be seen in different congress, international reunions, etc. They appear systematically and constant under a direct contact by the companies with different category of public in order to send the message and promote the image (Sriramesh & Vercic, 2003; Carrell & Newson, 2004; Cmeciu, 2010).

A campaign of public relations is a strong process of development a product of a company in a manner to reach notoriety. This process is based on research and conception of a program in order to achieve a permanent evolution of the steps performed. The campaign has to follow two directions: purposes and objectives (Stancu, 2004; Ene, 2011; Stoica, 2012). The first are representing the results that the company hopes to obtain through its actions and the objectives are represented by the steps that the company puts in order to reach the purposes; so, the objectives are in fact actions that must have a signification to realize the purposes. Although, a campaign of public relation has to inform a group of person or even a society about a product or a message, it can have different objectives: awareness of an issue where people are taught how to avoid a problem, public information where the necessity to inform a public about different subjects it's important, public education where the purpose it to prepare a group of person to action for their causes, strengthening attitudes where the purpose is to sustain the

values of an organization and to update them, changing the attitudes, in this case there are many organization that fight against some issues like smoking and changing the behavior where the purpose is to introduce new actions (Kitchen; Kent & Taylor, 2002; Ledingham, 2003; Bratu, 2015).

For a campaign of public relations to have success, it needs to have some characteristics: to define the needs of objectives and public resources through an accurate research, to plan a scheme where the organization show what point wants to reach and through what means the objectives will be realized, to evaluate the campaign in order to highlight the goods and wrongs and to select the media according to each category of people to have an efficient communication between the organization and its public (Wilcox, Cameron & Reber, 1992; Gregory, 2009; Rus, 2010) .

In our days, a campaign of public relations can be easily accessed and seen by the public through social media. Everything that is happening in our society appears firstly on the Internet, even if is on blogs, Facebook, Twitter or other. Through all these social instruments, an organization can be in touch with its public and it can send the right messages. Although, the social media had become a very important part of our life, an organization must be careful about what messages wants to promote because can be interpreted in a wrong way and it may cause a crisis in the image of the company. The faster the society is allowing the social media in their life, the faster the information will be received. People that are working in the field of communication and public relations must be very flexible and easily adaptable to the instruments of the modern society. Social media is the main reason for a campaign of public relations to work or not. It can affect the message and create chaos.

In the paper “Effective Public Relations”, S. M. Cutlip (1962) have identified a series of activities that implies the public relations. A first activity is represented by the writing and the editing of the messages that are included communicates, news print media, letters, ads, reports of activity and newsletters. We know that the writing is one of the most important human activities and is considered a complement of language. A communicate is a work instrument for the journalists where they can find out information about the interested subjects or it can be a final product in order to be published directly. News print media can be a short communication of a social factor of a social process or even a result of an unknown knowledge (Cutlip, Center & Broom, 1994; Cutlip, 2013). The letter is representing a way for the people to communicate with each other or with public institutions. The activity report is an action based on the setting in a formal

way the actions. The last one, the newsletter is a bulletin that appears periodic: trimester, monthly or weekly and it is published by a commercial organization composed of information about different subjects according to the interests of its public (Iorgulescu, 2009; Grabara, Kolcun & Kot, 2014; Smarandache, Vlăduțescu, Dima & Voinea, 2015). Another activity of the public relations is sustained by the relations with the press: contacting journalists, placing materials in the press, maintaining a bond with the journalists and a faster distribution of the information that are required by the journalists. An activity from the series in public relations is consisting in the research where the purpose to identify the public's categories that interferes with the organization, the collection of the information from the inside of the organization and from the outside of it-the opinion of its public, monitoring of the press and the evaluation of the activities of public relations. The counseling is another form of public relations and it consist in recommendation for the entrepreneurs, leaders and politicians in manner to respond properly to the requests and to overcome the crisis. Organization of special events consists in the preparation and coordination of the press conference, inauguration of targets or launch program, anniversary, fundraising, visits, etc.). Speeches in from of intern or external public or preparation of the leaders of this specific action (Smith, 2012; Brown, 2014). The production is representing the creation of a product of communication based on media means. The last activity from the series that compose the public relation is the existing of the contacts from the community representatives, press, political words or business or even of the member of an organization.

### **3. Conclusion**

Public relations are connecting the message and the image of the organization to its public through many instruments. In our days, the public relations have become dependent on the internet and media, being unable to work without them. For an organization to have a powerful message in order to attract people, it needs a good and efficient campaign of public relations. Based on the organization's purposes, the people from public relation are chasing the objectives from where they will send the necessary information, message and image about the company. Through public relation, an organization is creating and promoting an image. It's important to know that the public relations are co-working with the media in every campaign. Without the modern elements of technology as social media: Facebook,

Twitter, blog and others, the message will not be received by the target public.

Public relations are not just a series of definitions, but also they are representing a sustainable point on the society. In the modern society, the public relations had become an important part of every organization. Public relations are created and involving the image of society.

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## **Discovering Communication Routes in Translation: Comparative Law as a Translator of Legal Culture**

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### **Abstract**

Various areas of knowledge provide the opportunity to discover and explore communication routes in all fields of human activity involving intuition, creative power, even speculative insight. The aim of this study is to point out such communication routes in translation, a tool of paramount importance in the arsenal of the comparatist as a translator of legal culture. A recurrent theme in debates about the nature and aims of comparative law, the concept of legal culture has aroused the interest of comparative law scholars, especially after the 1990s. Considering the strong relationship between language, culture and law, one can rightly note that a comparatist, while inevitably assuming the role of translator, should constantly undergo a process of becoming an intercultural person, one mediating between (at least) two legal cultures. He should identify similarities and interpret differences that exist between legal systems for the purpose of establishing communication in a cultural framework, thus contributing to the dislocation of functionalist, instrumentalist understandings of law and focusing on meaning as determined by context.

**Keywords:** language, law, legal culture, translation, communication

**JEL:** Y80, Z10

## **1. Preliminary issues**

The adventure of exploring various areas of knowledge provides the opportunity to discover and follow communication routes in all fields of human activity involving intuition, creative power, even speculative insight (Smarandache & Vlăduțescu, 2014; Smarandache, Vlăduțescu, Dima & Voinea, 2015).

This study aims to highlight such communication routes in translation, an indispensable, priceless tool in the arsenal of the comparatist as a translator of legal culture.

In legal translation, a domain that happily – and challengingly - unites law and language, the comparatist, who often performs the role of translator, has to temper the incongruities of legal systems and, at the same time, preserve the identity marks of each legal culture. Linguistically, he has to deal with the hesitations raised by the respect and fidelity he owes to the source language and the conceptualized linguistic possibilities that the target language offers.

One of the goals of a comparatist's endeavours is to identify similarities and interpret differences that exist between legal systems, thus establishing communication in a cultural framework, contributing to the dislocation of functionalist, instrumentalist understandings of law and focusing on meaning as determined by context.

## **2. Comparative law as a translator of legal culture**

### **2.1. Language and law**

Historically, language and law have embraced human aspirations towards a universalist perfection aiming to eradicate disorder (Grosswald Curran, 2008, p. 691).

Although the status and role of language and law may differ from one society to another, the two are inseparable, for “he who seeks law should start by language” (Vltmer & Streiter, 2007: 345). From a certain perspective, this means that in linguistic terms, law appears as a highly developed specialized language, a body of linguistic means pertaining to a specific field and ensuring communication in that very domain. But the structure of law cannot entirely be revealed based on the structure of language. The latter must make use of another type of technique in order to express the ideas of an ideal, normative system. It is generally agreed that law is rendered through legal language and the solutions of law can be found in texts, hence the notions of law must be ‘translated’ into language so that they will take effect.

Language can be studied as a cognitive model for comparative law, for it is intimately related to the inner characteristics of legal systems, cultures and mentalities (Grosswald Curran, 2008: 676).

## **2.2. Law and culture**

After the 1990s, comparative law scholars have witnessed the explicit concern with law's relation to culture, especially with the concept of legal culture, a recurrent theme in debates about the nature and aims of comparative law. Some even consider that its role is decisive in the reorientation of the entire field of comparative legal studies. The idea of legal culture appears as an embedment process implying that law, with all its rules, practices and conventions, doctrine, institutions, etc., is entrenched in a broader culture. Quite often, conceptions of legal culture go beyond the "professional juristic realm", encapsulating elements that characterize "a more general consciousness or experience of law" largely shared and shaped by those who live in a particular legal environment (Cotterrell, 2008: 710). These elements may refer to the fundamental, traditional values and principles of a legal system, shared beliefs and customs, thought patterns and common interests.

Shifting away from the more traditional emphasis on attempting to neutralize legal differences, the advocates of a cultural focus point out similarities and celebrate differences between legal ideas, legal systems and legal traditions, in brief legal cultures, developing an empathy for the other, a concern with legal experiences taking place within various legal environments. Their merit is to have replaced instrumentalism and functionalism with a highly contextual, interpretive approach and with a hermeneutic methodology (Cotterrell, 2008; Riles, 2008).

The legal culture perspective perceives law as necessarily different from the law existing in another culture, conferring integrity, recognizing identity and uniqueness, safeguarding coherence of the culture in which law exists.

In this framework, comparative law is thought to have become more than a translator of law, it is a translator of legal culture.

## **2.3. Translation as a means of intercultural communication**

Translation is "formally and pragmatically implicit in every act of communication, in the emission and reception of each and every mode of meaning" (Steiner, 1992: XII). It enjoys full recognition in a multilingual context, going beyond chaotic plurality, which can cause heuristic misunderstandings, even impossibilities, and the myth of intercomprehension through linguistic uniqueness. A universal language and

a universal law are utopian, sometimes concurrently. Languages are not confined to communicating information, they carry and create cultures. Therefore, translation must be developed as a means of communication, as a way of knowing and enriching one's own language so that people will constantly discover the spirit and 'fragrance' of original multilingualism (Eco, 1994, in Dănișor, 2015, p. 143). A unique, universal language would render the spirit poor, but, on the other hand, the uniqueness of language is determined by and forges "a unique world perspective, an irreproducible manner of seeing and understanding" (Grosswald Curran, 2008: 680).

Legal translation is a means of intercultural communication, as translators and comparatists alike find communication routes in the former, convey differences and similarities of legal cultures. A legal term should and does translate what a society carries in itself.

Translation is based on intercultural communicative competence, related to communicative competence in a foreign language, i.e., a person's "ability to act in a foreign language in a linguistically, sociolinguistically, and pragmatically appropriate way" (Ryan, 2011: 428). The affinity between communicative competence and intercultural competence results into intercultural communicative competence.

One of the major contributions to the view on intercultural competence was the model that Byram and Zarate (1997) presented as input for the Common European Framework of Reference for Languages (Council of Europe 2001). They introduced what they termed four *savoirs* (Byram and Zarate 1997), including: *savoirs* (declarative knowledge), *savoir faire* (skills and know-how), *savoir être* (existential competence), and *savoir apprendre*, which was further extended by Byram (1997) to include *savoir s'engager* (critical cultural awareness/political education).

Considering the recognized and revered relationship between language, culture and law, one can rightly note that a comparatist, while inevitably assuming the role of translator, should constantly undergo a process of becoming an intercultural person, one mediating between (at least) two legal cultures. He should cultivate intercultural communicative competence and the five *savoirs* that fall into categories of knowledge, skills, behaviour and attitudes/traits.

#### **2.4. Translation and comparative law**

Translation is nowadays one of the main components of comparative law. Critical Legal Studies comparatists have turned to linguistics and literary theory hoping that they will enable them to derive new heuristic devices and routes, while shifting from the traditional concept of 'legal style'

to that of 'legal consciousness' and trying to update, even replace the idea of 'legal transplants', considered inappropriate, unable to capture the phenomenon of transferring law from one context to another. Terms such as 'globalizations', 'productive misreadings' and 'translations' are used "to effect a paradigm shift in theories of legal change that are capable of accounting for domination and power disparity" (Mattei, 2008, p. 827).

In terms of comparative law, language knowledge is a component of the foreign legal systems under examination; moreover, it is "the most efficient shortcut to understanding how to understand" (Grosswald Curran, 2008: 682). Language, through translation, allows entry into another world, it opens new perspectives on intercontextual understanding, while identifying and communicating alterity.

Most people are unable to read foreign texts except in translation. Language depends on translation in as much as the latter becomes a mechanism essential to meaning construction.

Translation should not impede communication between legal systems and cultures. On the contrary, it should preserve their identity and specificity and manage, at the same time, the incongruities tending to bar exportation and importation of terms, notions and concepts in the field.

The pre-stage of translation is to decipher the conceptual value of the source text, to interpret it. Thus, the meaning of a legal text can be determined according to (Frydman, 2005, in Ruffier-Meray, 2007: 244):

1. The intention of its author as reflected in the will of the legislature
2. The act the text pertains to and, in a broader sense, the coherence of the legal order that it expresses and the general principles of law governing that legal order
3. The situation to which the text applies and a balanced analysis of the interests and values in question.

At every stage of translation, it is important for comparatists to understand the culture that foreign law inhabits, to become familiar with every individual actor that generates meanings in law. Even when foreign notions or rules seem intelligible, there are still problems of translation, either in the most obvious sense, when the language of the comparatist differs from the language of foreign law, or in a subtler sense, when the same language unites two legal cultures (e.g. English and American), and, in this case, it is not easy to identify deeper differences in, for instance, "patterns of values and beliefs, historical experience, and national outlook" (Cotterrell, 2008: 722).

It is hard to evaluate the quality of translation, there have been many attempts in history to prescribe rules and steps to be followed, to critically analyze existing translational practices, to set principles, methods and rules meant to enlighten translators (Chromá, 2014: 148). The solutions are not universally valid and the complexity of practical problems still causes debates.

Although the potential of comparative law is enhanced through translation, there are various difficulties that a comparatist has to surpass. There have been debates as to whether genuine communication can be established between two legal presences, whether communication denotes an exchange of equivalent concepts.

Just as comparative law means much more than legal rules and notions subjected to comparison, translation is more than an act of comparison as a basic pattern of analysis and a search for equivalents, it is an infinite source of links and associations triggered by words and concepts.

One of the questions arising in relation to the notion of equivalence concerns the choice of translation solutions where a legal phenomenon has no exact equivalent in the target language, for translation can rarely achieve a total overlap of meanings between two legal systems.

Without insisting on the theoretical approaches to equivalence, it has been noted that in comparative law, the solutions translators usually resort to are either to translate certain words by approximation or to leave in the original language words that translate poorly (Grosswald Curran, 2008: 680).

At this point, certain linguistic comments seem necessary.

According to Alcaraz (2014), purely technical terms, together with semi-technical vocabulary and shared, common or ‘unmarked’ vocabulary, form a symbolic or representational group which includes all the terms denoting things or ideas found in the real world, either physical or mental. On the other hand, functional items refer to grammatical words or phrases with no direct referents either in reality or in the universe of concepts (e.g. hereinafter, with regard to, in accordance with, under, etc.). This group also comprises deictics, articles, auxiliaries, modals which do not cause serious translation problems.

Such words as title, section or paragraph, form the ‘unmarked’ vocabulary and are frequently found in legal texts. These words have not lost their everyday meanings and have not acquired other by contact with the legal environment.

As for the symbolic items, only purely technical terms and semi-technical or mixed terms deserve attention, as they cause real interpretation and translation problems.

Purely technical terms raise no dispute about their meanings or legal content and function. They are semantically stable and sometimes considered genuine terms of art or legal culturemes. For this very reason, it is believed that they cannot be translated, in the sense that they should just be adapted or left untranslated. Such are the terms: barrister, solicitor, estoppel, common law, tort, trust, etc.

Such terms as common law or estoppel are impregnated with tradition and legal culture, they are so complex in point of legal content, that it is easier to understand them conceptually and preserve terminological accuracy than translate them.

In support of the solution suggesting to leave words in the original language, I would like to present the cumbersome translation of these two terms in Dicționar juridic englez-român:

Common law (under the entry common) is translated as: legea necrisă, dreptul cutumiar, drept jurisprudențial (spre deosebire de statute law, legea scrisă; de equity, echitate, ca ansamblu de reguli aplicate de Court of Chancery; de legile speciale, cum ar fi legile canonice și legile comerciale; de dreptul civil)/ ‘unwritten law, customary law, case law (as opposed to statute law, written law; to equity, fairness, as the set of rules enforced by the Court of Chancery; to special laws, such as canon law and commercial law; to civil law). It is also referred to in Romanian as drept anglo-saxon (‘Anglo-Saxon law’).

Estoppel is translated as follows: regulă de administrare a probelor care împiedică o persoană să nege adevărul unei afirmații pe care a făcut-o și pe care o altă persoană a crezut-o și a acționat în consecință/ ‘rule of administering evidence that prevents a person from denying the truth of a statement that he made and that someone else believed and acted accordingly’.

The technique of leaving terms in the original language has the disadvantage of alerting the reader “to the irremediably foreign nature of the underlying concept” (Grosswald Curran, 2008: 678), often providing lengthy explanations in footnotes.

In the absence of direct equivalents, a functional adaptation is also possible (Mayoral Asensio, 2003: 59). The translator or comparatist may use the concept that performs approximately the same function in the target language. Let us take the term magistrate. In the United Kingdom, it usually

denotes a volunteer of the Magistrates' Courts (also known as justice of the peace). In the Romanian legal system, a magistrat may be 1. a judge, prosecutor or counsellor, or 2. a high official. Therefore, the best solution is to translate the English magistrate not as magistrat, but as judecător (literally, 'judge'). Another solution is judecător de pace (a calque after justice of the peace). There is no judecător de pace in the Romanian legal system, therefore this choice may require explanations.

Semi-technical terms are words and phrases of general use that have acquired additional meanings by a process of analogy in the specialist legal context. They are polysemic and therefore more difficult to recognize, imposing a wider range of choices on the part of the translator. Such are the words: bill, case, consideration, defence, information, the verbs to avoid and to find, etc. For instance, the legal meaning of the verb to avoid in the expression to avoid a contract is 'to terminate a contract' (as opposed to the general meaning 'to keep away from smb/sth; to try not to do sth').

### **3. Conclusions**

Over the past years, the comparatist has come to realize that he should act as an intercultural person, trying to understand law within the landmarks of the people participating in the development of its culture, and operating, as much as possible, in compliance with the thought patterns of the culture in which that law is embedded.

As a translator of law, of legal culture and meaning, comparative law has always made use of various tools with which to translate, tools that it has constantly devised or borrowed in a process of filtering past conceptions and rigidities, while preserving long tested methods of analysis and constructing new paradigms of intercultural communication.

The complex comparative nature of language characterizes law, granting comparative law the importance it deserves as a translator of law and legal culture, "but only so long as comparative law remembers that the comparative undertaking remains one of translation" (Grosswald Curran, 2008: 678).

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## **Media and the public opinion within the current political-economic context**

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### **Abstract**

Within the last 25 years, the influence of the media has increased exponentially along with technological developments, at first via radio broadcasts, newspaper and magazine dissemination, then via television, and, today, over the Internet. We live in a society that relays on information and communication, since they decidedly influence each of our daily activities. Hence, it has come to such situations that noteworthy lobby companies in the United States would not confirm the President's attendance at an event, if the press were not present at that event. Based on the Theory of Democracy, the media desideratum is to propagate social, economic or political information, to correctly and timely inform the individuals, who, in their turn, shall influence, by vote, any decision-making process. It is this very important role that the media plays in today's society, for it came to influence key segments of the economic, political and even legal sectors.

**Keywords:** media, public, opinion, political-economic context, Internet

**JEL:** Z10, Y80

## **1. Preliminary considerations**

Starting from the idea that every life event can be perceived directly (if witnessing it) or, indirectly, through words symbolism (news, reviews, interviews), we can very much state - without any exaggeration - that the media (more than family, school, professional membership, social status or political affiliation) exerts its supremacy over the public opinion via the symbolic force of the message (Bourdieu, 1996; Breton, 1997; Noel, 1998). It is already a truism that every word (except for proper names) is the symbol of life aspect, a life event or a situation, a mental development starting from the reality itself, though it might not be its faithful reflection, but a subjective representation. Thus, people may not necessarily rely on (in case they did not witness an event that occurred) the real-reality, but the media-conveyed reality, without being aware of the distinction (as postulated by Walter Lippmann) between the “environment” (the reality itself) and the “pseudo-environment” (the media-conveyed reality). Hence, “something” is interposed between the real fact and the opinion, without which there would be no opinion: the mass media message (Lippmann, 1925, p. 13).

To materialize this idea, let us assume that the printed or the audio-visual press releases some information on a threatening fire in a supermarket, the message also communicating about special forces’ intervention to handle the situation. Well, even if the news is accompanied by photographs (in press) or live images (on TV) or both, via the Internet, the individual does not perceive the real event as a direct mental representation (customer’s condition, officials’ declarations, products’ state, fraud attempts, the state of the construction, etc.), but the media-conveyed reality that will ultimately shape the opinion of the audience (the construction in flames, firefighters’ action, the construction state, i.e. post-event elements). Moreover, the audience will not develop a common opinion, but various perspectives (the condition of victims, damages, the culprits), which will be subsequently unified by means of media messages as well. Such messages will eventually lead the public opinion towards the final version of the reality. Still, this unification is achieved also via symbols (statements, debates), thus key elements in decoding and interpreting the event (Osgood, 1978; Noelle-Neumann, 1993; Bougnoux, 1993; Negrea, 2015).

Under the circumstance, individuals do not operate with the facts, but symbols that reflect a media-conveyed reality and on which public opinion is completed. Likewise, this pseudo-reality emerges in several degrees of subjectivity, even though, in the end, it is sanctioned as objective. It is, first

of all, the reporter's bias on the event, for (s)he records this incident after it had really occurred, relying on others' accounts, subjective in their turn as well (customers, employees, employers, local authorities). Additionally, we have to consider the subjectivity of workers in the newsroom, as they conclude the message, and, last but not least, the subjectivity on the form, the meaning and communication space. Thus, media representative prove that they hold the strategy of the symbolic power to shape public opinion on certain aspect of reality, even though it does not entirely belong to the proper reality.

## **2. Media and the symbolic power**

Within the context the contemporary society, the media changes the boundaries between the real- reality and symbolic one, while the means of communication stand as a dissemination process of the symbolic events. It has come to this situation, because nowadays information has acquired a strong symbolic content, and, for this very reason, symbols have to transfer a common understanding in order to trigger attitude and behaviour changes. Any media message bearing a symbolic imprint must address the public interest, as transmission-reception form of a symbolic stream that needs first to be decoded to enable the receiver perceive the concise, nuanced and sometimes even only inferred information. Such a technique is the "brilliant generalisation" technique, consisting in the combination of words to render a special emotional and suggestive load (champions food, the king sport, dreamlike holiday) or the "transfer" technique that links the prestige of a cherished person with another person, aiming at generating a favourable, accepting attitude (politician X = the new Titulescu or the local Napoleon). According to the "instrumentalist" concept, the word symbol is not mandatory, though it conveys an imperative suggestion (the best, vote for it!). Thus, it can establish a relationship between the primary reality dimension and media-conveyed reality, leading to the idea that the media-conveyed message is the central reality knowledge instrument that generates at the same time a "mirrored" reality, while the only remaining problem is the ability of the means of communication to ensure the mirroring authenticity. This concept implies the transmitter's ability to subtly deploy the receiver from the authentic reality via the symbol-word, thus encouraging her/him to form opinions in relation to a parallel reality, though preserving the illusion that her/his behaviour is in compliance with the primary reality (Smarandache & Vlăduțescu, 2014; Vlăduțescu, Negrea & Voinea, 2015).

This view is opposed to the syncretic perspective that demands the media to achieve, through information and communications related to an event, a perfect concordance between the reality, the language and the individual; an almost impossible interdependence, for as the word is only the symbol of an event (it cannot be a substitute), and the message cannot take the place of reality. Thus a new reality emerges, since the language is not the mirror of the reality but of a subjective transmitter.

It is self-evident that the main purpose of communication is how the message is perceived by the receiver. "Mass communicators expect their audiences to notice their messages, to identify the contents of the messages, to properly change their attitudes or beliefs or to behave in accordance with the pre-established responses" (Severin & Tankard, 2000), despite the fact that the selective perception is influenced by a number of factors such as desires, needs, attitudes, assumptions, cultural influences, moods, education, social status, family, so that different subjects will receive the same message differently. For this reason, the proficiency of those performing mass communication is based on achieving coherence between individuals' perception and their cognitive information processing. And this, because perception is a complex process, for as the audience does not only select and interpret a message, also, it receives various influences, both external (as previously mentioned) and internal, related to its selective exposure (the audience only accepts messages consistent with its views and avoid those that differ), its selective attention (individuals are attracted only to information that agree or disagree their interests) or selective memory (recollection of information or rumours that are somehow related to the new story).

Undoubtedly, in order to meet all these requirements, to find a common denominator in shaping the public opinion, a special effort is required on behalf of the media, forced to implement various information-processing models so as to influence public awareness and response.

Aware that the message symbolism may be interpreted differently, the media sometimes resorts to the theory scheme. The scheme is a structure composed of organised information, formulated in a simplified model, though bearing symbolic imprint and which needs to be decoded (Stovall, 1996; Bourdon, 1997; Popa, 2002; Stigler, 2006). For example, Ron-Euro ratio schemes are presented in printed publications and on television as well, indicating on the horizontal the months of the year and on the vertical the reference rates. However, such message is an incomplete symbolic message, in as much as the audience is forced not only to decode the meaning, but to individually or

collectively calculate: loans interest percentage, the inflation rate, advantages or disadvantages vs. currency exchange, thus leading to the idea that the scheme is only an auxiliary aid of the message, not an effective means of communication, exhibiting a reduced possibility of application.

This method was enhanced in mass communication with the “subliminal perception” technique, a technique that manifests “beyond the awareness threshold, i.e. that the individuals can be influenced by stimuli that they are not even aware of” (Severin & Tankard, 2010). Thus, commercial is suddenly interrupted the funeral arrangements and the display projects the image of a punctured lung, shrouded by smoke from a cigarette. Then, commercial continues, and after an interval, the music and the image repeat without any comment. It is a symbolic message, which suggests giving up smoking.

Much more effective in the attempt to identify the media-conveyed reality with the proper one and highly applied in television is the message-image combining method. It is well-known known that images are not only transparent representations of the reality, but also emotional or affective apples’ transmitters, and thus combined with information thy can turn into complex argument for the audience to build a decisive opinion on a fact the overlaps reality. In accordance with this method, the media needs to display reliable expertise in combining verbal information processing with visual images processing. Accordingly, a message on the new “Dacia” model (engine capacity, consumption, driving performance and other technical data) is complemented by the vehicle image a driving test; the two components (verbal and visual) increase the receiver’s trust, that (s)he is an authentic witness of the reality, thus highlighting the force of the communication giving strong endorsement dimension via media.

Being aware that text-image combination draws the audience interest, recently, it was added the “simulated image”, which, supplemented by sound, accompanies the message and the image itself, in order to bring the receiver closer to the real-reality of the created event. Thus, the message about a traffic accident, accompanied by images of the crushed vehicles, is technically explained by a simulation design of the road, where one of the vehicles runs on the opposite lane and crushed the other vehicle. The simulation is accompanied by a specific vehicle-collision noise, image and text to enable the audience shape a much accurate vision. Aiming at clarifying the media - symbolic power relationship, special attention was paid to message-coding-and-encoding techniques applied to media-conveyed messages and perceived by the audience. We all know that language is static

(a limited number of words), and the reality is dynamic, constantly changing, i.e. the limited verbal models need to adapt to the countless social events (Voinea, 2015; Voinea, Buşu, Opran & Vlăduţescu, 2015). Besides, language is abstract, selecting some details and omitting others (admiring a vehicle we may notice external details, but not its functional structure), thus the word suggests an overall representation of a reality fact, while individuals people create different meanings for it. Consequently, the symbolic language used in media influences the message and, indirectly, the audience manner of thinking and interpretation. For that reason, the means of communication should avoid conceptualizing and thus blocking the message at a level that creates distortion, as is structures like: “law and order”, “justice”, etc., which do not acquire a concrete meaning if no further details are provided: “observance of law and order for all citizens”, “judicial independence”. At the same time, it should be avoided an exaggerated identification of individuals that would prevent any distinction among the members of a certain social class and another, thus leading to over-equalising (X leader of the Z party is corrupt, so the whole party corrupt). Media avoids excessive identification that may lead to categorisation by means of language and, hence, the inability to inform the public on the differences between individuals or life situations. Also, media messages should avoid two- option assessments (of or-or type), as they induce a limited thinking between two possibilities, since any life fact displays a multitude of variants. Last but not least, of the three types of statements, it is recommended that the media messages use either the story-telling (statements that can be verified) or the sustained judgment (following an approval or disapproval) rather than the inference (a statement over an unknown a fact or a future situation), because in order to overcome the subjectivity and the hazard (which will lead to a lack of credibility) a summary of the verifiable information is being recommended. The entire approach endorsed the idea that the means of mass communication form and influence the public opinion, but sometimes – due to unprofessional encoding or inaccurate decoding – they may lead to differences between the audience perception and the expected effects. Such situations may occur, in as much as, by means of the symbolic power, the media intends to convey a set of symbolic goods to strengthen beliefs and legitimate actions. Via the message, the symbolic form becomes the audience symbolic good, to be interpreted and put it into circulation, thus turning into the opinion.

### 3. Conclusion

Although everyone argues over manipulation (intentional or unintentional) as a phenomenon of the reality, this manifestation of the influence is negated (strategically), both by those who use it, and by those who do not want to admit that they are manipulation victims. It has come to this, just because manipulation - not a forced, but an inferred action, leading a person or a group to act in compliance with the interests of the originator - is subtly exerted, "by means of counterfeit arguments or of partial truths, arranged in false sequences appealing to human emotional, non-rational consciousness dimensions" (Herjeu, 2000, p. 18). The subtle manifestation of this action is performed overwhelmingly via persuasion, which is a common way of communication, aimed to change the attitude of a group, through information ascertained primary by one source, with intent to manipulate the social behaviour. Persuasion is part of our lives and, whether we want it or not, we have to admit that we use it, or, we are exposed to it anytime: goods purchasing, medicines administration, visiting a preparatory or a doctor, voting for a party or a person, watching a show, attending a demonstration, etc. To put in a nut shell, we can say that - despite the fact that the media seems independent, acting as a shield against propaganda – all the means of communication are manipulated by political propaganda or other sources, generating in their turn, consciously or not, an intense process of persuasion on the audience, generally carried out on following stages: performance (persuasive message), attention (audience), cognitive process, cognitive response (accept / deny), manifest-like behaviour (maintained / changed attitude).

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## **What kind of leader is a manager?**

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### **Abstract**

This study aims to clarify the difference between leader and manager in the environment of economic and communication specific tourism field. Used method is one of meta-analytic nature; it consists of primarily configuration of set up of two epistemic nuclei and in analyzing them parallelly. A first nucleus is that of leader-leadership relationship and the second nucleus is formed of manager-management relationship; significative joints of this two nuclei are comparatively analyzed. Common or similar features differentiating features are brought into convergence to create two clear portraits, one for leader and one for manager. The leader and the manager must accomplish two types of tasks: the one concerned with problem solving (tasks' fulfillment) and social functions (of group creation and maintenance. The leader is firstly oriented on group creation and maintenance and secondly on tasks' fulfillment. The manager is firstly oriented on problem solving and secondly on social functions. The comparative analysis of the leaders and managers stresses the fact that not all the managers are leaders and not all the leaders are also managers. The most efficient long term managers are also leaders. Managers make sure the tasks have been carried out, whereas the leaders focus on the people that carry out the tasks.

**Keywords:** problem solving, social functions, leader, manager, leadership, management

**JEL:** Z32, M41

## **1. Introduction. Leader and leadership**

The notion of leadership is polysemantic. It cannot be rendered by a single word. In the dictionaries, we find it as: a) leadership, command; b) management, behaviour; c) administration.

In some papers, the notion of leadership is rendered by: a) leadership (Certo, 2003); b) the capacity of leading (Bennis & Nanus, 2004); c) the science of leading (Maxwell, 1999); d) the capacity and/or the process of leading (Johns, 2006).

Leadership continues to be understood and put into practice in different ways. The most representative definitions given to this term make reference to: the art of influencing people by persuasion or personal example; the main dynamic force that motivates and coordinates the organization in order to carry out the established goals; the ability to inspire trust and support, necessary to achieve the planned goals; the interpersonal influence based on the direct, sincere communication necessary to achieve the planned goals.

The leadership represents a leader's capacity and art to collaborate with a group of individuals with a view to achieving a goal, carry out tasks or missions on the basis of their emotional and operational involvement. The leadership has two meanings: a practical activity or the process of influencing and guiding people by noncoercive methods; group of persons whose role is to influence people. Consequently, leadership can be considered an attribute of a hierarchical position within the organization, a characteristic of a person or group of persons, their mobilization and training for a certain aim, a kind of behaviour. Being a process concerned with the influence of the activities carried out by the members of a group, leadership involves: other persons (subordinates) that accept to be guided, the leader's attitude, an unequal distribution of the power between the leader and the subordinates, favourable to the leader; the ability to use the different forms of power to influence the subordinates in their behaviour, or during the activity they develop. The complex issues concerned with the leadership have represented a subject of interest for several decades, the specialists being interested in finding out who are those that have the capacity to imprint their own visions onto the organizations and to influence its important activities, whether the leaders' qualities are innate qualities or can be developed and improved.

At present, there are many approaches of the concept of leadership (Bass, 1991; Bente, 2010; Tocan, 2012). The first approach focuses on the

leaders's behaviour. The lider must fulfill tasks and accomplish social functions. A leader that complies with both categories of functions is a professional leader. The leaders that tend to carry out problem solving tasks will concentrate on a more severe supervision of their subordinates. Tasks' fulfillment is more important for them than the subordinates' satisfaction for the efforts made. The leaders focused on the accomplishment of the social functions will try to motivate more than to control. The second one is the approach by means of the features specific to the leaders. Some of the characteristics specific to the leaders are: self - confidence, intelligence, initiative, self - trust. Recent studies have emphasized, by the comparison between the traits of the efficient leaders and those of the less efficient leaders, the fact that an efficient leadership implies intelligence, initiative and self - trust. The universalist approach considers that there is one single style of leading, namelt the best one, whatever the conditions. According to the situational approach, the leadership styles differ according to the circumstances. The situational factors that can influence the adoption of a certain leadership style are determined by the degree of complexity specific to the tasks, by the group's attitude towards the common objectives and towards the leader, by the leader's power to sanction (Brabete & Dragan, 2009; Grabara, Kolcun & Kot, 2014).

According to the contextual approach, an efficient leadership is influenced by the leaders' personality, past experience and and their perspectives, as well as by their superiors' perspectives and behaviour. The leaders usually tend to conform to their superiors. The specialty literature contains a variety of leadership styles: the existence of two fundamental factors, namely: consideration (positive attitude towards people, esteem and respect) and the capacity to clearly formulate the planned objectives and the proper means); the leadership styles according to the decision practices considered to be instrumental for the overall profile of the leader. More precisely, he must be authoritarian, democratic and permissive (Zlate, 2004). This theory has been revised by R. Likert (1961) who suggests four leadership styles: authoritarian-oppressive, authoritarian-objective, democratic-consultative and democratic-participative. As to the leader's performances, two different approaches have taken shape.

The studies on leadership have focused on four main approaches: great man theory; the situational approach; the approach of the charismatic leader; the behavioural approach. Great man theory represents an approach to leadership based on the presupposition according to which some people were born to lead, or that leaders appear in some favourable historical

moments, when the events make possible their appointment to leading positions (Vladutescu, Budica, Dumitru & Stanescu, 2015). According to the situational approach, unlike the great man theory, the requirements of a current issue, (situation) determine who will lead. By putting the two approaches together, we can notice that the leader is that person endowed with qualities that allow him to make use of a certain situation. The approach concerned with the charismatic leader is similar to the great man theory. It relies on the idea according to which certain people are endowed with certain special attributes – selected by the intervention of Divinity – so that the others follow him. In our modern times, the concept of charisma is related to such personality traits as: charm, intuition, enthusiasm, energy and intelligence and less to the divine grace. The behavioural approach has been often used in the study of leadership, starting from the attempt to observe: what do the efficient leaders do; what positions they hold, what kind of tasks they carry out in order to achieve their goals; the way they motivate the others. Thus, the emphasis is not laid on the personal traits anymore, but on the behaviour adopted by the leaders while performing certain activities, actions or positions. The advantage of this approach is the fact that they that the innate characteristics are considered irrelevant, being nevertheless important noticeable behaviours. Consequently, if we can identify that kind of behaviour that provides an efficient leadership, then this can be learnt. When it comes to the innate qualities, those people that are endowed with them will be selected, training becoming irrelevant. The leader represents a person that exercises his power or a big influence on different social groups, such as (societies, nations, communities, organizations, smaller groups, etc.). The leader is that person that has the main role within a group and the biggest influence as to the mobilization and focalisation of the efforts made the group's members to achieve the common goals. The leader is that person that effective guides others persons.

In sociology, we make the distinction between the formal leader (appointed, institutional, official), the person institutionally appointed to a leading position, (the institutional leader) and informal leader, (spontaneous, unofficial), more precisely the person that exercises the biggest influence within the group (the unofficial leader). To achieve high performances and provide a climate generating satisfactions, the formal leader must coincide with the informal one. Today, a good management of organizations is not enough anymore. Leaders are needed at all the hierarchical levels, in order to improve the organizational culture and and make them more competitive. The leader is considered to be the person that obtains remarkable, efficient

results in any field of activity, no matter the obstacles he might meet. The leaders must be endowed with a series of characteristic qualities: reputation and antecedents regarding the former successes; be familiar with the group and the field of activity (the internal and external environment, technologies, key personalities, stimuli that motivate each individual); personal qualities, (honesty, integrity); abilities and competencies, (the capacity of analysis, of clear reasoning, strategic and multidimensional reasoning, the ability to build good relations with the employees, mobility towards the others, the comprehension of human nature); behaviour in the society and in the field of activity; a powerful motivation to turn into a leader (Zorlenţan et al., 1998, p. 82). Some of these qualities are trainable.

## **2. Leader versus Manager**

According to the specialty literature, there are three typical situations as to the way of using the notions of leadership and management. The first one tends to identify the two notions. Some authors use randomly the two notions, resorting to one or the other, according to the circumstances, the context, but without intending to make the difference between them (Negrea, 2015; Voinea, 2015). The second situation is different from the first one. It consists in the clear distinction between the two notions. In M. Zlate's opinion, the main difference between leadership and management consists in the fact that the notion of leadership is more often associated with the cognitive, imaginative, anticipatory aspect, whereas the second one is associated with the actional aspect.

The third typical situation related to the distinction between leadership and management is an intermediary situation and it intervenes between the first two extremes. It determines a part - whole relation between the two notions. Most of the authors consider leadership to be a part of management, its essential, fundamental part actually. The origin of this point of view is to be found in Henri Fayol's paper, according to whom leadership represents only one of the management's components. M. Zlate considers that none of the situations mentioned above is satisfactory. The first one, (the overlap between the two notions) leads to the elimination of any differences between them, which cannot be accepted, all the more so as a simple analysis of the two notions demonstrates the existence of several differences. The second situation, (the opposition between the two terms) brings about artificial differences, "forces" reality to fall into the category of a series of pre established, logical schemes (Zlate, 2004). The distinction between the two notions could represent at the most an academic, theoretical interest.

Any distinction contributes to the observation of the specific elements of the analyzed phenomena, provided that these distinctions are not absolute or bring about obsessional and reductionist ways of thinking. The third situation, (the relation part-whole) is mainly as inconclusive as the others. It deals with the partial overlap between the contents of the two notions, which leads to the loss of specificity of one of them. Leadership loses its specificity when it is considered as a part of management and vice versa. The best and accepted solution would be to put forward some relations of partial coincidence of the two notions' meanings. This would mean that both leadership and management, the leaders and managers have, each of them specific elements that guarantee their individuality and relative autonomy, but also a series of common elements, which facilitates their mutual interaction (Calota, 2014; Rosca, 2015). First of all, both the leaders and the managers have almost the same roles (forecasting, organization, implementation, coordination, training, control), but differently. For example, the role of forecasting is accomplished by the leaders on the basis of certain broad perspectives and visions and by the managers on the basis of relatively limited perspectives. The leaders forecast in the long term, whereas the managers do the same thing in the short term. Secondly, both the leaders and the managers may be endowed with almost the same qualities and abilities, (conceptual, human, technical), but in different proportions. As to the leaders, the personality traits are predominant, some of them having a more evident hereditary support (Tohăţan, 2008; Vasile & Grabara, 2014; Liu, 2015). As far as the managers are concerned, the operational skills and abilities prevail. These are learnt and developed by means of the learning processes. The appropriation of the qualities, characteristics and competencies of the two categories, (leaders and managers) is achieved differently, according to the characteristic of the circumstances and situations the respective individuals experience (Basic, 2015; Holmström, Lindberg & Jansson, 2015; Ionescu, 2015). For example, a leader's qualities are put into practice especially in those situations that involve major and rapid changes, whereas the managerial responsibilities and competencies are practised in the everyday situations people confront. The mutual emphasis of the competencies and traits, their stabilization or destabilization are only possible if a person is endowed with the qualities of both leaders and managers. Tending somehow towards a certain behavioural uniformity determined by the need for safety and the need to be successful, unless he acts as a leader, the manager will be ever more bureaucratic and less creative. Thus, we can identify three typical situations:

- ideal – when the same person should be able to carry out completely and at the best the functions of leadership, but also those of the manager;
- real – when a person is mainly concerned with leadership activities, or has the qualities of a leader rather than those specific to a manager, or vice versa. In this case, we are talking about leaders that are to a certain extent managers and of managers that are to a certain degree leaders too;
- when a person is only leader, while another is only manager, what matters is their quality or power, as well as their way of association.

The researches made on the relations between the leaders and the managers underline a series of important aspects (Bennis, 1984):

- The manager administers; the leader innovates.
- The manager stands for a copy; the leader stands for the original.
- The manager maintains; the leader develops.
- The manager lays emphasis on systems and structures; the leader focuses on people.
- The manager relies on control; the leader inspires trust.
- The manager takes a common sense view of things in the short term; the leader has a long range perspective.
- The manager asks how and when?; the leader asks what and why?
- The manager focuses on the final result; the leader concentrates on the horizontal result.
- The manager imitates; the leader initiates.
- The manager accepts the status-quo; the leader generates it.
- The manager does things right; the leader does the right thing.
- The manager is trained, he learns by training; the leader learns by education.

American researchers J. MacGregor Burns (2003), A. Zaleznik (1977), J. Kotter (2013), B. Johansen, R. Johansen, J. R. Ryan (2011), W. G. Bennis (2009) and J. W. Gardner (2000), who have concluded that the manager is the administrator that makes the company function, while the leader is the one that brings together and motivates the people in order to achieve certain goals. On the other hand Meryem Le Saget (2003) considers that there are five aspects that define the roles between the managers and leaders:

- The manager anticipates and plans, the shapes an inspiring vision, (and often this vision will be «co-created» together with the partners in question).
- The manager establishes the budgets, evaluates the investments and the expenses, the leader designs a long term strategy and shows flexibility when it comes to the budget; he anticipates the opportunities and the weak

points, doing everything possible to distinguish the unpredictable and envision transformation scenarios, in order to be able to react and adapt to certain situations that had not been included in the budget.

- The manager organizes, the leader leads, adapts to each situation, shows opportunism similar to the chameleon, focuses on the long term vision.
- The manager controls, the leader lays the emphasis on quality and self-control.
- The manager estimates and adjusts the deviations, the leader evaluates the vision and adapts the status of the organization and of its products, due to a permanent effort to anticipate and keep the market under observation (Le Saget, 2003).

Actional nuances: head-manager-leader (Rotaru, 2006): The head: solves the problems he could not/did not know how to prevent. The manager: solves the problems before they appear. The leader: makes problem solving an efficient process, (solves all problems efficiently). The head: wants his orders to be correctly performed. The manager: wants his orders to be understood by the others. The leader: becomes aware of the received orders. The head: orders and leads. The manager: manages and leads. The leader: brings the employees together with a view to achieving a certain goal. The head: is a very determined person. The manager: is authoritarian. The leader: is kind, amicable. The head: inspires fear. The manager: demands respect. The leader: shows enthusiasm. The head: orders. The manager: manages. The leader: innovates. The head: maintains the structure. The manager: develops the structure. The leader: improves the structure. The head: focuses on the status. The manager: focuses on the role. The leader: focuses on people. The head: orders and controls. The manager: guides and checks. The leader: motivates and inspires.

### **3. Conclusion**

The profession of leader (manager) in the tourism companies involves the usage of a system of complex relations with those that carry out the tasks, on the basis of rules and principles that can be checked, controlled and even measured/evaluated (Jamrozy, Backman & Backman, 1996; Weaver & Oppermann, 2000; Shoemaker, Lewis & Yesawich, 2007; Mazilu, Avram & Ispas, 2010; Testa & Sipe, 2012). Consequently, the head/the manager must have, apart from the necessary qualities, aptitudes and proper behaviour the capacity of creating the conditions for the efficient use of all the resources, with a view to pertinent decision-making. Leadership is

fundamentally different from management. The efficient leader aims at situations that need a change. He “does what he has to do” and acts according to its personal influence. He has a powerful “vision,” being often capable of “motivating” the others. A manager must develop his leadership attitudes, he must train to become a leader. Consequently, he must have a clear vision: shape new ideas, based on facts, clearly render a vision of change, incorporate the others’ ideas into the vision, identify the impact of his own ideas on the organizational capabilities. In the second place, the manager must have a motivation, namely to convey passion and conviction together with the presentation of his ideas, include and encourage the others’ participation. Thirdly, a manager must borrow from the energy specific to the leader: he must notice and remove the obstacles, convince the others of the immediate necessities, include the innovations into the mode of working, focus on efficiency.

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## **Cicero - an Investigative Journalist**

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### **Abstract**

A great Roman scholar, Cicero was also a brilliant investigative journalist ahead of his time. By the Catilinarian Orations, as well as his speech against Verres, Cicero made not only one of the most beautiful, coursebook speeches, but also genuine journalistic investigations, using sources, means and instruments worthy of a detective. By exposing Catiline's *coniuratio* in the Roman Senate, Cicero thus made public his journalistic investigation, in the absence, at that time, of written or electronic newspapers, but having writing and words at hand. Like a fine political analyst, Cicero made public his investigation by the four memorable speeches in the Roman Senate, being a true advocate of the Roman state, as his speech ended with the arrest of Catiline.

Through *In Verrem*, the great Roman orator made an economic investigation, being this time a genuine economic journalist, collecting evidence and data, analyzing economic registers, thus investigating the route of finances etc., unmasking, all through the power of the spoken word, the corruption, embezzlement, economic crimes of Verres.

We have chosen as case studies these two famous speeches (*In Verrem* and *In Catilinam*) for shaping the image of this "universal journalist" that Cicero was.

**Keywords:** speeches, journalistic investigations, Cicero, *coniuratio*, corruption.

**JEL:** Z10, Y80

## 1. Introduction

Cicero was a universal man of culture. He distinguished himself both by his literary, philosophical, political work, and by his genius. He was a *homo novus*, a self-made man sustained by his own value at a time when Rome, his dear homeland, experienced political unrest, many fratricide armed conflicts, dictatorship, assassinations and social upheaval. “*O tempora! O mores!*” (Oh, what times! Oh, what customs!) was what this titan of Roman culture and politics lived. For his fellow citizens and especially for posterity, Cicero wrote about this time and social customs, he wrote like a real journalist who, without benefitting from the current mass media, used his talent and genius, rivalling even today the most redoubtable journalists.

For this study we have chosen, as case studies, *In Verrem* and *In Catilinam*, which even nowadays, after more than 2,000 years, remain standards of eloquence, the art of the word, in fact the art to impress through words.

## 2. Cicero, the journalist of Rome

Why was Cicero a journalist? This is the question that anyone who reads the title of our study may ask. We will demonstrate below that the great Roman scholar was not only a genuine journalist, but also a true founder of investigative journalism *avant la lettre*.

Thus Cicero falls within the major contemporary theories of the definition of a journalist, having first of all the qualities of a good reporter: “ideas and attitudes” (Randall, 2007, p. 29), and, like any journalist, Cicero had “passion for precision” (Randall, 2007, p. 30), he “reported accurately” (Randall, 2007, p. 32) the events of his time, had “empathy with his readers” (Randall, 2007, p. 33), had a steadfast “desire to win” (Randall, 2007, p. 33), recognized the “sense of urgency” (Randall, 2007, p. 34) in the facts that had to be disclosed before the entire Rome and had, first of all maybe, “character” (Randall, 2007, p. 34).

As a newspaper, Cicero used the Senate of Rome or the tribunal, giving one or another “fresh information about matters of public interest” (Randall, 2007, p. 55), especially since the Senate was the most important public institution of the Roman state, the Republic at that time. The classic of Latin literature gave the Roman senators not only mere information, but also real “news”, that is “something fresh, something that no one has heard of before ... something that is interesting.” (Randall, 2007, p. 56).

Like any journalist, Cicero had a “source”, “knowledge” and “synchronization” (Randall, 2007, p. 61) to inform his audience (his “readers”) and referred to the “context” (Randall, 2007, p. 62-63) of Catiline’s and Verres’ serious and harmful acts against the Roman state.

In investigating the actions of Catiline and exposing the corruption of Verres, Cicero made real journalistic investigations because he conducted “research”, investigated “details”, placed their acts against the general “background”, observed “the perspective” where everything happened, and in order to unmask them, he used “human sources”, the witnesses of the two men’s unlawful actions, as well as “printed sources” (Randall, 2007, p. 84-93), namely various official documents of the Roman state, to which he had access as a consul or lawyer.

The fact that *homo novus* did not just believe his sources, he “checked” everything, he questioned whoever knew something about any of the anti-Roman actions of the two, in other words he “interviewed uncomfortable sources” (Randall, 2007, p. 116).

In his investigation, Cicero proved to be not only a simple journalist, but an inconvenient investigative journalist by his “original investigation” that he performed in the two case studies we have chosen due to the ‘weight’ of the two characters in the Roman state, the former was running for the consulship (i.e. the top of Roman magistracies), and the latter aspired to the office of governor of an old Roman province (former praetor, which was a Roman superior magistrate), having therefore “high stakes” in his investigation. He disposed, due to his authority as a consul, of “secret information”, and as a lawyer and specialist in law, Cicero “was familiar with the laws”. As a man serving the Roman state, Cicero had or created numerous “contacts”, following “persistently” the thread of events in both cases. All these things make Cicero distinguish himself as an investigative journalist. (Randall, 2007, p. 170-187).

His brilliant talent resided in that he turned the two investigated cases in true disasters for the Roman state, through the “chronological narration of events”, by bringing and taking “eyewitness testimony”, he transformed the Romans, by the power of words, into “victims” due to the actions of the two: Catiline and Verres. The unmasking of their actions constituted the “decisive coup” (Randall, 2007, p. 189-199; Stănescu, 2015; Voinea, Negrea & Teodorescu, 2016) of his disclosures.

Cicero’s style, both in the Catilinarian Orations and *In Verrem* is not only the style of a man of letters, but also of a journalist (Randall, 2007, p. 231-259) by the “planning” he proved in his investigations, by the “clarity”

with which he presented evidence, but especially by the “vivid language”; he addresses the two directly, subjecting them to a stunning series of questions, thus showing “honesty”, “accuracy” and “efficiency” in his journalistic investigation, in order to reveal wrongdoing.

Why was Cicero also a journalist? Because he observed the “journalistic process”, a process “involving: 1. selection of facts and actions; 2. verification; 3. preparation of the plot; 4. presentation of information.” (Vlăduțescu, 2006: 101). This means that he selected the actions with the greatest impact for the Roman state, the politico-military conspiracy of Catiline and the economic corruption of Verres, he checked these actions himself, he made a show of his disclosures and presented the senators and the Roman tribunal with the most sensitive information for the Roman public at that time.

In this journalistic process that he started, Cicero used, both in the Catilinarian Orations (mostly) and *In Verrem*, two unbeatable methods, namely “conviction and persuasion” (Vlăduțescu, 2006, p. 13). Within these, he used three types of arguments: 1. “*argumentum ad populum*”, i.e. he addressed the Roman people; 2. “*argumentum ad indicium*”, i.e. he used evidence in support of his words; 3. “*argumentum ab auctoritate*” (Vlăduțescu, 2006, pp. 92-94; Vladutescu, Budica, Dumitru & Stanescu, 2015; Basic, 2015) by the fact that he was part of the Roman state authorities, either as consul, or as the former governor of a Roman province.

All these turn Cicero into a real journalist of ancient Rome, as he perfectly fits the journalistic pattern through methods, style, procedures, arguments, ethics, etc.

### **3. Case studies – Cicero’s journalistic investigations: *In Catilinam* and *In Verrem***

#### **3.1. *In Catilinam***

For this study, we used the variant of *In Catilinam* translated by Aristotel Pârcălăbescu, and the variant of *In Verrem* translated by Daniel Ganea, in an edition coordinated by the great professor of Latin, G. Guțu (Cicero, 1973), not the Latin edition, for a better reception of the article, but especially for the recognition and prestige of the editor and translators of the coursebook speeches, the Catilinarian Orations, or the speech unmasking corruption, *In Verrem*. They are both genuine journalistic investigations, as we will demonstrate below, which increases their cultural and discourse value. In fact, we intend to also interpret them in a journalistic key in order

to demonstrate once again the universality and genius of Cicero, the great scholar.

*In Catilinam* (Pârcălăbescu, 1973) are actually four memorable speeches exposing Catiline's conspiracy. The acts of the plotters were unmasked by Cicero as a fine political analyst, and especially as a skilled investigative journalist. In exposing the conspirator and his organized crime group, Cicero supervised Catiline by the "night guard of the Palatine", seeking sources and information to monitor the meetings of the conspirators. Like any investigative journalist, Cicero was also a real detective, day by day, step by step: "Which one of us, do you think, does not know what you did last night, what you did the night before, where you were, who you called, what decisions you made?" (*Ibidem*:277). For more than 20 days Cicero makes inquiries, follows the wrongdoers, collects evidence to expose their actions, demonstrating that it is not only Catiline that conspires against the rule of law in the Roman state, but also an organized crime group, the actor of this famous *coniuratio*. Like any journalist, he brings the most appropriate arguments, i.e. "*argumentum ad populum*", demonstrating that, in fact, the actions of the conspirators are aimed against the Roman people; moreover, Cicero speculates the sensitivity of Roman public opinion, namely the fear of a new civil war after having witnessed two: "There arose in Italy, in the straits of Etruria, a camp against the Roman people." (*Ibidem*:279)

"*Argumentum ab auctoritate*" was fully used by Cicero in his journalistic investigation, because as a consul he had military powers, therefore the possibility of gathering information, some secret, from reliable sources, including the Roman troops, let us call them special, that supervised the republican order in Rome (it is not accidentally that the dictum *Hospes, hostis* –the guest is an enemy - is Roman). Through these militarized and truthful sources, Cicero monitored Catiline step by step, in order to collect evidence against him: "Well, Catiline, what else are you waiting for now, if night with its darkness cannot hide your infamous meetings, nor can a private house close between its walls the voices of your conspiracy?" (*Ibidem*: 279). So Cicero's technique is just his skill in gathering information, news, especially because in those days Cicero did not have the facilities of current media techniques. But he had many reliable human sources that were his eyes and ears

The amplitude of Catiline's conspiracy is proved by the unmasking the entire criminal group with paramilitary branches, but also with the involvement of foreigners, which turns this conspiracy into a true catastrophe for the safety of Rome, Cicero providing the Roman public

opinion with the ‘bomb’ of this news: “Can you deny that, surrounded by my guards that very day, by my watch ... when you were convinced that you could occupy the city of Praeneste in a night attack ... So you were in Laeca that night, Catiline, you divided Italy by regions, you decided where each had to go, you chose those who should stay in Rome and those who should go with you; you decided the districts of the city which had to be set fire to.” (*Ibidem*:280-281.) So he addresses Catiline directly, the initiator of the plot, the one who wanted to act so as to destabilize the country with a “gang of villains” (*Ibidem*:287.)

The second speech of the Catilinarian Orations focuses on the defamation of the conspirator, for Cicero is a gifted journalist and writer as well: “What a poison, what a gladiator, what a highwayman, what a paid assassin, what a parricide (killer of a person of equal status – our emphasis), what a forger of wills, what a crook, what a tavern pole, what a squanderer, what a debauchee, what a lost man.” (*Ibidem*:294).

In analyzing the causes that brought followers to Catiline in his infamy, Cicero makes a true sociological survey (proving that a good journalist is a good sociologist too), while dividing the followers of the most famous conspirator in the history of Rome (because of Cicero’s exposing them) into five categories:

The first category comprises those who are “stuck into large debts” (*Ibidem*:298) and for this reason they are easy to handle; the second category consists of those who “although burdened with debts, are still awaiting a dictatorship” (*Ibidem*:298), thus joining destabilizing movements against the Roman state; the third category is that of Catiline, that of “thieves and looters” (*Ibidem*:299), therefore the category of opportunists, ready for anything; the fourth category is “varied, mixed and ready for sedition ... those who never get rid of hardships ...” (*Ibidem*:300), a category of those with social problems, without any horizon and destitute, and the last category, the fifth is that “of parricides, assassins, of all villains.” (*Ibidem*:300). If after the two speeches, Cicero obtains the declaration of Catiline as a public enemy, in the third speech, Cicero brings witnesses and written evidence against the conspirator. The witnesses are some Gallic tribes, the Allobroges, who bring evidence of letters with the conspirators’ orders and also weapons belonging to the conspirators. By all these, Cicero won the Roman public opinion, for the role of a journalist, in Cicero’s view, is also one of defender of the fatherland. The journalist can make history by what he reveals, as he prophetically declared: “My actions, citizens, will live in your memory, will rise by your words, will last over time and will gain

power through the testimonies of history ... there is now a strong support on the part of people of good faith, which we have ensured forever, there is a great authority in the republic, which, in silence, will protect me relentlessly.” (*Ibidem*:321).

Cicero was also a war journalist, he waged “an endless war against the infamous citizens” who, “corrupted by madness, became the enemies of homeland.” (*Ibidem*:336.) The quality of the journalist as a warrior can be noticed in the fourth speech, where besides being a warrior, he is familiar with the laws, thus requiring in this position the exemplary punishment of all those undermining the Roman state, ruthlessly and without mitigating circumstances, because they are traitors of the Roman state, who wanted: “...to deprive us all of life, to destroy our state, to destroy the name of the Roman people, they must not enjoy life and the air we breathe even for a moment.” (*Ibidem*:328) Their crime is an attempt on *maiestas populi Romani* (sovereignty of the Roman people), this is why the journalistic investigations of Cicero were so extensive, documented and serious, since they were made for Rome “this city, the light of the whole earth and the citadel of all nations.” (*Ibidem*:330)

### **3.2. In Verrem**

In the speeches entitled *In Verrem*, the subject of the journalistic investigation of Cicero, the Roman orator found the essence of Roman corruption, which he revealed in his speech as an advocate of the Sicilians, those who brought an action against Verres. This was the example of the corrupted politician, who served only his own interests, allied with those that he could use, during troubled Roman history, springboards for his ascension, who stole from the Roman public property, from the pays of the army, gave bribes, trafficked in whatever could be sold, reaching the top of Roman political life as praetor, later as the governor of Sicily, where he continued his infamous practices. But the Sicilians cannot endure the excesses of this character, they signal his actions in an action before the authorities of the Roman state and choose as a lawyer the illustrious *homo novus*. (Guțu, 1973: 151-154.)

*In Verrem* precedes *In Catilinam*, so we can consider that the journalist Cicero perfected his talent as an investigative journalist. Moreover, in the former, Cicero combines the talent as a lawman, (economic) investigator with that of a man of letters. By the lawyer’s skill and professionalism, he obtains a period of 110 days for collecting evidence in favour of his clients, but in 50 days he gets all the evidence, he finds all

appropriate witnesses and masterly supports his investigation, achieving the complete file of Verres' crimes. (*Ibidem*) The speeches against Verres were not delivered orally, as were later the Catilinarian Orations, they were written, so Cicero was a journalist for the written press, for Verres was convicted due to the witnesses and evidence brought by Cicero, the lawyer.

*In Verrem* contains five speeches: 1. *De praetura urbana* (On the praetorship of the city), 2. *De praetura Siciliensi* (On the praetorship of the Sicilians); 3. *De frumento* (On wheat – wheat supplies); 4. *De signis* (On statues) and 5. *De supliciis* (On tortures).(*Ibidem*.) In these written disclosures, Cicero exposes the entire criminal activity of Verres and the group of economic crime organized by him, for his own interests. The edition we consulted, it was Daniel Ganea that translated two of the speeches, namely *De signis* and *De supliciis*, which we analyze in our case study.

The investigation-speech *De signis* begins with the verb “say”, which offers precision and clarity, persuades and provides truth through disclosures verified by witnesses. Cicero reveals Verres' trafficking offences involving artwork, not only with the statues of Sicily (actually *signis* can also be translated as insignia, ornaments, etc.): “I say that in all of Sicily, such a rich province, so long conquered, with so many cities, with so many wealthy families, there was no silver vase, no vase made in Corinth or Delos, no gem or pearl, nothing made of gold or ivory, no statue of bronze, marble or ivory, I say that there was no painting on wood, no tapestry that he would not seek, examine, steal.” (Ganea, 1973: 155-156) This is how Cicero, the journalist, begins to expose the thefts of a Roman authority representative in the territory, who does not spare any state property, either public or sacred (in the temples of the province): “All the statues that we talked about ... were stolen by Verres ... from the sanctuary, he left, I say, none of them.” (*Ibidem*:158.)

Like any journalist, Cicero asks questions. His merciless questions use a vivid and rough language “what is this impudence? ... So many praetors, so many consuls were in Sicily in peacetime and in wartime, so many people of all kinds ...” (*Ibidem*:159.)

He reveals not only Verres' crimes, but also those of his entire organized criminal group specialized in stealing valuable things throughout the province: “You stole from Lilybaeum, ... you stole from Lilybaeum openly ...” (*Ibidem*:168) with the help of specialists “he took them ... with him to Sicily. After arriving there, with an amazing skill (you could call

them hunting dogs) they were sniffing and tracking all objects of art step by step ...” (*Ibidem*:165)

Cicero makes the criminal profile of Verres over time, revealing the problems of Roman politics of his time: corruption, bribery, extortion, influence peddling, “You who ... having given 300,000 sesterces to electoral agents, so that you would be proclaimed praetor, and 300,000 to the accuser, so that he would not interfere in your business ...” (*Ibidem*:172.)

The mission of the journalist is that of giving the alarm when state institutions skid, or as they say today, “the press is the watchdog of democracy”, so Cicero makes public the weakening of state institutions, because of Verres’ iniquities: “the reputation and prestige of the power of the Roman people are weakened, the hospitality relations are robbed and betrayed, the mischief of this man alienated from us all kings completely devoted to us and all peoples who are under their rule and command.” (*Ibidem*:173.)

The house of the person representing Roman authority in the province became the headquarters of organized crime, “the house where the misdeeds of prostitutes and pimps are swarming incessantly”, a group that trafficked in everything, especially with objects of art, statues of Roman deities from the temples of Sicily such as Diana, Mercury, Ceres, Juno, Minerva etc. which was a crime and news that Rome had to hear, for it was yet a republic, a democracy.

In his speech *De suppliciis*, Cicero first of all reveals Verres’ abuses, abuse in the service of Rome, against Rome, as well as the covering up of events by the authority of his office as governor, who did not provide any justification at the central level. Thus Cicero brings to light the weak action of Verres in the conflict with the pirates, the promotion of incapable persons in key positions, concealment of problems before the Roman centralized administration: “Nothing of course was brought before the Senate and the Roman people, nothing of which Verres wrote officially to Rome.” (*Ibidem*:206) The investigative journalist does not spare Verres of direct questions: “What did you get? How much or how did you get?” (*Ibidem*:207)

Moreover, Verres is exposed for having punished Roman citizens unfairly, for having humiliated the pride of the Romans and prejudiced the Roman state by “punishing untried Roman citizens” because “it is a mischief to put a Roman citizen in chains, a crime to beat him with rods, almost a parricide to kill him.” (*Ibidem*:239.)

The Republic with its values and laws was the deontology of Cicero, the journalist, therefore he did not bear that it was harmed by “That Verres,

old traitor of a consul, seller of quaestorship, embezzler of public funds ...” (*Ibidem*:232.)

Cicero ends his theatrical speech against Verres by invoking all the gods whose statues were stolen by the defendant, “acts of criminal impulse, impudence, bad faith, lust, greed, cruelty, let your judgment give him due reward.” (*Ibidem*:248.)

#### 4. Conclusion

Cicero was not only a scholar, a great politician, a lawyer, *homo novus*, but also a true teacher of journalism, from whom the experts in the field have a lot to learn even today, especially as his means were talent, intelligence and the art of the word, and his deontology was the public good and his homeland.

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## **The Accounting of the International Transactions: Book Review**

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### **Abstract**

This contribution constitutes a review of one remarkable Romanian book on the accounting of international transactions. Zetetic method is represented by classical procedure of ideatic analysis.

**Keywords:** accounting, transactions, international transactions

**JEL:** Y30, M41

### **1. Introduction**

The University professor, Radu Nicolae Băluna, has published, at the Sitech Publisher, a remarkable work, “The Accounting of the International Transactions” (2013) (in Romanian, “Contabilitatea tranzacțiilor internaționale”, Craiova: Sitech). The theme of the book represents the identification of the organizational ways of the informational accounting system, regarding the international transactions, the specific aspects of the export of goods on their own and the accounting of the economic and financial operations of the export and re-export of goods. The same theme was approached by the author in important scientific works (Bălună, 2009; Berceanu, Ciurezu & Bălună, 2010; Bălună, 2012; Baluna & Goagara, 2013).

The aim of the research, according to the author’s statements, “was to identify the main financial and accounting operations which characterize the trade activity and the aspects of the international transactions.”

In current complex context, the accounting of the international transactions regroups all the answers given by the financial accounting to the large field of the operations generated by the international trade of goods and services.

The present work achieves a didactic and pragmatic approach of the main financial accounting operations which characterize the foreign trade activity and has as an objective that all those who want an initiation in this domain to understand easily the aspects of the international transactions.

At the conceptual level, the work develops two important directions.

Thus, a first orientation regards the complex approach of the issues of the specific aspects of the foreign trade activity, the delivery conditions, the ways of discount, the techniques of financing in the international trade, the evaluation of the debts and claims denominated in currency, and also the custom particularities and those regarding the documentation within the foreign trade activity.

The second conceptual direction of the work shows how the foreign trade operations are reflected in the accounting. There are presented the accounting particularities of the activity organization, the structure of the expenses and incomes, specific to each activity of the foreign trade, and also the way in which the accounting registration of the international transactions is made.

The practical parts of the work, through the trading operations denominated in currency, want to offer a detailed presentation of the way of accounting registration, together with the flow of the affairs development and finally, the result of the affair. This part of the work makes a detailed description from the point of view of the accounting operations found in the export, import and re-export operations.

## **2. Conclusion**

The whole work achieves a combination between the theoretical aspects and the practical ones, in a new vision adapted to the essential changes brought by the accounting system of our country. The work, addressed both to the economist students and the economist accountants who have activities at the foreign trade firms, is enrolling in the tradition of important works of the same theme (Evans, Taylor & Rolfe, 1999; Alexander & Nobes, 2004; Scott, 2009; Alfredson, Leo, Picker, Pacter, Radford & Wise, 2012; Schroeder, Clark & Cathey, 2013; Hoyle, 2014).

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