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Ioan–Gheorghe **Rotaru**, Editor-in-Chief

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Editorial

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Have you ever noticed that you are often drawn to engaging in difficult, complicated tasks? You may remember at least one situation where you started doing something that required significant effort and yet persisted without giving up. You could have easily said, "This is too hard," but you persevered until you succeeded. What makes us choose difficult tasks over easy ones? Behavioral economists often discuss mental effort in economic terms. There's even a theory known as the "law of least effort." This theory encompasses two important concepts. First, people engage in mental effort as a means to get something for themselves. Remember the times when you stayed up late at night to study for an exam, even if it was an unpleasant experience, you still did it because you needed a good result. Second, both behavioral economists and cognitive psychologists agree that mental effort comes at a cost.

We usually can not claim that we enjoy expending mental effort since, when given a choice between two methods of achieving the same outcome, we tend to choose the easier path. Research consistently demonstrates that both humans and some animals do their best to avoid physical or mental effort wherever possible.

It is human nature to reduce cognitive effort if we can. At first glance, it seems that the only reason that can convince us that effort is worthwhile is a reward to match. However, some researchers argue that this law of minimum effort does not apply in all situations. It is challenging to explain why entrepreneurs, who generate passive income far in excess of their needs,

continue to work hard. Work occupies an important place in many people's lives, something that goes beyond material rewards. Often, work or effort provides us with a sense of meaning, and we often find joy in the process of expending effort to complete a particular task. Frequently, the most fulfilling events in life are those where we have overcome difficult circumstances, which guide us toward discovering meaning in difficult endeavors.

In essence, it suggests that when we are at a crossroads, the path we think will be the most difficult will likely bring us the most fulfillment. Therefore, do not shy away from exerting effort, as it is in those moments that your mind will struggle to find meaning.

'Owning' Unborn Children:
Their Moral Status and Rights –
A Critique of the Bodily Autonomy Argument

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ABSTRACT: The bodily autonomy argument is central in the debate on abortion and is used within the areas of law, medicine, and philosophy. The purpose of this paper is to highlight that even upon conceding that women have the right to bodily autonomy, this right is not absolute. Though this caveat is not unorthodox in and of itself, even if, for the sake of argument, unborn children are viewed as 'property' and are 'owned' by the mother ('Premise'), both concepts being defined within the framework of Foetal Bundle Theory, it does not follow that pregnant women can treat the foetus however they desire. Therefore, the bodily autonomy argument cannot be used to justify a termination. This paper further argues that even if the truth of this Premise is granted, it does not nullify an unborn child's moral status or rights. Therefore, their moral status and rights should be taken into consideration when evaluating the justification of a termination. This paper is both topical and timely given the recent overturning of *Roe v Wade* (1973).
KEYWORDS: Ownership, unborn children, bodily autonomy, women's rights, abortion, feotal bundle theory

Introduction

Given the recent overturning of *Roe v Wade*, 410 U.S. 113 (1973) ('*Roe*') by *Dobbs v Jackson Women's Health Organization*, No. 19-1392, 597 U.S. ___ (2022) ('*Dobbs*'), the topic of abortion is at the forefront, with the argument

of bodily autonomy as one of the main justifications in arguing for a woman's right to an abortion. It is important to note that Dobbs did not eradicate a woman's ability to procure an abortion *in totum*. Instead, laws governing abortion are now provided to the states to decide. Abortion is now no longer a constitutional right, but a state right (where applicable).

We end this opinion where we began. Abortion presents a profound moral question. The Constitution does not prohibit the citizens of each State from regulating or prohibiting abortion. Roe and Casey arrogated that authority. We now overrule those decisions and return that authority to the people and their elected representatives.

The judgment of the Fifth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion. It is so ordered (*Dobbs* 2022, 78-79). Given these recent events, this paper is both topical and timely. The purpose of this paper is to demonstrate that even if women do have the right to bodily autonomy, this right is not absolute. Although this position is not unorthodox, even if conceive unborn children as 'property' and are 'owned' by the mother ('Premise'), both of these concepts being understood within the framework of Foetal Bundle Theory, it does not follow that pregnant women can treat the foetus however they will. Therefore, the bodily autonomy argument cannot be used to justify a termination.

This paper further argues that even if the truth of this Premise is granted, it does not nullify an unborn child's moral status or rights. Therefore, their moral status and rights should be taken into consideration when evaluating the justification of a termination. This paper is both topical and timely given the recent overturning of *Roe v Wade* (1973).

Section I will provide a brief overview of Foetal Bundle Theory and explain how the concepts of 'ownership' and 'property' are understood within this framework. Section II will argue that, even if unborn children are 'owned', they still receive rights and moral status, and Section III will apply the concept of ownership to the bodily autonomy argument.

Section I – Foetal Bundle Theory

Foetal Bundle Theory has three characteristics:
1. First, legal personhood of prenatal life is a cluster property and contains active and passive incidents which are separate but interrelated.

2. Second, these incidents include granting prenatal life with specific types of claim-rights.

3. Thirdly, this Theory contains natural law principles.

This offered view mirrors, in part, the bundle-of-rights analyzis of ownership as purported by Anthony Honoré. Legal personhood is thus a 'complex disjunctive property, consisting of distinct incidents, just as ownership is often analyzed as a bundle of rights'. (Kurki 2019, 5)

The purpose of this paper is not to provide a comprehensive explanation of Foetal Bundle Theory (see Sakr 2022) but to explain the concept of ownership within this framework. Naffine states that a bundle theory view of legal personhood is like ownership, which can be recognized as separated but associated with incidents such as ownership, the liberty to use and so on. (Naffine 2009, 46 - 47; Kurki 2019, 93).

A. *The Concept of Ownership Defined*

Within the framework of Foetal Bundle Theory, the notion of ownership means having physical control of that thing (Honoré 1961, 107, 113; Cochrane 2009, 435). Therefore, in a sense, women 'own' their unborn child given they are located within their bodies and thus, have control over it. I agree with Robertson, applying terms such as 'ownership' or 'property' to pre-natal life risks misinterpretation. (Robertson 1990, 454)

The terms 'possession' and 'ownership' are, for some, charged, loaded, or even derogatory terms. However, though there are several similarities, having possessive interest in, or the ownership of, a foetus is not the same as having a property interest in cars or boats. The major question is who has a dispositional right and what are the limitations of this right (Robertson 1990, 456). An interpretation of property as the use of dispositional authority was discussed in *Moore v Regents of the University of California*, 793 P 2d 479 (1990) when the court, in determining whether one's spleen cells removed during surgical procedure were property, held:

> In our evaluation of the law of property, we consider the definition of the word 'property' and cases and statutes involving such issues as the right of dominion over one's own body ... We find nothing which negates, and much which supports, the conclusion that plaintiff had a property interest in his genetic material. 'As a matter of legal definition, 'property' refers not

to a particular material object but to the right and interest or domination rightfully obtained over such object, with the unrestricted right to its use, enjoyment and disposition. In other words, [in] its strict legal sense 'property' signifies that dominion or indefinite right of user [sic], control, and disposition which one may lawfully exercise over particular things or objects; thus 'property' is nothing more than a collection of rights. (*Moore* 1988, 504 quoting 63A Am. Jur. 2d, Property § 1).

Similarly, the concept of ownership should be read, for example, with the concept of ownership of non-transferred embryos (Sills and Murphy 2009, 6). The only differentiating factor is the location of the embryos. This notion is not unfamiliar, as Andrew Grubb notes:

When a court is seized of a case… [it] would have no choice but to treat an extracorporeal embryo as either a person or a chattel. The likely outcome is that it would be held to be a chattel. Such law as exists points in this direction and the pragmatism of the common law would see that to treat an extra-corporeal embryo as a chattel is more consistent with common sense than for it to be given the rights of a person (Grubb 1991, 69).

While some argue that embryos should not be characterized as chattel, this same embryo could be perceived as 'someone else's property'. This notion was communicated by Lord Hailsham when he wrote, 'an embryo is not a chattel, and to destroy it if it were would be (sic) a trespass to someone else's property. A human entity which is living is not a chattel and neither is it a person in the ordinary sense'. (House of Common 1990, 750 – 751; Morgan 2001, 119)

The purpose for the discussion around ownership, property and prenatal life as chattel is because Bundle Theory holds that, in some sense, unborn children could be 'owned' much like how the law has viewed embryonic life as 'someone else's property'. Furthermore, the *priori* understanding of ownership, when referring to human beings, offers a convoluted concept that Bundle Theory does not promote and, for this reason, this misunderstanding must be explained. As Sills and Murphy wrote, citing Robertson:

Ownership does not signify that embryos may be treated in all respects like other property. Rather the terms merely designates who decides which legally available options will occur, such as creation, freezing, discard, donation, use in research and placement in a uterus. Although the bundle of property rights attached to one's ownership of an embryo

may be more circumscribed than for other things, it is an ownership or property interest nonetheless.(Sills and Murphy 2009, 8; Robertson 1994, 1027-1065)

Applying the concepts of ownership and property to embryos and thus, pre-natal life, is not unorthodox. For instance, in the case of *York v Jones*, 717 F. Supp. 421 (1989), the judges (at 425) applied the concept of property to frozen embryos (Howell 2013, 413) while a similar approach was taken in *S.H. v D.H.*, (2018) ONSC 4506, [13] (Hammond 2019, 330).

B. The Extent of Ownership

It is often assumed that ownership of property implies absolute and exclusive control over the object owned. This view was endorsed by William Blackstone, 'there is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right to property; or that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe' (Blackstone 1979 reprint, 2; Cochrane 2009, 426). This perception of ownership bestows the right to exclusive and absolute control over the thing owned. However, this simple view of ownership has its constraints.

There are numerous non-controversial examples of ownership that do not present absolute and exclusive control. For instance, if I own a case of beer, I cannot simply sell bottles of beer to the public; if I own a house, I cannot forbid entry in all circumstances; and if I own a piece of land, I cannot build whatever I please. Ownership is rarely thought of as an 'absolutist' notion. Instead, ownership is usually recognized as a distinct set of 'incidents' or 'relations', which do not consist of necessary and sufficient conditions required to own property, but rather the collective and qualified elements of ownership (Cochrane 2009, 426 – 427).

The most famous supporter of this relational view of ownership is A.M. Honoré (Quigley 2007, 631). In his paper 'Ownership', Honoré lists eleven ordinary incidents, or relations, that an owner can have with respect to his property 'X': the right to the income produced by X; the right to use X; a duty to refrain from using X that may harm others; the right to own X; the right to defend against the removal of X; the right to have the failed interests others have over X reverted to the owner; the right to oversee X;

the power to reallocate X to another person; the legal accountability that judgments against the owner may be implemented on X; the right to the monetary value of X; and the absence of any term on the ownership of X (Honoré 1961, 107; Cochrane 2009, 427).

Honoré holds that it is not necessary for each of these incidents to be present for a thing to be owned. A thing can be owned even in the absence, or limitation, of some of these incidents. Honoré further notes these incidents form the common elements of ownership (Waldron 1988, 49-50).

This relational perception of ownership is much more accustomed to the complexities of how things are owned. This view synchronises the variety of property relations in any example of ownership, such as those presented earlier and even, arguably, an unborn child.

Although this paper has only provided an outline of the notion of ownership, it hopes to have recognized two critical facets of ownership. First, ownership is not synonymous with absolute and exclusive control. Instead, it is a collection of incidents that differ situationally. Second, the owner has a certain relation with the thing owned, carrying precedence with respect to those incidents (Cochrane 2009, 428). This understanding provides greater explanatory power as to how women don't have an absolute right to do whatsoever they desire to their unborn child, including its termination, even if it is conceded that women 'own' their unborn child.

Section II – Unborn Children: Their Moral Status and Rights

A. Unborn Children And Their Moral Status

Bodily autonomy advocates may argue that the ownership of unborn children prevents acknowledging their moral status. The concept of moral status is 'a means of specifying those entities towards which we believe ourselves to have moral obligations' (Warren 1997, 9). Thus, moral status delivers an entity with a specific standing, indicating that we have duties with respect to that thing. For instance, I have a duty to care for my pet and not to harm him. There may be two explanations for this duty. First, this duty comes from the exclusive fact that I own my pet and have no desire to harm him. In this example, the dog is without moral status; I have moral status, and this duty extends to the owner. Otherwise, I have the duty to not harm my pet even

if I were persuaded to do so. A variety of factors could justify this notion, such as the discomfort my pet may encounter, and producing unwarranted pain to animals is usually wrong.

In this situation, the responsibility is provided to my pet, and thus he is given moral status. For advocates of justice for unborn children, their moral status must be recognized and, because of who they are, they warrant moral consideration, and such consideration should not be contingent upon the interests in them.

The proposition that 'owning' unborn children voids acknowledging their moral status is established upon the belief that the value of that thing owned has its value determined by the usefulness it has to its owner, not for itself. (Cochrane 2009, 428-429). Just as Ariel Simon penned, 'property implies that we see an object's value through the context of its owner's welfare, a denial of [its] intrinsic value' (Simon 2006, 6).

If the ownership of unborn children necessitated treating them as pure commodities, then this would inhibit the recognition of their moral status. If this view of prenatal life is granted, then prenatal life is treated in accordance with their monetary value: like animals, unborn children with no supposed 'market value' would be abused or terminated. This brings into question whether procuring an abortion reveals their perceived 'value', or lack thereof. Just as a pet can be provided with moral status albeit being owned, so too can unborn children.

B. Unborn Children And Their Rights

Even though owning an unborn child does not undercut their moral status, perhaps it inhibits endowing them with rights. Though, why would this be? One contention holds that it is impossible for property to hold legal rights – for it cannot be concurrently owned by someone or something and hold rights (Hambrick 2006, 55; Dryden 2001, 178). This position is established upon a 'dualistic' nature of law. This notion states that the law considers entities as either persons or things: the former obtain the full protection of the law and therefore are given rights, while the latter are not provided with rights, nor are they fully protected by the law.

Since unborn children are property, they are 'things', and therefore have no rights (Wise 2000, 4). However, this idea is a desultory view of the law. The law does not establish a clear position that states that all entities that are owned are necessarily things that have no rights. For instance, companies are bestowed with personhood, although an artificial form (Rossini 1998, 121l Beisinghoff 2009, 174; Jitta 2012, 94), and have responsibilities and rights (French 1991, 133; Manning 1984, 77; Colombo 2014, 85 – 101). Companies are owned by human-persons who have the right to possess, sell, use, buy, receive income, and manage. An additional example is that of animals. Animals can be owned, but they can also have the right not to be unreasonably, recklessly, or deliberately caused gratuitous harm (see Animal Welfare Act 1985 (SA) s 13).

These examples establish that a dualistic understanding of the law is fallacious, principally because this understanding does not correspond with how laws regulate in the real world. Therefore, it is critical, not only to hold to a position that is theoretically possible, but is practically efficacious. A stringent dualistic view of the law cannot be applied. Therefore, Bundle Theory has greater explanatory power because it can justify how animals and companies, although owned, can hold rights. This is done by providing both animals and companies with passive incidents, such as legal standing, the ability to own property, and the capability to endure legal harms. Crucially, the standing of companies underlines the possibility for an entity to hold legal rights while simultaneously being owned. Thus, this justification can apply to prenatal life.

The treatment of unborn children is decided by the state, which attempts to balance the interests of pre- and post-natal human beings. Since 'states have discretion in determining which entities will be considered juridical persons' (Berg 2007, 400) and thus, obtain rights, this balancing act establishes the degree of protection unborn children are provided with in certain state of affairs. Within the context of aborton, society has asserted that prenatal life should not receive victimhood because the mother has used her right to bodily autonomy to consent to this termination.

Bundle Theory allows entities, such as corporations, to possess both personhood and the capacity to be owned. These qualities do not endow them the claim-right to victimhood because any received rights are not

grounded upon these qualities, but upon the interest they receive. Similarly on Foetal Bundle Theory, an unborn child can be a person (or non-person) and be owned for there is an interest in them, whether be from the state, the mother herself, or on a metaphysical substrate, God.

Within a Foetal Bundle Theory framework, if a foetus is prejudicially terminated, this foetus may be regarded as a legal person, or non-person, holding the passive incidents of victim status in criminal law and legal standing. Therefore, prenatal life is able to be viewed as a victim in an abortion and thus, possessing the claim-right to victimhood.

Additionally, even though the foetus is given these passive incidents, its position of being owned is not removed. The unborn child can hold these passive incidents while simultaneously being owned. Thus, the unborn child's personhood and ownership status does establish its victimhood status, it is contingent upon whether it is presented with these passive incidents. In an abortion, the mother's consent removes these passive incidents while the unborn child still possesses the status of being owned and has the ability to hold other incidents. However, as this paper will outline below, through the lens of Foetal Bundle Theory, owning an unborn child does not bestow the mother with absolute and exclusive control over her unborn child. Thus, state of affairs exist whereby it is in the best interests of the unborn child to prevent and forbid 'unnecessary' suffering. Nonetheless, in situations where the mother's life is at risk, the unborn child's interests are subordinate if there is no reasonable manner of saving both lives. For this reason, many laws regulating abortion exempt criminal accountability and allow abortions under circumstances where it is essential to terminate the unborn child to save the mother: the harm imposed upon the unborn child under these circumstances is understood to be critical by the 'balancing of interests' (As it relates to animals, see Cochrane 2009, 433; Francione 1995, 4-5; Francione 1996, 4; Francione 2000, 55).

The notion of ownership does not necessarily allocate property with a default subordinate position regarding the balancing of interests, and therefore never holding rights. For instance, the interpretation of s 4 of the United Kingdom's *Animal Welfare Act 2006* precludes foie gras being produced (see also; *Welfare of Farmed Animals (England) Regulations 2007* (UK) s 23 – 23). This restriction affords geese with the right not to be force-fed, protecting the

geese's interest, even if this protection has harsher consequences for humans. That is, foie gras production may reduce its price, create more jobs and so on. Regardless of these consequences, the geese's interest predominates, and the law bestows on them a right not to be force-fed. Geese, like unborn children, may be 'owned'. However, this does not classify them as 'things', deficient of rights. Laws, like the *Unborn Victims of Violence Act* (2004), can provide rights to unborn children (such as victimhood status in an abortion) even if this bestowment opposes the interests of the mother. Therefore, the notion of ownership does not inevitably mean that if something is owned, it cannot bear rights (Cochrane 2009, 434). Thus, unborn children may be owned and be the bearer of rights.

Another reason why unborn children have rights is because of the passive incidents provided to them. Unborn children receive (a) substantive passive incidents which consist of the fundamental protections of liberty, bodily integrity, and life; and (b) remedy incidents which compromise of victimhood status under law, ability to endure legal harms and legal standing ('Passive Incidents').

As highlighted earlier, Foetal Bundle Theory incorporates natural law principles. Two of the basic goods of natural law are: (i) good is to be done and evil avoided (Aquinas, Part II, I, Q. 94; Charvet and Kaczynska-Nay 2008, 32; Belliotti 1994, 22) and (ii) the preservation of human life (Aquinas, Part II, I, Q. 94; Donnelly 2016, 77) ('Goods') Aquinas, Part II, I, Q. 94 A. 2). These Goods provide the reasons why Foetal Bundle Theory bestows unborn children with these Passive Incidents. Therefore, natural law directs how victimhood of unborn children should be provided, namely - established in the unborn child's nature, and thus indicates that the mother cannot do whatsoever she desires to the unborn child.

Stemming from these Goods is the perception to protect these Goods, a similar way intuition has directed human beings to use the rule of law to protect human rights (Universal Declaration of Human Rights 1948, Preamble; Osiatyński 2009, 28). On this Theory, providing unborn children with these Passive Incidents mirrors the same intuition that protects human rights. That is, if an individual inexcusably harms or terminates an unborn child, the foetus has legal standing as a victim of homicide or assault in the same way had that injury or death occurred to an *ex utero* human being. This

is because prenatal life has the same passive incidents as an *ex utero* human being. Therefore, since a foetus is a human being and Foetal Bundle Theory entails natural law principles, the same Goods directing the treatment of *ex utero* human beings are also given to prenatal life. Thus, these Passive Incidents are bestowed up the unborn child as an example of applying these Goods. Since Foetal Bundle Theory grounds foetal victimhood upon the nature of the unborn child, this entails that victimhood should not be founded on mother's will. Therefore, even if the mother owns her unborn child, this child still has rights for which must be protected.

The following section will discuss the concept of ownership from a Bundle Theory approach, and how that relates to unborn children.

Section III – 'Owning' Unborn Children

And The Bodily Autonomy Argument

Supporters of abortion may agree with this paper's position thus far. That is, they recognize that ownership does not void the recognition of the unborn child's moral status or rights. However, they may highlight that insofar as unborn children are owned, prenatal life will always be in a subservient position to their 'owners'. That is to say, if unborn children are owned, they cannot be equal to the pregnant woman thus, cannot be seen as a legal victim of homicide in an abortion context or, at the very least, used as a reason for disallowing the mother to achieve an abortion.

The mantra 'my body, my choice' is reverberated in the abortion debate, having its grounding upon the claim of bodily autonomy, or integrity (Staples 2007, 2; Stetson 1998, 40; Garavaso 2018, 397). Lawton states that bodily integrity is a principal criterion of personhood. However, not necessarily sufficient. The idea of integrity requires not only being able to support one's bodily desires and objectives, but to also maintain control of one's body. Therefore, a deficiency in this autonomy has two differing connotations; firstly, the depletion of bodily mobility and secondly, 'the loss of control of the physical boundaries of the body' (Lawton 2002, 87; Purtilo 2010, 124). This position is also communicated by Catriona Mackenzie where she explains this position as the 'maximal choice view', which states that bodily integrity reduces to choice, which is subservient to our personal inclinations, irrespective of the choice (Mackenzie 2010, 71-90).

Within relation to abortion, the bodily autonomy argument contends that women have the right to an abortion and impeding upon this right breaches bodily autonomy (Veltman and Piper 2014, 303). Mel Feit underscored the synergy between abortion and the bodily autonomy argument, 'there's such a spectrum of choice that women have—it is her body, her pregnancy' (Crary 2006; Veltman and Piper 2014, 302).

An advocate of this proposition is Judith Thompson, who petitions this position in four ways. First, Thompson argues that bodily autonomy is a basic right, sharing the same grounding as our right to self-defence. Thompson notes, 'my own view is that if a human being has any just, prior claim to anything at all, he has a just, prior claim to his own body…the woman has a right to decide what happens in and to her body' (Thompson 1971, 54).

Second, Thompson claims that this right assumes that pregnant women own their bodies, 'making claims about it before other claims' (Veltman and Piper 2014, 303; Thompson 1971, 53). As a fundamental right, Thompson develops this notion of ownership to suggest that the owner can protect her body against things that occur to and in it (Thompson 1971, 53).

Third, bodily autonomy is associated with one's status of personhood. With respect to what a mother may do with her body, as opposed to a third party, Thompson (1971, 52) states:

> So, the question asked is what a third party may do and what the mother may do, if it is mentioned at all, is deduced, almost as an afterthought, from what it is concluded that third parties may do. But it seems to me that to treat the matter in this way is to refuse to grant to the mother that very status of person which is so firmly insisted on for the f[o]etus. For we cannot simply read off what a person may do from what a third party may do.

In other words, a person's right to bodily integrity is connected with their personhood status (Veltman and Piper 2014, 307).

Thompson's final point states that, without consent, no person has a right to use another person's body; Thompson (1971, 53) suggesting that a right to bodily integrity is so intensely entrenched in our personhood, that only the right holder can justifiably renounce it (Veltman and Piper 2014, 307). However, is this position plausible? From the perspective of Bundle Theory, even if we suppose that pregnant women 'owns' their unborn child,

it is a *non-sequitor* to claim that they have absolute and exclusive control over that child. As emphasized above, ownership does not inevitably require this form of control. The purpose of this paper is not to justify the principle of equality between prenatal and post-natal human beings. However, it is crucial to comprehend the meaning of this principle. Pro-choice advocates could contend that equality means taking into consideration equal interests, but not equal treatment. Peter Singer's philosophy of animal liberation employs this concept:

> The extension of the basic principle of equality from one group to another does not imply that we must treat both groups in exactly the same way, or grant exactly the same rights to both groups. Whether we should do so will depend on the nature of the members of the two groups. The basic principle of equality … is equality of consideration; and equal consideration for different things may lead to different treatment and different rights (Singer 1986, 217).

Therefore, equality between prenatal and post-natal human beings does not suggest that we ought to provide prenatal life with the right to suffrage. Prenatal life does not have interest in voting. Equality involves that we should not favor the pregnant woman's interests over prenatal life or vice versa. This principle holds that all individuals with interests are permitted to have their interests taken into consideration equally.

It is important to consider whether owning other post-natal human beings, like adult human beings, and owning unborn children is an model of unequal consideration. To resolve this, we need to establish whether prenatal life, like adult human beings, have an interest in not being owned. To assess this, this paper will assess one relation, or incident, of ownership: the right to possess. This specific incident was selected for two reasons. First, this incident is the most fundamental aspect with relation to the concept of ownership. Second, adult human beings have no interest in being owned. This interest forms the strongest resistance to the ownership of adult human beings. Thus, it is sensible to assess whether prenatal life shares that same interest.

Possessing Unborn Children and Equal Consideration of Interests

As stated previously, to have physical control of that thing it to possess that thing (Honoré 1961, 107, 113; Cochrane 2009, 435). When one is

physically controlled, it inhibits their freedom (see Berlin 1967, 141 – 152; Taylor 1991, 211-229; Pettit 1997). Freedom is thought to be a human being's most fundamental interest, with possession being juxtaposed to the interest of most humans.

What then of prenatal life? Does owning a *child in utero* also inhibit their freedom? Absolutely. However, it is uncertain whether freedom is in the interest of the unborn child. In fact, not all human beings have an interest in freedom. For instance, the freedom of young children is frequently limited: their freedom is limited with the use of paraphernalia such as safety fences; parents enforce rules upon their children, an example of dominion by possessing the sovereignty to restrict their actions, and their interest in self-mastery is deprived of by forcing them attend school against their will. Although these paternalistic restrictions are not detrimental, they would be if enforced upon adults. This is because, dissimilar to adults, children – like prenatal life – are not entirely autonomous agents.

Namely, young children do not have the capacity to conceive, adjust and practice their perception of the good (see Fabre 2000, 77 – 98). Given the inabilities of young children, limiting their freedom in the manner highlighted above is not incongruous with their interests. This also demonstrates why 'owning' unborn children and young children does not establish a conflict of interest. Although it is not ordinarily said that parents 'own' their unborn child, or children, it should be acknowledged that they stand, at a minimum, one property relation to them: parents have the right to possess them (Cochrane 2009, 435). However, it is essential to emphasize that the right to physical control is circumscribed. For instance, parents have a responsibility to meet their child's best interest and it is this responsibility that reveals the degree of freedom restraint. Nevertheless, this right is one of the incidents of ownership.

We can see, then, why ownership of unborn children may not always be in conflict with their interests. Even though unborn children do not have a conception of the good, this does not deny that the unborn have desires, or that they act to fulfill them. The point to be made is that prenatal life cannot reflect on those desires and develop their own life plans in the same manner that most adult humans can. This absence of autonomy represents that freedom is not an unborn child's fundamental interest, as it is for the majority

of adult human beings. Considering this, the ownership of unborn children as women carry them to term will not be in conflict with their interests. For instance, the ownership of an animal is analogous to a parent's ownership of a pre- and post-natal child with regard to physical control. This control is subject to certain conditions – such as a duty of care – nevertheless, physical control is not disapproved of because it restricts the freedom of the animal.

In conclusion, it is feasible to own prenatal life while simultaneously equally considering their interests. This is because unborn children do not have interest in not being owned. Additionally, even if we concede that mother's own their unborn child, it does not follow that she can do whatsoever she desires with, or to, them. This idea is not foreign. For instance, in the United Kingdom, the mother may be responsible for harming her unborn child in the instance of negligent driving (see *Congenital Disabilities (Civil Liability) Act 1976* (UK) s 2).

In *In re Ruiz*, 27 Ohio Misc. 2d 31, 500 N.E.2d 935 (1986) and *In re Baby X*, 97 Mich. App. 111, 293 N.W.2d 736 (1980), Ohio and the Michigan courts, respectively, removed the mother's custody of her newborn children who were addicted to heroin, declaring that these newborns were abused (*In re Ruiz* 1986, 35, 939). Neither states child abuse statutes refer to unborn children, yet both courts abandoned the mother's argument that a mother's acts toward an unborn child were not forbidden by the statute (*In re Baby X* 1980, 114-15, 739; *In re Ruiz* 1986, 34-35, 938). The courts' rulings were established upon the state's interest in protecting potential life (*In re Ruiz* 1986, 34, 938) and the child's right 'to begin life with a sound mind and body' (*In re Ruiz* 1986 35, 939 quoting *Womack v Buckhorn*, 384 Mich. 718, 725, 187 N.W.2d 218, 222 (1971)). Additionally, a New York court ruled that establishing the existence of child abuse may be exclusively founded on the mother's conduct during pregnancy (see *In re Smith*, 128 Misc. 2d 976, 492 N.Y.S.2d 331 (1985)).

In *In re Smith*, the court ruled that a mother's abuse of alcohol during pregnancy, in combination with her omission to obtain appropriate prenatal medical care, placed the unborn child in 'imminent danger of impairment of physical condition' (*In re Smith* 1985, 979, 334). Taking into account the interest of the state in protecting potential life, the court in *In re Smith* held that prenatal human beings was captured within the meaning of a 'child' within the

neglect and child abuse statutes (*In re Smith* 1985, 980, 334) and that those statutes signified a 'reasonable mechanism to implement the state's interest in the unborn' (*In re Smith* 1985 980, 335 quoting Myers 1984, 29-30).

State v McKnight, 576 S.E.2d 168 (2003) is another case that highlights a duty of care to prenatal human beings. In 1999, due to cocaine use, McKnight's daughter was found to have traces of cocaine in her body, which led to her stillborn birth. This fact was confirmed by Pathologists. The court found McKnight guilty of murder by child abuse, deciding (Marzilli 2006, 101):

> McKnight admitted she knew she was pregnant and that she had been using cocaine when she could get it, primarily on weekends. Given the fact that it is public knowledge that usage of cocaine is potentially fatal, we find the fact that McKnight took cocaine knowing she was pregnant was sufficient evidence to [find that] she acted with extreme indifference to her child's life (*State v McKnight* 2003, 168, cert. denied, *McKnight v South Carolina*, 124 S. Ct. 101 (2003)).

The United States Supreme Court rejected McKnight's appeal (Marzilli 2006, 101). Addressing this issue, Louise Chan wrote, 'it does not follow that because a woman has a legal right to abort her pre-viable f[o]etus, she, therefore, has a right to engage in illegal conduct that would harm, but not terminate, the f[o]etus' (Chan 1993, 199).

The above cases highlight that even if the mothers own their unborn child, they are still liable for their actions. This furthers the position that bodily autonomy does not mean that the mother has absolute control over their body or even the body of their unborn child.

Furthermore, the victimhood status of the unborn child is not determined by its status of being 'owned' by the mother. If it were, then, due to this ownership, (i) the unborn child is either always a victim when aborted or harmed or (ii) never a victim when aborted or harmed. However, the cases highlighted above reveal that an unborn child can be a victim of harm, while also not viewed as a victim in an abortion. This shows that ownership is not the defining element of foetal victimhood, and that ownership is not identical with absolute and exclusive control because mothers are still accountable for harm done to their unborn child.

Conclusion

This paper has contended that even if it is conceded that women 'own' their unborn child, it does not void their moral status or rights. This position can be maintained if the conception of ownership is within the framework of Bundle Theory. Owning an unborn child, or ownership generally, does not provide the owner with exclusive and absolute control. Rather, ownership is a fragmented concept, allocating various incidents and rights in certain circumstances. Foetal Bundle Theory provides mothers with particular rights over their unborn child, while simultaneously appointing that child with rights, victimhood and moral status. If the position of this paper is valid, the treatment of unborn children should be amended or much of their treatment eradicated. This paper has argued that justice for unborn children can be obtained without the need to eradicate their ownership. Furthermore, even if it is conceded that unborn children are viewed as 'property' and are 'owned' by the mother, it does not follow that pregnant women can treat the foetus however they desire. Therefore, the bodily autonomy argument cannot be used to justify a termination.

References

Aquinas, Thomas. *Summa Theologicae*.

Beisinghoff, Niels. 2009. *Corporations and Human Rights: An Analysis of ATCA Litigation against Corporations*. Peter Lang.

Belliotti, Raymond. 1994. *Justifying Law: The Debate Over Foundations, Goals, and Methods*. Temple University Press.

Berg, Jessica. 2007. 'Of Elephants and Embryos: A Proposed Framework for Legal Personhood.' *Hastings Law Journal* 59, no. 2: 369 – 406.

Berlin, Isaiah. 1967. 'Two Concepts of Liberty' in *Political Philosophy*, edited by Anthony Quinton, 141 – 152. Oxford University Press.

Blackstone, William. 1979 reprint. *Commentaries on the Laws of England: Of the Rights of Things*. University of Chicago Press.

Chan, Louise M. 1993. 'S.O.S. From the Womb: A Call for New York Legislation Criminalizing Drug Use During Pregnancy.' *Fordham Urban Law Journal* 21: 199-237.

Charvet, John and Elisa Kaczynska-Nay. 2008. *The Liberal Project and Human Rights: The Theory and Practice of a New World Order*. Cambridge University Press.

Cochrane, Alasdair. 2009. 'Ownership and Justice for Animals.' *Utilitas* 21, no. 4: 424 – 442.

Colombo, Ronald. 2014. *The First Amendment and the Business Corporation*. Oxford University Press.

Congenital Disabilities (Civil Liability) Act 1976 (UK)

Crary, David. 2006. *Roe v Wade for Men Would Let Dads Opt Out the Lawsuit Argues Men Should have the Choice of Declining the Financial Responsibilities of Fatherhood*. Associated Press.

Donnelly, Bebhinn. 2016. *A Natural Law Approach to Normativity*. Taylor & Francis, 2016.

Dryden, Amie. 2001. 'Overcoming the Inadequacies of Animal Cruelty Statutes and the Property-Based View of Animals.' *Idaho Law Review* 38: 177 - 212.

Fabre, Cecile. 2000. 'A Philosophical Argument for a Bill of Rights.' *British Journal of Political Science* 30, no. 1 77–98.

Francione, G L. 199. *Rain Without Thunder: The Ideology of the Animal Rights Movement*. Temple University Press.

Francione, G L. 1995. *Animals, Property, and the Law*. Temple University Press.

Francione, G L. *Introduction to Animal Rights: Your Child or the Dog?*. Temple University Press.

French, Peter A. 1991. 'The Corporation as a Moral Person' in *Collective Responsibility: Five Decades of Debate in Theoretical and Applied Ethics*, edited by Larry May and Stacey, 133 – 149. Hoffman. Rowman & Littlefield.

Garavaso, Pieranna. 2018. *The Bloomsbury Companion to Analytic Feminism*. Bloomsbury Publishing.

Grubb, Andrew. 1991. *Challenges in Medical Care*. Wiley.

Hambrick, David. 2006. 'A Legal Argument against Animals as Property' in *People, Property or Pets?*, edited by Marc D Hauser et al, 55 – 58. Purdue University Press.

Hammond, Kathleen. 2019. 'Relationally Speaking: The Implications of Treating Embryos as Property in a Canadian Context.' *Canadian Journal of Family Law* 31: 323 - 385.

Honoré, Anthony. 1961. 'Ownership.' in *Oxford Essays in Jurisprudence*, edited by Anthony Guest, 107-147. Oxford University Press.

House of Commons. 1990. *Human Fertilisation and Embryology Bill 1990*.

Howell, Shirley. 2013. 'The Frozen Embryo: Scholarly Theories, Case Law, and Proposed State Regulation.' *DePaul Journal of Health Care Law* 14, no. 3: 407 – 440.

In re Baby X, 97 Mich. App. 111, 293 N.W.2d 736 (1980).

In re Ruiz, 27 Ohio Misc. 2d 31, 500 N.E.2d 935 (1986).

In re Smith, 128 Misc. 2d 976, 492 N.Y.S.2d 331 (1985).

Jitta, Daniel Josephus. 2012. *The Renovation of International Law: On the Basis of a Juridical Community of Mankind*. Springer Netherlands.

Kurki, Visa. 2019. *A Theory of Legal Personhood*. Oxford University Press.

Lawton, Julia. 2002. *The Dying Process: Patients' Experiences of Palliative Care*. Routledge.

Mackenzie, Catriona. 2010. 'Conceptions of Autonomy and Conceptions of the Body in Bioethics' in *Feminist Bioethics: At the Center, On the Margins*, edited by Jackie Leach Scully, Laurel E. Baldwin-Ragaven, and Petya Fitzpatrick, 71–90. Johns Hopkins University Press.

Manning, Rita. 1984. 'Corporate Responsibility and Corporate Personhood.' *Journal of Business Ethics* 3, no. 1: 77 – 84.

Marzilli, Alan. 2006. *Fetal Rights: Point/Counterpoint*. Chelsea House Publishers.

Moore v Regents of the University of California, 202 Cal. App. 3d 1230, 249 Cal. Rptr. 494, 504 (1988).

Morgan, Derek. 2001. *Issues in Medical Law and Ethics*. Cavendish Publishing.

Myers, John. 1984. 'Abuse and Neglect of the Unborn: Can the State Intervene?.' *Duquesne Law Review* 1: 1-76.

Naffine, Ngaire. 2009. *Law's Meaning of Life: Philosophy, Religion, Darwin and the Legal Person*. Hart Publishing.

Osiatyński, Wiktor. 2009. *Human Rights and Their Limits*. Cambridge University Press.

Pettit, Philip. 1997. *Republicanism*. Oxford University Press.

Purtilo, Ruth B. 2010. *Ethical Foundations of Palliative Care for Alzheimer Disease*. Johns Hopkins University Press.

Quigley, Muirean. 2007. 'Property and the Body: Applying Honoré.' *Journal of Medical Ethics* 33, no. 11: 631 – 634.

Robertson, John. 1990. 'In the Beginning: The Legal Status of Early Embryos.' *Virginia Law Review* 76, no. 3: 437- 517.

Robertson, John. 1994. 'Posthumous Reproduction.' *Indiana Law Journal* 69, no. 1: 1027-1065.

Rossini, Christine. 1998. *English as a Legal Language*. Springer Netherlands.

Sakr, Johnny Michael. 2022. 'Prenatal Legal(non) Persons and Their Rights.' *Special Issue - ICTIMESH – 2022* 1: 107-114.

Sills, Eric Scott and Sarah Ellen Murphy. 2009. 'Determining the Status of Non-Transferred Embryos in Ireland: A Conspectus of Case Law and

Implications for Clinical IVF Practice.' *Philosophy, Ethics, and Humanities in Medicine* 4, no. 8: 1 – 15.

Simon, Ariel. 2006. 'Cows as Chairs' in *People, Property or Pets?*, edited by Marc D Hauser et al, 3 – 8. Purdue University Press.

Singer, Peter. 1986. *Applied Ethics*. Oxford University Press.

Staples, William. 2007. *Encyclopedia of Privacy: A-M*. Greenwood Press.

State v McKnight, 576 S.E.2d 168 (2003).

Stetson, Brad. 1998. *Human Dignity and Contemporary Liberalism*. Praeger, 1998.

Taylor, Charles. 1991. 'What's Wrong with Negative Liberty?' in *Liberty*, edited by David Miller, 211 – 229. Oxford University Press.

Thompson, Judith Jarvis. 1971. 'A Defense of Abortion.' *Philosophy and Public Affairs* 1, no. 1: 47 - 66.

Universal Declaration of Human Rights (1948).

Veltman, Andrea and Mark Piper. 2014. *Autonomy, Oppression, and Gender*. Oxford University Press

Waldron, Jeremy. 1988. *The Right to Private Property*. Oxford University Press.

Warren, Mary Anne. 1997. *Moral Status: Obligations to Persons and Other Living Things*. Clarendon Press.

Wise, Steven. 2000. *Rattling the Cage: Toward Legal Rights for Animals*. Perseus Publishing.

Some Perspectives on Religion, the Effects of Globalization and the Universalization of the Christian Message

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ABSTRACT: Human creativity has always generated new cultures, both material and non-material, such as ideas, objects, beliefs, traditions, customs, behavior, language, culture, institutions, etc. These diverse dimensions, often associated with spirituality, through which man manifested his presence in the cosmos, are real testimonies to his desire to find himself in a matrix that enables him to express himself to eternity. A kind of pattern with which to quantify and authenticate the diversity of expressions that define it. In other words, to analyze and measure his existence everywhere and always with the same measure. An act to univocally unify and universalize the specifics of all the parts that make it up in being. From the perspective of religion, however, it is definitely about something much deeper than the diversity of presence and creation through which man defines and measures the dimensions of his own worlds, because regardless of whether they are grounded in the sacred, the transcendent or the spirit, religion remains indisputably the unmistakable testimony of God's presence and, at the same time, of the multiple and diverse forms of manifestations through which the divine reveals its Being. These global human diversities reflect the way in which the identity of faith, founded on the conviction that God has revealed himself and on the dogmatic truths that testify to this fact, such as: the teaching about the creation of the world, the continuous presence of God in creation, the struggle of the Church to defend religious convictions, of the emblematic saints and martyrs who contributed to the foundation of the common memory in the great spiritual community of the Kingdom of God, highlights the image of a history based on the diversity of epiphanies and theophanies. In order

to perpetuate these virtues and values of faith, this study is addressed to the generations in search of and building their own paradise, from the perspective of the relationship between the globalized world, which proposes a revalued life, and the dissemination of the Christian message that the Church of Christ addresses to all nations (Matthew 28: 19).
KEYWORDS: globalization, diversity, universalization, identity, religion, Church

1. Globalization and universalization of Christian teaching

Globalization is meant to be perceived as a new pattern of expression of religious beliefs and traditions within which the spiritual emphazis is no longer on identity, but on the interweaving of cultures as universalizing spaces (Rotaru 2014, 532-541).

From this generalizing perspective, the relationship between the concept of globalization and the universal message of Christian teaching shows certain similarities, the most visible of which seem to be, on the one hand, the fact that both spiritual dimensions are addressed to the whole world and, on the other hand, the fact that both speak of the realization of human communion and community. At the same time, it must be said that the obvious distinction lies in the fact that globalization proposes to the contemporary Christian believer a human community based on diversity of spiritual expression and broad communication, whereas the Church addresses to the same modern man the Word of God Incarnate, Christ, and in His name calls him to the realization of spiritual communion through sharing in the source of life of the Sacred Mysteries (Rotaru 2012, 5).

In our opinion, therefore, the relationship between globalization and the Christian teaching of the Church should begin by specifying the diversity of attributes by which they make up the body of secular, on the one hand, and doctrinal, on the other, notions and confessions by which they address the world. In this way our discussion is constructed by analyzing the relationship between part and whole.

Martin Heidegger, a renowned philosopher with a background in Christian theology, clarified the distinction between what constitutes a whole and the parts through which it relates to reality: "The granite block that rests in itself is something material in a determinate form, even if this

form is coarse. The form here means the spatial and local arrangement and ordering of the material parts, which result in a determined outline, namely that of a block. But a jug, an axe or a pair of shoes are themselves material moulded into a shape. In its capacity as a contour, however, the shape does not appear here as the result of the arrangement of matter. On the contrary, form now determines the ordering of matter. Moreover, it predetermines, in each case, the quality and choice of material: a waterproof material for the pitcher, one hard enough for the axe, strong yet flexible for the shoes. In addition, this interweaving of form and material is determined in advance by the purpose for which the pitcher, axe or pair of shoes is to be used" (Heidegger 1995, 51-52).

If we understand globalization and the Church's teaching as wholes that we address to the world, then we must see them as raw materials, as the philosopher would say, with which we could not relate. But things are more complex. Due to the fact that their matter is moulded into the shape of the world, and thus they are both part and whole of it, it is necessary, in our view, to specify the purpose that both globalization and the Church serve. As such, in the parts that make up both the Church and the concept of globalization, we must find the purpose that the matter of which they are made is serving. Diversity, as matter, belongs to both spiritual dimensions and through it matter and purpose are ordered and directed as forms through which both Church and globalization are expressed and manifested.

Speaking specifically about diversity in the context of globalization, however, we note that in this concept the relationship between parts removes particularities, turning individuals and societies into an amorphous mass, while the universality of the Christian teaching of the Church is formed precisely by respecting these particularities of individuals and societies through the cultivation of harmony and their development.

Globalization is thus manifested in a dynamism that is exclusively concerned with the outer parts of the world, whereas the universality of Christian teaching, although it may seem static, is much more dynamically concerned with the inner parts of man. Globalization addresses the world methodically, systematically and impersonally, controlling the parts of the economic structures that offer the world the perspective, still insufficiently defined in our opinion, of a world community block organized on principles

and values that want to break away from the ideologies of colonialism, imperialism or the nation state, a reality in which religions, peoples' cultures, moral and personal values are simply parts of the diversity of the world's manifestation. Globalization thus proposes a ubiquity of the world made up of a multitude of distinct parts through permanent migration and translocation. In this world, religious beliefs no longer retain their homogeneity, but become a hybrid that multiplies whenever necessary, which relativizes the identities of the parts and allows universalism to be diluted into particularism. As such, globalization is causing the deterioration of religious identity and favoring technological approaches that facilitate this virtual translocation (Saint-Blanc 2000, 5 *apud* Tănase 2002, 262).

Moreover, the concept of globalization cuts across the regional and cultural specificity of the actors of today's world through the diversity of analytical approaches with which it studies them. This is why research on globalization draws on approaches that go beyond the economic and political spheres and seek to reconsider human dimensions of a universal nature, such as religions, culture, climate change, etc., emphasizing the idea that the identity of a community is not based solely on the idea of solidarity in which its members, who „whether they meet or not, each carry in their minds the image of their community" (Anderson 1991, 6 & James 1996, 5). The reality of a virtual community is proposed, which no longer requires a common origin, a common language and a history in which the elements that constitute continuity over time or reference to standard heroes, monuments and specific cultural symbols, heraldic insignia, authentic costumes, flags or flags, etc. are fixed.

In the context of globalization, diversity of religious beliefs and practices are therefore packaged and provided as mere consumer goods that can be bought and re-buyed or accessed from religious markets everywhere through media and online as identities and lifestyles. It is a general palliative that turns faith into an illusion of religiosity and a source of spirituality devoid of transcendental values.

Paradoxically, however, globalization, through the global markets it offers for labor and consumption, is developing religious diversity in a pejorative sense. The facilitation of travel that it engenders gives greater scope to the phenomenon of migration and thus to the movement and intersection

of religious ideas, beliefs and traditions across ever wider geographical and spiritual spaces and areas, leading to the emergence of religious congruence and competition on a global scale. Thus, religious commercial strategies are emerging to promote their own religions. These trends highlight the presence of general erosive contradictions in religious life everywhere, justified in the name of respect for a liberal tradition in which religion is treated as a general spiritual theme or as an individual dimension to be decided only by the inner forum of personal conscience.

The universalization of the Christian faith is the antithesis of globalization, because it is a truth and a reality that does not co-opt or destroy the other. It does not propose but insists on the mobilization of a life built to face passions, weaknesses and the definitive destruction of egocentrism, for a community and a profound human communion that is realized on the foundation of identity and at the same time the particularity of each person.

In Orthodox theology, the universalization of faith is understood as a spiritual act of deification and familiarization of man with the divine life in order to perfect him and to make him aware that he is a creature created in the image of God, called to be transfigured into His likeness. The universalization of the Christian faith is therefore synonymous with the dehumanization of the world, an atoning act of grace which makes room for God in creation. Universalization here has historical dimensions with an eschatological character and does not create globalizing spaces that swallow up the generations and ages of the world in order to facilitate consumption and utilitarian and immediate progress.

Therefore, unlike globalization which feeds its development through the accumulation of material and spiritual spaces and dimensions, the universalization of the Christian message addresses to the world the teaching about the Incarnation of Christ and the coming of the Kingdom of God. These spiritual processes are distinct, because while globalization is a secular expression of postmodern civilization, the message of Christ is embedded in history by internalizing time within the world, both globally and personally. In this way, each person, and at the same time the whole world, participates freely and consciously in the building of Christian universality on the basis of the religious faith professed by all believers, in contrast to the way in which globalization integrates the world's societies and cultures through progressive

economic exchange, increasingly efficient communication technology and the methodical development of production, transport and consumption lines on ever larger scales. Christ's message considers all these means of improving the quality of human life to be testimonies of man's striving to rise to the likeness of God, who is almost unconsciously trying, through them, to build, here and now, a better life. Thus Christian teaching shows that these strivings for the better in human civilization reveal, on the one hand, the permanent presence of the longing for God in man and, on the other, the fact that living in this world is not the ultimate goal of human existence. This is why the Church proposes to the world, as opposed to globalization, a globalization based on a diversity and diversification of goodness, gratitude and love that universalizes the human being in order to complete it as a cosmic being.

In this way, in the Lord Jesus Christ, the Church establishes the inexhaustible universality of the reaches of the whole world, that is, it globalizes and embraces creation in order to preserve it in history. Therefore universality is the Church's principal attribute, and man, freed from frivolous passions and inclinations, becomes its principal exponent by the fact that he naturally feels by faith the gracious presence of God everywhere and always.

The Holy Fathers speak of God's love which is poured out upon all creation and makes the universality of the Christian faith a reality. Saint Silvanus Athonite, a modern-day devout man who has been enabled to see the light of Christ, testified of how his soul was overcome by a sense of love for God and for all people (Mantzarides 2002, 4). This theological truth of human universalization through deification is formulated by St. Gregory Palamas, who developed the teaching of faith on how uncreated light gives man the capacity to embrace within himself the whole of creation and to acquire perfect love (Saint Gregory Palamas PG 150, 1081 AD *apud* Matzarides 2002, 4). The relationship between globalization and the universalization of the Christian message, although not a particular concern of patristic thought, is sufficiently well specified in the works of the Holy Fathers. This is why the theme of the idea of the unity of the world through its deification is always present. Thus, we understand that globalization unifies the world in the name of economic interests through rational methods, while Christianity unifies it by treating and alienating the wounds that canker it. St. Gregory the Theologian art in this sense: „For we do not seek

to conquer but to bring together brothers who are torn apart" (Saint Gregory the Theologian PG 36, 440 B *apud* Holbea 2006, 53). Saint Maxim the Confessor also specifies how important it is in the joy of the communion of God: „I write these things not to make heretics suffer, nor to rejoice in their evil. Let it not be! Rather, I write rejoicing and rejoicing together in return. For what is more pleasing to the faithful than that the sons of God should be ennobled together in one" (Saint Maxim the Confessor PG 91 *apud* Holbea 2006, 53). Therefore, if globalization achieves a secular community based on communication and economic strategies of production and consumption, the universalization of the Christian message highlights the role of faith and religion in the deification of all creation as a permanent and universal state of divine-human communion.

In summary, we believe that both human dimensions can contribute to the unification and universalization of the world in Christ. In order to achieve this work, the Church must increasingly diversify its modes of expression and relationship so as to build bridges linking the fundamental role of religion in linking spiritual flows with the impact that globalization has on general well-being and quality of life, because spiritual needs are measured by the demand and supply of goods and services whose inestimable value must be understood both as patterns of coexistence and global communion and as relationships between separate spiritual segments. Diversity must therefore be understood as a way of connecting the general effects of globalization with the universalization of the religious message in which the proliferation of decentralizing elements, as spaces and parts of a whole, represent challenges to which the Church is called to offer solutions.

2. The Diversity of Globalization and the Church's Response

A recent step in this direction was taken not long ago with the holding of the Holy and Great Council of the Eastern Orthodox Churches in Crete in 2016, held specifically during the week of Pentecost (*Document Relations of the Orthodox Church with the wider Christian world - main themes and debates*). Under the presidency of Patriarch Bartholomew, this Council remains to this day the largest gathering of Orthodox hierarchs that has brought contemporary religious diversity to the world's attention. The Encyclical of the Holy and Great Council of Crete listed the diversity that contemporary

Christianity needs to be aware of in order to act accordingly in the face of the aversion of globalization.

Thus, the meaning of marriage and the family was discussed in Encyclical III; the role and purpose of religious education in Encyclical IV, 9; the challenging extremes of secularization manifested in culture, society and politics; the empowerment of man in relation to Christ and the spiritual influence of the Church in the world; the distinction between the Church and the conservatism in which society is dragging; and its relation to globalizing progress and development in Encyclical V, 10; on the meaning of human freedom, the abuse of the person, the loss of values and traditions, the threat and destruction of the environment in Encyclical V, 11; on the irresponsible approach to biotechnology in Encyclical V, 12; on the ideology of globalization in Encyclical VI, 15 as well as on the spread of violence and military conflicts, the persecution, extinction or exile of religious minorities, human trafficking, the violation of the principles and rights of persons and peoples, migration and forced conversions as evident results of globalization in Encyclical VI, 18 (On the Holy and Great Council of Crete, 16-26 June 2016. Questions and Answers 2017, 22-23).

During these debates it was stated that the solutions offered to these problems lie in open dialogue based on the confession of the right faith which „is reflected in right living, which for the Orthodox also implies the effort to live in good relations with Christians of different ethnicities and confessions, so that together we can give a credible witness to the humble love of Christ in a world that is increasingly secularized, more distant from God and the Church" (On the Holy and Great Council of Crete, 16-26 June 2016. Questions and Answers" 2017, 33).

This action highlighted the fact that the diversity of today's world influences all spheres of the Church's work, highlighting the range of its responsibilities. Thus, the Church's response is equally diverse, addressing in a timely manner the needs that the universality of the Christian message demands. In this sense, the building of places of worship, the Church's philanthropic, educational, cultural and social concerns stand out from the multitude of the Church's concerns which it carries out in the context of the phenomenon of globalization in order to preserve the material and spirituality of today's world in their authentic values, distinct from those of

the globalization which is reshaping the world. All these works constitute real forums for dialogue and open work sites within the world through which the Church addresses Christ to the contemporary faithful in order to make them responsible for the universalizing role they have in building, sacrificing and engaging endlessly in the spiritual life of the Church, out of the conviction that a society deprived of prayer and the dimensions of an ascetic life is in fact devoid of real peace and communion.

3. Christian identity and diversity

For St Maximus Confessor, the diversity of the world is the result of the reasons for the things God has founded. Therefore, divine reason constitutes the basis of all existence in which each presence is preserved independently and exists individually among the created. Each existence possesses a reason by which it situates itself as gen-γένος, as species-εἶδος and by which it defines its essence-οὐσία or nature-φύσις, i.e., the reason-λόγος which characterizes its constitution-κρᾶσις and by which it expresses its capacity to be sufficient itself and at the same time in permanent relation to quantity, form, participation, space, time, becoming and identity in the whole of which it is a part. According to these reasons, the diversity of existence is expressed orderly in relation to the whole from which it is in no way distinguished in its own nature and with which it is not confused. In the absence of these ratios-λόγοι, which particularize and individualize all the elements of the created world, the cosmos would remain disorganized and amorphous matter. Each element created by God is distinguished by its own reason by virtue of which it manifests itself independently and uniquely. Saint Maxim emphasizes this reality by specifying the indivisible difference and unmistakable particularity of the world's rations in which „species, overcoming the variety due to difference, receive identity together through the genus. And individuals, receiving through species their coincidence, become one and the same among themselves, having through the community of being a complete likeness and freedom from all distinction. And the accidents together combined in the subject have a unity which remains undivided, together with the subject" (Saint Maxim the Confessor 1983, 225).

Father Dumitru Stăniloae observes in this regard from the patristic commentary that „beyond the variety of individuals there exists and is maintained the mysterious unity of the species, beyond the variety of species there exists and is maintained the mysterious unity of the genus, and beyond the variety of genera there exists and is maintained the unity of creation"(Stăniloae 1983, 225). As such, the reasons for existence do not refer to the presence of matter, but to God's thoughts that all things were created to manifest themselves in their essence through indefinite depths. Creation is a process of the opening of existence achieved in the relationship between the reasons of things and their unfolding from the unity of the divine Logos. Therefore, the purpose of the various reasons of the world is their union in the reasons of the divine Logos: „It is the Word of God who creates all creatures according to their reasons and helps them to advance towards their goal, since their reasons, which are also uncreated energies, work in them or collaborate with them, and through them, the divine Logos himself works." (Stăniloae 1983, 29).

The identity of created reasons as the source of the world's diversity and unity highlights the unifying relationship of the diversity and identity of human persons. The concept of the person is distinct from the notion of the individual, which characterizes the personal individuality of each person. Therefore, the individual is in itself a monad, a number that expresses only itself, independent of everything. The identification of the individual is achieved by its distinctive isolation from the diversity of other individuals, which makes the individual personality its identification among other persons on the basis of its defining characteristics. In short, human personality resides in the accumulation of individual attributes (Holbea 2006, 49).

In Europe, the concept of the person, through Christian thought, constitutes the key notion of culture and civilization, the main forma mentis, disseminated in all fields and activities through which man's personal relationship with God, with his fellow men, with history and with the world is expressed (Rougemont 1957, 55, 85, 161 *apud* Ică jr. 2005, 33-34).„On the basis of this notion Europe has been able to assimilate different traditions and cultural heritages, becoming an open culture" (Ică jr. 2005, 33). Denis de Rougemont considered that „the person distinct from the individual has a double genesis: theological and political. From a political point of view, the

person has succeeded in integrating the two opposing meanings previously given to man: of the individual existing in and for himself (discovery of ancient Greece) and of the citizen existing exclusively through and for the state (ancient Rome). If the individual is exposed to the seductions of egoism, scepticism, profanation and anarchy, the citizen is exposed to the seductions of collectivist-totalitarianism." (Rougemont 1957, 85). Associated with the virtues of Christian faith, hope and love, the notion of personhood has opened to the human being the possibility of transcending the personal towards God, the One who is all in Persons, as well as the possibility of overcoming the vicious horizon in which man was swinging between individualism and collectivism towards the universalization of divinity. "The relationship with God frees the believer from the terror of the social and arbitrary, of the individual, obliging him to an infinite responsibility towards his neighbour and to the building of a new type of community: the supernatural and as such supernatural communion of the Church whose model is the triune communion" (Rougemont 1957, 85).

That is why, above all, in today's secularized (Rotaru 2006, 251-266) and globalized Christian world, prayer remains the main universalizing criterion of life. Orthodoxy therefore proposes to the world today a diverse and rich liturgical program, in keeping with its in-globalizing and universalizing diversity, through which it can rediscover and further preserve the individual divine reasons of which it is composed, in order to acquire the divinizing eschatological perspectives.

Conclusions

Each generation of Christian theologians is presented with new topics for debate. Today's Church is called to offer solutions to the concept of globalization, which is characterized by the complexity and diversity of the ways in which it proposes itself to the world as a new order. Particularly associated with economic activity, globalization is more than just an attribute of the economy, since its manifestations affect all dimensions of human life. Globalization is thus influencing the contemporary world with its diversity of expressions, bringing back to life what should have remained history, i.e., internationalization and the perpetuation of belligerent and violent aggression, growing discrepancies between the world's regions and religions,

exploitation of the weak and unwanted in the name of the free exchange of values and principles which, as soon as they meet, clash and clash, creating ever more intense diversions and diversities.

The complexity of globalization is given by its dynamism which proposes it as a kind of new spirit of the world. It is a dynamism that is notable for the contradictions it generates and the undeniable negative effects it produces. A dynamism which, in the name of unification and unity, individualizes and centralizes while destabilizing and simultaneously reconstructing another reality which radically compromises the individual's membership of the spiritual community by rearranging the world into „transnational economic organizations" (Ică Jr. 2002, 482).

In this context, the Church is called upon to coordinate the way in which globalization is being achieved in the spaces of international economic and political relations. For this reason, the proclamation of the Gospel about the Kingdom of God and the permanent celebration of the Holy Mass are the most important and valid universal meta-narratives addressed to the world, which sanctify creation and do not flatten it, because they are based on God's love for man. The Church must re-propose this method of working to the world in a language that it understands as an alternative to globalization because only the Sacrifice and the Church of Christ represent the eternal guarantee that the Kingdom of God is not totalitarian but a permanent and true celebration of Pentecost, a perfect model of the universal diversity and unity of this world.

References

Anderson, Benedict. 1991. *Imagined communities: reflections on the origin and spread of nationalism*. London, New York: Publisher Verso.

Chantal, Saint-Blanc. 2000. "Globalization, reseau et diaspora dans le champ religieux." In Colloque international *L'internationalization du religieux: mutation, enjeux, limites.* Paris: ASFR.

"Despre Sfântul și Marele Sinod din Creta, 16-26 iunie 2016. Întrebări și răspunsuri" ["On the Holy and Great Council of Crete, 16-26 June 2016. Questions and Answers"]. 2017. Bucharest: Editura Basilica.

Documentul Relațiile Bisericii Ortodoxe cu ansamblul lumii creștine – principalele teme și dezbateri [The document Relations of the Orthodox Church with the wider Christian world - main themes and debates], available at: https://basilica.

ro/documentul-relatiile-bisericii-ortodoxe-cu-ansamblul-lumii-crestine-principalele-teme-si-dezbateri/, accessed on 02.17.2023.

Heidegger, Martin.1995. *Originea operei de artă [Origin of the artwork]*. Translation and notes Thomas Kleininger, Gabriel Liiceanu. Bucharest: Humanitas Publishing.

Holbea, Gheorghe. 2006. "Identitate şi globalizare în viziune creştină ortodoxă" [„Identity and globalisation in the Orthodox Christian vision"]. In *Globalizare şi identitate naţională. Simpozion*, Miliana Şerbu, Constantin Gheorghe (eds.). Bucharest: Editura Ministerului Administraţiei şi Internelor.

Ică jr., Ioan I. 2005. "Europa politicului, Europa spiritului" [„Europe of politics, Europe of the spirit"]. In *Un suflet pentru Europa*. Bucharest: Anastasia Publishing.

Ică jr., Ioan. 2002. "Globalizarea – mutaţii şi provocări" [„Globalisation - mutations and challenges"]. In *Gândirea socială a Bisericii. Fundamente – documente – analize – perspective*. Sibiu: Deisis.

James, Paul. 1996. *Nation formation towards a theory of abstract community*. London: Sage.

Mantzarides, Georgios I. 2002. "Ecumenicitatea Părinţilor Bisericii şi ecumenismul contemporan" [„The Ecumenicality of the Church Fathers and Contemporary Ecumenism"]. In *Vestitorul Ortodoxiei* XIV, 303–304.

Rotaru, Ioan-Gheoghe. 2014. "Globalization and its effect on religion". In *Jurnalul Libertăţii de Conştiinţă*, Mihnea Costoiu, Liviu-Bogdan Ciucă, Nelu Burcea (eds.). Les Arcs, France: Edition IARSIC.

Rotaru, Ioan-Gheorghe.2006. "Aspecte ale secularizării şi ale omului secularizat" [„Aspects of secularisation and secularised man"]. *Studia Universitatis Babeş-Bolyai, Theologia Orthodoxa* L-LI, 1: 251-266.

Rotaru, Ioan-Gheorghe. 2012. "Biserica lui Dumnezeu, sursa unui Râu al Vieţii şi al Vindecării" [„The Church of God, Source of a River of Life and Healing"]. *Argeşul ortodox* XI, 564:5.

Rougemont, Denis de. 1957. *L'aventure occidentale de l'homme*. Paris: Albin Michel.

Sfântul Maxim Mărturisitorul. 1983. "Ambigua". Romanian translation by Priest Dumitru Stăniloae. In *Părinţi şi scriitori bisericeşti [Fathers and church writers]*. Bucharest: Editura Institutul Biblic şi de Misiune al Bisericii Ortodoxe Române.

Tănase, Laurenţiu. 2022. "Secularizarea şi mutaţiile religiosului în modernitatea târzie" ["Secularization and religious mutations in late modernity"]. *Anuarul Facultăţii de Teologie Ortodoxă*. Bucharest: Bucharest University Press.

A Structured Literature Review of the Impact of ESG Activities on Firm Performance

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ABSTRACT: The purpose of this paper is to review empirical studies on the impact of ESG (Environmental, Social, and Governance) activities on firm performance. After nearly two decades of its initial formal proposal in 2004 by United Nation's Principles for Responsible Investment, significant advances can be observed regarding progress on ESG activities in different regions worldwide. The existing literature has numerous debates about the relationship between ESG activities and financial performance with heterogeneous results. A growing body of empirical literature has evaluated positive implications of ESG activities on firm performance, while other studies indicate a negative relationship. This study aims to investigate this discrepancy by accumulating knowledge from ESG-related literature and uncover the discourse on ESG. Consequently, this research provides different views and contributes to a better understanding of the ESG concept. In particular, due to recent regulatory initiatives by the European Union, such as the European Taxonomy and additional disclosure requirements, the focus of this study is on the data conducted on European companies.

KEYWORDS: ESG, firm performance, European firms, literature review

Introduction

Environmental, Social, and Governance (ESG) activities have emerged as a prevalent and significant topic of our time, calling the attention of governments, businesses, and individuals worldwide. As evidence of the risks

associated with climate change continues to mount, companies face growing pressure from the public to incorporate ESG into their business practices (McKinsey 2022). Kolk and Van Tulder (2010) argue that Multinational enterprises (MNEs) have gained increasing recognition to contribute not only to the problem but potentially to the solution of corporate social responsibility actions and the implications of international business for sustainable development, both in their home and host countries.

ESG is a metric that assesses and grades a company's environmental, social, and governance activities across three dimensions and refers to a set of non-financial indicators used to evaluate a company's sustainability and ethical impact. In 2004, the United Nations published a report entitled "*Who Cares Wins*" (The Global Compact 2004) which is widely recognized as the first significant reference to ESG in the current context and emphasizes the importance of all business stakeholders embracing ESG practices for the long term, including managers, directors, investors, analysts, and brokers. These developments coincided with a growing international focus on sustainability, workplace respect, and diversity, and public campaigns on these issues have continued to gain momentum.

From one perspective based on stock markets, the increases in socially responsible assets have been exponential over the previous decade, and they account for nearly a third of professional investments (Ferrat et al. 2022). From a second perspective, based on regulatory bodies and policymakers, especially concerning the disclosure of ESG information by companies, regulations have been growing worldwide over the past decade. (KPMG 2023 and Krasodomska et al. 2021). Especially in the European Union (hereafter EU), the Non-Financial Reporting Directive (NFRD) regarding the disclosure of non-financial information and diversity information has been adopted (European Commission 2021).

In this regard, the relationship between Environmental, Social, and Governance activities and financial performance has been a topic of increasing interest among investors, policymakers, and academics. The idea behind ESG is that companies that focus on these factors are more likely to be successful in the long run, as they are better able to manage risks and take advantage of opportunities. This literature review aims to provide an overview of the current state of research and synthesize it into a solid summary on the

implications of ESG on financial performance. The review will examine the methods used to measure ESG activities and the findings of the status-quo empirical studies on the impact of ESG on financial performance. The review will also discuss the limitations of existing research and identify areas for future research.

Measuring ESG Activities

Several methods are used to measure ESG performance, including ESG ratings and ESG indices. ESG ratings are companies' scores based on their performance in environmental, social, and governance activities. The ESG rating dominantly used in the academic literature are provided by third-party organizations such as MSCI (Ruan and Liu 2021), Bloomberg (Xie et al. 2019; Wang & Sarkis 2017), or Refinitiv (Kaiser 2020; Abdi 2021). The ESG metrics from the provider Refinitiv are illustrated in Figure 1.

Figure 1. Refinitv ESG Metrics

Companies are selected based on their ESG ratings and are included in the index if they meet certain criteria (Refinitiv 2022). Some companies report their own ESG performance through sustainability reports or other public disclosures (Nga and Rezaeeb 2015).

Impact of ESG on Financial Performance

Several studies have examined the impact of ESG on financial performance. Even though there exist heterogeneous results, the majority of these studies have found a positive relationship between ESG activities and financial performance. For example, a study by Eccles and Serafeim (2014) found

that companies with high ESG ratings outperformed those with low ESG ratings in terms of financial performance. The study analyzed data from 180 companies over an 18-year period and found that companies with high ESG ratings had higher return on assets (ROA) and return on equity (ROE) than those with low ESG ratings.

Similarly, a study by Friede et al. (2015) analyzed data from over 2,000 companies and found that companies with high ESG ratings had higher stock returns and lower volatility than those with low ESG ratings. The study also found that the relationship between ESG and financial performance was stronger in emerging markets than in developed markets. Another study by Khan et al. (2016) examined the impact of ESG performance on credit risk. The study analyzed data from over 1,600 companies and found that companies with high ESG ratings had lower credit risk than those with low ESG ratings. The study also found that the relationship between ESG and credit risk was stronger for companies in industries with high environmental and social risks.

Many companies are raising their implementation of ESG activities. Huang (2021) investigated the link between ESG and financial performance. Twenty studies published between 1980 to 2019 were obtained from databases such as Web of Science and evaluated. The results indicated a positive link between ESG and financial productivity. The connection was stronger for economic productivity linked to firms' market and accounting areas.

ESG disclosure usually creates a competitive advantage for companies. Mohammad and Wasiuzzaman (2021) investigated the impact of ESG disclosure on firm productivity, which is mediated by competitive advantage. The sample consisted of 660 companies listed on Bursa Malaysia from 2012 to 2017. The results displayed that ESG disclosure improved financial productivity. For instance, raising ESG disclosure by one unit boosted productivity by four percent. US companies tend to implement ESG due to increasing investor demand for social responsibility. Nguyen et al. (2022) examined the effect of ESG activities on financial productivity. The sample consisted of 56 US non-monetary companies in the S&P 500 from 2018 to 2020. The methodology involved the use of the two-stage Least Squares technique. The results highlighted that ESG improved firm productivity based on three ratios: Tobin's Q, return on assets (ROA), and return on equity

(ROE). ESG activity had a more substantial impact on Tobin's Q than on ROA and ROE. The latter two variables could be improved in the long term through ESG.

There is a need to evaluate ESG productivity in emerging countries. Junius et al. (2020) assessed the effect of ESG performance on company productivity with a sample that entailed 270 companies from Indonesia, Thailand, Singapore, and Malaysia between 2013 and 2017. Multiple regression and descriptive tests were conducted using ESG score as the dependent variable. Meanwhile, the price-earnings ratio, ROE, ROE, and Tobin's Q were self-reliant variables. The company size, age, and sector were used as regulating values. The outcomes depicted that the ESG score did not considerably impact company productivity. The limitations were that few companies had the ESG scores.

ESG can influence financial ratios such as ROE. Triyani et al. (2020) examined the influence of ESG on company productivity based on ROE. The impact of CEO tenure on this association was also studied. The sample encompassed 158 public corporations in Indonesia from 2012 to 2016. Multiple regression evaluated the links between values. The results illustrated that ESG disclosure had a positive influence on ROE. On the other hand, CEO tenure decreased the strength of the connection between ESG and ROE.

Especially in Europe, there is a dynamic shift toward ESG activities. De Lucia et al. (2020) examined the association between ROA and ROE on ESG. The sample entailed 1030 public companies from Europe between 2018 and 2019. Machine learning and regression were used in the methodology. The results indicated a positive link between financial metrics such as ROA and ROE with ESG. The link is strengthened when firms invest in policies such as environmental innovation.

Firms have an increase in reputation when they implement ESG reporting. European firms are supposed to report non-financial data on tackling environmental problems. Koundouri et al. (2021) evaluated the interconnection between ESG and financial productivity. The sample consisted of 50 European firms with a high ESG achievement (STOXX Europe Leaders 50 Index). These firms were from sectors such as automobiles and manufacturing. The ESG reporting of these companies was evaluated. The findings showed that firms implementing ESG had better profitability,

such as ROA and ROE. ESG has been implemented due to the demand for transparency. Buallay (2018) evaluated the association between ESG and a bank's financial productivity with the productivity measures consisting of ROE, ROA, and Tobin's Q. The sample entailed 235 European banks from 2007 to 2016. ESG was used as the self-reliant variable, while financial productivity was the reliant variable. Control measures included the type of bank and external factors. The results portrayed that ESG considerably impacted company productivity. ESG positively impacted ROA and Tobin's Q.

In addition to these studies, there have been numerous other empirical studies that have found a positive relationship between ESG and financial performance. However, there have also been some studies that have found negative, mixed or inconclusive results. For example, a study by Statman et al. (2016) found that while companies with high ESG scores had higher returns than those with low ESG scores, this relationship was not statistically significant after controlling for other factors such as size and industry. An overview of the current literature review with their respective positive, mixed, negative, or neutral findings is illustrated in Table 1.

Table 1. Overview literature review

Author (s)	Sample	Years	Findings	Factors
Verga Matos et al. (2020)	Stoxx Europe 600 index firms	2000 - 2019	Positive: The results indicate that more sustainable firms exhibit a more stable dividend payout.	Dividend policy
Nguyen et al. (2022)	57 U.S. non-financial firms belonging to the S&P 500.	2018 - 2020	Positive: the magnitude of the influence of the ESG practice on Tobin's Q is significantly higher than that of the ESG-ROA and ESG-ROE relations.	ROA, ROE, and Tobin's Q
Chong et al. (2018)	290 firm-year observations from Malaysia	2010 - 2014	Positive: ESG practices improve firms' performance and has no effect on firms' risk taking.	Financial performance
Mohammad and Wasiuz-zaman (2021)	661 firms listed in the Bursa Malaysia	2012 - 2017	Positive: ESG disclosure improves firm performance even after controlling for competitive advantage.	Firm competitive advantage

Arayssi and Jizi (2019)	67 firms from the MENA region	2012 - 2016	Positive: ESG activities in Mena region improves firm's profitability ratios	Financial performance
De Lucia et al. (2020)	public European enterprises	2018 - 2019	Positive: The results are in support of a relationship between the ESG variables and the financial performances of ROE and ROA.	ROA, ROE
Velte (2017)	412 firm years observation	2010 - 2014	Positive / Neutral: ESG has a positive impact on ROA but no impact on Tobin's Q.	ROA, Tobin's Q
Miralles-Quirós et al. (2018)	Companies in Brazil	2010 - 2015	Mixed: The market does not significantly value the three ESG pillars.	Book-to-value per share and earnings per share
Pulino et al. (2022)	largest Italian listed companies	2011 - 2020	Mixed: Positive relationship between ESG disclosure and firm performance, measured by EBIT, but a significant negative relation for ROA	ROA, EBIT
Abdi et al. (2020)	38 airlines worldwide	2013 - 2019	Mixed: environmental and governance pillars are positively associated, whereas social pillar is negatively associated with both a firm's value and its financial performance.	Market-to-book ratio, Tobin's Q
Buallay et al. (2022)	882 banks from developed and developing countries	2009 - 2019	Mixed / positive: ESG improves banks' accounting and market-based performance in developed countries, furthermore ESG weakens banks' performance in developed and developing countries.	Tobins' Q
Junius et al. (2020)	271 listed companies from ASEAN countries	2013 - 2017	Neutral: No significant influence from ESG Score and firm performance and market value.	ROA, ROE, and Tobin's Q

Atan et al. (2018)	54 companies from Malaysia	2010 - 2013	Neutral: No significant relationship between individual and combined factors of ESG and ROE, Tobin's Q as well as the weighted average cost of capital.	ROE, Tobin's Q and WACC
Duque-Grisales and Aguilera-Caracuel (2018)	104 multinationals from Brazil, Chile, Colombia, Mexico and Peru	2012 - 2014	Negative: The results suggest a negative relationship between the ESG score and financial performance even when it is analyzed separately.	ROA
Radhouane et al. (2020)	French companies listed on the SBF120 index	2015 - 2015	Negative: Results indicate negative association between ESG and Tobin's Q.	Tobins' Q
Ruan and Lui (2021)	state-owned and non-state-owned enterprises	2015 - 2019	Negative: corporate ESG activities have a significantly negative impact on firm performance.	Tobins' Q

Limitations of Existing Research

Despite the growing body of research on the relationship between ESG and financial performance, there are several limitations to existing research. One limitation is the lack of standardization in ESG ratings and indices. Different ESG rating agencies use different methodologies to score companies, which can lead to inconsistencies in results. Similarly, different ESG indices have different criteria for inclusion, which can make it difficult to compare results across indices.

Another limitation is the potential for reverse causality. Companies with strong financial performance may be more likely to focus on ESG factors rather than the other way around. This could lead to a spurious correlation between ESG and financial performance rather than a causal relationship.

There is also the potential for omitted variable bias, where there are other factors affecting both ESG performance and financial performance which are not being accounted for in the analysis. For example, a company's brand reputation or market position may be driving both its financial performance and its ESG performance.

Finally, there is the potential for sample selection bias. A large number of current studies focus on large, publicly traded companies, which may not be representative of the broader. There is also the potential for survivorship bias, where companies that perform poorly on ESG factors may go bankrupt or be acquired, leading to a biased sample of companies in the analysis.

Future Research Directions

Despite the described limitations, the majority of empirical studies have found a positive relationship between ESG and financial performance. However, there is still much to be learned about the mechanisms behind this relationship and the conditions under which it holds. For example, future research could explore whether the relationship between ESG and financial performance varies across different industries or regions. It would also be useful to examine the impact of specific ESG factors, such as climate change or human rights, on financial performance.

There is also a need for more rigorous research designs that can establish causality between ESG and financial performance. Randomized controlled trials or natural experiments may be useful in this regard. Additionally, future research could explore the impact of ESG on long-term financial performance, as many of the studies to date have focused on short-term financial performance.

Another area for future research is the impact of ESG on non-financial outcomes, such as employee satisfaction, customer loyalty, and community engagement. Understanding the broader impact of ESG on stakeholders could help companies make more informed decisions about their ESG strategies.

Finally, there is a need for greater standardization in ESG ratings and indices. This would make it easier to compare results across studies and improve the quality of ESG data for investors and companies.

Conclusion

In conclusion, the majority of empirical studies have found a positive relationship between ESG and financial performance. However, there are limitations to existing research, including the lack of standardization in ESG ratings and indices, the potential for reverse causality, omitted variable bias, sample selection bias, and the need for more rigorous research designs. Future research could explore the impact of ESG on non-financial outcomes, as

well as the mechanisms behind the relationship between ESG and financial performance. Additionally, greater standardization in ESG ratings and indices would improve the quality of ESG data and make it easier to compare results across studies.

References

Abdi, Y., Li, X., and Càmara-Turull, X. 2020. "Impact of Sustainability on Firm Value and Financial Performance in the Air Transport Industry." *Sustainability* 12 (23): 9957. DOI: https://doi.org/10.3390/su12239957.

Arayssi, M. and Jizi, M.I. 2019. "Does corporate governance spillover firm performance? A study of valuation of MENA companies." *Social Responsibility Journal* 15(5): 597-620. DOI: https://doi.org/10.1108/SRJ-06-2018-0157.

Atan, R., Alam, M.M., Said, J., and Zamri, M. 2018. "The Impacts of Environmental, Social, and Governance Factors on Firm Performance: Panel Study of Malaysian Companies." *Management of Environmental Quality* 29(2): 182-194. DOI: https://doi.org/10.1108/MEQ-03-2017-0033.

Buallay, A. 2018. „Is sustainability reporting (ESG) associated with performance? Evidence from the European banking sector." *Management of Environmental Quality: An International Journal* 30(1): 98-115. DOI: https://doi.org/10.1108/MEQ-12-2017-0149.

Buallay, A., Fadel, S. M., Alajmi, J., and Saudagaran, S. 2020. "Sustainability reporting and bank performance after financial crisis: Evidence from developed and developing countries." *Competitiveness Review: An International Business Journal* 31(4): 747– 770. DOI: https://doi.org/10.1108/CR-04-2019-0040.

Chong, L.L., Ong, H.B., Tan, S.H. 2018. " Corporate risk-taking and performance in Malaysia: the effect of board composition, political connections and sustainability practices." *Corporate Governance* 18 (4):635-654. DOI: https://doi.org/10.1108/CG-05-2017-0095.

De Lucia, C., Pazienza, P., and Bartlett, M. 2020. "Does good ESG lead to better financial performances by firms? Machine learning and logistic regression models of public enterprises in Europe." *Sustainability* 12(13): 5317. DOI: https://doi.org/10.3390/su12135317.

Duque-Grisales, E., Aguilera-Caracuel, J. 2019. "Environmental, social and governance ESG scores and financial performance of multinationals: Moderating effects of geographic international diversification and financial slack." J*ournal of Business Ethics* 5 (1):1-20.

Eccles, R.G., Ioannou, I., Serafeim G.. 2014. "The Impact of Corporate Sustainability on Organizational Processes and Performance." *Management Science* 60 (11):2835-2857. DOI: https://doi.org/10.1287/mnsc.2014.1984.

European Commission. 2021. *Non-financial Reporting Directive*. Available at: https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/654213/EPRS_BRI(2021)654213_EN.pdf Accessed: 1 May 2023.

Ferrat, Y., Daty, F. and Burlacu, R. 2022. "Short- and long-term effects of responsible investment growth on equity returns." *Journal of Risk Finance* 23(1): 1-13. DOI: https://doi.org/10.1108/JRF-07-2021-0107.

Friede, G., Busch, T. and Bassen, A. 2015. "ESG and financial performance: aggregated evidence from more than 2000 empirical studies." *Journal of Sustainable Finance & Investment* 5(4): 210-233, DOI: 10.1080/20430795.2015.1118917.

Huang, D. Z. 2021. "Environmental, social and governance (ESG) activity and firm performance: a review and consolidation." *Accounting & Finance* 61(1): 335-360. DOI: https://doi.org/10.1111/acfi.12569.

Junius, D., Adisurjo, A., Rijanto, A., and Adelina, Y. E. 2020. "The Impact of ESG Performance to Firm Performance and Market Value." *Jurnal Aplikasi Akuntansi* 5(1): 21-41. DOI: https://doi.org/10.29303/jaa.v5i1.84.

Khan, M., Serafeim, G. and Yoon, A. 2016. "Corporate Sustainability: First Evidence on Materiality." *Accounting Review* 91(6). Available at: http://www.jstor.org/stable/24907173. (Accessed: 06 May 2023)

Kolk, A. and van Tulder, R. 2010. "International business, corporate social responsibility and sustainable development." *International Business Review* 19(2):119-125.

Koundouri, P., Pittis, N., and Plataniotis, A. 2021. "The Impact of ESG Performance on the Financial Performance of European Area Companies: An Empirical Examination." *Environmental Sciences Proceedings* 15(1):13. DOI: https://doi.org/10.3390/environsciproc2022015013.

KPMG 2023. *ESG regulation widens and deepens, ESG regulation is expanding in both scope and detail, within Europe and beyond*. Available at: https://kpmg.com/xx/en/home/insights/2021/05/esg-regulation-widens-and-deepens.html, Accessed on April 11, 2023.

Krasodomska J., Simnett, R. and Street, D.L. 2021. "Extended external reporting assurance: Current practices and challenges." *Journal of International Financial Management & Accounting* 32:104–142. DOI: https://doi.org/10.1111/jifm.12127.

McKinsey. 2022. Does ESG really matter - and why? Available at: https://www.mckinsey.com/ capabilities/sustainability/our-insights/does-esg-really-matter-and-why. Accessed on April 11, 2023.

Miralles-Quirós, M.M., Miralles-Quirós, J.L. and Valente Gonçalves, L.M. 2018. "The Value Relevance of Environmental, Social, and Governance Performance: The Brazilian Case." *Sustainability* 10(3): 574. DOI: https://doi.org/10.3390/su10030574.

Mohammad, W. M. W., and Wasiuzzaman, S. 2021. "Environmental, social, and governance (ESG) disclosure, competitive advantage, and performance of firms in Malaysia." *Cleaner Environmental Systems* 2: 100015. DOI: https://doi.org/10.1016/j.cesys.2021.100015.

Nguyen, D. T., Hoang, T. G., and Tran, H. G. 2022. "Help or hurt? The impact of ESG on firm performance in S&P 500 non-financial firms." *Australasian Accounting, Business and Finance Journal* 16(2):91-102. DOI: http://dx.doi.org/10.14453/aabfj.v16i2.7.

Pulino, S.C., Ciaburri, M., Magnanelli, B.S., and Nasta, L. 2022. "Does ESG Disclosure Influence Firm Performance?" *Sustainability* 14(13) 7595. DOI: https://doi.org/10.3390/su14137595.

Radhouane, I., Nekhili, M., Nagati, H., Paché, G. 2020. "Is voluntary external assurance relevant for the valuation of environmental reporting by firms in environmentally sensitive industries?" *Sustain.Manag. Account.Policy J.* 11 (1): 65-98. DOI: https://doi.org/10.1108/SAMPJ-06-2018-0158.

Refinitiv. 2022. Environmental, Social And Governance Scores From Refinitiv. Available at: https://www.refinitiv.com/content/dam/marketing/en_us/documents/methodology/refinitiv-esg-scores-methodology.pdf Accessed on April 11, 2023).

Ruan, L. and Liu H. 2021. "Environmental, Social, Governance Activities and Firm Performance: Evidence from China." *Sustainability* 13 (2): 767. DOI: https://doi.org/10.3390/su13020767.

Statman, M., and Glushkov, D. 2016. "Classifying and measuring the performance of socially responsible mutual funds." *The Journal of Portfolio Management* 42(2):140-151. Available at: https://www.hillsdaleinv.com/uploads/Classifying_and_Measuring_the_Performance_of_Socially_Responsible_Mutual_Funds.pdf.

The Global Compact. 2004. "Who cares wins, Connecting financial markets to a changing world." *United Nations.* Available at: https://www.unepfi.org/fileadmin/events/2004/stocks/who_cares_wins_global_compact_2004.pdf.

Triyani, A., Setyahuni, S. W., and Kiryanto, K. 2020. "The effect of environmental, social and governance (ESG) disclosure on firm performance: The role of CEO tenure." *Jurnal Reviu Akuntansi Dan Keuangan* 10(2): 261-270. DOI: https://doi.org/10.22219/jrak.v10i2.11820.

Velte, P. 2017. "Does ESG Performance have an impact on financial performance? Evidence from Germany." *Journal of Global Responsibility* 8: 169–78. DOI: https://doi.org/10.1108/JGR-11-2016-0029.

Verga M. P., Barros V. and Sarmento J.M. 2020. "Does ESG Affect the Stability of Dividend Policies in Europe?" *Sustainability* 12 (21): 8804. DOI: https://doi.org/10.3390/su12218804.

Mosaic of Factors Promoting Succession Strategies in the New Financial Context of Moroccan Companies: Focus on Family Businesses

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ABSTRACT: The purpose of this research is to examine the relationship between family governance specificities of the Moroccan unlisted businesses and the success of succession strategies. The study conducted qualitative research using semi-structured interviews with managers from a sample of 20 unlisted Moroccan family businesses, including 8 SMEs, 6 large firms, and 6 VSEs. The results highlight the influence of Moroccan cultural specificities on the governance processes, and consequently, the success of family business succession. These influences essentially manifest themselves in two antecedents: succession planning and process, and cultural constraints that manifest in different configurations of family business succession governance.
KEYWORDS: family business, governance, succession plan, succession process

Introduction

According to an American study (Cadieux and Lorrain 2004), only 30% of family businesses survive their transfer to the second generation and less than 10% survive such a transfer to the third generation. Moreover, considering the number of years required to prepare for this transfer under good conditions, gives us an idea of the importance of succession and the problems it can cause. Moreover, in a Western interpretation, business succession can cover different realities: succession to a family member, external takeover by an individual or legal entity, or buyout by one or more employees (Bernhard, Hiepler, and Engel 2020). These modalities have in common that they are observed in different regions of the world and are based on a process linking two individuals - the predecessor/transferor and the successor/takeover - to ensure the continuity of the business. Strangely, despite the growing importance of francophone research in the field, there are still very few empirical studies devoted to the phenomenon in the Moroccan context, where the issue has a singular resonance.

Then, there are three types of agency relationships and governance constraints for family-owned companies: between shareholders and managers, between managerial shareholders and minority shareholders, and between creditors and managerial shareholders. In the case of family businesses, agency costs may be favorably low if there is a family relationship between the owners and managers. For these arguments, researchers such as (Daily and Dollinger 1992) conclude that family firms represent one of the most effective forms of organizational governance for controlling agency costs between shareholders and managers. Family firms are generally managed by close family members; therefore, the latter tend to have exceptional concerns about sustainability and a strong incentive to supervise the management of the firm (Andres 2008). Thus, family firms are characterized by a sense of unity. This enables them to take a long-term view. Family members have better information about the inside of the firm, compared with outside managers and investors, because they have in-depth knowledge of the business (Anderson and Reeb 2003).

What was the departure of the predecessor like? Is succession assured? If we cannot speculate on the success of the succession, can we at least describe the phases of the succession in the first instance and reflect on the conditions

that might affect it? Despite their centrality for the future of the Moroccan economy, these questions still await academic clarification. Based on this observation, we have sought to address the following question: **How does the succession process take place in the governance strategies of Moroccan family businesses?** The objective of this article is to better understand the succession process in Moroccan family businesses. Our central objective consists in positing the existence of governance specificities in the passage of its basic stages.

To answer this research question, we are conducting our research through a qualitative study based on 20 semi-structured interviews with managers of Moroccan unlisted family businesses.

With this in mind, the first theoretical part of this contribution first clarifies succession planning and processes in family businesses. The second part explains the methodological protocol deployed, which is based on a qualitative study. Finally, in the third part, we present and discuss the main findings of the research, before concluding on the contributions, limitations, and possible extensions of this work.

1. Literature review

1.1. Successful succession planning is all about planning

Planning research is based on one premise: Successful succession planning is all about planning. One of the main contributions of studies on succession planning stems from the theoretical model developed by Handler and Kram (1988), in which four major groups of planning resistance factors are identified: individual, interpersonal, organizational, and environmental, all of which are dependent on each other. Based on an exhaustive review of the literature, the authors believe that the main resistance to succession planning is closely linked to the psychological characteristics so peculiar to entrepreneurs. For example, it is likely that the entrepreneurs who have devoted most of their time to their business have never had the opportunity to develop other interests, which ultimately may impact their willingness to withdraw from the day-to-day running of the business. So, to avoid facing new and sometimes distressing realities, the predecessors will do, often unconsciously, everything they can to delay the succession process (Lansberg 1988; Lu, Kwan, and Ma 2021).

Moreover, the predecessor would not be solely responsible for the lack of planning. Some resistance may also depend on the quality of the relationship between the two main stakeholders and among other family members, as well as on the internal and external environments of the organization. In this regard, Handler and Kram (1988) argue that in companies where employees are accustomed to change, the process is easier to plan and its evolution more harmonious. For others, the size or sector of activity (Davis and Harveston 1998; Chan et al. 2020) in which the company operates, as well as the openness of board members, can be sources of resistance (Hugron and Dumas 1993). Finally, just as the predecessor builds relationships with its staff, so too does it build relationships with its suppliers, customers, and bankers, and depending on how the successor's integration is carried out, they may be resistant (Lansberg 1988; Lu, Kwan, and Ma 2021).

Nevertheless, the contribution of all the identified empirical research findings on planning activities remains mixed. On the one hand, those obtained from surveys mailed to large samples of the target population show that, except for the age (Davis and Harveston 1998; Chan et al. 2020) or sex of the predecessor, it is primarily the presence of a competent successor, demonstrating integrity and commitment to the business, that would ensure that formal planning activities are in place on the part of the predecessor (Sharma et al. 2000). On the other hand, when some have focused on understanding the influence of these same planning activities on the success of the succession, factors related to the quality of the relationship between predecessor and successor and among all family members are the most significant (Morris et al. 1997; Takwi, Bate, and Akosso 2020). The authors argue that the most successful firms are those where the predecessors took the time to choose their successors and did nothing formal until the relationship between the two was to their satisfaction.

For the planning literature, we must admit one thing. While there have been attempts to empirically identify variables that may influence planning activities and succession success, the results still seem to provide little evidence of concrete innovative solutions that can be implemented in the business community. Indeed, the results of the survey conducted by Morris et al. (1997) show that managers of family-owned firms are more inclined to formalize their planning activities related to the transfer of assets

than those related to the transfer of management. Compared to managers of non-family firms, the results indicate the extent to which they place less importance on formal activities in preparing their successors and more on their involvement in training their successors.

1.2. Succession strategy: the evolution and involvement of the two main stakeholder groups, the predecessor and the successor

The authors who were interested in knowing, understanding, and explaining the process did so from different perspectives. While some have used a life-cycle approach (Gersick et al. 1997; Durante 2020), others have taken a more microscopic approach (Handler, 1989; Hugron and Dumas 1993). This has resulted in the development of two main types of models. The first describes the evolution of the firm in general, while the others describe more specifically the evolution and involvement of the two main stakeholder groups, the predecessor and the successor.

The first contribution of this research lies in the fact that the authors who have developed models on the succession process and the evolution of family businesses agree on the existence of two important stages. The first is mainly the one where the owner-manager is the sole master on board. The second begins when the owner-manager shares powers and responsibilities with at least one family member to ensure the continuity of the business.

The second contribution of the results of this type of research is that they make it possible to know, understand, and explain the succession process as a whole. Developed primarily using case study strategies, the models developed, which include between 3 and 7 phases (Hugron and Dumas 1993; Gersick et al. 1997), inform us, each in their own way, of the steps involved in the process. However, based on the life-cycle models of organizations and individuals, they tend to take a linear reading of the process and assume that the company will become a large enterprise, with all that this entails.

Handler (1989), with his role-playing model, describes the process through the different roles that the predecessor and successor will take on in turn. From the author's point of view during the succession process, the predecessor subsequently assumes four roles: sole operator, sovereign, supervisor, and consultant, while the successor must also successively assume the roles of an assistant, manager, and leader. As the dynamics of the

various transfers inherent in the succession process become more dynamic, the last respective roles of consultant for the predecessor and leader for the successor can only be assumed once there is a complete transfer of know-how, responsibility, leadership, and authority.

According to Handler (1994), it is common to observe a blockage in the evolution of the succession process in the second or third phase. In such cases, the successor would never fully assume the leadership role of the disengagement phase since some of the transfers inherent in that phase would never be fully completed as long as the predecessor was able to assume them (Hugron and Dumas 1993). This brings us back to the resistance factors discussed earlier. As with planning, the main reasons why the predecessor would block the process, often unconsciously, would stem from his ability to let go, his ability to detach, and accept losing control over decisions about his firm. Thus, it is possible to make a link between the psychological and behavioral characteristics of the predecessor and the transfer of his emotional needs to his business and to assume that one of the major obstacles to succession planning and completion stems from his difficulty in letting go.

In a different line of thinking, the notion of success in itself is confusing. For example, while success is defined as the effective transfer of ownership and management of the business to the next generation, others measure it in terms of criteria associated with business performance (Morris et al. 1997) or the emergence of conflicts between family members.

For the successor's career plan, apart from the consensus that the successor must gain credibility with the members of the organization (Barach et al. 1988), there is disagreement about when and how the successor should join the family business. Also, one of the success factors is the rapid integration of children into positions of responsibility, while for Barach et al. (1988), this would depend more on the experience acquired by the successor in other spheres of activity and other organizations before formally joining the family business. On this subject, the results of a survey conducted by Morris et al. (1997) among about 100 successful family business managers show that, in their case, the successors were well prepared, both in terms of their academic training and the diversity of work experience acquired within the family business. The success of the successor's integration would therefore depend on a much more complex set of factors than the timing of his integration into the family business.

Finally, as with planning, it appears that the most critical success factor is the quality of the relationship among all family members (Morris et al. 1997; Takwi, Bate, and Akosso 2020). However, these success factors have been measured primarily by variables such as trust, communication, shared values, affability, honesty, and mutual respect, all of which are emotional and therefore, by definition, difficult to measure and easily questioned.

2. Methodology

Despite the existing francophone literature on business transfers, the authors lacked interest in the realities of this process in the Moroccan context. This qualitative research follows an abductive mode of reasoning for two main reasons. First, it is an exploratory approach, aimed at improving the understanding of complex phenomena and the specificity of their object (Huberman and Miles 1991). The aim here is to reinforce our central proposition, which questions the cultural specificities of the conduct of transmissions of Moroccan family businesses. Secondly, we are not in a context that is devoid of knowledge, since we already have conceptual and theoretical support that could help us, as in the case of the Cadieux process (2004). However, most of the theoretical corpus on transmission has been built up from Western approaches. By proceeding by abduction, we try to approach the phenomenon to be studied with a minimum of preconceived ideas in order to let the field speak; that is, by trying to make ourselves as receptive as possible to the reality that emerges from our observations.

Indeed, studying the inheritance process from a Moroccan perspective requires a contextual approach to the phenomenon. Nevertheless, access to the field has proved difficult, because in Morocco, as elsewhere in Africa, there are no accurate official statistics on business transmissions.

The characteristics of the sample are presented in (Table 1). Of the 20 firms in our sample, six are large firms, eight are SMEs, and six are VSEs. Without claiming to be exhaustive, the theoretical representation of the sample is ensured by the diversity of cases in terms of the category of firms and sector of activity, which makes it possible to account for the complexity of the phenomenon studied.

Table. 1. Our Qualitative Study Sample

Code Company	Size	Year of creation	Number of generations	City	Sector
FB no. 1	SME	1994	3 generations	Casablanca	Wholesale trade
FB no. 2	SME	1999	2 generations	Marrakech	Remediation
FB no. 3	SME	2003	2 generations	EL HAOUZ	Construction
FB no. 4	VSE	2002	2 generations	Casablanca	Miscellaneous and printing
FB no. 5	VSE	1993	2 generations	Marrakech	Tourist agency
FB no. 6	SME	1994	2 generations	Marrakech	Construction
FB no. 7	SME	1958	2 generations	Marrakech	Printing
FB no. 8	VSE	1990	3 generations	Marrakech	Carpentry
FB no. 9	SME	1974	2 generations	Marrakech	Private education
FB no. 10	VSE	2006	2 generations	Azilal	Tourism
FB no. 11	Large	1965	2 generations	Casablanca	Industry
FB no. 12	VSE	2000	2 generations	Marrakech	Agriculture
FB no. 13	VSE	1996	2 generations	Agadir	Tourism
FB no. 14	SME	1970	4 generations	Marrakech	Distribution CHR
FB no. 15	Large	1979	3 generations	Casablanca	Industry
FB no. 16	Large	1978	2 generations	Marrakech	Industry
FB no. 17	Large	1976	2 generations	Marrakech	Construction
FB no. 18	Large	1992	2 generations	Marrakech	Textille
FB no. 19	Large	1990	2 generations	Agadir	Tourism
FB no. 20	SME	2012	2 generations	Marrakech	Distribution CHR

We used a "pre-structured" interview guide in the form of open-ended questions based on predefined themes: the identity of the predecessor, the successor's background, the history of the company, and the succession process itself. A manual thematic content analysis was conducted, following the methodology of Huberman and Miles (1991) allowing the classification of data into classes. In addition to a horizontal (inter-interview) analysis in the form of summary sheets, the raw data were also subjected to a vertical (intra-

interview) analysis using thematic coding, based on the process approach developed by Cadieux (2004): transmission planning, choice of successor, integration strategy, and disengagement of the successor. This method of analysis allowed us to assess the transmission process at work in Moroccan family firms and to raise the cultural specificities associated with it.

3. Empirical results analysis and discussions

The results of the analysis of the twenty cases are presented and discussed around four points that echo the processual approach defined by Cadieux (2004). The Moroccan context reveals the singularities that may exist primarily at the level of the preparation of the transmission to the following generations, then in the course of the succession process itself, during the stages of initiation (choice of the successor), integration (strategies of entry into the successor's firm) and those concerning both transition and disengagement (the predecessor's exit condition).

3.1. A family governance: one of the first difficulties to the preparation and planning of transmission to the following generations

As in the review of the literature on the subject (Cadieux and Lorrain 2004), one of the first difficulties encountered is the preparation and planning of transmission to the following generations. The interviews we conducted in Morocco mostly follow this line of thought. The results reveal that managers do not think about the transfer of their firm. Nevertheless, they allow us to distinguish different succession planning scenarios related to the size of the family firm (VSE, SME, large). VSEs and a few SMEs do not have a succession plan. *"In most cases, the founder is too poorly endowed with cultural capital and managerial knowledge to consider possible planning. The successor only takes over the head of the small family business if the predecessor is completely unavailable, due to sudden illness or death. "*(CEO of the FB no. 4). These are the dramatic circumstances that brutally propel the successor at the head of the company, confirming several observations on the dangers of chronic unpreparedness. *"The patriarch thinks he is irreplaceable and postpones the moment of handing over the reins, even if it means disappearing without leaving a will, but also and above all without having entrusted the responsibilities of the company to his successor, so that the succession takes place in the most complete*

improvisation, sometimes with fatal consequences for the family business."(CEO of the FB no. 8).

It can be observed that some family-owned SMEs (FB no. 3, FB no. 14, FB no. 17 and FB no. 20) follow logic very close to that of family-owned VSEs. These are often small enterprises that have gradually moved from VSEs to SMEs, but in which no succession plan is envisaged, except for small family groups (FB no. 1, FB no. 2, and FB no. 9), which have more advanced planning procedures. The latter family-owned SMEs consider it strategic to set up a schedule for the devolution of power to the new management generation. In these organizations, it is clear that the potential successor is at the outset moving closer to a more Western conception of transmission. This is based less on content than on the act of transmitting: what is transmitted is ultimately transmission itself, as a relational form and guiding value. The choice of renouncing the implementation of one's succession thus appears even more difficult in a country like Morocco, because of the polygamy regime. In the traditional imagination, it has often been admitted that*"the increase in the number of an entrepreneur's wives and children often accompanies his professional success, and is understood as a legitimately accepted means of emphasizing it and tuning it to the precepts of the "Quran", sometimes distancing popular mistrust of wealth."*(CEO of the FB no. 11). By extension, if the issue of succession has not been resolved, rivalries between wives on the one hand and siblings on the other can lead to acute conflicts that can threaten the continuity of the business in polygamous families, especially in Morocco where the superimposition of positive law and Muslim law can complicate the issue of succession and inheritance. The leader of the FB no. 14 illustrates such a situation with a long and violent conflict between the two heir brothers over the control of the family business. After several years of unsuccessful mediation by relatives and family members, the case will end up in court. The father's level of control thus seems to considerably reduce the chances of arriving, in the event of death or illness, at an equitable sharing of ownership and leadership, i.e. a favorable situation of co-leadership (Deschamps and Cisneros 2012).

In many African countries, the transmission of assets from one generation to the next sometimes encounters less opposition between heirs, than the difficulty for the heirs to meet all the social, political, or relational conditions without which these assets lose their productive value (Bocco 2009).

3.2. A crucial decision at the initiation stage concerns the choice of the successor

A crucial decision at the initiation stage concerns the choice of the successor, i.e., the future leader, who will, in most cases, also be the new owner (Missonier and Gundolf 2017). Moroccan family firms face this challenge. The cases identify a possible hierarchy of selection logic, each of which expresses particular cultural resonances.

Most Moroccan families still follow the traditional patriarchal model, in which the transmission of the family business is in the male line. This hierarchical order, corresponding to the anthropology of kinship, stems from the idea that initiatory elders know the beginning of stories when cadets only know the end. The choice of the male elder to replace the leading father remains the dominant norm, as many cases in our study show (FBs no. 5, 6, 7, 11, 12, 13, and 18). This is in line with a widespread pattern already noted by Lansberg (1999) in his work on new generations of successors. This mechanical model of transmission requires that the eldest child be considered as the natural successor of the father in the family, as he is likely to have more experience and wisdom. In this sense, he benefits from a form of law that makes the other children be obliged by him subordination and respect. He is therefore called upon to take over the family business to develop it, with the mission of passing on his knowledge to the younger ones. Generally speaking, his destiny seems to be written in advance, even if the economic outlook is not very bright and access to strong responsibilities may seem remote. While it is unlikely that the descendants will openly contest the reins of the family business, with rare exceptions, present in our sample, the eldest son may break with tradition by renouncing the privilege of succession to embark on another career, thus opening the way for succession to the cadets (FB no. 19). On the whole, however, this mode of selection locks women into the roles of wife and mother, due to a social environment (traditions) that weighs and slows down the promotion of their status in the family to some extent.

If the transmission by filiation is based on the principle of conservation (inheritance), it also cohabits with the hereditary transmission of the craft. As illustrated in FB no. 15 and 16, it is a means of avoiding the risk of bankruptcy linked to the capacity for resistance, or even aggression, held by the lineage group when the management of a cadet's affairs relies primarily on economic calculations based on family altruism (Bocco 2009). Transmission

by marriage is also part of heredity, with regard to the principle of the alliance, which invites us not to underestimate the role of nephews and sons-in-law in the perpetuation of family businesses. Two main causes seem to maintain this mode of selection, with first of all a desire to diversify risks and ensure the perpetuation of the business. This selection logic then echoes the nuclearization of Moroccan families and the rampant individualization of Arab-African companies, especially for managers who see it as a way to increase the value of family assets.

Besides, in the third mode of selection, the social elder is implemented, with criteria that are completely independent of the birth rank and gender of the successor. The choice of the heir is based on demonstrations of merit, skills, personality, management ability, and constant commitment to the family's management. This choice is anchored in the theory of agency and skills. It is above all human capital in its component that is valued, opening up the selection process to women in the family who were not previously considered potential successors, even if they worked in the family business. It now seems possible for the latter to find themselves in direct competition with their brothers to run the family business (FB no. 10 and 13), especially when the family business has reached a stage in its development and formalization. This form of selection confirms the growing influence of women recently observed in family business transfers worldwide.

In another vein of ideas, in family businesses, it is recognized that the initiation continues until the so-called integration phase (Koffi and Lorrain 2011). The results confirm the two main strategies for the entry of successors into the family business, with a cultural particularity. Indeed, contrary to small and medium family firms that essentially favor a gradual entry of the successor (thus favoring an empirical training), large family firms seem to choose a deferred entry to offer the heirs an academic training and professional experiences, outside the firm and the family. The cases studied nevertheless reveal specific hybridizations in the practices of integrating successors through the acquisition of empirical and academic knowledge.

Based on the businesses examined, all of the heirs (except those of FBs no. 11, 15, and 19) learned the business and the nuts and bolts of the small business on the job, alongside their fathers, before taking over the business, very often unexpectedly, following their father's illness or death. Limited in knowledge and managerial methods, these successors have only

known the family business, which they sometimes joined at a very young age, in rather traditional sectors. Moreover, these entrepreneurs have been able to compensate for this lack of discursive skills with practical skills based on rigor in the management of their business (positive cultural representation). By the force of difference, they have been able to mobilize skills and social intelligence not taught in management manuals. Better still, this experience on the margins was for them an opportunity to give meaning to the action of undertaking or leading, and to develop a certain culture of boldness and risk. They were able to build their career as successors by going back and forth between the past and the present.

Conclusion

The objective of this research is to study the relationship between family governance specificities of the Moroccan unlisted businesses and the success of succession strategies. To obtain our results, we opted for a qualitative approach based on semi-directive interviews with 20 managers of unlisted Moroccan family businesses, 6 of which are large companies, 8 SMEs, and 6 VSEs. The findings explain that the success or the failure of the succession stage of the Moroccan unlisted family businesses is essentially based on two antecedents: 1) the succession planning that already reflects the intention to pass on the family business to the next generations, either by having a well-prepared plan, or an absence of a succession plan that leaves things to chance; 2) the succession process that is influenced in part by specificities of the Moroccan culture that grant privilege to the eldest male during succession, and in another part, this process becomes more rational by giving merit to successors who are competent to take over the family business in the case of the large firms.

Whether it concerns planning activities or the succession process as such, the results of the empirical studies are convergent. The continuity of family businesses depends largely on the willingness and ability of the predecessors to establish their succession and to disengage from the day-to-day business of the companies they masterfully managed for several years. It is true that succession in family businesses is an issue that presents invaluable challenges for researchers, but only if they recognize the prescriptive and exploratory nature of the existing foundations and then agree to question them, of course, with the sole aim of improving our understanding of them

and thus proposing solutions that are increasingly appropriate and relevant to those we should consider as the primary stakeholders, i.e., the business people who have high expectations of the academic community.

Within this framework, various factors, both human and economic, can lead to transmission failure. Transmission often rhymes with tension. Tensions are frequent but can, in some cases, be avoided. The failure of the transmission can lead to the bankruptcy or sale of the business, and thus its exit from the family, or can cause irreversible tensions. To avoid these failures and facilitate the process, several tools can be put in place, such as a succession plan and/or a shareholder agreement. To preserve the family's name of the company, a family charter and/or a family council can also be created. The transfer of a family business requires above all psychology, patience, and kindness to reconcile the interests of the family and the business.

The twenty family businesses analyzed following Cadieux's (2004) approach, show that the reality of the phenomenon studied calls for a contextualized re-reading of the process. In this respect, our results clearly show the existence of specificities in the way succession is approached in Morocco compared to other regions of the Western world (Canada, Europe in particular). Thus, our theoretical contribution lies in proposing a model that can explain the success or failure of succession, in relation to Moroccan cultural influences.

On a theoretical level, beyond the limits inherent in all qualitative research, this contribution appears stimulating on several levels. First, an extension of this work could be to replicate this study on a larger sample of Moroccan firms. In this case, a multi-factor analysis would be useful. Triangulation of stakeholders' views would enrich the understanding of the phenomenon under study. Also, parameters such as gender may be likely to influence inheritance practices, as in the work of Koffi and Lorrain (2011), which underlines the particularity of female inheritance. In this regard, it would be relevant to take greater account of women's successors, especially since half of African SMEs are now owned and run by women and merit-based selection and integration are gaining ground. Besides, a complementary line of research could lead to studying the impact of the arrival at the head of family businesses of a new generation of entrepreneurs, often better trained than previous generations in managerial practices, both abroad and locally. This new generation is likely to profoundly transform Morocco's business world in the long term.

References

Anderson, R. C., and Reeb, D. M. 2003. "Founding-family ownership and firm performance: evidence from the S&P 500." *The Journal of Finance 58(3):* 1301-1328.

Andres, C. 2008. "Large shareholders and firm performance—An empirical examination of founding-family ownership." *Journal of Corporate Finance* 14(4): 431-445.

Barach, J. A., Gantisky, J., Ourson, J. A., and Doochin, B. A. 1988. "Entry 0f The Next Génération: Stratégie/ Challenge For Family Business." *Journal 01 Small Business Management 3,* 12.

Bernhard, F., Hiepler, M., and Engel, F. X. 2020. "Family Business Sustainability: The Intergenerational Transfer of Social Capital and Network Contacts." In *Sustainable Innovation* (pp. 101-132). Palgrave Pivot, Cham.

Bocco, B. S. 2009. "Les dimensions socioculturelles du comportement commercial des Petites Entreprises en Afrique." Market Management 9(1): 93-114.

Cadieux, L. 2004. La succession dans les entreprises familiales: une étude de cas sur le processus de désengagement du prédécesseur. Doctoral dissertation, Université du Québec à Trois-Rivières.

Cadieux, L., and Lorrain, J. 2004. "Et si assurer sa relève dépendait aussi de la manière dont les prédécesseurs réussissent à se désengager?" *Gestion* 29(3): 120-128.

Chan, F., Jalandoni, D., Sayarot, C. A., Uy, M., Daradar, D., and Aure, P. 2020. "A Family Affair: A Quantitative Analysis of Third-Generation Successors' Intentions to Continue the Family Business." *Organizations and Markets in Emerging Economies* 11(2): 462-481.

Daily, C. M., and Dollinger, M. J. 1992. "An empirical examination of ownership structure in family and professionally managed firms." *Family Business Review* 5(2): 117-136.

Davis, J. A., and Tagiuri, R. 1989. "The influence of life stage on father-son work relationships in family companies." *Family Business Review* 2(1): 47-74.

Davis, P. S., and Harveston, P. D. 1998. "The influence of family on the family business succession process: A multi-generational perspective." *Entrepreneurship Theory and Practice* 22(3): 31-53.

Davis, P. S., and Harveston, P. D. 1999. "In the founder's shadow: Conflict in the family firm." *Family Business Review* 12(4): 311-323.

Deschamps, B. and Cisneros, L.F. 2012. "Co-leadership en succession familiale : un partage à définir." *Revue Entreprendre & Innover* 14(2): 49-57.

Dumas, C. 1989. "Understanding of father-daughter and father-son dyads in family-owned businesses." *Family Business Review* 2(1): 31-46.

Gersick, K. E., Davis, J. A., and Hampton, M. Lansberg, 1.1997. Generation to generation: life cycles of the family business.

Handler, W. C. 1989. "Managing the family firm succession process: The next-generation family member's experience." Doctoral dissertation, Boston University.

Handler, W. C. 1994. "Succession in family business: A review of the research." *Family Business Review* 7(2): 133-157.

Handler, W. C., and Kram, K. E. 1988. "Succession in family firms: The problem of resistance." *Family Business Review* 1(4): 361-381.

Huberman, A. M., and Miles, M. B. 1991. *Analyse des données qualitatives: recueil de nouvelles méthodes.* Éditions du Renouveau pédagogique: De Boeck.

Hugron, P. 1993a. Succession et survie des entreprises familiales au Québec (étude exploratoire de 34 cas de succession(1983)). Cahier de recherche- Ecole des hautes études commerciales. Groupe de recherche sur les entreprises familiales.

Hugron, P. 1993b. L'entrepreneur et la succession d'entreprise : analyse de douze processus (1985), Groupe de recherche sur les entreprises familiales, *Cahier de recherche no.GREF-93-03, Hautes Études Commerciales.*

Hugron, P., and Dumas, C. 1993. Modélisation du processus de succession des entreprises familiales québécoises. Cahier de recherche- Ecole des hautes études commerciales. Groupe de recherche sur les entreprises familiales.

Koffi, V. and Lorrain, J. 2011. "Comment des femmes à la tête de PME réussissent-elles leur succession?" *Gestion 36(1):* 35-40.

Lansberg, I. 1988. The Succession Conspiracy », dans Family Business Sourcebook, *Omnigraphics, inc. (1991), p. 98-119.*

Lansberg, I. 1999. *Succeeding generations: Realizing the dream of families in business.* Harvard Business Review Press.

Lu, F., Kwan, H. K., and Ma, B. 2021. "Carry the past into the future: the effects of CEO temporal focus on succession planning in family firms." *Asia Pacific Journal of Management, 1-42.*

Missonier, A., and Gundolf, K. 2017. "L'entreprise familiale: état et perspectives de la recherche francophone." *Finance Contrôle Stratégie, (20-2).*

Morris, M.-H., Williams, R.-O., Allen, J.-A. and Avila, R.-A. 1997. "Correlates of Success in Family Business in Transition." *Journal of Business Venturing* 12(5): 385- 401.

Santiago, A. L. 2000. "Succession experiences in Philippine family businesses." *Family Business Review 13(1):* 15-35.

Sharma, P., Chua, J. H., and Chrisman, J. J. 2000. "Perceptions about the extent of succession planning in Canadian family firms."*Canadian Journal of Administrative Sciences/Revue canadienne des sciences de l'administration 17(3):* 233-244.

Takwi, F. M., Bate, B. E., and Akosso, V. 2020. "Family Businesses Management and Succession: A Meta-Analysis." *American Journal of Operations Management and Information Systems 5(3):* 56-61.

Aspects of Biblical Philosophy on the Development of World Civilizations

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ABSTRACT: It is worth noting how a secular perspective can be harmonized with what Holy Scripture presents and especially how the text of Scripture becomes relevant in a context where we are talking about the development of world civilizations. By bridging the gap between the secular and the religious, a common element emerges—the analysis of human society and its development, mechanisms, and consequences, things that we find, one and the other, in the same material of history with the distinction that different causes may be present. In this paper, we have tried to show that human explanations of the development of world civilizations are not always sufficient because, according to human logic, certain events could not have taken place. From this perspective, it is important to know the scriptural perspective on events in world history because the revelation of Scripture usually goes somewhere beyond what we see and what we have recorded as events in history, penetrating somewhere into the heart of the issues, providing a broader vision of our world's events.

KEYWORDS: philosophy of the Bible, development of civilizations, political forces, religious forces, globalization

Introduction

In this paper, we have tried to show that human explanations of the development of world civilizations are not always sufficient. According to human logic, certain events could not have taken place. From this perspective, we believe that it is important to understand the scriptural perspective on events in world history, because the revelation of Scripture usually goes somewhere beyond what we see and what we have recorded as events in history, penetrating somewhere into the heart of the issues, helping us to have a much broader vision of the events of our world.

Taking into consideration the Book of Revelation of John, it shows that it refers to things that will happen in the near future, and on the other hand, there is the clarification that the biblical text is addressed to all nations, any people and any language, so that on the one hand all people are included, and on the other hand it is also about a certain evolution of human civilization.

It is also interesting to observe how a secular perspective can be harmonised with what Holy Scripture presents, and in particular how the text of Scripture remains relevant to the development of civilizations. If we were to bridge the gap between the secular and the religious on the same theme, we could have a common element, namely the analysis of human society, linked to how it has developed, linked to the mechanisms of this development and its consequences, things that we find, one and the other, in the same material of history with the difference that different causes might be present. For example, why is it that Emperor Alexander Macedon in his prime, at the height of his success and power, disappeared so quickly from the scene of history and the world and failed to carry out his plan? Why did another rather small political power manage to overthrow a huge empire and quickly create another power?

Aspects of biblical philosophy on the development of world civilizations

We could say that the human vision is very narrow and cannot look at all the parameters, whereas the biblical vision is much broader and can encompass much more data, this only as information. Secondly, the secular vision does not accept God's intervention in history and practically, even if it does not

deny God, an idea which today in our world is a noble and welcome idea, an idea of common sense, but the secular vision does not accept the fact that this Creator God intervenes in history, that His hand is present, not only in great events, but even in small events, in the life of every man, in the life of everyone. This is where the difference comes in. In our view, God's presence in history is a very clear element, and from a biblical perspective, every man can prove His presence in his life by trying to entrust them to Him in prayer every morning before leaving for the day's work, asking Him to intervene in the solution of everyone's problems, to change bad things into good things, and in the evening to analyze the course of events, doing so for several days in a row, and then not doing so anymore, and the differences can be seen. This is what the Book of Cards, and especially the apocalyptic prophecy, really highlights.

There are two very clear schools of theories about the development of world civilizations, namely the modern school of history, which is a tributary of evolutionary theory, and which sees civilizations in a growth, in a continuous development, considering that our world has developed in knowledge, has grown in power, has grown in technology, and humanity is heading in the future towards the golden age, the peak age of human civilization. On the other hand, another, much older school, in which the ancient Greeks can be included, looked at the world in reverse, that is, humanity left the golden age and declined, declined, declined and declined. So in history, we are dealing with the thinking of one school which says that mankind is going into decline, the golden age being at the beginning, and the other school says that mankind is going into growth, development, the golden age being at the end. Holy Scripture presents this view in the book of the prophet Daniel in chapter 2, saying that the golden age was at the beginning, began with the head of gold and ends with the feet, which are part iron and part clay, and the history of the world is seen in decay: "Thou, O king, sawest, and behold a great image. This great image, whose brightness was excellent, stood before thee; and the form thereof was terrible. This image's head was of fine gold, his breast and his arms of silver, his belly and his thighs of brass, His legs of iron, his feet part of iron and part of clay. Thou sawest till that a stone was cut out without hands, which smote the image upon his feet that were of iron and clay, and brake them to pieces. Then was the iron, the clay, the brass, the silver, and the gold, broken to pieces together, and became like

the chaff of the summer threshingfloors; and the wind carried them away, that no place was found for them: and the stone that smote the image became a great mountain, and filled the whole earth" (Daniel 2: 31-35).

This is the scriptural view, but when we look at society as a whole, we see that society has developed on the following criterion. The nucleus of human society, as the Bible calls it, is the **man,** the man who starts a family, and that family becomes the nucleus of society. The great family to which he belongs, namely his brothers, his father, his grandparents, form the second circle, which in biblical terms is called the **family,** because the family plays a very great role both in the world of the Bible and in the Eastern world from antiquity to the present day. Since an individual belongs to a family, he cannot do just anything, because he has certain family obligations, he has to keep in mind customs, traditions, which oblige him to stay within that family.

The third segment is called in the Bible, by **house** or **clan,** as the English say, or the Romanians would say, **the village,** where 4-5, 10-15 large families live, each with their men, forming a very united nucleus, very tight, little different from another village with its tradition, because the village or local community, each has its own tradition.

The fourth broader segment, in Biblical terms, was the **tribe,** and in classical terms it was called the tribe, which represented the unity of a larger group, who had the same language, had the same religion, the same traditions, the same customs, and lived in a particular territory. The tribe fiercely defended all its elements, and leaving a tribe meant high treason and could even be punished by death. This type of society was called **patriarchal society,** because always the one who was either the head of the family, the head of the house or clan, or the head of the tribe was a patriarch, that is, the oldest, most influential person, the person who ran the affairs of that group. This patriarchal society has always had the person, the man, at its centre. Every man was important and every man defined himself by saying: I am from this family, I am from this clan and I am from this tribe, being very proud of his tribe, of the family he belonged to, having the obligation to defend its values, whether they were bad or good, they were their values and they had to be defended.

Somewhat later, the **nation** appeared, which is another form of organization of society that united all those who spoke the same language,

forming itself basically on the basis of language, so that in a nation there could be many more tribes or tribes. The Jews, for example, had this form of nation for relatively short periods. They were a single nation, called the united kingdom for a period of about 120 years, during the time of the first three kings (Saul, David, Solomon), after which they divided into two nations, Northern Israel, which comprised 10 tribes and had its capital at Samaria, which lasted another 200 years, and Judah, which comprised 2 tribes and had its capital at Jerusalem, which lasted another 400 years or so until 586 BC. This was the period of the first Temple, the Jewish nation always being dependent on religion, on the Temple. As long as they had the Temple, they were a nation, when they no longer had the Temple they were not a nation (the period when they were taken into slavery and lived there for many years), because the most powerful element that created the cohesion of the people was the religious element. They were also a strong nation under kings for about 100 years during the Hasmonean period. The main element consisted in the centre of gravity, which was that in the biblical society, of the biblical man, the emphasis was on the man, on the person.

In Scripture, we encounter numerous genealogies that describe individuals as the sons of one man, the sons of another man, and so forth. Although reading through these lists can often be tedious, it referred to persons under whom certain relations were given as to what each one did, because it was important not only the man but also his activity, positive or negative, with pluses and minuses, thus the man was presented in his true value.

The biblical narrative primarily emphasizes the virtues and flaws of characters, with only a few exceptions where individuals are mentioned without any negative aspects. This approach reflects the inherent human nature, as all biblical characters are presented with a combination of strengths and weaknesses. This is because we are dealing with human value, because God also saves, saves man by man, because God has an individual plan with each of the people. A person who read the Holy Scripture for the first time went very excitedly to his priest and very excitedly told him that he found his name written there: "This is a faithful saying, and worthy of all acceptation, that Christ Jesus came into the world to save sinners; of whom I am chief." (1 Timothy 1: 15). Holy Scripture makes it clear that God the Creator values

each person individually, and because of this, the forms of organization of Jewish society also created much more freedom for man to organize himself and live rightly. For example, in the period of the Judges, in Jewish society it was said: "In those days there was no king in Israel: every man did that which was right in his own eyes" (Judges 21: 25; 17:6).

The expression that everyone did what he pleased (Judges 17:6), or what seemed right to him, leaves the impression of a negative connotation, but even if they did not have a king at the time, they were still under the direction and guidance of the divine commandments (The 10 Commandments), i.e. they could do what they wanted, but on condition that they had no other gods, that they did not make graven images as objects of worship, that they did not swear, that they observed the day of worship, that they respected their parents, that they respected others, that they did not kill, that they did not steal, that they did not take what was their neighbour's, that they were not immoral, that they did not lie. When people did these things, was there any need for judges, investigating bodies, armies? Blessed Augustine said: "Love God and otherwise do what you will". Because the people who had received all the information, all the freedom, from God had shown that they did not have the ability to govern themselves, they had not managed to respect the rules that existed in patriarchal society, and because they had not succeeded, it was necessary for a greater and more powerful authority to come, namely the king, who was not a divine invention, but a purely human one: "Then all the elders of Israel gathered themselves together, and came to Samuel unto Ramah, And said unto him, Behold, thou art old, and thy sons walk not in thy ways: now make us a king to judge us like all the nations. But the thing displeased Samuel, when they said, Give us a king to judge us. And Samuel prayed unto the LORD. And the LORD said unto Samuel, Hearken unto the voice of the people in all that they say unto thee: for they have not rejected thee, but they have rejected me, that I should not reign over them" (1 Samuel 8: 4-7).

The kingdom was a later form that altered the order in society a little, but never was a Jewish king a dictator as kings of other peoples were and never had as much power and authority as other kings of their time among other peoples. This is a first aspect in the sense that all of society itself, and especially religion, which played a very important role and then the last phase

of society was the *imperial phase,* which is nothing but a product of evil, a product of Nimrod, who was the first to create the imperial element. The imperial phase represented man's diabolical desire to dominate and subdue the other, and this imperial phase was basically, willy-nilly, the way in which the balance of the society of the time was maintained. Man's desire was to have control over other men, and some wanted to have control over the whole world. The Babylonian king Nebuchadnezzar (Nebuchadnezzar), for example, who opens the imperial phase in biblical prophecy, is called the golden head: "Thou, O king, art a king of kings: for the God of heaven hath given thee a kingdom, power, and strength, and glory. And wheresoever the children of men dwell, the beasts of the field and the fowls of the heaven hath he given into thine hand, and hath made thee ruler over them all. Thou art this head of gold" (Daniel 2: 37-38).

Emperor Nebuchadnezzar was not happy to be called the head of gold in the history of world civilizations, but wanted to be more, i.e. he wanted to be all gold: "Nebuchadnezzar the king made an image of gold, whose height was threescore cubits, and the breadth thereof six cubits: he set it up in the plain of Dura, in the province of Babylon. Then Nebuchadnezzar the king sent to gather together the princes, the governors, and the captains, the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces, to come to the dedication of the image which Nebuchadnezzar the king had set up. Then the princes, the governors, and captains, the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces, were gathered together unto the dedication of the image that Nebuchadnezzar the king had set up; and they stood before the image that Nebuchadnezzar had set up. Then an herald cried aloud, To you it is commanded, O people, nations, and languages, That at what time ye hear the sound of the cornet, flute, harp, sackbut, psaltery, dulcimer, and all kinds of musick, ye fall down and worship the golden image that Nebuchadnezzar the king hath set up (Daniel 3: 1-5).

The biblical prophecy highlights the character of man, that luciferic character, to dominate everything, in the desire that all worship him, all bow down before him, all bring him gifts and Nebuchadnezzar manifested this by raising his golden image in the plain of Dura. If we take the Persian kings, they liked to list as many titles as they had, so they called themselves: the

greatest king, king over king, king over as many lands, accompanied by all sorts of very pompous titles, in their desire to show how great that king was, as well as from the fact that they wore several crowns on their heads, each crown representing a certain more important land. Some of the Egyptian pharaohs had two crowns, one representing Upper Egypt and the other Lower Egypt, and Persian kings also had several crowns depending on the lands they ruled. The Greek kings, however, would come on the scene of history with a new idea, the idea of ecumenism, i.e. *'the whole inhabited world'* in the same house (The term *ecumenism* comes from the Greek *oikumenike* = *'the whole inhabited world'*, which in turn comes from the Greek word oikos = house. In the Greeks, the noun oikoumene indicates the whole world formed under the influence of Hellenistic culture. The term ecumenism is also found in Latin, *oecumenicus* = the whole inhabited world. In the Roman Empire, *'oikoumene'* was the empire, and the emperor was its master and defender. (Ionescu 2011) the idea of mastering the whole world, sure to their knowledge at the time, they mastered much of the then known world. The Roman Empire, which was the largest empire, encompassing the whole Mediterranean basin, Europe, North Africa, the Middle East, in a way shaped the idea of a world empire. Speaking of the Roman Empire and its extent, we note that there was no other empire larger than it, neither before nor after it, and that it remains the model of the world empire, which the successors only wanted to rebuild, but were unable to expand it further.

Daniel, in his book, represents these four world empires that existed in ancient times, with the caveat that these empires were not the only ones, because there were other empires throughout the history of the world, but these world empires that we are referring to came into direct contact with the People of the Book, with the people of the Bible, and because they clashed and their interests were different, God included them in Holy Scripture, because the imperial plan and the biblical plan were in opposition, and God wanted to make it clear that He would carry out His plan in spite of the brutal intervention of the world empires. This conflict between the empire and the People of the Book highlights the great conflict of the ages, the great battle, and the battle that will take place will be that between the giant, the empire and the dwarf, similar to the battle between Goliath and David, and this battle is ultimately won by the dwarf. This is the apocalyptic wonder

or revelation, for it is not the great and mighty that wins, but the small and weak that wins. The extraordinarily important and great Greek culture has been overtaken by the biblical culture, which has shaped the Western world at least as much as the Greek culture did. The force of Christian love, was stronger than the Roman imperial force and won a world with the force of love, which is in fact the philosophy of the Bible.

Imperialism, as a spirit, is still around because no one is willing to give up the past so easily, and because many looking back at the past still want the forms of the past, whether it is patriarchal society, nationalism (which is gaining momentum), or imperialism. How the imperialist presence is still present today even if we can no longer refer to empires geographically or politically, but today there is more and more talk of globalization. Could this be a new form of imperialism?

Imperialism has always been based on the mob, force, powerful armies and powerful destructive weapons. Empires have always used the latest inventions in weapons and military strategy to gain the upper hand, and the arms race has escalated from ancient times to the present day. In contrast, the world of Holy Scripture presents us with the weak man, the defeated person. The Romans called the defeated person woe, woe to the defeated. Holy Scripture is built largely on the footsteps of these people, the Hebrew slaves in Egypt, they become the heroes of the second book of the Bible, the Exodus, the Hebrew slaves in Babylon, those people with their shoulders slumped, humiliated, defeated, they become the great heroes and their song become glorious, one of the most formidable songs in all of today's musical masterpieces, the Chorus of the Hebrew Slaves in Verdi's *Nabucco*. It is the way in which we can see how God transforms a defeat into victory, through loyalty, through faith, through obedience to divine commands, through young men who had the courage and strength to say, as slaves in Babylon, that they would not defile themselves with the food of the Babylonian king's table (Daniel 1:8), who would not entertain themselves in their own places, who did not want to behave like most of the people of their time, remaining honest and moral people, faithful to their God, and these people changed the world, were able to offer solutions for the society of the time, helping the imperialists of their time to overcome certain hardships, certain crises, such as the famine of Egypt (Genesis 41: 1-57), if we should talk about Joseph, or Daniel and his companions in Babylon.

These realities demonstrate God's special concern for man as a person, for the defeated man, for the humiliated man, drawing close to him and helping him, encouraging him and offering him the light of the future. To Joseph he gives the wisdom to interpret dreams, to Daniel he gives the wisdom to see the future, and through this revelation of the future these people become the forerunners who will open a new perspective to this world. This has not been understood, it has not been properly appreciated, but when it is appreciated by people, they will only gain, because the Holy Book presents the story of people who are defeated in their world, but who in the end emerge victorious, the man crucified on the cross, in the most humiliating, the lowest way, becomes the most triumphant, becomes the Saviour of the world, and for those who believe in this Book of Cards they will find comfort in it because God the Creator comes behind the imperial wars and takes the losers of fate, the mostly anonymous, comforts them, heals them, helps them, gives them perspective, assuring them that after a period of waiting their turn will come.

Globalization - the future solution for human society

Globalization could also be seen and considered as a new form of imperialism. An analysis of society shows that the imperial phase is now over. The great empires that dominated the world in the modern period, we are talking about the European empires, the last empires, the British empire, the most extensive, the French empire, the German empire, the Austrian empire, the Ottoman empire, which was very extensive, the Tsarist empire, which was also very large, all these empires have passed in the sense that most of them were swept away by the First World War, and those that remained, by the Second World War and the last remaining empire, the revolutions around 1990, so that after 1990 there was no empire left to dominate and to create a balance of power in society and this put mankind in a new situation, because like it or not, peace was maintained by weapons, a cold peace, by threat, knowing that every great power had powerful weapons. When the great empires fall, people become unaware of fear, and they reach a point where the old order and state of affairs has collapsed and the new order has not yet been implemented, so that mankind ends up in a state of turmoil, of unrest, and the strongest and strongest alliances that have existed until now begin to fall

apart, while others are beginning to form, and we see a turmoil of alliances forming and breaking up in the past, others want to rebuild their empires and fail, and then the natural question arises, what is humanity heading towards and what is its future? All former empires dream of their past glory. The greatest of them all was the Roman Empire, and the rebuilding of the Roman Empire we see in the rebuilding of the European Union today, even the background localities where various important meetings took place are former localities of the Roman Empire, only in this regard the Holy Scripture says: "And whereas thou sawest iron mixed with miry clay, they shall mingle themselves with the seed of men: but they shall not cleave one to another, even as iron is not mixed with clay" (Daniel 2: 43).

Of course, in the European community, the results of momentary cohesion have emerged over time, through various interests, through marriages between royal or noble houses, through various political and economic arrangements, but it will not be possible to restore what once was, and this is visible even today. The dominant element is the centrifugal force that throws them out. Even today, we can see that there are members in various organizations, but with their heads or eyes they look elsewhere, because they want a profit or an advantage from there, but at the same time they are also running towards other possibilities. This is our world. It ends up that all organizations, whether they are economic, military or of another nature, can all end up in this danger of disintegration. No one can say exactly what will happen tomorrow or what will happen in a year or two years' time. The Roman Empire will not be able to re-establish itself in the European community, and no empire will be able to dominate the whole world and become a global influence, because the Bible clearly says that clay and iron, the symbol of European states, some stronger, some weaker, will not be able to form an alloy, a perfect unity.

This is also what we see today, the words we read in the newspapers or on the internet only confirm this biblical statement. The Apostle John in the book of Revelation, two thousand years ago, was the first to enunciate the philosophy of globalization, the first to set out clear and precise guidelines as to how globalization would take place, who the main players would be, what the relationships between them would be, saying that this globalization would practically be the last form of organization and regulation of the elements of

our human society (Revelation ch.13 and ch.17). These two chapters basically talk about globalization and here is how. In chapter 13 an alliance of three symbolic entities is formed: between the dragon, the beast that comes out of the sea with seven heads and the beast that comes out of the earth with two heads. The three symbolic entities unite and a very interesting thing is that the dragon (power) gives all authority, all power and the throne of dominion to this beast. The beast (power) that comes out of the earth gives all its strength to the beast (another power) that comes out of the sea, so the three forces, the three great powers, unite in an action with one purpose and that is that the whole earth is united and obeys them, the whole earth worships them, the whole earth accepts the rules thus adopted by the new world structure, a structure that has political and religious forces united together. Is this not globalization? Yes, in the clearest sense of the word, and the main players in this scenario are also presented. The objective is also presented, in the sense that the whole world will worship, recognise authority and obey it. The economic element is presented as very influential in the sense that no one will be able to buy or sell unless they enter into the rules of globalization and accept its specific elements. So the last form of organization of the earth is no longer the imperial form and the four world empires of antiquity have passed into the Middle Ages. There was another symbolic beast (politico-religious power) that came out of the sea and dominated the world for a certain period of time, but the death blow came through democracy, through the modern period, to be reborn in the post-modern period, without the ability to rule the whole world, and biblical prophecy shows that in order to be able to rule the whole world it needs an alliance with a common force, made between all political and religious forces in particular. Today, there is more and more talk of globalization from an economic point of view, globalization from the point of view of political leadership, but little could be accepted of globalization from a religious perspective.

　　Human society has functioned and maintained a balance thanks to the empires mentioned above, which have imposed their rules on states and nations. The nations imposed their rules on the tribes, and the tribe kept its tradition on the families and finally on the men. Thus it was a pyramid that worked, like it or not, the powerful force of the empire forced everyone to obey. When this pyramid, which had dominated the world

for thousands of years, collapsed, people reached out for another solution and the solution found was globalization, a world government to rule the world. This globalization is primarily driven by economic development. Everywhere you go in the world today you see multinationals, you see: the internet, sports (everywhere football, tennis), we have movies, elements that are present in every corner of the world. These multinationals or forms of communication aspire to operate without restrictions, barriers, borders, or customs duties. They want one world, and they are the ones who are primarily calling for globalization and who in a large way will push the world towards globalization. But globalization also needs the political element, the military element and the philosophical element. And then other forces have to rise up to help in this regard. Chapter 17 comes with a very interesting symbolic illustration and shows us a symbolic beast (power) rising from the sea, the last one, the beast always has the idea of power, of empire, of domination, a red beast, so a religious power and a civil power coming together again. Who believed 100 years ago or 30 years ago (when some states were in communist political regimes) that the state would support the church, that it would give money to build churches, to pay salaries for cultic deserters, and that the church would provide certain basic principles for state rule. Who could have thought? There are states that are even more concerned about the religious aspect, but there are also states that don't help churches. The Bible says that an extremely powerful, civil, state power will arise, and the 10 horns, representing the totality of the political, military forces of the world will support this woman, who represents a united religious force, thus arriving at a form of common universal, civil and religious government, in the desire to bring together and reconcile and unite all the forces (political, military, religious) of the world, such a powerful form as has never existed before. Neither Alexander Macedon attained this strength, nor the Persians, nor the Romans attained this political strength, because each had someone who stopped him in a certain place and they could go no further. This force that has no opponent in our world, everyone has come under this dome of the global village, the beast (civil power) and the woman (religious system) and with the mention that everyone drinks from the cup offered by the woman, meaning in fact that the new system of ruling the world will come

to be agreed by all. Thus, there will be practically no opposition in our world, neither political nor religious, of any kind, thus concentrating all the political and religious forces of the world in a form of united global governance that will bring peace and prosperity to the whole world.

From a secular point of view, globalization is viewed as a phenomenon that aims to encompass all of humanity across various dimensions: cultural, entertainment, economic, political, religious, and even from a biblical point of view there exists a tension that extends to these areas, with attempts made by one dimension to exert control over the others. What kind of culture? What kind of politics? What kind of economy? What kind of goods, and from a scriptural point of view we see that the religious factor is up there on the last level.

The development of society from family, clan, tribe, nation, empire, reaches the last phase, namely globalization, and humanity will reach this form of organization in its development. The imperial form has broken down everywhere and the form of globalization is in the process of being realised. The biblical vision was correct, thus going along the lines of the Apocalypse one can come to the conclusion of understanding the course of history most correctly, speaking of the past, being also the only place where the future can be understood. According to Holy Scripture, the future of humanity is globalization, whether some people want it or not, with the proviso that this globalization will be more economic in one part of the world, more cultural in another, and more philosophical in another, without wishing to go into details, the point is that globalization will take place and all people will have to pay homage, respect, obedience to one global power, and globalization from a biblical perspective is the last stage of this world, after which, according to the Christian conception, the eternal will come into being, that is, the kingdom of the stone, the kingdom of Jesus Christ.

The ultimate form of organization of human society will be globalization, and the current concern is how exactly this globalization will be achieved. They are trying to globalize economically, the banking system with its cards, the connections that exist between banks, connections that are very strong, but there are always and always some disturbances, some decays, some crises and things do not work as they should, although the banking system will play a very important role in implementing globalization and perhaps

the system is among the first to want this, although there are still very large differences in economic terms between countries, regions and continents.

The second important factor is the military factor, the factor that people have used the most, this is how empires were formed, by force of arms, the one who was stronger conquered others and formed an empire, and even today there are some who try to impose their ideas, but unfortunately, such a way no longer gives the desired results so easily. Today the force of arms can no longer persuade people to listen and obey, so great leaders realize that they need something else to impose rules. In a state governed by the rule of law, parliament is the legislative body and the laws it passes govern society. When we talk about globalization, the desire is to have a world parliament that can impose the laws of the game on the economy, on military policy, on ideology, on the whole world. Who and how will succeed in doing this? During the period of imperialism, the strongest imposed their laws. If we associate the idea of globalization with imperialism, the question could be, what are those who would like to have global control fighting for, and who are those people who will succeed in imposing rules for global control, because depending on the people who are there, we will also be able to decipher their objectives, because some want certain things and others want others. It's worth pointing out that the world today is not divided by language as it was in the past. There are areas where some people speak the same language and yet cannot understand each other and fight each other, just as there are people who have the same religion, with very slight differences and fight each other to the death. It is important to know the forces involved in globalization, because they will also give it its objectives. Today's world is increasingly divided on two basic criteria, which are no longer national, but ideological, fighting for the ideology to govern the human mind and the political, economic, military powers have realized that without ideology they cannot rule. Marxist, Leninist ideology no longer has any strength, nationalist, Nazi-type ideologies no longer have enough strength (even if they have a certain percentage), socialist ideas are also declining and so the element towards which people are turning today is the religious element, without speaking of a particular religion, but of the religious element as a whole. This will be the force that will succeed in creating a certain unity of ideas with a minimum of common elements, which will impose the ideology on the whole world.

To our surprise, today in the postmodern world, when it was thought that religion had lost its significance due to the relentless impact of modernism and its tendency to mock it to the extent that it was thought that it would disappear altogether, it is interesting that in our postmodern world religion is coming back again, but it is coming back as an important force, as a key player, noting that in all societies we find a religious current with quite a big influence. We see it in Christianity, we see it very much in the Muslim world, we see it in the Far East with the same importance of this religious man who is committed to the values of his faith and is increasingly attached to these values. We find in Mohammedanism the idea of a religion that embraces the whole world, we find in the Christian world, Catholicism that claims to be the universal religion, Orthodoxy that claims to be the right religion, each one presenting this trump card that it has and wants to impose its idea of universality. We are not talking about faith here, we are talking about religion, about belonging, about these ideas that they want to impose. We find these religious people in all countries, in all religious groups, each one wanting to embody their religion. It is worth noting that all the conflicts of recent years have shown that these religious groups, which are antagonistic, at certain times and in certain relationships, can have an understanding between them, solving certain problems tacitly between them, which is why religion is one of the great forces of the future. Atheism can be seen more clearly in the secular element, because the secular man does not put God at the centre, even if he does not deny Him, but he does not put Him at the centre, unwilling to put His rules of morality into practice. The secular man, which we find in all societies, is the liberal man, even the libertine, without moral principles that correspond to the divine rules existing in the Holy Book, but it should also be noted that the secular man is very well organized. A secular group in various parts of the world, if it finds itself in the situation of asking for help from another group, they talk to each other and help each other, because the world is no longer grouped according to language, nations, empires. The secularists are united and see themselves as brothers all over the world, while the fundamentalists are finding their common elements, still not very well, but they will go in that direction and find common elements all over the world. Because of pressure from the other group each will tend to come closer and create unity among themselves.

From the point of view of globalization, the fundamentalist man is very keen to have his day of rest respected, in church, in a mosque, or in a place of worship, and this rule is imposed on all societies, governments, politicians, multinationals. Thus the fundamentalist, in his desire to impose one or two of his basic rules, collaborates with the other. The secularist also wants to have the freedom to enjoy the values of life and the world, to travel anywhere, not to be checked through all the airports, etc., and in order for him to impose his rules, he must accept the other. Neither one nor the other can achieve his goal only through his group, but he has to collaborate, and this will be the great problem of the future and this is also revealed in the Bible, that a beast (power), which is a secular power, a power of the earth and a woman, which is a power of the Church, a religious power collaborate, one supports the other and this is how we think things will unfold in the future, because the decision-makers realise that people have very strong religious principles which they are not willing to give up at all, and some are even ready to die rather than abdicate those principles, and then in order to pacify things the religious element must be incorporated into the world system of globalization, as well as the secularists, who do not consider that they have a favourable field of movement and freedom in very strongly religious areas, so that they too will be ready to accept the religious ideas of others towards a modus vivendi together. This is a problem for the future, because the world today is divided and grouped on these two centres. Above nations, above the financial system, above other issues, the great groupings that we find all over the world, from one end of the earth to the other end of the earth, are meeting on these two structures, coming to a negotiation about how much you can give up from yourself and how much you can accept from the other, a dialogue of compromise imposed by the situation of the world. It is also imposed by the economy, because goods have to be taken there and beyond, and the state at the customs is disturbing and often a waste of time, people want to communicate, to discuss, without the fear of being listened to, censored, etc..., to be able to go and speak in any area, without fear of certain consequences because of the state, religion, or lack of it, which will lead the world to negotiations and the formation of a leadership, a world government, which will give laws of an international character, and some will be implemented with the force at their disposal, and that is what true

globalization is. Society has always needed an ideology, that is, a philosophy of life, principles by which it can govern itself, and the final society will have a religious ideology as its ideology. The key word is worship, and worship means, that I accept your sovereignty, that I accept you with all your specific elements, and I surrender my personal, specific elements to you.

Conclusion

In talking about globalization as a solution for the future of mankind, it is evident that the basic philosophical element will be the guarantee that our world will be and live in peace in the future. It is often said: why do we quarrel, because one goes to one church, another to another, another to a mosque, another to a synagogue, if we all unite and pray together there will be peace, the idea is interesting, beautiful, but difficult to achieve, but this idea will be implemented because people want to reach this ideal, peace. Technology has developed tremendously, resulting in an abundance of products and an oversaturated market and the only thing that mankind needs is prosperity, peace, tranquillity, the removal of restrictions, so that everyone can circulate to sell their goods and everyone can live well, reaching the idea of heaven on earth. When this ideology is accepted, in the sense that there will be nothing else, society will also need a certain global administrative structure, which will also be implemented and which will begin to operate in its new global form.

References

Ionescu, C. 2011. *Ecumenism, dar cu ce preţ (Ecumenism, but at what price-Guest Post)*, available at https://popaspentrusuflet.wordpress.com/2011/01/31/ecumenism-dar-cu-ce-pret-guest-post/.

King James Bible Online, www.kingjamesbibleonline.org/.

Synchronous and Asynchronous Engagement on Moodle in an English Course Offered through Blended Mode

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ABSTRACT: Learner engagement is a crucial component of the teaching learning process. More emphasis is placed on learner engagement with the introduction of technology-based learning. Learner engagement with the content, instructor, other learners, learning environment, assessment activities and feedback on Moodle in synchronous and asynchronous learning was investigated in this study for a pre-degree English language course. The study found that there was presence of asynchronous engagement in all the forms of engagement. However, synchronous engagement was only present for learner engagement with the content, instructor, and other learners. The study also found that overall, asynchronous engagement was more prevalent than synchronous engagement.

KEYWORDS: asynchronous, blended mode, Moodle, synchronous

Introduction

The teaching and learning process has never been stationary. The innovations have come in the form of content, course materials, teaching and learning environment (physical), teaching methods, teaching pedagogies, educational theories and the teaching and learning resources. The transition in teaching modes has brought many changes in the way the classes are taught. The component of the teaching and learning process that had been and still is crucial is the engagement of the learner with all the other components identified above.

These engagements happen in two different styles: synchronous and asynchronous learning. Synchronous and asynchronous learning were quite popular areas of discussion in traditional face-to-face classes. With the change in the delivery modes, moving from traditional face-to-face classes to online classes, print based classes and a mixture of both, face-to-face online and print classes, the popularity of synchronous and asynchronous learning has increased. Research is also focussing on synchronous eLearning and asynchronous eLearning in a digital class.

Due to Covid-19, many countries in the Pacific saw a shift from traditional face-to-face class to online mode. Schools and universities were challenged to provide quality education through online platforms, an appropriate mode for that period (Fabriz, Mendzheritskaya, and Stehle 2021). This change in teaching modes was quite swift and it was quite demanding for the instructors and the learners as it challenged their digital readiness (Bao 2020; Crawford et al. 2020; Fabriz, Mendzheritskaya and Stehle 2021). While synchronous eLearning was classified as stressful, asynchronous eLearning allowed students to self-explore (Fernandez, Ramesh, and Manivannan 2022). However, instructors and learners could have effective courses and results if both synchronous eLearning and asynchronous eLearning are nicely blended and delivered (Amiti 2020).

The first learning style is synchronous learning. The learner communicates with all the different components with others at the same time in a 'real-time situation' (Fernandez, Ramesh, and Manivannan 2022) and the class has a structure (Malik et al. 2017). Engaging in synchronous learning ensures that the learner is concentrating in what is being taught, actively participates, and contributes to class, has better assessment and

course completion rates (Chen and You 2007; Hrastinski 2010; Malik et al. 2017) and gets immediate feedback (Lim 2017). A major limitation to synchronous engagement on Moodle is that any power failure (Fernandez, Ramesh and Manivannan 2022) or weak internet connectivity can hinder the quality of communication and promote complete absence of communication (Lim 2017). Poor internet connection can also result in ineffectiveness of learning processes (Mulyanti, Purnama and Pawinanta 2020; Putra, Witri, and Sari 2020; Mairing et al. 2021). Additionally, the classes and activities in synchronous learning are scheduled and these need to be adhered to in the limited time given for the course at any one occurrence (Hrastinski 2008).

The other form of learning is asynchronous learning. The learner interacts with the other components of the teaching learning process on their own time at their own pace (Amiti 2020). There is no set time for learning to be occurring (Malik et al. 2017). As a result, learners get more time to study and reflect on topics of discussion (Lim 2017). The limitation to asynchronous engagement is that feedback is not immediate, the probability of learners plagiarising is higher and student participation can be affected due to their remote location and flexible time of login into Moodle (Lim 2017; Hrastinski 2008). This can also lead to non-participation and failure to meet deadlines by students.

Background

The university is a regional university in the South Pacific and has students from its 12 member countries. There are also students enrolled at the university from other countries outside the region. The university offers pre-degree to post graduate courses via Face-to-Face mode, Blended mode, Print mode and Online mode. A lot of courses are taught via Blended mode at the Pre-degree level. However, proper guidelines were not given by the institute on Blended mode when courses were changed to Blended mode (Racule and Buadromo 2020).

With the shift to technology enhanced teaching and learning, the need for a Learning Management System arose. Moodle is the Learning Management System used to assist in facilitating the courses at the university 'to enhance students' achievement' (Al-Ani 2013). Satellite is used to connect

Moodle from the main campus to the other member countries (figure 1). It has become a crucial component of the teaching and learning process at the university. With the understanding that Blended mode is a mixture of Face-to-Face mode in a traditional classroom (Prohorets and Plekhanova 2015) and Online mode, lectures and tutorials are taken face-to-face, and Moodle is used to upload resources for students use.

Figure 1. USP connectivity: Moodle *(The University of the South Pacific, 2015)*

Learners engage on Moodle for many reasons. The engagement on Moodle is classified at the university as the Dimensions of Flexibility (USP Flexible Learning Policy 2017). It explains that engagement on Moodle is done under seven categories. These are learner to content engagement, learner to instructor engagement, learner to other learners' engagement, learner engagement with the learning environment, learner engagement with assessment activities, learner engagement with the feedback and learner engagement with the institution. The first six forms of engagement were studied for the purpose of this study.

Various studies have discussed engagements in synchronous eLearning and asynchronous eLearning by identifying and categorising each of the components under these two forms (Fabriz, Mendzheritskaya, and Stehle 2021; Fabriz, Mendzheritskaya, and Stehle 2022; Mairing et al. 2021; Amiti 2020; Anderson 2009; Lim 2017). However, there is no evidence of

any research looking at synchronous and asynchronous eLearning under each form of engagement (content, instructor, other learners, learning environment, assessment activities and feedback). Therefore, this research studies these two forms of eLearning for the various forms of engagement with the following assumptions.

It is assumed that pre-degree students are using Moodle for their study and as a result, are effectively engaging with the various sections (content, instructor, other learners, learning environment, assessment activities and feedback) on it. It is also assumed that due to its flexibility and long-term availability, learners engage asynchronously more than synchronously.

Therefore, the following research questions framed this study:

Q1 Learners can engage synchronously and asynchronously on Moodle with the course content, instructors, other learners, learning environment, assessment activities, and feedback.

Q2 Learners participate more in asynchronous engagement than synchronous engagement on the course Moodle page.

Method

For this research, data was collected using quantitative research method. This research investigated students enrolled in an English course at the university with data being collected during the semester of enrolment. Observation was made on learners' engagement on Moodle with the content, instructor, other learners, learning environment, assessment activities and feedback. Their clicks on each of these sections were extracted from Moodle and compared with each section.

Participants

80 students in a Pre-degree English course at a university were examined for the purpose of this study. These students were from the main campus of the university and were enrolled in Blended mode. From the 80 Blended mode students, 69 were between the age of 17 to 20 years, 10 were between the age of 21 – 30 years and only 1 student was above 30 years. All 80 students were classified as digital natives as they were born after 1980 (Prensky 2001). 57 of these students were females and 23 were males.

Study Program

The study was conducted on students who were enrolled in a Pre-degree English course at the university. This English course is a mandatory course for their program of study. As a result, all students enrolled in the Pre-degree program study this course.

Data

The students doing a pre-degree English course via Blended mode at the university were given consent forms to give approval to participate in the study. Those who filled in the consent form had their engagement closely monitored on the English course Moodle page.

Data was collected using quantitative method. Students' engagement on Moodle with the content, instructor, other learners, the learning environment, assessment activities and feedback were retrieved from the course page on Moodle for a semester. The number of clicks was extracted from Moodle and was classified as synchronous or asynchronous for the six forms of engagement.

Instruments

Under this quantitative research design, the learners' engagement on Moodle were observed and their engagement with sections like content, instructor, other learners, learning environment, assessment activities and feedback were recorded during the semester. The data was extracted from Moodle at the end of the semester.

Data Analysis

Collected data was first categorised according to the different forms of engagement (learner to content, learner to instructor, learner to other learners, learner with the learning environment, learner with assessment activities and learner with feedback). Then these were classified as either synchronous or asynchronous engagement for each of the six forms. Student engagements were presented using bar graphs.

Results

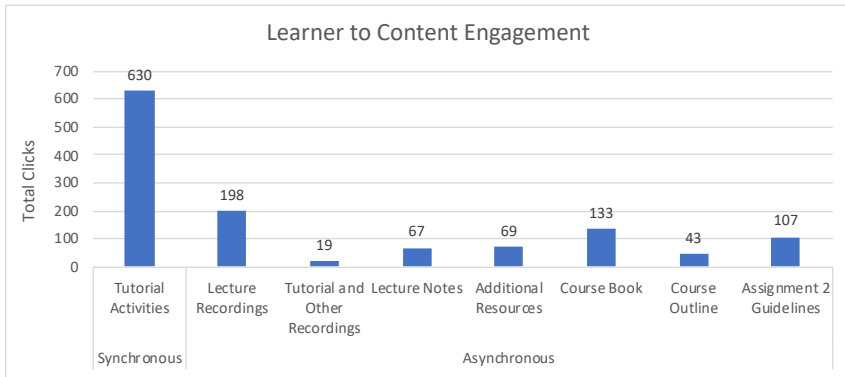## Learner to Content Engagement on Moodle

Figure 2. Synchronous and asynchronous learner to content engagement on Moodle

Figure 2 shows that tutorial activities were the only synchronous engagement in the content. Yet, it was the highest engagement (630 clicks) in learner engagement to content. In contrast, asynchronous engagement has a total of 636 clicks. The highest clicks were for lecture recordings (198) and lowest for tutorial and other activities (19). Engagement with course book and assignment 2 guidelines was also high: 133 clicks and 107 clicks respectively. Lecture notes (67 clicks) and additional resources (69 clicks) have moderate amount of engagement.

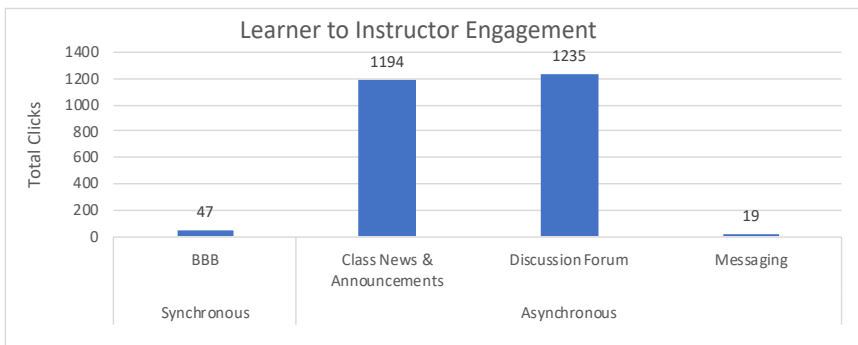## Learner to Instructor Engagement on Moodle

Figure 3. Synchronous and asynchronous learner to instructor engagement on Moodle

There were only 4 activities in learner to instructor engagement as depicted in Figure 3. BBB (47 clicks) was the only synchronous engagement. There were 3 asynchronous engagements which had a total of 2448 clicks. Messaging had the lowest number of clicks (19) for asynchronous engagement. However, class news and announcements (1194 clicks) and discussion forum (1235 clicks) were the two highest asynchronous engagements.

Learner to Learner Engagement on Moodle

Figure 4. Synchronous and asynchronous learner to learner engagement on Moodle

Figure 4 shows the 4 activities in learner-to-learner engagement. The highest engagement (49 clicks) was synchronous (BBB). There were 3 components for asynchronous engagements. Of these the only asynchronous engagement that took place was between learners (15 clicks) via discussion forum. The other two asynchronous engagements (class news and announcements and messaging) had 0 clicks.

Learner Engagement with the Learning Environment on Moodle

Figure 5. Synchronous and asynchronous learner engagement with the learning environment on Moodle

Learner engagement with the learning environment is depicted in figure 5. There was no synchronous engagement and only two asynchronous engagements. There was no component on the course Moodle page that could be classified as synchronous engagement in engagement with the learning environment. From the 2 asynchronous engagements, the number of logins (99763 clicks) had the highest click not only for the learning environment but for all forms of engagement by the learners. The other asynchronous engagement between the learner and the learning environment was tutorial sign up with 231 clicks.
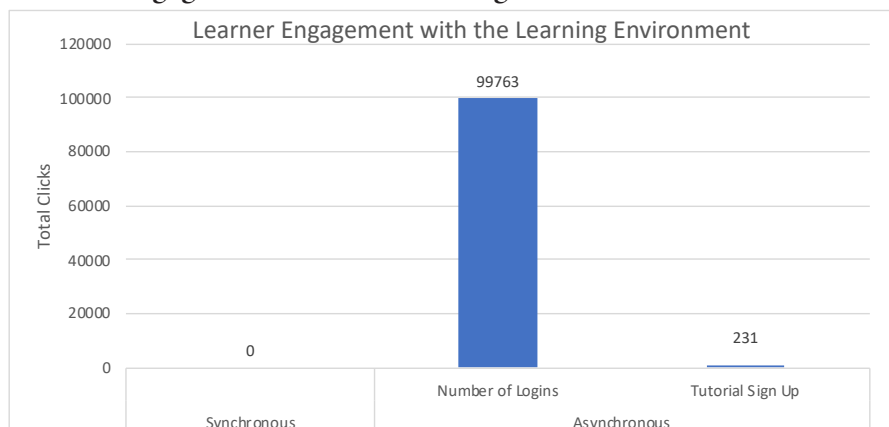
Learner Engagement with the Assessment Activities on Moodle

Figure 6. Synchronous and asynchronous learner engagement with the assessment activities on Moodle

Figure 6 shows learner engagement with assessment activities. There was no engagement component on the course Moodle page that could be classified as synchronous engagement for assessment activities. Nevertheless, there were nine forms of asynchronous engagements with a total of 5474 clicks. The most asynchronous engagement with the assessment activities was assignment 2 (1825 clicks) and the second highest engagement was for assignment 1 with 1567 clicks. Test 1 and test 2 had 473 clicks and 337 clicks, respectively. These were more than the clicks for the sample tests (sample test 1 319 clicks and sample test 2 with 221 clicks). The least asynchronous engagement was essay writing quiz (173 clicks).

Learner Engagement with the Feedback on Moodle

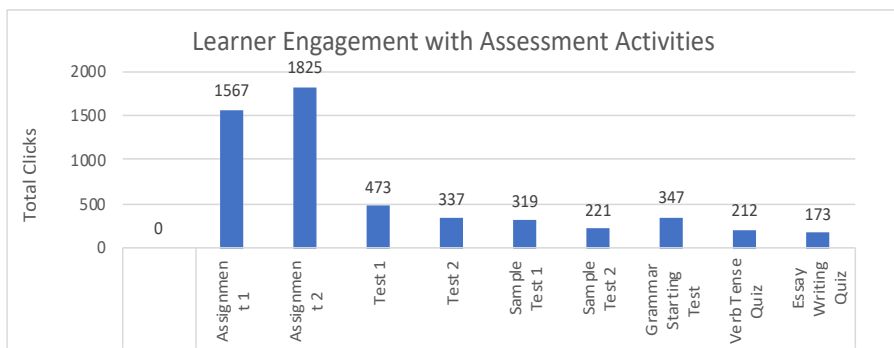

Figure 7. Synchronous and asynchronous learner engagement with the feedback on Moodle

Figure 7 shows learner engagement with feedback (560 clicks). Asynchronous learning had four types of engagement. The most clicked feedback was assignment 1 (234) and the second highest clicked feedback was assignment 2 (148). Test 1 feedback had a total of 104 clicks. The least clicked feedback was final exam answer (74). There was no synchronous engagement for feedback with the learner on the course Moodle page.

Synchronous Engagements on Moodle

Figure 8. Synchronous engagements on Moodle

Figure 8 shows a summary of synchronous engagements from all forms of learner engagements on the course Moodle page. The most synchronous engagement as shown in figure 8 was between the learner and content (630 clicks). Learner engagement with the instructor (47 clicks) and other learners (49 clicks) are very close. Three engagements (learner with feedback, learner

with assessment activities and learner to learning environment) did not have any synchronous engagement. Therefore, they had 0 clicks.

Asynchronous Engagements on Moodle

Figure 9. Asynchronous engagements on Moodle

Figure 9 shows that asynchronous engagement happened among the learner and other dimensions of studies (content, instructor, other learners, learning environment, assessment activities and feedback). The least asynchronous engagement was between learners (15 clicks). Asynchronous engagement between the learner and feedback was low with 560 clicks and the content was 636 clicks. Learner asynchronous engagement with the instructor (2448 clicks) and assessment activities (5474 clicks) was quite high. However, the most asynchronous engagement of the learner was with the learning environment (99994 clicks).

Synchronous Engagements vs Asynchronous Engagements on Moodle

Figure 10. Synchronous and asynchronous engagements on Moodle

Figure 10 shows a summary of synchronous and asynchronous engagements. There is a vast difference (108401 clicks) in engagements between synchronous (726 clicks) and asynchronous (109127 clicks) learning. It is quite evident there was far more asynchronous engagements than synchronous engagements on the course Moodle page.

Discussion

This study aimed to comprehend learners' engagement synchronously and asynchronously on an English course Moodle page at a university. Based on data extracted from the Moodle page, analysis was done on all forms of engagement (content, instructor, other learners, learning environment, assessment activities and feedback) and the data was used to decide whether synchronous or asynchronous engagement was preferred by the students.

The first research question explores if learners engaged synchronously and asynchronously within the six forms of engagement on the course Moodle page. Results show that learners involved in the six forms of engagement on the course Moodle page, but synchronous engagement was present only for learner engagement with the content, instructor, and other learners.
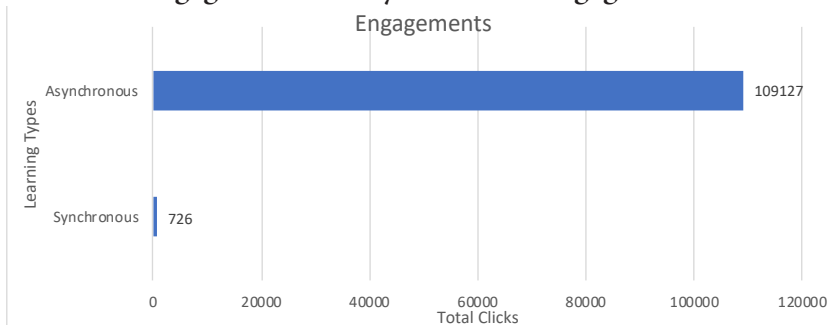
While there were seven different forms of asynchronous engagement (lecture recordings, tutorial and other recordings, lecture notes, additional resources, course book, course outline and assignment 2 guidelines) in learner to content engagement, there was only one synchronous engagement (tutorial activities). However, the clicks for synchronous engagement were 630, which is very close to the seven asynchronous engagements combined (636 clicks). Similarly, there was only one form of synchronous engagement (BBB) for learner to instructor engagement, while there were three forms of asynchronous engagement (class news and announcements, discussion forum and messaging). There were far more clicks for asynchronous engagement combined (2448) than for synchronous engagement (47 clicks). In contrast, learner to learner engagement had only one synchronous engagement (BBB) and only one asynchronous engagement (Discussion Forum). Despite having only one form of engagement for both, synchronous and asynchronous, there were more clicks for synchronous engagement than asynchronous engagement. Quite contrary to the above three engagements (learner to content, learner

to instructor and learner to learner), the other three engagements (learning environment, assessment activities and feedback) had an absence of synchronous engagement.

Notably, learner engagement with the learning environment had two forms of asynchronous engagements (number of logins and tutorial sign up). This engagement (learner with learning environment) has the highest clicks in comparison to the other five engagements (learner to content, learner to instructor, learner to learner, learner with assessment activities and learner with feedback). The number of logins had 99763 clicks, which is the highest for any form of engagement.

Markedly, there were nine forms of asynchronous engagement (assignment 1, assignment 2, test 1, test 2, sample test 1, sample test 2, grammar starting test, verb tense quiz and essay writing quiz) in learner engagement with assessment activities with a total of 5474 clicks. In addition to this, learner engagement with feedback had four forms of asynchronous engagement (assignment 1, assignment 2, test and final exam answer). There were more clicks on feedback for the two assignments (assignment 1 and assignment 2) than for feedback on test and final exam answer.

Of the three engagements (learner to content, learner to instructor and learner to learner), learner engagement with the content had the highest clicks for synchronous learning (630) and the lowest clicks with the instructor (47). Contrarily, asynchronous engagement was present for all six forms of engagement with the highest click for learner to the learning environment (99994) and lowest (15 clicks) for learner-to-learner engagement.

The second research question investigates if participants engaged more asynchronously than synchronously on the course Moodle page. Since the course was offered on Blended mode and with the flexibility (Alonso, Manrique and Vines 2005; Hughes 2007; Estacio and Raga 2017; Amiti 2020) that asynchronous engagements offer, it was believed that students would engage more asynchronously than synchronously.

It was found that in the English language course offered through Blended mode, the students interacted more in asynchronous learning (109127 clicks) than synchronous learning (726 clicks) in the various forms of engagement (figure 10). This shows that the Blended mode and asynchronous learning provides a strategy that motivates more learner-

centred approach and it provides flexibility for the learner to engage with the resources on Moodle (Estacio and Raga 2017; Alonso, Manrique and Vines 2005; Hughes 2007; Amiti 2020). This is the reason why there is more asynchronous engagements than synchronous engagements.

Three forms of engagement (learner to content, learner to instructor and learner to other learners) had both, synchronous and asynchronous learning. The other three types of engagement (learner with learning environment, learner with assessment activities and learner with feedback) had asynchronous engagement only. Despite been present in three forms of engagement, synchronous engagement, as shown in figure 2, figure 3 and figure 4, was minimum (learner to content, learner to instructor and learner to other learners).

Limitations

Few limitations were evident in this study. Firstly, the study investigated learner engagement with the dimensions of flexibility by recording the number of clicks. This does not reflect if the learner examined the contents of the component that was clicked. Therefore, the number of views would be a more realistic examination for learner engagement.

Moreover, students in the main campus were investigated. An enriching analysis can be reflected by studying the regional students with the main campus students studying via Blended mode.

Conclusion

This study concludes that at the university, the students engaged more in asynchronous than synchronous forms of engagement. This reflects the flexibility that Moodle provides for the learners to engage with the content, instructor, other learners, the learning environment, assessment activities and feedback.

Statements and Declarations

The authors certify that the information given is true and complete to the best of my knowledge. They understand that if they have deliberately given any false information or have withheld any information regarding any situation, they are liable for prosecution for fraud and/or perjury.

Notes on Contributors

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References

Al-Ani, W. 2013. "Blended Learning Approach Using Moodle and Student's Achievement at Sultan Qaboos University in Oman." *Journal of Education and Learning,* 2(3): 96-110.

Alonso, F., Manrique, D., and Vines, J. 2005. "An instructional model for web-based e-learning education with a blended learning process approach." *British Journal of Educational Technology* 36(2): 217-235. Retrieved from www.fisme.science.uu.nl/publicaties/literatuur/2005_modelforwebbasedelearning.pdf.

Amiti, F. 2020. "Synchronous and Asynchronous E-Learning." *European Journal of Open Education and E-learning Sttudies* 5(2): 60-70.

Anderson, M. 2009. "Asynchronous discussion forums: success factors, outcomes, assessments and limitations." *Educational Technology and Society* 12: 249-257.

Andresen, M. 2009. "Asynchronous discussion forums: success factors, outcomes, assessments, and limitations." *Educational Technology & Society* 12(1): 249-257.

Bao, W. 2020. "COVID 19 and online teaching in higher education: A case study of Peking University." *Human Bahavior and Emerging Technologies* 2: 113-115.

Chen, W., & You, M. 2007. "The differences between the influences of synchronous and asynchronous modes on collaborative learning project of industrial design." In D. Schuler (Ed.), *Online communities and social computing* (pp. 275-283). Berlin Heidelberg: Springer. Retrieved from http://link.springer.com/chapter/10.1007/978-3-540-73257-0_31.

Chou, C. 2002. A Comparative Content Analysis of Student Interaction in synchronous and Asynchronous Learning Networks. *Proceedings of the 35th Hawaii International Conference on System Sciences.*

Crawford, J., Butler-Henderson, K., Rudolph, J., Malkawl, b., Glowatz, M., & Burton, R. 2020. "COVID 19: 20 countries higher education intra-period digital pedagogy responses." *Journal of Applied Learning and Teaching* 3(1):1-20.

Creswell, J. 2012. *Educational research planning, conducting and evaluating quantitative and qualitative research 4th edition.* Los Angeles: Pearson Education.

Estacio, R., & Raga, R. 2017. "Analysing students online learning behavior in blended courses using Moodle." *Asian Association of Open Universities Journal 12*(1): 52-68.

Fabriz, S., Mendzheritskaya, J., & Stehle, S. 2021, October. "Impact of Synchronous and Asynchronous Settings of Online Teaching and Learning in Higher Education on Students' Learning Experience During COVID-19." *Frontiers in Psychology 12*:1-16.

Fernandez, C., Ramesh, R., & Manivannan, A. 2022. "Synchronous learning and asynchronous learning during COVID-19 pandemic: a case study in India." *Asian Association of Open Universities Journal 17*(1): 1-14.

Hrastinski, S. 2008. "Asynchronous & Synchronous E-Learning." *Educause Quarterly*(4): 51-55.

Hrastinski, S. 2010. "How do e-learners participate in synchronous online discussions? Evolutionary and social psychological perspectives." In N. Kock (Ed.), *Evolutionary psychology and information systems research* (pp. 119-147). US: Springer. Retrieved from http://link.springer.com/chapter/10.1007/978-1-4419-6139-6_6.

Hughes, G. 2007. "Using blended learning to increase learner support and improve retention." *Teaching in Higher Education 12*(3): 349-363. Retrieved from http://eprints.ioe.ac.uk/2022/.

Johnson , B., & Christensen, L. 2012. *Education research 4th edition: quantitative, qualitative and mixed approaches.* New York: SAGE Publications.

Kivunja, C., & Kuyini, A. 2017. "Understanding and Applying Research Paradigms in Educational Contexts." *International Journal of Higher Education 6*(5): 26-41.

Lim, F. 2017. "An Analysis of Synchronous and Asynchronous Communication Tools in e-Learning." *Advanced Science and Technology Letters 143*: 230-234.

Mairing, J., Sidabutar, R., Lada, E., & Aritonang, H. 2021, July. "Synchronous and asynchronous online learning of advanced statistics during Covid-19 pandemic." *Journal of Research and Advances in Mathematics Education 6*(3): 191-205.

Malik, M., Fatima, G., Hussain Ch, A., & Sarwar, A. 2017. "E-Learning Students' Perspectives about Asynchronous and Synchronous Resources at Higher Education Level." *Bulletin of Education and Research 39*(2): 183-195.

Mulyanti, B., Purnama, W., & Pawinanta, R. 2020. "Distance learning in vocational high schools during Covid-19 pandemic in West Java province, Indonesia." *Indonesiann Journal of Science and Technology 5*(2): 271-282.

Prensky, M. 2001. "Digital natives, digital immigrants Part 2: do they really think differently?" *On the Horizon 9*(6): 1-6. Retrieved from https://doi.org/10.1108/10748120110424843.

Prohorets, E., & Plekhanova, M. 2015. "Interaction intensity levels in blended learning environment." *Procedia-Social and Behavioral Sciences 174*: 3818-3823.

Putra, Z., Witri, G., & Sari, I. 2020. "Prospective elementary teachers' perspective on online mathematics learning during corona virus outbreak." *Journal of Physics: Conference Series*, 1-7.

Racule, E., & Buadromo, R. 2020. "Evaluating students' perceptions of Blended learning." In S. A. Naidu, *Teaching and Learning with Technology: pushing boundaries and brteaking down walls* (pp. 19-32). Suva, Fiji.

The University of the South Pacific. 2015. *The University Strategic Plan*. Suva: The University of the South Pacific.

USP Flexible Learning Policy. 2017. The University of the South Pacific. Retrieved from http://policylib.usp.ac.fj/form.readdoc.php?id+746.

Taming the Tongue: James 3:1–12

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ABSTRACT: This article provides an exegetical insight into James 3:1-12, a text that discusses the topic of taming the tongue. The text encompasses several genres, such as homiletics, wisdom, and parenesis. It has one particular translation issue. It contains several illustrations, mostly from nature. Its literary style is influenced by Jewish wisdom literature, Greco-Roman rhetoric and style, and the sayings of Jesus. The theme of speech appears in other parts of this epistle and connects this text with the broader biblical context of wisdom literature and deuterocanonical wisdom books. With clear, strong, and memorable wording, this text warns readers about the dangers of uncontrolled speech and emphasizes the need to tame the tongue. The purpose of this article is to highlight the profound significance of the message found in James 3:1-12, emphasizing its implications for Christians.
KEYWORDS: James 3:1-12, tongue, speech, exhortation

Introduction

James 3:1-12 holds significant importance within the message of the book of James, as it provides a crucial exhortation for living an authentic Christian life, emphasizing the need to exercise control over our speech. The main theme of the section, as the subtitle in many translations indicates, is "taming the tongue." It starts with a warning to those who aspire to be teachers in the church, it confesses our sinfulness, and then moves to speech, saying that a perfect man controls his speech and therefore his whole person. The text

then provides several vivid illustrations on taming the tongue and on the dangers of the tongue. The final paragraph exhorts us not to use our tongue for both good and bad, which seems to be the common practice, but only for good. "As is generally the case with James, his meaning is painfully clear: make every effort to keep control of the tongue… for no member of the body has greater capacity for doing harm, in spite of its capacity for doing good" (Brosend 2004, 87).

This text is considered an independent unit because it deals with its own theme, which is different from the preceding text and from the following text. The preceding unit, 2:14–26, is about faith and deeds, and the following unit, 3:13–18, is about wisdom. James 3:1–12 is clearly its own thematic unit about speech. However, it is related to both units that come before and after. It is related to the preceding unit, because real faith is followed by deeds. Therefore, a Christian with real faith will control his tongue. It is related to the following unit because a Christian who controls his tongue shows real wisdom. The purpose of James 3:1–12 is to warn Christians to carefully watch their words and to exhort them to use their words for good. This clearly fits into the overall purpose of the letter, which is "to offer evangelical counsel and pastoral exhortation to believers who might be tempted to compromise their faith through devotion to the world" (Powell 2009, 451).

Main theme

This text is an exhortation to Christians to control their tongue and to use it in the right way. The first exhortation is about Christian teachers. Not many people in the church should be teachers, because they will be judged more strictly. The reason is that their main tool of the trade is their tongue (speech), and this tool is difficult to control. Only those who are perfect in speech (able to control the tongue) should be teachers. The tongue is a small part of the body, and if it is controlled, the whole person is controlled. On the other hand, although small, the tongue is capable of great evils. An uncontrolled tongue can corrupt the whole person and its whole life. It is very difficult for human beings to control the tongue. The final exhortation is to control the tongue in such a way that it is not used for both good and evil, but only for good.

Translation matters

The text does not contain translation issues that would give significant possibilities of different interpretations and meanings, except for verse 3:6, which is difficult in the original Greek. There are also several noticeable differences when reading different translations. In verses 3:1,10,12 Greek word "adelphoi" ("brothers") is sometimes translated "brothers and sisters" (NRSV) or "fellow believers" (NIV). The reason is that some translations are careful to be inclusive of women, and therefore use gender sensitive language. In James 3:2, the Greek verb "ptaio" literally means "to stumble", but is sometimes translated "to make mistakes" in translations that aim to be clearer in meaning to the readers. There is a wordplay using this verb. James 3:2 literally states, "Indeed, we all *stumble* in many ways. If anyone *does not stumble* in word…". Some translations keep the wordplay, and some do not. James 3:6 is a difficult text in the original Greek. "It is true that the general sense of the passage is clear, but scholars have not agreed on the detailed meaning or the structure of the text" (Davids 1982, 141). The Greek phrase "ton trochon tes geneseos" is especially difficult to translate because it literally translates as "the wheel of existence." Since this phrase does not convey meaning in English, it has to be interpreted. Therefore, most translations state either "the course of life" or "the course of nature." In verse 3:11, the Greek adjective "pikros" is sometimes translated as "bitter" and sometimes as "salt," referring to water.

Genre

The text belongs to several genres, such as homiletics, wisdom, and parenesis. Regarding the homiletic genre, this section reads like a part of a sermon, with its particular theme and rhetorical devices. The text contains exhortations in the form of warnings ("we should not") and pleadings ("my brothers, this should not be"). It contains general truths ("we all stumble in many ways"), illustrations (horses, ships, forest fires), comparisons (tongue and fire), rhetorical questions, and a purpose. All of these are elements of a sermon. Wisdom literature includes "biblical and other ancient materials that focus on commonsense observations about life" (Powell 2009, 449). The rhetoric of James 3:1–12 employs several commonsense observations and illustrations. Furthermore,

it deals with one of the favorite themes of wisdom literature – speech. It also belongs to a genre called parenetic exhortation or parenesis, which is a phrase "Commonly used as technical term to refer to all general exhortations of an ethical or practical nature" (Schroeder 1976, 643). The text contains many exhortations, which all point to the main one – control the speech.

According to Powell, there are three major traditions that influence the literary style of the letter of James: Jewish wisdom literature, Greco-Roman rhetoric and style, and the sayings of Jesus (Powell 2009, 449). All of these three traditions are represented in James 3:1–12. First, Jewish wisdom books contain folk wisdom statements with examples from nature. Jewish wisdom literature includes canonical wisdom books (Job, Proverbs, Ecclesiastes) and deuterocanonical wisdom books (Ben Sira, also called Sirach or Ecclesiasticus, and the Wisdom of Solomon). Our text contains such statements about the tongue with illustrations from nature (human body, forest fire, springs of water, fruit trees) and human dealings with nature (taming animals, sailing ships on the seas). Second, regarding the Greco-Roman style, Watson argues that James 3:1–12 is "constructed according to a standard elaboration pattern for argumentation discussed by Greco-Roman rhetorical works" (Watson 1993, 48). He offers a detailed syntax analysis of the text and a number of technical terms of Greco-Roman oratory. Furthermore, "James has appropriately been compared to the Greco-Roman diatribe because of its lively, dialogical style, especially in the essays of 2:1–5:20" (Johnson 1998, 178). Diatribe is "a rhetorical device derived from Greek philosophy in which an author argues with an imaginary opponent, proposing objections and then responding to them" (Powell 2009, 449). Third, we can recognize several statements in our text that seem to be based on the sayings of Jesus, since the Epistle of James is filled with them (Powell 2009, 449). However, James never quotes Jesus's sayings, but integrates them into his own teaching. Those used in James 3:1–12 will be identified in the section on intertextuality.

Broader context (the epistle)

The theme of speech is not found only in James 3:1–12 but throughout the epistle. James issues a number of warnings regarding speech: those who do not control their tongue, and yet consider themselves religious, are deceived and their religion is worthless (1:26); those who speak must be aware of the

coming judgment (2:12); those who slander other Christians are judging them and must stop (4:11–12); those who boast and brag are doing evil (4:13–16); those who grumble against other Christians will soon be judged (5:9); and those who swear by anything will be condemned (5:12). Although our main text has a number of negative facts to say about the tongue, a careful reading of the whole letter reveals many possibilities for proper use of the tongue. James gives advice to be quick to listen and slow to speak (1:19). Those who patiently listen, and think carefully before they speak, are likely to control their tongue. Praying to God is another proper way to use our tongue. James encourages us to pray for wisdom (1:5), to pray when in trouble (5:13), and to pray for each other to be healed (5:16). The elders can pray for the sick, and be sure that their prayer of faith will bring healing (5:14–15). An earnest prayer of a righteous person can be very effective (5:16b–18). Blessing our God (3:9) and singing songs of praise to him (5:13) is an excellent way to use our tongue. Finally, confessing our sins while praying for healing is another good use of the tongue (5:16). In other words, our speech can be a blessing to God, to others and to ourselves.

Intertextuality

The theme of speech is one of the popular themes in the biblical wisdom books. In the Book of Job, despite all of his tremendous troubles, Job "did not sin in what he said" (Job 2:10, NIV). Job himself claimed that there was not any wrong on his tongue (Job 6:30; 27:4). Maybe James could have used Job as an example of a perfect man (James 3:2), but he uses him as an example of patient suffering (James 5:10–11). In several Psalms, wicked people are described as malicious liars (e.g., 5:9), while the righteous people speak what is true and wise (15:2–4; 37:30). The psalmist instructs the children about the importance and consequences of controlling their tongue (34:13) and uses his tongue to praise the Lord (35:28). In the Book of Proverbs alone there are twenty-one sayings that speak about the use of tongue (6:17; 10:19,20; 10:31; 11:12; 12:18,19; 15:2,4; 16:1; 17:4; 17:20,28; 18:21; 21:6; 21:23; 25:15; 25:23; 26:28; 28:23; 31:26, in the NIV). Probably the most popular proverb on speech is the one that states, "Death and life are in the power of the tongue, and those who love it will eat its fruits" (18:21, NRSV). Ecclesiastes 10:12–14 describes the progression and the utter evil result of

foolish speech, similar to James' illustration of a spark igniting a fire which consumes everything: "…the lips of fools consume them. The words of their mouths begin in foolishness, and their talk ends in wicked madness; yet fools talk on and on" (NRSV).

The theme of speech is also popular in the deuterocanonical wisdom books, Ecclesiasticus and Wisdom, which were both available to James. In the book of Ecclesiasticus (or Sirach) we find several sayings that are similar to what James states in 3:1–12. For example, the person who has not sinned in speech is blessed (14:1), and everyone has sinned in speech (19:16). This is similar to the tension in James 3:2 where he states that we all make mistakes, but if somebody does not make mistakes in speech, he is a perfect man. Sirach also states that the tongue brings such a horrible death that Sheol is preferable to it (28:21), while James states that the tongue destroys the person, and "is set on fire by hell" (3:6, NIV), and is "full of deadly poison" (3:8, NIV). The Book of Wisdom has only a few things to say about speech, but like James 3:1, it speaks about the judgment related to speech: "For wisdom is a kindly spirit and will not free a blasphemer from the guilt of his words; because God is witness of his inmost feelings, and a true observer of his heart, and a hearer of his tongue" (1:6). Jewish wisdom literature "reveals the specific verbal sins of loquacity, rash utterance, backbiting, gossip, duplicity, slander, and lying" (MacGorman 1986, 31), and the Epistle of James likewise points out many sins of speech. The evidence of these examples shows that James 3:1–12 reflects what Jewish wisdom literature has to say about speech.

As mentioned earlier, the sayings of Jesus also significantly influenced James. What sayings of Jesus can we trace in James 3:1–12, since they are not directly quoted but integrated into the text? In Matthew 15:11, Jesus speaks about a person being defiled by what comes out of his mouth, while in 3:6, James states that the evil speech corrupts the whole person. In Matthew 12:33–37, Jesus speaks about several things that are found in our text in James. He speaks about good trees producing good fruit and bad trees producing bad fruit, about evil speech that comes from evil hearts, about good persons speaking good and bad persons speaking evil, and about being judged for what we say. We find the echoes of judgment regarding speech in James 3:1, echoes of evil speech in 3:6,8, and echoes of things producing according to their nature in 3:9–12. According to Davids, "the teaching of

Jesus provides parallels which may have been in their oral form a basis for James's ideas (Mt. 7:16–20 par. Lk. 6:43–45; cv. Mt. 12:33–35 par. Lk. 6:45)" (Davids 1982, 148). Finally, the text echoes with some images of the creation account in Genesis (Johnson 1998, 205), such as every species of animals and humans being made in the likeness of God.

Theological implications

James 3:1–12 tells important truths about human beings, about Christians, about God, and about the results of the Gospel. Human beings make many mistakes and have great difficulty controlling their tongue. Uncontrolled human speech brings about terrible consequences. Christians also have this problem, but it should not be so. A Christian tongue should only be used for good, such as praising God and blessing people. Furthermore, human beings have been made in God's likeness. Therefore, they are very valuable and should not be cursed. God is identified as the Lord and Father of the Christians. Implicitly, if he is our Lord, we must obey him, and if he is our Father, he has enabled us to be like him, even in the matter of speech. The results of the Gospel should be visible in our speech, because our nature has been changed – God has made us like springs of fresh water and like trees that produce good fruit. God's expectation of us is both explicit – we must not be double-tongued, and implicit – since Jesus Christ has cleansed us of our sins, and set us free from the power of sin over us, we must be careful to control our tongue and use it for good.

Conclusion

The language and message of James 3:1–12 are clear, memorable, and strong. Taming of the tongue is his theme, power of the tongue is his warning, control of the tongue is his purpose, and natural phenomena are his illustrations. "Christianity is a religion of the word… Learning to control the tongue was, and is, a vital part of Christian practice" (Brosend 2004, 97). Here lies the significance of the passage. A person can be destroyed by an uncontrolled tongue, or a person can be built up by a controlled tongue. Individuals who do not control their tongues will inevitably cause significant harm and destruction to others, while those who control their tongue will bring much good to others, such as peace, encouragement and healing. This is evident

in Christian churches of the past and in Christian churches of today. We read about such examples in the New Testament, in the letters written to the first churches, and we also personally experience and actively engage in these dynamics within the churches we attend. Therefore, the message of this text holds crucial significance for every Christian and every church.

References

Brosend, William F. 2004. *James and Jude*. Cambridge: Cambridge University Press.

Davids, Peter H. 1982. *The Epistle of James: A Commentary on the Greek Text*. Grand Rapids, MI: William B. Eerdmans Publishing Company.

Johnson, Luke Timothy. 1998. "The Letter of James." In *The New Interpreter's Bible*, vol. 12, edited by Leander E. Keck, 175–225. Nashville: Abingdon Press.

MacGorman, J. W. 1986. "An Exposition of James 3." *Southwestern Journal of Theology* 29(1): 31–36.

Powell, Mark Allan. 2009. "James." In *Introducing the New Testament: A Historical, Literary and Theological Survey*, 445–461. Grand Rapids, MI: Baker Academic.

Schroeder, D. 1976. "Parenesis." In *The Interpreter's Dictionary of the Bible*, supplementary volume, edited by Keith Crim, 643. Nashville: Abingdon Press.

Watson, Duane F. 1993. "The Rhetoric of James 3:1-12 and a Classical Pattern of Argumentation." *Novum Testamentum* 35(1): 48–64.

Divine Silence –
Between Fascination and Deification

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ABSTRACT: Seen by most of us as an absence, a nothingness, silence reveals its fascination through its power of meaning. Subordinate to the field of communication, silence is not an epiphenomenon of speech, but complementary to it. Finding its limits between ambiguity and paradox, silence proves to have a greater potential for meaning than speech. Deciphering silence requires the initiation of the human subject. Theological silence, whether human or divine, creates the framework for knowing God. Silent concealment of God provides the framework for human ennoblement with God's character. Enlightenment, rational knowledge, even wonder, are preliminary stages of ennoblement. The completion of this process is through the direct assistance of the Spirit of God. Following the model of the logos becoming a living word, this study aims to outline a rhema of divine silence by reference to narrative cores from the Bible or by penetrating the mysticism of the Eastern Church.
KEYWORDS: silence, logos, ambiguous, paradoxical, deification, mystical

1. Silence - a philosophical category

Philosophy values the meanings and functions of silence. It is a virtue, a way of knowing the truth, a key to philosophical truth. Plotinus, the Neoplatonist (Rotaru 2005 a, 275-283) whose work provides, in the opinion of some, the resources of Christianity (Rotaru 2005 b, 295-324), identifies silence as a divine principle in nature, i.e., nature produces signified structures without

having signifying means of expression. Nature conveys an intrinsic message by means other than verbal.

2. Silence - epiphenomenon of utterance

The experience most often associated with silence is absence. Following the model of darkness perceived as the absence of light, most of us perceive silence as an outline without content. Beyond this perspective, silence is full of content. Compared to utterance, silence is not just an epiphenomenon of it. The subordination of silence is not to utterance but to communication. From the point of view of communication, silence is a well-defined category, with all the elements needed to convey and understand a message. Not infrequently, silence proves to be much richer in meaningful material than speech. Silence has a sender and a receiver, a transmission channel and a code, a purpose and a message that can be interpreted. The reasons why most people refuse to value the message of silence are either convenience or the much greater accessibility of speech. The perception of silence as an absence, „the place where all sound is absent" is a subjective experience. Just as the word, beyond the string of sounds, receives unspecified meanings, depending on the communication skills of the subjects, so silence is a spectral notion that translates into distinct sequences within the range between non-experience and the absolute. From this perspective, silence follows the same meaning as the utterance of the word, which finds its signified at a level lower or at most equal to the human subject's ability to handle meaning. There is a differentiation in the sense that silence is more polarised in the segment that gravitates in the zone of non-experience, whereas the word reserves this zone for exceptions, but crowds into the zone of everyday experience (elegant use for the mediocre).

Put again alongside utterance, we can see that the two categories of communication are not opposable. It is wrong to regard silence as antithetical to utterance. When subjected to a semantic analysis, the two are differentiated only by the ‚presence/absence of sound' sign. Beyond that, each of the two categories has meaning, multiple interpretative valences, different layers of interpretation: morphological, syntactic and semantic. The author deals with the topic of silence, identifying three of the four layers of semantic interpretation (the phonological layer is missing): morphological, syntactic and

semantic. (Neher 2002, 17-86). Silence is therefore a well-defined category of communication that is neither opposable to speech nor subordinate to it.

3. The paradox of silence

The term, although it gives silence a value of meaning, does so in part. Ambiguity includes in itself the possibility of interpretation and thus takes it out of the sphere of non-experience of communication, but the vector is predominantly negative, because it induces an abusive limitation of interpretation. Ambiguity expresses a lack of consistency, something lacking in the term, a limiting element that blazes. It inspires vagueness in meaning. From a psychological point of view, ambiguity induces an amputation of enthusiasm, a helplessness imposed independently of the structure of the human subject. When something is ambiguous, you resign yourself to a pre-existing limitation that it is not in the human spirit to remove or overcome.

The proposed concept for association with silence is "paradox". It opens up the field of interpretation of the meanings of silence, but does so in a more generous way. Paradox admits dismay at an idea that has been outlined, but the attitude is more inclined towards active involvement. The unelucidated element in the paradox intrigues but also mobilizes the mind to scrutinize. Paradox leaves much more generous room for searching, for deciphering mysteries. Delving into the mystery, even if it does not definitively delimit the content of the concept, does not create a ceiling, as in the case of ambiguity. Each deepening into the meaning of silence, even if it uncovers new and new heights of the unknown, does not disarm but, on the contrary, motivates further penetration with the mind. The Romanian philosopher identifies mystery as the object of true knowledge. Deep knowledge, which goes beyond the level of measurable observation, detaches itself from the object of knowledge, without leaving it. Split in two, the mystery has a part that shows itself through its signs and a part that hides behind them (cryptic). The cryptic element encourages deeper knowledge (Blaga 2013, 13-22). The paradox of silence implies an emergence of internalization of the subject.

Silence is not the absence of sound, because utterance follows silence, not the other way around. Before utterance, space is possessed by silence, so that, when utterance ceases, silence again frames utterance as a limit. Referring to the biblical silence, which precedes creation, we can characterize

the silence-spoken relationship as an infinite space, dominated by silence, in which utterance intervenes sequentially and in a limited way. "On its surface, silence appears as absence, emptiness and emptiness (…) But deep down, in the last instance, the silence of solitude is precisely the force of being that concentrates and sustains existence" (Remete 2004, 27).

Seen as "silence" (the absence of sound), silence becomes an exclusive area, reserved for those trained to "hear" the voice of silence. Cosmic silence is not the state of affairs of existence, because it communicates, in competition with speech, a treasure trove of ideas. The perception of silence as mute only denotes a subjective limitation of the human side. Cosmic silence has to communicate, but it does not have 'to say' to everyone. The silence of existence is rather a deafness of the uninitiated. To decipher it, a revelatory approach is needed. "*You called me and called me and put an end to my deafness!*" (Augustin 2003, 228) Augustine exclaims at the moment of divine revelation. Muteness is seen to be elective. Elective (or selective) mutism refers to the inability of some people (especially children or emotionally immature people) to express themselves verbally only in certain situations (Psychology Today 2023). He is active towards all those "whose judgement has not been trained by experience to discern", this being a paraphrase of Hebrews 5:13-14, the interpretation of silence is done through a revealing act.

4. Theological silence

Silence, whether attributed to the deity or to a human subject, occupies an important place in most of the world's religious spaces.

> Silence is an often-used literary, philosophical and theological category. Eastern mysticism, Sufism (an Islamic religious movement, representing Muslim mysticism), Christian mysticism alike, appeal to silence as a virtue. In the Christian sphere, we mention the writings of Saint John of the Cross (Jean de la Croix), or Maitre Eckart. Philosophy, for its part, also calls for silence as a virtue, as an instrument of wisdom or of knowing the truth. (Caraman 2020,181)

In the Christian world, the theological value of silence is appreciated, especially in the Eastern world. The Orthodox Church, through its apophatic theology of denial, values silence, especially as a way for man to know God.

The union of man and God is achieved in the silence of both parties. Silence ensures the discovery of the divine mystery (Evdokimov 1992, 43-65).

Negative theology preaches silence as a means of knowing God. Sometimes the boundary between human silence and God's silence is not clearly demarcated. At other times it propagates the idea of the impossibility of knowing God, the Unknowable, in the finitude of our mind. Moreover, the idea of associating with God attributes that can be shared by the human being is unacceptable to negative theologians. Knowing the unnamable is done through silence. This time it is the silence of the man who is unable, illegitimate to name what is unnamed.

The missing link in this otherwise mind-challenging approach is the spirit of man who benefits from God's enlightenment to know Him.

The transcendent-immanent antinomy is not a logical contradiction, but a dialectical structure. The morphology of the dialectic in question is a philosophical one (along the lines of Kant, the father of immanentism (Bulgakov 1999,140-148), which places the knowledge of the unknowable ‚Ding an sich' as an object of thought not suited to it, which requires a higher, divine reason), and of a theological nature: the knowledge of God's thought through the intercession of God's Spirit. Without the contribution of this facilitation, knowledge of God would indeed not be possible. Theology is superior to reason, since the latter is conditioned by the limits imposed by its object. Theology, on the other hand, rests on the unity of the transcendent and the immanent. The two complement each other, and the result of knowledge is potentially unlimited: „But God has revealed them to us through his Spirit. For the Spirit searches all things, even the deep things of God." (Corinthians 2:10), a limit imposed, however, by the finiteness of the human mind, on the one hand, and by the measure of enlightenment assigned to it from above.

5. Theological silence - union with Him, deification

Silence is more than a way of knowing. The enlightenment produced by deciphering the meanings of silence is, to some extent, an encounter with the divine. But this perspective is limiting. Attempting to decipher meanings is only a glimpse from the doorway. It is an understanding at the borderline between the ‚outsiders' and the ‚insiders'. To tread fully on the ground of silence, to assimilate as fully as possible its springs, is to be deified. Just as the

unseeing of things is the condition of faith (Hebrews 11:1 - „things not seen")
or of happiness itself (John 20:29 - „Blessed are those who have believed
and have not seen"), so the unseen encapsulates an abundance of the beauty
of His Being, beauty waiting to be revealed. Silence gives way to knowing
God in a deeper way than limiting the expression of words. They serve as
instruments, until a moment of interiorization of divine truths that can no
longer be sustained by the spoken word. The transformation of silence into
a rhema of its own is done by conquering the kingdom from within („The
kingdom of God is within you" - Luke 17:21).

The search for the kingdom within one's own being must be wary of
the Eastern vision of knowing the absolute. This vision, which has to some
extent also affected the Christian area, idolizes the human being and mandates
it as having the resources necessary to overcome the human condition. The
human interior, in itself, is not the repository of divine values. At most, it can
be a place for the manifestation of values that are superior to human nature
and that are of divine origin. The Spirit of God penetrates the human being
through faith and acts in conjunction with human nature, a divine nature.
The divine-human distinction remains valid: „The Spirit himself testifies
with our spirit that we are children of God." (Romans 8:16) The result of
the coalescence is deification.

Vladimir Lossky (1994, 35-38), by analyzing aspects of Eastern
spirituality as they emerge from Orthodox dogmas, places theology in the
sphere of mysticism. The term used in the title of his work (mystic) is associated
with mystery. The use of this term is quite confusing in general and requires
caution in its use. It is present in both sacred and profane language. Outside
the sacred, ‚mystical' refers to the obscure, the irrational, the dark. Under the
magnifying glass of psycho-somatic interpretation, the term takes on bizarre,
pathological meanings. This mysticism claims access to superhuman forces,
but it appeals to manipulative powers. „Atheistic mysticism" (Lossky 1994,
13) is geared towards experiences beyond the ordinary, but it greatly distorts
the importance of the human factor. Secular mysticism praises man and the
resources identified in himself, whereas the path of deification praises divinity
for the grace to descend into the human being.

6. The burden of divine silence

The acquisition of the divine nature is preceded by a process accompanied by suffering. Paul, writing to the Romans, associates the benefit of the divine infilling with the acquisition of the inheritance with Christ. Inheritance is conditional on the acceptance of suffering: „And if we are children, we are also heirs: heirs of God, and joint heirs with Christ, if we truly suffer with him, that we may also be glorified with him" (8:17). This cohabitation with suffering takes place in an environment of divine silence. The union is intimate and mystical. It cannot be translated into words, for words prove powerless.

The nature of sanctifying suffering is not an everyday suffering that every human being experiences. It is suffering „with Him". The typology of divine silence brings this pattern to light: in moments of trnsformation according to His Image, the human subject remains alone, God ceases to gloss over the previously accumulated logos. The slova about love becomes alive, the slova about the imperative of forgiveness becomes applicable, the slova about the unimaginable unfolding of God's power becomes reality in the conditions of God's silence. It envelops itself in silence, for sequences of a necessary length, so that man's inner transformation validates the slova.

7. The divine silence that ennobles

7.1. The deification of Abraham

When we speak of deification, we refer to the acquisition of the transferable attributes of God, such as divine love, full forgiveness, full knowledge, etc. Deification is not a Luciferic attack on the glory, power and uniqueness of God, but is within the limits of a recovery of the fallen human condition.

Throughout Scripture there are narrative nuclei in which God's silence works the acquisition of godliness. Neher identifies a morphology of divine silence. Depending on the duration of the silence and the details of the interruption of the silence sequence, Neher speaks of „webs" and „knots" of silence. The webs stretch over long, tiring but clearly delineated intervals, while the knots are insertions of divine silence hidden among morpho-syntactic, or semantically related details (Neher 2002, 17-26).

Abraham, after his many wonderful experiences with God, is put to a test that is meant to validate all his knowledge of God. The episode

of Isaac's sacrifice is a transformation of the stored logos (Abraham had a remarkable verbal communication with God) into rhema. Surprisingly, the conversion of which we have spoken will take place under the auspices of divine silence. The biblical text does not delimit the narrative sequence in time, but research shows a three-day journey from the moment Abraham and Isaac were separated from their companions at the foot of the mountain to the raising of the hand to perform the sacrifice. These are three agonizing days in which Abraham, who is accustomed to being spoken to by God, is plunged into deep silence by Yahweh. More than ever Abraham longs for God to gossip. He needed every detail he could hang on to: an encouragement, another promise, a detail about reconfiguring the divine plan for which he had received such valid promises. None of it! Abraham is forced to tread in the realm of oppressive silence, accompanied only by what he had previously accumulated from his experiences with God.

Abraham successfully overcomes the moment because of what he knew about God:„He thought that God could raise even from the dead; and, indeed, as risen from the dead he received him." (Hebrews 11:19). He is not instilled with unshakable conviction. That „he thought that" rather implies a consideration of whether God would do so. He had neither experienced nor knew of any such precedent of God raising someone from the dead. Up to this point Abraham's faith had followed a linear course. Even though the intensity of the challenges increased as they came, he was constantly accompanied by the validity of what God had said. Everything that God had told him had been fulfilled to the letter, even if it required superhuman interventions (Lot's crucifixion, the birth of Isaac). The challenge he now faces contradicts what he knew about God. Not only could he not demand the same abominable kind of worship as the neighboring peoples (the sacrifice of children), but, moreover, he is likely to destroy the validity of what he had previously said: „In Isaac you will have a seed that will bear your name." (Hebrews 11:18).

The silence of God destroys the linearity we are accustomed to by utterance. The internal logic of silence is different from that of utterance. The human subject learns, through God's silence, an internal logic inaccessible under ordinary conditions. The cause-effect duality is overcome for a new algorithm:

(The mystery) makes man angry and feel the fragility of his condition. It is the silent and humble vibration of the creature that remains forbidden in the face of what is an ineffable mystery, beyond the possibilities of any creature (Otto 1992, 21)

7.2. In what way is Abraham deified?

First, one can see the sovereignty of God, who has the freedom to reconfigure the plan. In fact, the one who needs to be reconfigured is Abraham. He goes through an initiatory journey in which he is exposed to God's perfect wisdom. Man's linear thinking is fractured for an ennoblement with divine overtones.

Second, the sequence of Isaac's sacrifice is anticipatory of Christ's sacrifice. Only Abraham can now understand the sacrificial heart of a father who gives his most precious gift. Moreover, Abraham now mirrors the very beauty of God. God's gaze delights in Abraham, because it sees the closest model of Himself. In the episode of Isaac's sacrifice, God's silence achieves its purpose: Abraham is ennobled, capable of the same willingness to give as God.

The association with the Sacrifice of Christ is not accidental and cannot be ignored. We see the same pattern applied to divine silence in both instances. Both the sacrifice of Isaac and the sacrifice of Christ are preceded by this compelling sequence of divine silence. Without being an absence, the silence manifests itself in the form of a programmed, behind-the-scenes retreat of God. The validation of the divine plan is done in silence. Divine silence finds its role as a catalyst for divine logos.

Conclusions

The beauty and depth of silence can be explored without limit. In a philosophical context the concept inspires ever deeper exploration. The feeling that is released is one of wonder, dismay, thirst for knowledge. In this space, silence fails to go beyond aesthetic delight.

The field of theology gives silence a much deeper meaning. Whether associated with divinity or the human factor, silence itself potentiates deification. Silence in itself is not a sufficient condition for ennobling with the character of God, any more than human suffering alone converts into something divine. Divine silence is constructive insofar as it is part of God's plan. Man is both object and subject. He is an object because silence acts from

outside himself, producing a spiritual crisis which leads to deification. Subject, because he is a partner with God in this process. Even if he is secondary in the process of transformation, man is equally a beneficiary of this process, alongside God. Man receives from the beauty of God's character, and God takes glory from his own work.

Divine silence is not always constructive. It can come as a curse, as a result of a marked disobedience to divine law (Rotaru 2015, 318-322). In this situation the pressure of silence produces alienation, anguish, dehumanization. Subordinate to the category of communication, divine silence is the bearer of a message at least as profound as utterance. Beyond the message it carries in itself, silence achieves a validation of human experiences with God or converts the spoken word into living matter. Divine silence is life-giving by transforming the human subject into a doer of the Word.

References

*** *Biblia (The Bible)*. 2004. Translation by Cornilescu. Liga biblică.

Augustinus, Aurelius. 2003. *Confessiones*, liber XII, cap. III, bilingual edition. Bucharest: Nemira Publishing House.

Bulgakov, Serghei.1999. *Reflexii metafizice (Metaphysical reflections)*. Bucharest: Anastasia Publishing House.

Caraman, Maximilian. 2020.„Tăcerea lui Dumnezeu în scrierile veretotestamentale" („The Silence of God in the Old Testament Writings"). In *Perspective actuale în ştiinţele socio-umane (Current perspectives in the socio-human sciences)*. Pădurean Alina, Drăucean Alina and Stoia Simona (eds.). Arad: University Publishing House.

Evdokimov, Paul. 1992. *Iubirea nebună a lui Dumnezeu (God's mad love)*, translation by Teodor Baconsky. Bucharest: Anastasia Publishing House, translation by Teodor Baconsky.

Le Breton, David. 2001. *Despre tăcere (About silence)*, translation by Zaharia Constantin. Bucharest: All Publishing House.

Lossky, Vladimir. 1994. *Teologia Mistică a Bisericii de Răsărit (Mystical Theology of the Eastern Church)*. Bucharest: Anastasia Publishing House.

Lucian, Blaga. 2013. *Trilogia cunoaşterii (Trilogy of knowledge)*. Bucharest: Humanitas Publishing House.

Neher, Andre. 2002. *Exilul cuvântului. De la tăcerea biblică la tăcerea de la Auschwitz (The exile of the word. From biblical silence to the silence of Auschwitz)*. Bucharest: Hasefer Publishing House.

Otto, Rudolf. 1992. *Sacrul "Misterium tremendum" (The sacred "Misterium tremendum")*. Cluj Napoca: Dacia Publishing House.

Psychology Today. 2023. "Selective Mutism." Available at: https://www.psychologytoday.com/us/conditions/selective-mutism. Accessed, 01.29.2023.

Remete, George. 2004. *Cunoașterea prin tăcere (Knowledge through silence)*. Alba Iulia: Reîntregirea Publishing House.

Rotaru, Ioan-Gheorghe. 2005 a. *Aspecte antropologice în gândirea patristică și a primelor secole creștine (Anthropological Aspects in Patristic and Early Christian Thought)*. Cluj-Napoca: Cluj University Press.

Rotaru, Ioan-Gheorghe. 2005 b. "Logosul și înțelepciunea" („Logos and Wisdom"). In *Studii de istorie a filosofiei universale*, XIII, edited by Alexandru Boboc, N.I.Mariș. Bucharest: Romanian Academy Publishing House.

Rotaru, Ioan-Gheorghe. 2015. "Natura și scopul Legii Morale a celor sfinte Zece Porunci" ("The Nature and Purpose of the Moral Law of the Holy Ten Commandments"). *Păstorul ortodox*. Curtea de Argeș: Publishing House of the Archdiocese of Argeș and Muscelului.

Ethics in the Thought of Dietrich Bonhoeffer

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ABSTRACT: The purpose of this paper is to outline Dietrich Bonhoeffer's ethical thought and examine how his work has been received by theologians over the years. These are preceded by a short biographical note, which serves as contextual background for the discussion. The justification for this study is provided by the renewed interest in Bonhoeffer's writings in recent decades.
KEYWORDS: Bonhoeffer, Ethics, Life Together, Creation and Fall, Reception of Bonhoeffer

Introduction

In the early 1930s Germany, amid mounting aggressive nationalism (Moses 1999, 3-21), Dietrich Bonhoeffer arose as a prominent opposing voice to the Fuhrer and his Nazi party (Rankin 2006, 111-22), criticizing the theologians that were supportive of Hitler's regime and preaching reform for the Christian community (Moses 2006, 354-70). His resistance to the ideology of the times and its accompanying rhetoric afforded him imprisonment in a Nazi concentration camp, where he was tragically executed just a few days before the war ended (see Plant 2004, 11-37).

Bonhoeffer aimed to motivate Christians to live a Christian life and behavior through his writings. The main questions for Bonhoeffer were how can one live a Christian life in the actual world and where is the final authority for such a life found? Particularly to his context, he pondered

what one ought to be doing in resisting Nazism. He was convinced that the Christian thing to do was not to bow to the idols of National Socialism but to fulfill the "unconditional obligation" of siding with the victims, regardless of their religious stance (Marsh 1997, 38).

Since his death in 1945, Bonhoeffer's writings have stirred a lot of interest among Christian thinkers. A particular place within this research history is given to his ethics, particularly as it emerged within the troubled context of a church that was supportive of war and violence. The following presents an overview of Bonhoeffer's ethical thought within its context, followed by a concise summary of writings and authors that have undertaken the task of reflecting on Bonhoeffer's contribution to Christian ethics.

Dietrich Bonhoeffer – The Man and His Context

It is undeniable that, although his life was cut short, Dietrich Bonhoeffer stands out as one of the most seminal theologians of the twentieth century (Chiba 1995, 188). Information about his life is readily available in several works, which have been consulted in the conception of the short biographical summary given below (e.g. Rumscheidt 1999, 50-70). He was born in a family where ethical standards were strongly upheld and where he learned from an early age that *noblesse oblige*, that is, that his privileged birth came with important responsibilities of care for those who possessed less of a social advantage than he did (Nelson 1999, 22-49). The Bonhoeffer family was Lutheran, though not a profoundly religious one, so young Dietrich's interest in theology from an early age must have caused something of a stir, especially in the light of the fact that his older brothers Karl and Klaus embraced socialistic ideas and were arguing against the church (Bosanquet 1968, 41, 45).

At the age of seventeen, Bonhoeffer began his study of theology at the University of Tübingen, where he met Adolf Schlatter, who taught him to appreciate the Jewish background of the New Testament, teaching on which later he built his defense against anti-Jewish pressures in German scholarship. He continued his theological studies as a graduate student at the University of Berlin. There he encountered Karl Barth's "theology of revelation" and familiarized himself with the writings of the Swiss professor. Most importantly for his later theological development, in Barth's work,

Bonhoeffer discovered a theological freedom and courage that suited well his own penchant for independence and intellectual freedom (Marsh 1997, 37).

In 1933 Bonhoeffer was offered a parish post in Berlin, but his inclination toward Christian internationalism, or "ecumenism" led him to choose a posting in London, where he ministered to a German-speaking community (Bosanquet 1968, 60). From that position, Bonhoeffer begun to openly oppose anti-Semitism and the rising Nazi party, teaching his parishioners and his students in the various Universities where he lectured the ways of a new Confessing Church. His international trek came to an end in 1939 when, after a short stay in New York, he decided to return to Germany.

As a noted opponent of German National Socialism, and later as a member of the resistance against Nazism, Bonhoeffer was recognized as a leader of the opposition (Bethge 1977). This afforded him quite a large recognition among the denominational factions and groups that claimed him as their spokesman. Yet, his remarkable influence is due mainly to the books he produced during his short and difficult writing career. Although only 39 when executed, Bonhoeffer left a rich written legacy in the form of several books, *Sanctorum Communio, Act and Being, The Cost of Discipleship, Life Together*, as well as letters, papers, and notes published by his close friend and biographer, Eberhard Bethge in the collections *Letters and Papers from Prison, Ethics*, and six other volumes. In all these writings, Bonhoeffer shows his interest in personal faith development and ethics. He started working on his ethics at the end of the 1930s, but most of the manuscripts were written between 1940 and 1943 in Berlin (Bethge 1955, ix). However, due to his arrest in 1943, he did not succeed to finish his most ambitious work – his manuscript on ethics was only published posthumously.

Dietrich Bonhoeffer's Ethics

As early as his years as a student, Bonhoeffer was encouraged by Reinhold Seeberg to concentrate on ethics, a theme that increasingly became the focus for his theological thinking. He often preached ethics as a pastor (Bosanquet 1968, 68) and as he witnessed the events of the 1930s, his passion for ethics intensified. It was during the final decade of his life that he formulated his thoughts on Christian ethics, arguing that a person does not always have

the good fortune, and freedom, to choose between a right course and a wrong one. Rather, in every decision there is an element of evil (Bonhoeffer 1959, 88). In 1938, at Zingst, he had reminded the Finkenwalde brothers, hard-pressed as they were by the temptations arising through the church struggle, that: "the Christian cannot see his life as a series of principles, but only in its relation to the living God" (Bonhoeffer 1959, 88). The truth of these insights became evident when the horrifying demands of life within Hitler's Germany arose.

Another motivation for Bonhoeffer to reflect on ethics was the lack of interest his generation had shown in any kind of theoretical or systematic ethics, and that, at a time when it should have been the most discussed theological issue (Bonhoeffer, 1955, 3). Since Christian ethics deals with Christian existence, Bonhoeffer argues that one ought to move from the general questions of "How can I be good?" and "How can I do good?" to the more specific, and utterly more relevant, "What is the will of God?" In Bonhoeffer's estimation, the dependence on organized religion has undermined genuine faith. Therefore, he would call for a religionless Christianity, free from individualism and metaphysical supernaturalism. God, argued Bonhoeffer, can be known in this world as he operates and interacts with humans in their daily lives. The abstract God of philosophical and theological speculation is useless to the average man on the street, but they represent the majority who need to hear the gospel. Bonhoeffer also believed that the Bible alone is the answer to all our questions, and that we need only to ask repeatedly and humbly, to receive the answer to our ethical dilemmas (Bosanquet 1968, 109).

For Christians, therefore, ethics should never become the dry enunciation of a system of ethical principles by which they could be equipped to make correct, moral choices. As Bonhoeffer explains: "The point of departure for Christian ethics is not the reality of one's own self or the reality of the world; nor is it the reality of standards and values. It is the reality of God as He reveals Himself in Jesus Christ" (Bonhoeffer 1955, 18; cf. Kohler 1970, 27-40). Of course, when speaking about principles, the German word *prinzipien* used by Bonhoeffer has a more negative connotation than its English equivalent. As Bosanquet (1968, 231-232) explains,

> '*Das Prinzip*' meant for Bonhoeffer a precise and bloodless formula, and to be fettered by it is to try to apply it indiscriminately to the unpredictable chances of human life. *Prinzipien* are contrasted with God's commandments, which demand our obedience and which, alive and actual, bring us into his presence not only guiding our actions. They at the same time, also bring us face to face with the unattainability of a flawless righteousness, and so with the need for forgiveness which to sensitive Germans at that time was such an intensely immediate fact.

With the rejection of ethical principles as the measure for good and evil, Bonhoeffer also rejects both, an ethic based upon "conviction" or "success" and an ethic founded upon "duty" or the "creation order." The standard for good, Bonhoeffer argues, is the will of God revealed in the Scriptures and the person of Christ (Green 2012, 11-36; Plant 2004, 92-110; Marsh 1994, 55-80; Kohler 1970). Formalism and casuistry set out from the conflict between the good and the evil, but Christian ethics must be beyond formalism and casuistry because it is already accomplished, by and in Christ (Bonhoeffer 1955, 23; cf. Green 2012), who "became a real man and he wants man to be a real man." Therefore, "man does not take on an independent form of his own, but what gives him form and what maintains him in the new form is always solely the form of Jesus Christ" (Bonhoeffer 1955, 20). And since God became human in Jesus Christ and since humankind was accepted by God in the incarnation, people are related to each other because they are related to God, and there is no relation between people if there is no relation to God (Feil 1985, 85).

Based on the aforementioned points, it can be concluded that, according to Bonhoeffer, ethics rests on God's command and human responsibility. The command given is first the command and will of God. Yet it is more than that, for God was revealed in Christ, who came into His created world not as "an idea, a principle, a programme, a universally valid proposition or law, but … a man" (Bonhoeffer 1955, 35). Thus, Bonhoeffer argues that in Christ, God himself overcame the secular–sacred dichotomy and consequently brought all reality under His authority. It is therefore a relational perspective on ethics.

Ethics as formation, then, means the bold endeavor to speak about the way in which the form of Jesus Christ takes form in our world. Ethics as formation is possible only when founded on Jesus Christ, the ultimate

form, who is present in His Church. The church is the place where Jesus Christ's form is proclaimed and accomplished. It is this proclamation, and this event, that Christian ethics is designed to serve (Bonhoeffer 1955, 25). Thus, Bonhoeffer seeks to ascertain how Christ and the church are related to the world. Christ, who is Lord and Redeemer of the world, is also the center, reason and aim of all human reality, and consequently claims all fields of human existence. Emphasizing this central point of his ethics, Bonhoeffer states:

> There are not two realities, but only one reality, and that is the reality of God, which has become manifest in Christ in the reality of the world. Sharing in Christ, we stand at once in both the reality of God and the reality of the world within itself. The world has no reality of its own, independently of the revelation of God in Christ. One is denying the revelation of God in Jesus Christ if one tries to be a "Christian" without seeing and recognising the world in Christ (Bonhoeffer 1955, 63-64).

Thus, in his *Ethics*, Bonhoeffer argues that Christians should be actively involved in the world because it is "penultimate" to the kingdom of God that cannot be ignored. This was a central question in his thinking as he pondered what role the church should have taken in Nazi Germany: one of active resistance, which could have been perceived as muddying the church with politics, or one of concentration on the spiritual, which could have been seen as an uncaring obsession with purity. This leads to another important aspect of Bonhoeffer's ethics – his discussion of distressing ethics.

Bonhoeffer identifies two ethical fallacies: ethical fanaticism, whereby one believes that "he can oppose the power of evil with the purity of his will and of his principle" (Bonhoeffer 1955, 4), and the situation whereby one fights his ethical battles from the perspective of one's absolute freedom of choice. When one values the necessary deed more highly than the spotlessness of his own conscience and reputation, then his supposed freedom may ultimately prove his undoing. This kind of man, says Bonhoeffer, "will easily consent to the bad, knowing full well that it is bad, in order to ward off what is worse. And, in doing this he will no longer be able to see that precisely the worse which he is trying to avoid may still be the better" (Bonhoeffer 1955, 6).

Bonhoeffer's theological thinking has attracted considerable interest over the years, not least because of his heroism (LeRoy 1982, 113). Moreover, although not all would subscribe to Bonhoeffer's own strain of existentialism,

his warm-hearted piety has won many on his side. His high-sounding devotion to Christ and the call to suffer for His sake are uniquely inspiring (cf. Bonhoeffer 1963).

Conclusion

In conclusion, according to Bonhoeffer, a life in Christ encompasses daily repentance and self-denial. Bonhoeffer longed and prayed for corporate repentance of his nation and the church. He believed that Christians are called to live responsibly in the world by fulfilling certain God-given inter-related mandates such as work, marriage, government, and church. Guided by these "mandates," Christians must make ethical decisions as pertaining to being a member of a family, a citizen, a worker, and a member of the church (Rotaru 2019, 201-202). The strength of Bonhoeffer's ethics does not lie in its systematic resolution of the challenges confronting the church but rather in acknowledging that life is complex and that all ethical systems, short of humble submission to the Word of God, are doomed to fall. As unsettling as this conclusion may be, it is a refreshing call to the contemporary church (Rotaru 2012, 5) to repent and return to a life characterized by prayer and meditation on the Word. At a time when much of the world was either enticed with, or entrapped, by fascism, Dietrich Bonhoeffer dared to live the morally responsible Christian life to its most expressive and tragic end (Lehmann 1976, 120). His legacy has inspired and will continue to inspire many, and his model of theology, done from below, from a position of weakness, according to Christ's model, ought to be taken into consideration more often, especially in a world where Christian hegemonies continue to provide models of power that are foreign to the gospel of the Crucified One (Măcelaru 2018, 76).

Bonhoeffer's charge to the Christian is nothing less than a reminder of the radical nature of Christ's Gospel (Gustafson 1983, 18). In the context of contemporary church-making and the efforts to "sell" faith, the warning Bonhoeffer (1963) gives about the high cost of discipleship is needed. Christ sacrificed His blood to redeem the souls of men and women; therefore, those who follow Him must pay the cost of discipleship with nothing less than their whole lives. The message of Bonhoeffer's ethics is that the church of the future should be a confessing church characterized by prayer and living under the Word.

References

Bethge, Eberhard. 1977. *Dietrich Bonhoeffer.* Translated by Eric Mosbacher. New York: Harper & Row.

Bethge, Eberhard. 1955. "Editor's Preface." In *Ethics*, by Dietrich Bonhoeffer, ix–xi. New York: Macmillan.

Bonhoeffer, Dietrich. 1955. *Ethics.* Edited by Eberhard Bethge. New York: Macmillan.

Bonhoeffer, Dietrich. 1959. *Creation and Fall: A Theological Interpretation of Genesis 1-3.* New York: Macmillan.

Bonhoeffer, Dietrich. 1963. *The Cost of Discipleship.* New York: Collier Books.

Bosanquet, Mary. 1968. *The Life of Dietrich Bonhoeffer.* New York: Harper & Row.

Chiba, Shin. 1995. "Christianity on the Eve of Postmodernity: Karl Barth and Dietrich Bonhoeffer." In *Christian Ethics in Ecumenical Context: Theology, Culture and Politics in Dialogue*, edited by Shin Chiba, George R. Hunsberger and Lester Edwin J. Ruiz, 188–204. Grand Rapids, MI: Eerdmans.

Feil, Ernst. 1985. *The Theology of Dietrich Bonhoeffer.* Translated by Martin Rumscheidt. Philadelphia: Fortress Press.

Green, Clifford. 2012. "Christus in Mundo, Christus pro Mundo: Bonhoeffer's Foundations for a New Christian Paradigm." In *Bonhoeffer, Religion and Politics: 4th International Bonhoeffer Colloquium*, edited by Christiane Tietz and Jens Zimmermann, 11–36. Frankfurt am Main: Peter Lang.

Kohler, R.F. 1970. "The Christocentric Ethics of Dietrich Bonhoeffer." *Scottish Journal of Theology* 23)1):27–40.

Lehmann, Paul. 1976. *Ethics in a Christian Context.* New York: Harper & Row.

LeRoy, Edward. 1992. *A Survey of Christian Ethics.* Oxford: Oxford University Press.

Măcelaru, Marcel V. 2018. "Christianity and the Refugee Crisis." *Transformation* 35(2):69–76.

Marsh, Charles. 1994. *Reclaiming Dietrich Bonhoeffer: The Promise of His Theology.* Oxford: Oxford University Press.

Marsh, Charles. 1997. "Dietrich Bonhoeffer." In *The Modern Theologians: An Introduction to Christian Theology in the Twentieth Century*, edited by David F. Ford, 37–51. Oxford: Blackwell.

Moses, John A. 1999. "Bonhoeffer's Germany: The Political Context." In *The Cambridge Companion to Dietrich Bonhoeffer*, edited by John W. de Gruchy, 3–21. Cambridge: Cambridge University Press.

Moses, John A. 2006. "Dietrich Bonhoeffer's Repudiation of Protestant German War Theology." *The Journal of Religious History* 30(3):354–70.

Nelson, F. Burton. 1999. "The Life of Dietrich Bonhoeffer." In *The Cambridge Companion to Dietrich Bonhoeffer*, edited by John W. de Gruchy, 22–49. Cambridge: Cambridge University Press.

Plant, Stephen. 2004. *Bonhoeffer.* London: Continuum.

Rankin, Alex. 2006. "Dietrich Bonhoeffer, a Modern Martyr: Taking a Stand Against the State Gone Mad." *The History Teacher* 40(1):111–22.

Rotaru, Ioan-Gheorghe.2019. *Om-Demnitate-Libertate (Human-Dignity-Freedom).* Cluj-Napoca: Risoprint Publishing.

Rotaru, Ioan-Gheorghe. 2012. "Biserica lui Dumnezeu, sursa unui Râu al Vieții și al Vindecării" [„The Church of God, Source of a River of Life and Healing"]. *Argeșul ortodox* XI (564):5.

Rumscheidt, Martin. 1999. "The Formation of Bonhoeffer's Theology." In *The Cambridge Companion to Dietrich Bonhoeffer*, edited by John W. de Gruchy, 50–70. Cambridge: Cambridge University Press.

Social Ethics in a World of Consumption

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ABSTRACT: The purpose of this paper is to explore the implications of the postmodern consumerist society from the perspective of Christian ethical teaching. The argument shows that the consumerist culture is built on a worldview that originated in the Enlightenment and has acquired a foothold within Eastern Europe and the church. The paper highlights the challenges consumerism poses for living a truly ethical life within the community and proposes that the church, in an act of self-examination, can become a catalyst for change. It can be a voice and an example of alternative living for society at large.

KEYWORDS: Consumerism, social ethics, cultural identity, Christian ethics, Christian service

Introduction

We live in a world today that does not resemble anything that has gone before. It is a world of deep contrasts and fast changes. It is a world where "we may have everything, but none of it means anything anymore (Wells 1994, 14). It is a world that, in the past thirty years, has registered significant transformations in regard to societal perspectives on human existence. Within Eastern Europe, this is a world that has registered political upheavals, violence, moral decadence, and economic hardships, while at the same time, the opportunities for advancement and a better life have never been as high in this region as they are today (Măcelaru 2021, 80-84; Măcelaru 2020, 375-86).

The changes on the social, political, and economic planes are accompanied by a deeper change in philosophical and ethical perspectives. Some have given up the search for anything that could be meaningful outside of themselves and now live life simply according to the principle of: "to know as little as we need and care as little as we can" (Guiness 1999, 302). Others have traded in the concern for aesthetic pleasure in order to gain knowledge. Yet, in their quest for knowledge, they seem to have misplaced its value. Thus, a vacuum was created whereby human understanding and identity used to fill the conscience. The result – a culture in which one can boast with excitement that "since there is no absolute value, I consider all values to be equally unimportant" (Bosch 1995, 22).

Did such a vapid worldview emerge on its own accord? Or is there something behind such manner of thinking that has slowly captured our imagination and implanted the noted emptiness in the minds and hearts of the average person? The answer to these questions would seem to revolve around the issues of meaning and personal identity – the place from whence people derive a sense of purpose, even if living in a culture where the "older symphony of meaning has given way to the random tumult of the marketplace" (Wells 1994, 14). The answer is not so simple. By simply turning on the television or visiting the nearest mall or shopping center one can gather a lifetime of information. The more affluent our societies turn, the more time, energy and resources are spent on the acquisition of things that presumably will make life easier, more productive, or even happier. We cannot but recognize that, like our Western brethren, within the last decades we have been caught up in a whirlwind of "stuff." Consequently, society has come to associate its value with "the things and funds we control" (Moritz 2000, 79). That is, "the core values of the culture derive from consumption rather than the other way around" (Bartholomew 2000, 6). This way of life has been known by the name "consumerism" because it is characterized by an unceasing cycle of consumption.

This article examines this phenomenon from an ethical perspective, asking what the response communities of faith, traditionally tasked with upholding the moral standards of a society, ought to give to the "new world" within which we live. What is the role such communities have, ethically speaking, in a society in which covetousness has become rampant?

The Roots of the Problem – Enlightenment

Before going any further, it is important to pause and ask where and when the problem stated started. We can trace the beginnings of the contemporary worldview, identified by most as "postmodernism" (Bertens 1995, 51-78, 107-32; cf. Hariharasudan et al. 2022, 148-58), back to the Enlightenment (Hutcheon 1988, 3-104). Bosch (1995, 5) has suggested that this "malaise" has "evolved in the course of time" out of the mindset of the Enlightenment, which upheld as the highest value the human capacity to reason. So high was this value elevated over all other values that it became *the ideology* behind all academic pursuits, closing the door upon all considerations that were not purely "scientific." The damage however did not originate in the human desire for knowledge, but rather in the way humans begun pursuing knowledge. Within scientific pursuit, the question of purpose was drowned amid soaring waves in the sea of cause and effect. In other words, values were gradually replaced by "the assumption that all true knowledge was factual, value-free, and neutral" (Bosch 1995, 5). Values "were excused" from the "true" academic sciences and consequently so was religion. As Wells (1994, 14) put it, "God began to disappear from public view, and the whole noisy human enterprise took his place." Thus, not only had the Enlightenment (Rotaru 2005, 441-447) done away with old structures that "hindered progress" – such as church authority and the mystical view of nature – but it also did away with old value systems, that is, with the very thing that held society together.

Within the process of modernization, humanity also became the center, starting and ending point, of all human thought and endeavor. The idea that all problems were, in principle, solvable in some form or another by scientific analysis became the motto of the society. Thus emerged the individual – the free man, able to make his own choices and decisions, "liberated" from the bondages of religion and tradition, capable of anything he puts his mind to. The man began his long journey, so to speak, of "continuous self-creation through the accessibility of things" (Wenham 2000, 10).

One also should ask where the Christian Church was throughout this transformation of man from creation to creator. As early as 1926, this point is raised by Tawney in his book, *Religion and the Rise of Capitalism.* He argues that the individualism of the Enlightenment crept into the church, the result

being "an individualist morality" (Tawney 1926, 11). The church allowed "the spirit of the age" to gradually redefine its spirituality and was thus gradually removed from the public arena. Due to the primary focus on the individual, a secular society evolved, a society in which religion was relegated to the margins, becoming but a small part of the social makeup. The result was a void in the human psyche, a void religious sentiment used to fill. Within the Eastern European environment, these changes were welcomed by the Marxist-Leninist ideologues that aimed to "cleanse" the human mind from the superstitions that were holding it down (Măcelaru 2016, 35-54). Within this new societal makeup, "religion lost the function it had in an earlier era – that of explaining the world" (Bosch 1995, 18), and so humanity's major identity crisis began.

The Name of the Problem – Consumerism

The philosophical and societal developments noted above are accompanied by another displacement in history. Not only that the authority of religion was removed from the center of life, but also the authority and freedom of humans were eclipsed by human desires (Rotaru 2019, 269-271). Wells (1994, 14) notes, "the whole human enterprise was itself displaced and the organizing center of life was assumed by the extraordinary pervasive and impersonal forces that modernization has unleashed." The subsequent struggle to recover a sense of purpose and meaning, Wells further proposes, is the very reason why a sense of alienation has become pervasive, and that despite the enhanced connectivity provided by globalization (Măcelaru 2014b, 71-73). The result is that the void left by the "removal" of God, religion, and values from the center of human existence is being filled with a pursuit of "things." Thus, life has primarily become materialistic.

We cannot but recognize that humans have turned to materialism with the greatest of ease and the most avid of force. In fact, at the turn of the millennium, looking back at what has occurred, Miles (1998, 1) claimed that consumerism had become "the religion of the late twentieth century." From the Christian camp, Sider has described the situation as follows: "The ever affluent standard of living is the god of the twentieth century, and the adman is its prophet" (Sider 1997, 22). Also, Brueggemann (2001, 55) added

to this dire description, in his penetrating style, an assessment of his own North-American context:

> I propose to understand current U.S. culture as a "totalism of productivity." By totalism I mean an all-comprehensive ideological system that excludes discounts and nullifies all who do not submit to that dominant ideology. By productivity I mean that the dominant ideological system in the United States values only those who participate in the production and consumption achievements of commodity consumerism, which is governed by the triad of money, power, and sex. The liturgies that sustain that ideology are those of sports and the entire entertainment industry, which specializes in power, success, wealth, and comfort in limitless proportion. The medium for that liturgy is, of course, television and increasingly the Internet, which mediates a world of speed, power, and growth that is completely disconnected from the lived reality of bodily persons in bodily communities.

All these correctly see that within the world of consumerism, the individual has been maximized, and his/her personal gratification, involving acquiring and manipulating things purely for the sake of pleasure, has become life's highest goal. And since within this world people "live utterly in the present and seek instant gratification" (Bosch 1995, 13), ideas such as the pursuit of what is "good" or "true" have dwindled. The new ethical goals are defined by the immediacy offered by the market-economy, for all that matters within a consumerist culture "is not what is true or meaningful, but what catches the eye" (Gray 2000, 156). It is notable how concepts and values have received new meanings. For instance, the notion of freedom has been, in a sense, westernized and subsequently carried all around the world, as the means of communication have bettered in the new globalized era (Măcelaru 2014b, 71-73; Rotaru 2014, 532-541). Freedom has become synonymous with the Western model of democracy, but also with the Western way of life. It is no longer about responsibility toward the other, but about individual choice and private life (Bartholomew 2000, 8). The implication of all these is that the American proclaimed right to "life, liberty and the pursuit of happiness" now means the right to choose whatever product or service one desires with little or no attention given to social and environmental consequences.

This does not mean that consumerism is limited to the private sphere of personal choice and pleasure. Consumerism is an intentional system of thought and behavior, and since the 1989-1990 fall of communism, it has become the strongest ideological influence within our societies in Eastern Europe. It is a rearrangement of the world, one in which "relationships between lived culture and social resources … are mediated through markets" (Slater 1997, 8). Thus, this change has not come about simply because of the way people understand themselves as free individuals within the world, which in turn led to economic choices, but it has been advanced purposely by economic thinkers and advertising agents (cf. Storkey 2000, 113). Though people may think that they are making decisions based on their own preferences, the advertising industry plays a significant role within the current economic system by creating desire within the deepest subconscious of the consumer (Sider 1997, 21). By repeatedly assaulting the average person with a stream of images, noises, names, labels, ideas, and selective values, the marketers create an entirely false sense of need. Storkey notes that advertising is such an immense part of life that it surpasses any ideological influence humanity has known in its past (Storkey 2000, 113).

The ethical problem within this context is the fact that notions such as love, health, sexuality, happiness, family life, etc., are being redescribed along the lines of market trends, leaving the unsuspecting bystander with a distorted set of values in the process. As such, no longer are religion and tradition the foundations on which society builds its ethical life. The redescribed reality offered by the advertising industry leaves people without a history to learn from, without tradition and religion to inform their choices, and ultimately without a self to call their own. When society is reconfigured along the lines of what is available and what one can acquire, no transcendent framework of reference remains available. That is, a society that so closely follows the cues of the adman and so willingly embraces consumerism as a way of life will lead itself according to the self-oriented principles of consumerism in its ethical aspects as well. Such a society becomes dysfunctional, for the ideology on which it is based (consumerism) "is at least indifferent if not hostile to every social structure and institution that is indispensable for a functioning human community" (Brueggemann 2001, 55).

Ethical Responsibility in a World of Consumption

It is evident that consumerism presents a significant ethical dilemma. Therefore, faith communities still carry the responsibility to counterbalance the new ideologies that destroy community life and social cohesion. As a Christian, I argue that the church should provide adequate responses based on the ethical principles of the Bible that have been applied throughout the history of Christianity and are relevant and applicable within the contemporary context as specific societal problems are addressed (Măcelaru 2009, 123-47).

Historically the church has made her share of mistakes in attempting to apply the gospel of Christ to the culture around. As David Bosch (1995, 33-34) has pointed out, the same two mistakes have been repeated and again in different forms and contexts. The first is the attempt to make create a "Christian society" by merging cultural and political life with the spiritual and the religious. The result is the unhealthy symbiosis of Church and State well known within Europe (Măcelaru 2014a, 169-74). The second mistake is the complete withdrawal of the church from society in the hope that true spirituality can be attained if out of the world. Such form of isolated faith however is not only foreign to the Biblical witness, but it is also making the church, as a holder of moral standards, irrelevant. Neither of these options is feasible, for as salt to the world (Matt. 5:13) the church must retain its distinctiveness and as light in the world (Matt. 5:14), she has to be *in* the world.

But herein also lies the difficulty. It is very likely that the consumerist worldview is well represented within our faith communities, making the work of distinguishing between the way the world functions and the way the church functions more difficult. There are, in fact, obvious examples of consumerist ethics creeping into Christian communities nowadays. For instance, the "mega-church" phenomenon that has transformed congregations into an entertainment business that offers parishioners all kinds of amenities, the idea being to cater to as many of the needs (note the word!) of the community as possible and win financial and stability in the process. This has become quite a successful model in some quarters, but its principles look suspiciously like another cultural icon – the shopping mall (Wells 1994, 61). Along the same lines, is quite common to think of the church as a business with a product to market – the Gospel (Barna 1988, 13).

It is at this point that we must have a rather heavy-handed approach in examining contemporary culture in the light of Christian ethics. First, I argue that Christian communities must seek to grasp the ways in which they are distinct from the world. Practically, the issues in which human life in the consumer society does not coincide with the truth of the Gospel must be identified and named. This also means that each believer and Christian communities must take an honest look at themselves to review and cleanse their value system according to the principles of the Kingdom of God proclaimed by Jesus (Rotaru 2010,7) and that, even at the risk of deconstructing some of the foundations that that particular community has been built upon.

As one seeks to regain an ethical vision of human existence, not only that areas in society which are contrary to the truth of the Gospel are identified, but the enormous possibilities of service that the consumerist crisis offers will become evident. As stated above, one of the central problems identified is the scrambled identity of the modern society. Christians and their communities are challenged by this central problem to examine themselves to assess if life inside the church is in fact as fractured and dislocated as life on the outside. In this regard, I will close the argument with a brief look at three areas in which the Christian can faithfully promote her ethical vision into society.

First and foremost, the church, in its true form, is a *community* (Acts 2:42-46). According to Apostle Paul, the church is not truly the church unless it contains different people working and living together in harmony, all witnessing to the reality of Christ (Ephesians 4). Christ has destroyed the "dividing wall of hostility" between God and mankind and between humans (Eph. 2:14-15). Through Christ, therefore, people can be at peace, forming communities that value and nurture fellowship and care for each other. (Gal. 3:28). Since the modern human desperately needs to know the wholeness and peace that come from living a life at peace with God and with one another, the redeemed community can give voice to and be an attractive example of alternative living. Ultimately, it is an invitation for all that are far away to be brought near (Eph. 2:13).

As members of a "discerning" community, believers are also responsible to examine their lifestyles and habits in the light of the ethical demands of the Scripture. In doing so, Christian communities will be acting as a witness, showing to society that true life is more than just the sum of possessions.

Instead of following the path of self-serving pleasures the Christian ought to herself generously in *service* to the other. This, I argue, is the goal of Christian social ethics for not only is service the greatest Christian protest against a society that lives daily under the assumption that goodness is found in self-actualization, but it is also the main ethical imperative the Gospel proclaims. Moreover, such a protest is also the greatest Christian apologetic to an unbelieving populous. Concerning these, Bosch comments that "the issue is not to talk more about God in a culture that has become irreligious, but how to express, ethically, the coming of God's reign" (Bosch 1995, 35).

Conclusion

It is no simple matter to attempt to authentically represent the ethos exemplified by the crucified and risen Savior of creation. In the current societal landscape, the church faces two choices. The church may either hide from the world – betraying its fear of change and newness – in hopes to retain a semblance of piousness and tradition; or it may seek to move, with a strange sense of hope, toward the grayness of late modernity – not fearing the change for the Master of all is changeless (Rotaru 2017, 57-76). The latter option is by far the most dangerous, most risky, and the path of most resistance. But it is the narrow path that leads to life – not only for ourselves but for others as well (Rotaru 2012,5). It requires deep conviction, more creativity and, above all, the humility to follow Christ's example and acknowledge our own need for ethical reform.

References

Barna, George. 1988. *Marketing the Church*. Colorado Springs: Navpress.

Bartholomew, Craig. 2000. "Chist and Consumerism: An Introduction." In *Christ and Consumerism: Critical Reflections on the Spirit of Our Age*, edited by Craig Bartholomew and Thorsten Moritz, 1–12. Carlisle: Paternoster Press.

Bertens, Hans. 1995. *The Idea of the Postmodern: A History*. London: Routledge.

Bosch, David. 1995. *Believing in the Future*. Valley Forge: Trinity International Press.

Brueggemann, Walter. 2001. "The Totalizing Context of Production and Consumption." In *Hope for the World: Mission in a Global Context*, edited by Walter Brueggemann. Louisville, KY: Westminster John Knox Press.

Gray, Graham. 2000. "The Toronto Experience in a Consumer Society." In *Christ and Consumerism: Critical Reflections on the Spirit of our Age*, edited by Craig Bartholomew and Thorsten Moritz, 152–77. Carlisle: Paternoster Press.

Guiness, Os. 1999. "Mission Modernity." In *Mission as Transformation*, edited by Vinay Samuel and Chris Sugden, 290–320. Oxford: Regnum.

Hariharasudan, A., D. Pandeeswari and Ahdi Hassan. 2022. "Research Trends in Postmodernism: A Bibliometric Analysis." *World Journal of English Language* 12:148–58.

Hutcheon, Linda. 1988. *A Poetics of Postmodernism. History, Theory, Fiction.* London: Routledge.

Măcelaru, Marcel V. 2021. "Naming the Issue in Contemporary Contexts, Part 4: Eastern Europe." In *Whole-Life Mission for the Whole Church*, edited by Mark Greene and Ian Shaw, 80–84. Carlisle, Langham Global Library.

Măcelaru, Marcel V. 2020. "Witnessing Christ in Eastern Europe: An Assessment of Context." In *Proclaiming Christ in the Power of the Holy Spirit: In the Face of Major Challenges*, edited by Wonsuk Ma, 375–86. Tulsa: ORU Press.

Măcelaru, Marcel V. 2016. "The Context of Theological Education in Eastern Europe: Past, Present, Future." In *Re-Imagining Theological Education*, edited by Marcel V. Măcelaru, Corneliu Constantineanu and Romulus Vasile Ganea, 35–54. Cluj-Napoca: Risoprint / Bucharest: Plērōma.

Măcelaru, Marcel V. 2014a. "Burdens of Identity – On Christian Existence in a Post-Christian World." In *Values of Christian Relationships*, edited by Corneliu Constantineanu, Georgeta Rață and Patricia Runcan, 169–74. Bucharest: Editura Didactică și Pedagogică.

Măcelaru, Marcel V. 2014b. "Theology Encounters Globalization." *European Journal of Science and Theology* 10: 67–78.

Măcelaru, Marcel V. 2009. "Communicating the Gospel to Postmodern People. Lessons from C.S. Lewis, J.R.W. Stott and N.T. Wright", In *Postmodernity – Friend or Foe? Communicating the Gospel to Postmodern People: Theological and Practical Reflections from Central and Eastern Europe*, edited by Alexandru Neagoe and H. Zorgdrager, 123–47. Utrecht: Kerk in Actie / Timișoara: Mirton.

Miles, Steven. 1998. *Consumerism as a Way of Life.* London: Sage.

Moritz, Thorsten. 2000. "New Testament Voices for an Addicted Society." In *Christ and Consumerism: Critical Reflections on the Spirit of Our Age*, edited by Craig Bartholomew and Thorsten Moritz, 54-80. Carlisle: Paternoster Press.

Rotaru, Ioan-Gheorghe. 2010. "Precum Eu v-am iubit pe voi, să vă iubiţi unul pe altul!" ("As I have loved you, that you love one another"). *Argeşul Ortodox* IX (467): 7.

Rotaru, Ioan-Gheorghe. 2012. "Biserica lui Dumnezeu, sursa unui Râu al Vieţii şi al Vindecării" [„The Church of God, Source of a River of Life and Healing"]. *Argeşul Orthodox* XI (564): 5.

Rotaru, Ioan-Gheorghe. 2014. "Globalization and its effect on religion." *Jurnalul Libertăţii de Conştiinţă* 2:532-541.

Rotaru, Ioan-Gheorghe. 2017. "Misiunea Bisericii în societate" ("The mission of the Church in society"). *Timotheus – Incursiuni Teologice Tematice* 4 (2): 57-76.

Rotaru, Ioan-Gheorghe. 2019. *Om-Demnitate-Libertate (Human-Dignity-Freedom)*. Cluj-Napoca: Publishing Risoprint.

Rotaru, Ioan-Gheorghe. 2005. *Istoria Filosofiei, de la începuturi până la Renaştere (The History of Philosophy from the Beginning until the Renaissance)*. Cluj-Napoca: Cluj University Press.

Sider, Ron. 1997. *Rich Christians in an Age of Hunger*. Dallas: Word Publishing.

Slater, D. 1997. *Consumer Culture and Modernity*. Cambridge: Polity.

Storkey, Alan. 2000. "Postmodernism is Consumption." In *Christ and Consumerism: Critical Reflections on the Spirit of our Age*, edited by Craig Bartholomew and Thorsten Moritz, 100–17. Carlisle: Paternoster Press.

Tawney, R.H. 1926. *Religion and Capitalism*. New York: Mentor.

Wells, David. 1994. *God in the Wasteland: The Reality of Truth in a World of Fading Dreams*. Leicester: IVP.

Wenham, Gordon. 2000. "Life and Death and the Consumerist Ethic." In *Christ and Consumerism: Critical Reflections on the Spirit of our Age*, edited by Craig Bartholomew and Thorsten Moritz, 118–34. Carlisle: Paternoster Press.

Interference and Effects of European Court of Human Rights Judgments in Extradition Proceedings between Romania and the United States of America

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ABSTRACT: Each state decides on the modalities and conditions under which it grants extradition, even if the general rules are laid down in bilateral Conventions and/or Treaties. In Europe, particularly within the Member States of the European Union, extradition has been replaced by the institution of the European Arrest Warrant as a simplified form of extradition. What is characteristic in this geographical area is respect for and application of the European Convention on Human Rights and Fundamental Freedoms, just as in the United States of America, a country with a long democratic tradition, human rights are protected and guaranteed by the Constitution, in particular the Bill of Rights. The judgments of the European Court of Human Rights are mandatory for these states, which are under an obligation to put an end to the violation found and to make reparation for the consequences of the violation, not

only in terms of paying the amount ordered by compensation, but also in terms of taking measures in their legal system, including legislative amendments, to put an end to the violation and make reparation for all the effects of the violation.

KEYWORDS: international judicial cooperation, extradition, duration of arrest in extradition proceedings, respect for the rights of the extraditable person, European Convention on Human Rights and Fundamental Freedoms, provisional measure, risk of impunity, judicial practice

Introduction

Extradition is one of the oldest forms of cooperation that has undergone profound changes over time. Legal practitioners have revealed the need to simplify it, given the rigid concepts of national sovereignty specific to any system of law (Jegouzo apud Cartier 2005, 33), as it is an institution specific to international law rather than domestic law, although it is regulated in both branches. From the perspective of international law, the institution of extradition is "an attribute of the sovereignty of the state which grants it" (Beșteliu 1999, 156), in the sense that each state decides on the terms and conditions under which it grants extradition, even if the general rules are laid down in bilateral Conventions and/or Treaties, and for this reason it was desired to remove it from the political decision and make it, as far as possible, a judicial decision.

In Europe, and particularly in the Member States of the European Union, extradition has been replaced by the institution of the European Arrest Warrant as a simplified form of extradition. What is characteristic in this geographical area is respect for and application of the European Convention on Human Rights and Fundamental Freedoms, just as in the United States of America, a country with a long democratic tradition, human rights are protected and guaranteed by the Constitution, in particular the Bill of Rights. Both the United States and the Member States provide in their legal systems guarantees of the need to respect and guarantee human rights and the rule of law, the right of the extradited person to a fair trial, including the right to be tried by an impartial court established by law, as generic rights.

The subject of this study is the atypical situation in which the extraditable person, a European or third country national, opposes the extradition requested by the United States of America and applies to the

European Court of Human Rights, given that this state is not a contracting party and the judgment delivered by the European Court is not enforceable against it, but only against the requested state.

Brief considerations on the effects of judgments of the European Court of Human Rights

Judgments delivered by the European Court of Human Rights are binding on all Contracting States which have accepted its jurisdiction and, moreover, an important feature of the European Convention on Human Rights and Fundamental Freedoms is that it provides a mechanism for reviewing the manner in which its provisions are applied, according to Article 46 par. 1. This mechanism is dealt with by the Council of Ministers, and the following paragraphs set out the procedural modalities by which it "assesses the measures taken by a state to fulfil its obligation" (Council of Europe 2021).

This means that the Contracting State against which the ECHR has found a violation of a right or freedom is under an obligation not only to put an end to the violation found, but also to make reparation for the consequences of the violation, not only in the sense of paying the amount ordered by way of reparation, but also in the sense of taking measures in its legal system, e.g. legislative amendments, to put an end to the violation and to make reparation for all the effects of the violation (*Case of Ilgar Mammadov v. Azerbaijan* - CTM, 2019, para. 147).

Consequently, even persons requested in extradition proceedings, if they consider that their rights or freedoms guaranteed by the European Convention on Human Rights and Fundamental Freedoms have been violated, may lodge a complaint with the European Court against the requested state, which orders the extradition, and is obliged to take all necessary measures to put an end to the violation.

The factual and procedural background to extradition requested by the United States of America

The US authorities requested by verbal notes in the course of 2021 the extradition of three persons, one a Romanian citizen and the other two

persons having different foreign citizenships, for trial in the United States of America for the following facts:

Count 1: Conspiracy to commit racketeering in violation of Title 18, United States Code, Section 1962(d), which carries a maximum penalty of life imprisonment;

Count 2: Conspiracy to import and export cocaine and to manufacture and distribute cocaine with the intent, and knowing, and having reason to believe that such cocaine will be imported into the United States, in violation of the provisions of Title 18, United States Code, Sections 960(b)(1)(B) and 963, which provide for a maximum penalty of life imprisonment; and

Count 3: Conspiracy to commit money laundering in violation of the provisions of Title 18, United States Code , Sections 1956(a)(2)(A) and 1956(h), which provide for a maximum penalty of 20 years imprisonment.

The Bucharest Court of Appeals, Criminal Division I, decided in separate criminal judgments (Criminal sentence no. 55/F of 5 March 2021, criminal sentence no. 51/F of 1 March 2021, criminal sentence no. 50/F of 1 March 2021, pronounced by the Bucharest Court of Appeal, https://rejust.ro/juris/3g38d232) to grant the extradition request made by the United States Department of Justice and ordered the extradition and surrender to the requesting judicial authorities of the three individuals. The criminal judgments of the Bucharest Court of Appeal became final with the dismissal by the High Court of Cassation and Justice of the appeals lodged by the extraditable persons as unfounded (Criminal Decision No 260 of 25 March 2021 of the High Court of Cassation and Justice, Criminal Division, https://rejust.ro/juris/e9673d75).

The Court found that the provisions of Law No 111/2008 on the ratification of the Extradition Treaty between Romania and the United States of America, signed in Bucharest on 10 September 2007, are applicable to the case, and that, according to Article 5 of Law No 302/2004 on international judicial cooperation in criminal matters, republished (the Framework Law), the provisions contained in that legal act constitute common law for the Romanian judicial authorities. Also, according to Article 4, the Framework Law supplements international legal instruments to which Romania is a party in situations not covered by them.

In essence, the court noted that the requested persons and others known and unknown to the Grand Jury, were members and associates of the H.A. club or Motorcycle Club or "HAMC" a transnational outlaw motorcycle gang whose members and associates engage in criminal activity, including drug trafficking, money laundering, illegal arms trafficking, and acts of violence, including murder. During the same period, members of the organization operated throughout the United States, including the Eastern District of State X as well as in other countries.

For the purpose of perpetuating the conspiracy, as a party to and in furtherance of its purpose, the defendants and others committed various specific acts in the Eastern District of State X and elsewhere, including but not limited to: repeatedly purchasing large quantities of drugs (hundreds of kilograms. of cocaine); the leaders of the City Y branch asked Person 1 (whom they also knew to be using the city as a base of operations) to arrange for the murder of three people, including Victim 1 and Victim 2, both rival drug dealers and members of a rival motorcycle club; they discussed details of the planned murders of Victim 1 by a hit man and their intention to carry out the murder of Victim 2 if she "didn't get the message" after Victim 1 was murdered. During these discussions, they also negotiated the purchase of 10 kilograms of cocaine to be exported for distribution by them and others; discussed the importance and possible methods of laundering the proceeds from the sale of the 400-kilogram shipment of cocaine; discussed various topics including (1) methamphetamine shortages in a particular remote state, (2) the role of H. and rival gangs in the drug trade in that state, (3) H.'s bribery of police officers in that state, and (4) H.'s policy of "shoot or stab on sight" rival gang members who "kill our brothers all over the world." One of the extraditable persons gave a "gift" consisting of approximately 100 grams of cocaine and a pistol with the serial number obliterated to a person with the intent that the items would be mailed to Person 1 of the Y in support of the plot to assassinate Victim 1 and offered to procure additional assault weapons including several AK-47 automatic rifles; provided two "binders" of documents containing identifying information and photographs of Victim 1 and Victim 2 with the intent that this information would be forwarded to Y for use by the hit man who was to locate and kill Victim 1 and Victim 2; a member of the conspiracy conducted three transactions resulting in a

deposit totaling \$629,182 to a bank account in a bank located in the State of ..., which amount was to be withdrawn to the Y. and of that amount, allocated \$10,000 as payment for the planned murder of Victim 1 and the remainder as partial payment for the planned shipment of 400 kilograms of cocaine; negotiated the purchase of weapons, including grenades and an AK-47 automatic rifle, to be delivered to the United States and requested the purchase of handguns to address the "major shortage of handguns" in another state; discussed being able to purchase weapons and tactical equipment from other countries, including the recent purchase of 50 pieces of bulletproof vests for members of the H.. branch; offered to assist in the purchase of armored vehicles for use in the Y.; provided details and prices for AK-47s, M26 grenades, Zastava pistols, Zastava rifles and various armored vehicles, including other activities in support of the criminal activities described.

Thus, the offences for which the extraditable persons are being investigated on the territory of the United States of America, as described above, are punishable by the maximum penalty of life imprisonment (count one of the indictment), imprisonment for 10 years to life imprisonment (count two of the indictment), and imprisonment for up to 20 years (count three of the indictment), respectively.

Among other defenses, the requested persons referred to alleged discriminatory treatment of Club members on the territory of the American State, submitted press articles (concerning the way in which the Club came into being and expanded, and the conflicts with the law which some Club members have had over the years, which have allegedly aroused the opprobrium of society), a society from which, naturally, the members of the Grand Jury which issued the indictment were elected.

It was also argued in their defense that their extradition to the United States of America would expose them to treatment incompatible with Article 3 of the European Convention on Human Rights, according to which "No one shall be subjected to torture or to inhuman or degrading treatment or punishment", since the life sentence to which they could be sentenced is an irreducible punishment, as well as the *Trabelsi v. Belgium Judgment* of 4 September (2014). This case (we summarize the Trabelsi case as carried out by the High Court of Cassation and Justice in its decision rejecting the extraditable person's appeal, as cited above) concerned the extradition,

notwithstanding the indication of a provisional measure under Rule 39 of the Rules of Court, of a Tunisian national who was surrendered to the United States, where he was on trial for terrorist offences and was liable to be sentenced to life imprisonment. The applicant complained in particular that his extradition to the United States would expose him to treatment incompatible with Article 3 of the Convention. He argued in this regard that for some of the offences for which extradition had been approved the penalty of life imprisonment with a maximum term applied, which was a de facto irreducible sentence, and that if he were convicted he would never have any hope of release. The Court held that the life sentence to which the applicant was liable in the United States could not be reduced, as US law did not provide an adequate mechanism for the review of such a sentence, which meant that his extradition to the United States constituted a violation of Article 3 of the Convention. In particular, the Court reiterated that the imposition of life imprisonment on an adult offender was not in itself prohibited by any provision of the Convention, provided that the penalty was not disproportionate.

On the other hand, in order to be compatible with Article 3 of the Convention, such a penalty should not be irreducible de jure and de facto. In order to assess this requirement, the Court had to determine whether a person sentenced to life imprisonment could be regarded as having any perspective of release and whether national law offered the possibility of reviewing the life sentence with a view to commutation/reduction/termination of the sentence or conditional release of the sentenced person. In addition, the prisoner had to be informed of the conditions of this possibility of review at the time of sentencing. The Court also reiterated that Article 3 imposed an obligation on Contracting States not to remove a person to a state where there was a real risk that he or she would be subjected to prohibited ill-treatment, but also that the fact that the ill-treatment was inflicted by a state not party to the Convention was irrelevant. In this case, the Court held that, given the seriousness of the terrorist offences for which the applicant was charged and the fact that the sentence could only be imposed after the trial court had taken into account all the relevant mitigating and aggravating circumstances, the discretionary sentence of life imprisonment would not be excessively disproportionate. However, the Court held that the US authorities had

given no concrete assurance that the applicant would not be sentenced to the irreducible penalty of life imprisonment. In addition, the Court concluded that the life sentence applicable to the applicant was de facto irreducible (the US authorities having indicated that they were not aware of any terrorist offenders who had been pardoned or whose sentences had been commuted).

The Court also noted that, in addition to the assurances given, although the US legislation provided for various possibilities for reducing life sentences (including by presidential pardon), which offered the applicant some prospect of release, it did not provide for any procedure equivalent to a mechanism for review of such sentences within the meaning of Article 3 of the Convention. In the case under consideration, information was submitted by the American authorities showing that the penalty of life imprisonment that could be imposed on extraditable persons in the event of conviction on counts one and two of the indictment is a "discretionary" penalty in the sense that a less severe penalty may be imposed by ordering a certain number of years' imprisonment, a point which was taken into account by the Romanian courts which decided on their extradition.

The Romanian court also referred to other judgments delivered by the ECHR to the contrary, finding that there are no violations of the European Convention on Human Rights and Fundamental Freedoms in the case of extradition of these persons to the United States: for example, among others, the case of *Harkins v. United Kingdom* (17 January 2012) was invoked - both applicants faced extradition from the United Kingdom to the United States where, they claimed, they risked the death penalty or life imprisonment without the possibility of parole. The US authorities gave assurances that the death penalty would not be applied in their case and that the maximum sentence they faced was life imprisonment. As regards the risk of life imprisonment without possibility of parole, the Court held that there would be no violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention if either applicant were extradited to the United States, finding that neither applicant had demonstrated a real risk of treatment reaching the Article 3 threshold as a result of their sentence. In the case of the first applicant, the Court was not persuaded that it would be excessively disproportionate to impose on him the mandatory sentence of life imprisonment in the United States. He was over 18 at the time of the alleged

crime, had not been diagnosed with a psychiatric disorder, and the murder was part of an attempted aggravated robbery - an aggravating circumstance. Moreover, he had not yet been convicted and - even if he were convicted and received the mandatory sentence of life imprisonment - his continued detention could still be justified for the rest of his life. Otherwise, the state governor had the possibility of executive clemency (Board of Executive Clemency) and could, in principle, decide to reduce his sentence. The second applicant risked, at most, the discretionary sentence of life imprisonment without the possibility of parole, bearing in mind that this could only be imposed after the trial court had examined all the relevant factors and only if the applicant was convicted of aggravated murder, so the Court concluded that this sentence would not be excessively disproportionate.

The High Court of Cassation and Justice of Romania also noted that the provisions of the Agreement on Extradition signed between the European Union and the United States of America, as well as those of the Treaty between Romania and the United States of America, signed in Bucharest on 10 September 2007 (ratified by Romania by Law No 111 of 15 May 2008, published in the Official Gazette of Romania No 387 of 21 May 2008), were applicable to the case and that, unlike the Trabelsi case, the Court had not found that the applicant had been convicted of a criminal offence, the case of extraditable persons is not the same, as presidential pardons and sentence reductions have been granted on several occasions, and statistics are provided in support of this, including statistics on pardons and sentence reductions granted, as life sentences are also de facto reducible.

The Court found that all the conditions for extradition were met, that neither the mandatory nor the optional grounds for refusing extradition were applicable and ordered, giving reasons and in the light of all the defences put forward by the requested persons, their extradition to the United States of America, noting that the extraditable persons were in provisional detention.

Applications by extraditable persons to the European Court of Human Rights

The three extraditable persons lodged complaints with the European Court of Human Rights on similar grounds (http://hudoc.echr.coe.int/#{%22fulltext%22:[%2220183/21%22]}). In essence, they argued that

if they were extradited to the United States of America, they would be liable to life imprisonment, a penalty which is irreducible de jure and de facto, in breach of Article 3 of the European Convention on Human Rights and Fundamental Freedoms, which establishes absolute protection, but also that the system under which such a sentence may be imposed must not contravene the Convention, that the mechanisms for reviewing such a sentence under US federal law do not meet this requirement, and that these principles apply equally to the institution of extradition.

The European Court of Human Rights (2021) asked the Romanian Government the following questions :

"a. If the applicants were extradited to the United States of America ("USA"), would there be a real risk that they would be subjected to inhuman and degrading punishment by the imposition of an "irreducible" life sentence? In this regard, have the national courts or the government considered the sentencing practice in the US for the crimes of which the applicants were accused? Do the applicants risk, under US criminal law, in respect of the relevant charges, the imposition of a maximum sentence of life imprisonment which excludes early release and/or de jure and de facto parole and, if so, would this comply with the requirements of Article 3 of the Convention (Harkins and Edwards v. United Kingdom, no. 9146/07 and 32650/07, 17 January 2012; Vinter and Others v. United Kingdom [GC], no. 66069/09, 130/10 and 3896/10, ECHR 2013 (extracts); Trabelsi v. Belgium, no. 140/10, ECHR 2014 (extracts); and López Elorza v. Spain, no. 30614/15, 12 December 2017)? What are the concrete legal mechanisms, if any, under which the applicants might be entitled to seek a review of their possible final life sentence? Has the Government of Romania sought or received any assurances from the United States that the complainants may obtain a review of their possible final sentence of life imprisonment?

b. Were the applicants deprived of their liberty in violation of Article 5 § 1 of the Convention? In particular, was their detention pending extradition justified within the meaning of Article 5 § 1 (f) of the Convention? Moreover, is the existing Romanian legal framework sufficiently clear, specific and predictable to protect the applicants from arbitrariness in relation to their detention pending extradition, especially after the High Court of Cassation and Justice allowed their extradition (Azimov v. Russia, no. 67474/11, § 161, 18 April 2013, and K.F. v. Cyprus, no. 41858/10, §§ 130-131 and 134, 21 July 2015)?

c. Did the applicants have access to a procedure allowing judicial control of their continued detention as required by Article 5 § 4 of the Convention (see Azimov v. Russia, no. 67474/11, §§ 149-74, 18 April 2013)?"

The European Court also asked the Romanian government and the parties to provide documentary evidence on relevant sentencing practices of US courts in similar proceedings.

The European Court of Human Rights also ordered on 5 May 2021, in accordance with the provisions of Article 39 of the Rules of Procedure of the Court, that the applicants should not be removed from the territory of Romania, namely not be extradited, as a provisional measure.

To date, the European Court of Justice has not ruled on the case, the three applications being joined under number 19124/21 (Ibidem).

Theoretical and practical analysis of the solutions ordered by the Romanian court from the perspective of the judicial practice of the European Court of Human Rights

As a preliminary remark, it is necessary to specify that in the present scientific study, we do not intend to offer arguments, one way or the other, to the European Court that is going to rule on the case, all the more so as the complaint formulated by the extraditable persons is directed against the Romanian State (the documentation of this article has been carried out from open sources only, as indicated in the related footnotes). Our theoretical approach is intended to be a brief and effective comparative analysis of the applicable legal provisions, based on the fact that this is a procedure specific to the field of international judicial cooperation and not a common procedure in which the court is called upon to rule on the guilt or innocence of persons, a procedure conducted with a third State, namely the United States of America.

First of all, it should be noted that the extradition procedure in Romania is eminently judicial, and the grounds for opposing extradition are limited, according to Article 52 of the Framework Law. Accordingly, the aspects invoked by extraditable persons before the Romanian (as they result from reading the published judgments -www.rejust.ro) courts relating to matters concerning the merits of the case, such as the loyalty of the obtaining and administration of evidence by the United States

prosecution authorities or the fact that the person is part of the H.A. gang, are not covered by Article 52(2)(b), or the manner in which the DEA agent allegedly carried out investigations on Romanian territory, including that the extradition decision was based on facts which would not be proven (issues raised before the supreme court) exceed the extradition procedure, just as the same issues exceed the procedure for the execution of the European arrest warrant, applicable in relations between Member States, as a simplified form of extradition, based on the principle of mutual trust in judgments, as a principle which is the foundation of loyal cooperation, applicable also in relations with third countries, in particular in relations with States which have a long tradition of democracy, such as the United States of America.

The extradition procedure is characterized by the fact that it is dealt with on the basis of bilateral cooperation treaties (mentioned above), the provisions of which are supplemented by those of the Framework Law on Cooperation and the Code of Criminal Procedure.

Another particularity is the speed with which the procedure is carried out, and sometimes even the urgency, in particular when the requesting state makes an urgent request for provisional arrest of the extraditable person; the speed of the procedure has been expressed by the Legislator by providing for short deadlines, the possibility of obtaining additional information, where appropriate, through the central authorities (in this case, the Romanian Ministry of Justice and the Department of Justice).

Last but not least, in the extradition procedure, questions concerning the substantive resolution of the criminal case cannot be examined, because in such a case, the judge of the executing State of the request for cooperation would substitute himself for the judge of the merits of another State, which is unacceptable and would violate the principle of loyal cooperation, among other things, or would proceed to an evaluation of the conviction, acting as a real appeal, which is also unacceptable.

As has often been pointed out in the legal literature and is clear from a reading of the bilateral treaties on extradition (European arrest warrant in the Member States), the courts dealing with the extradition request do not have jurisdiction to rule on the merits or necessity of the prosecution or conviction in the requesting State, but only on whether the formal and substantive conditions for extradition have been met, in accordance with

the legal provisions governing them (conventions, treaties and national law). Otherwise, the very institution of international judicial cooperation, including with regard to combating cross-border crime, would be rendered meaningless, with reference to serious crime, and the Treaties concluded in this area, including the Agreement on extradition concluded between the European Union and the United States of America, would be rendered meaningless.

Following this line of reasoning, we note that the first question posed to the government concerns the possibility that extraditable persons may be sentenced in the US to an irreducible sentence of life imprisonment. It is well known that the way in which each state understands how to design the system of penalties is a matter of criminal policy of that state and is subject to the principle of sovereignty, according to its legislative and judicial competence (Pradel 1995, 4-6; Gross 1979, 8-9 and 375-379), as understood under public international law. This argument is valid and is the reason why the extradition agreement between the European Union and the United States of America regulates the hypothesis in which the requested person may be or has been sentenced to the death penalty (Article 13 of the Agreement), even though no Member State is aware of this penalty, because it is contrary to the principles on which the Union is based.

Without entering into a debate on public international law, we shall confine ourselves to examining this first question from the perspective of Article 3 of the European Convention on Human Rights and Fundamental Freedoms, which is binding on each contracting state as a matter of national law. We would also point out that the rights and freedoms enshrined in this act are also laid down in the Charter of Fundamental Rights of the European Union, which has the same value as the Treaties and is therefore directly applicable when the institutions implement EU law (Article 51 of the Charter of Fundamental Rights of the European Union).

In addition, from the perspective of the possible violations complained of by the extraditable persons, we also recall the case of *Findikoglu v. Germany* (7 June 2016) (decision on admissibility): "the applicant was extradited to the United States of America, where he was wanted in connection with the establishment of an international criminal group as its alleged leader, the group's aim being to attack the computer networks of financial service providers for financial gain. The plaintiff complained that for the offences for

which he had been extradited, the maximum sentence was a total of 247.5 years imprisonment, which meant that if convicted he would have no prospect of release. In particular, the Court held that the risk of life imprisonment could not be assumed in the applicant's case, and the question of whether or not the applicant would have any prospect of release if convicted was irrelevant. The Court therefore declared the application inadmissible as manifestly groundless, finding that the applicant had not shown that his extradition to the United States would expose him to a real risk of treatment reaching the threshold provided for in Article 3 of the Convention as a result of the probable penalty."

Conclusions

Therefore, we consider that only the US central authority can provide the answer to the Court's first question regarding whether there is a real risk that they would be subjected to inhuman and degrading punishment by the imposition of a de jure and de facto "irreducible" life sentence, since no one can substitute himself for the US judge who will pronounce sentence against the extraditable persons in the event that they are found guilty of the offences for which they have been prosecuted, or part of them. From our perspective, the US authority has answered this question, as can be seen from the judgment granting the extradition request mentioned above. Nevertheless, the European Court of Human Rights will decide on the matter, but we can say that the science of criminal law and its application reflect to the highest degree the moral side of criminal law.

References

Agreement on Extradition signed between the European Union and the United States of America, and those of the Treaty between Romania and the United States of America, signed in Bucharest on 10 September 2007 ratified by Romania by Law No 111 of 15 May 2008, published in the Official Gazette of Romania No 387 of 21 May 2008.

Beșteliu, Raluca Miga, 1999. *International Law. Introduction to Public International Law*, Bucharest: All Publishing House.

Case of Findikoglu v. Germany. 7 June 2016, available at:https://www.echr.coe.int/documents/d/echr/FS_Extradition_life_sentence_RON).

Case of Harkins v. United Kingdom (17 January 2012), available at:https://hudoc. echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-5786669-7358545&filename.

Case of Ilgar Mammadov v. Azerbaijan (CTM), 2019, para. 147, available at https:// hudoc.echr.coe.int/app/conversion/docx/pdf?library=ECHR&id=001-196181&filename=CASE%20OF%20ILGAR%20MAMMADOV%20 v.%20AZERBAIJAN%20.

Charter of Fundamental Rights of the European Union, available at https://fra. europa.eu/sites/default/files/fra_uploads/fra-2018-charter-guidance_ ro.pdf.

Council of Europe: European Court of Human Rights. 2021. *Guide on Article 46 of the European Convention on Human Rights - Binding Force and Execution of Judgments,* April 30, 2021, available at: https://www.echr.coe.int/ documents/d/echr/Guide_Art_46_RON.

Criminal Decision No 260 of 25 March 2021 of the High Court of Cassation and Justice, Criminal Division, https://rejust.ro/juris/e9673d75.

Criminal Sentence no. 55/F of 5 March 2021, criminal sentence no. 51/F of 1 March 2021, criminal sentence no. 50/F of 1 March 2021, pronounced by the Bucharest Court of Appeal, published https://rejust.ro/juris/3g38d232.

European Court of Human Rights Fourth Section, Application no. 19124/21, Murray MATTHEWS against Romania and 2 other applications, 11 June 2021, https://hudoc.echr.coe.int/eng#{%22appno%22:[%2219124/ 21%22],%22itemid%22:[%22001-210999%22]}.

Gross, Hyman. 1979. *A theory of Criminal Justice*. New York: Oxford University Press.

Jegouzo, I. 2005. *Le mandat d'arrêt européen, acte de naissance de l'Europe judiciaire pénale,* apud Cartier, M.E, *Le mandat d'arrêt européen*, Colloques, Collection droit de l`Union Europeene (dirige par Fabrice Picod). Bruxelles: Editions Bruylant.

Pradel, Jean. 1995. *Droit penal compare*. Paris: Edition Dalloz.

Trabelsi v. Belgium Judgment of 4 September (2014) available at: https:// hudoc.echr.coe.int/app/conversion/docx/?library=ECHR&id=001-153552&filename=CASE%20OF%20TRABELSI.

Who Is My Neighbor?
Modelling Christian Social Ethics

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ABSTRACT: The purpose of this paper is to restate the social-ethical implications of Jesus' message and actions, as documented in the gospels. Additionally, based upon the example provided, it offers a brief reflection on the implications of Jesus' model for the contemporary church. The paper concludes that authentic Christian social ethics should actively work to alleviate poverty, oppression, injustice, and alienation.

KEYWORDS: social ethics, Christian ethics, Jesus' teaching, social involvement, Christian service

Introduction

"Who is my neighbor?" is a question often asked but seldomly answered. That is precisely the problem addressed in this paper. In the gospels, Jesus provides a response to this question. The individual asking the question was seeking a way to avoid this responsibility, uncomfortable as it may have been, to help those in need. Unfortunately, he did not find such an escape.

Is human need—whether physical, emotional, psychological, and social—important to God? Should the church become muddled in such problems? Or is it not more important to fulfill our "religious" duties and leave the problems of this world behind? The aim of this paper is straightforward. I argue that, unless due attention is given by churches today to the charge of Jesus (Lk. 10:37), the indifference toward the needy implied in the question

"Who is my neighbor?" is reenacted hundredfold. Our doctrine may seem correct, and we usually boast to that effect. Yet, if social concern is missing from our praxis, we are no better than the scribe who tried to justify himself in front of Jesus (Rotaru 2016, 29-43).

It is my proposal that Jesus did illustrate a deep, concrete concern for the poor and oppressed, and that he taught his disciples to exhibit the same level of concern and to act responsibly and caringly on behalf of the disadvantaged. By examining Jesus' response to the social problems of his time, I hope to illustrate below the model of social engagement provided by the New Testament. This task will be followed by reflection upon the social action required of the church nowadays. By "social action," I am referring to concrete acts of assistance given to anyone in need. Dayton (1987, 55) suggests the following definition for the broader concept of social transformation: "a process of external intervention intended to enable a people to become better than they were before." defines social transformation as "a process of external intervention intended to enable a people to become better than they were before." Consequently, I argue that to better understand Christian social ethics, one ought to examine not 'what *would* Jesus do', but 'what *did* Jesus do'. And to unwaveringly follow his example.

First Century Palestine and Its Problems

The task set in this paper ought to begin with a short description of life-conditions in 1st century Palestine. Ignorance of the social climate to which Jesus responded during his earthly ministry can lead to ignorance of obvious social implications of Jesus' teaching and actions; and that, because "it is impossible to understand the historical development of the early Christian movement without understanding the contemporary economic and political situation of the Jews" (Horsley and Silberman 1997, 12).

In the book *Victory over Violence*, Hengel (1973, 45) describes the experience of life in Palestine in the Hellenistic period as "oppressive exploitation, wars of brutality, and disappointed hopes." Life in the time of Jesus was no different. Roman occupation and high taxation laid a great burden upon the inhabitants of Palestine. Culturally the people suffered from an increasing loss of ethnic and religious identity. It must have been difficult to

harmonize the teaching of the supremacy of Yahweh and the reality of foreign occupation. Repeated attempts to restore the reign of God in Judaea by force only served to heighten both disappointment and anxiety. Economically people were undergoing serious hardships, many of them having to turn over their land because of the enormous debt they incurred because of burdensome taxation. This resulted in a change of status for many from landowners to that of tenants; and the situation was even worse when various disasters, such as famine, drought, and war took place (Lieu 1996, 47-48).

Thiessen (1978, 40-42) describes the situation as "social rootlessness," arguing that the social problems of Jesus' time tended to sever the identity of the average citizen from its traditional social foundation, leading to a feeling of restlessness and a desire for change. Besides famine and uneven concentration of wealth, the accompanying, equally bad, problems of Palestine at that time, Thiessen argues, were overpopulation and the struggle caused by unfair distribution of goods. The result was a scarcity in resources and an overwhelming debt for the Palestinian peasants.

In stark contrast to the poor, a small Judaean minority, including priests, Herodians, merchants, and the old aristocracy, justified their enormous wealth and subsequent oppression of the poor through cunning legal interpretation (Davids 1992, 701-2). Their wealth was maintained through collaboration with the Romans, which allowed the wealthy class to maintain political and religious power. This made the life of the poor even worse since their financial poverty was associated in the eyes of the religious establishment to spiritual poverty. Not having sufficient time or money, the average peasant was unable to keep the law as it was interpreted by the religious teachers of the day, the Pharisees (Davids 1992, 703). Thus, the term "sinners" Jesus often encountered in his conflicts with the Pharisees refers not to hardened criminals and despots, but to common folk who were unable to keep the law because of their financial situation.

By way of summary, there are at least three categories of problems the average person in Jesus' times encountered: (1) crippling poverty; (2) financial and religious oppression; and (3) social rootlessness. Below we will consider Jesus' response and subsequently the responsibility of today's church in each of these areas.

The Social Ethics of Jesus

As a Galilean Jew, Jesus experienced firsthand the poverty, oppression, and social unrest of Palestine. In this light, Jesus' inaugural speech (Luke 4:16-21), which announced the coming of God's just reign through his own ministry (cf. Măcelaru 2009, 59-68), sounds very much like a "messianic manifesto." As Theissen (1978, 98) puts it, this is the beginning of a Jewish renewal movement. Hays (1996, 116), commenting on this passage, has pointed out that the implication of the message proclaimed by Jesus is that he was presenting himself as the Messiah and understood the liberation of the poor and oppressed to be his main work. By reading those texts from Isaiah (chapters 58 and 61), Jesus is, in fact, announcing "a restored Israel in which justice and compassion for the poor will prevail" (Hays 1996, 116). Considering the state of Israel at the time, Jesus' announcement must have been genuinely good news to most of his hearers, who were prime for reform in Israel. The content of that message addressed the four areas of distress listed above.

Firstly, central to Jesus' mission was his calling to bring "the good news to the poor" (Lk. 4:18). The word "poor" used in the context of Jesus' mission is pregnant with meaning. Parker (1996, 58) notes that the "poor" to whom Jesus is sent are not only those who lack money but the oppressed in general, meaning those who are financially, spiritually, and emotionally in need. One key aspect of the "good news" is clear in (among other texts) the Lukan account of the beatitudes. There, Jesus pronounces blessing upon the poor and oppressed (6:20-23), and judgment upon the rich and the oppressors (6:24-26). As the Messiah, Jesus is announcing, in true prophetic fashion (e.g. Măcelaru 2022b, 118-137; Măcelaru 2017, 49-56), that God's expected reign has broken into the world, bringing with it a reversal of fortunes to the downtrodden and marginal (cf. Verhey 1984, 17). In proclaiming this imminent reversal, Jesus deconstructed and relativized wealth and power structures by teaching his audience not to place their hope in wealth or prestige, but instead to thoroughly commit themselves to upholding the qualities of the Kingdom of God (cf. Mt. 6:33). Thus, Jesus' teaching of eschatological expectation and trust in God liberates the obedient from the worries of life (what to eat, drink, or wear, cf. Mt. 6:25f), and results in readiness to be generous and to care for the needy. Hence, we have the first concrete response to poverty – readiness to give.

Secondly, as one of his messianic tasks, Jesus undertook to create a messianic community whose purpose was to embody Jesus' message and witness to the imminent coming of God's just reign. Through proclaiming the good news to the poor, Jesus invited "those who accepted his message into a new social world" (Davids 1992, 708). In this way the early community of Jesus functioned as a "contrast-society," that is, an "alternative to the world's present system" (Moltmann 1993, 121). This new community offered an answer to the social and religious rootlessness experienced by many in Palestine, providing a new social identity and a renewed sense of faith by partaking in the purposes of God. This new society functioned as a "program of community action and social resistance to a system that efficiently transformed close-knit villages into badly fragmented communities of alienated, frightened individuals" (Horsley and Silberman 1997, 55). Moreover, this messianic community was a sign that the coming Kingdom of God was already present in the world. One aspect of this was the restructuring of financial relationships within the community, resulting in equal distribution to the needy (Sider 1990, 73). Being in community with the poor naturally meant sharing equally and generously with then, which is exhibited by the common purse that Jesus' disciples held (Jn 12:6, 13:29). This social ministry was not limited to the community, but extended to all, even to foreigners and enemies. This fact is exhibited by Jesus' radical reinterpretation of the Old Testament concept of love for one's neighbor as having unlimited application (cf. Lk. 10:25-37) for social concern (Mott 1982, 34). In fact, for Jesus, generous giving to the poor was a distinct mark of the community, if not a prerequisite for its membership.

Thirdly, Jesus responds to religious and economic oppression in his inauguration speech as proclaims, "freedom to the prisoners" and "release for the oppressed" (Lk. 4:18). His response came in the form of criticism, reinterpretation, and pronouncement of judgment. Jesus criticized the religious establishment for faithlessly misinterpreting the Law of Moses. Instead of seeking justice and relief for the poor they "loaded them down with burdens that they can hardly carry" (Lk. 11:46). This was criticism of their uncaring and condescending attitude towards the "sinners," for they failed to take into consideration their difficult financial situation when they laid down lengthy requirements for piety (Mangalwadi 1987, 195). Moreover, Jesus

reinterprets what it means to be righteous (to do justice and love God, cf. Lk. 11:42) and pronounces judgment upon the religious establishment (Lk. 11:43-52). Thus, Jesus envisions a new community, which is "a more humane and compassionate counterculture" (Mangalwadi 1987, 197), composed of those who will obey the authentic will of God. On innumerable occasions Jesus criticized the wealthy for storing up worthless treasure on earth and ignoring the cry of the poor. Jesus based ultimate eternal worth solely upon trust in God and in his just principles (Mt. 6:33), and in doing so undermined the entire system of wealth, confounding the accepted superiority of the wealthy and lifting the dignity of the poor (Moltmann 1993, 101). The unrepentant wealthy receive the same fate as their precious possessions- rust, rot, and decay (Lk. 12:20-21). Thus, as the Messiah, Jesus announced the coming judgment of God in terms of a reversal of fortunes. He criticized the religious and social establishment for its oppression of the poor and helpless. Moreover, he began a new society based on the contra-values of justice and generosity to the poor.

The Social Ministry of the Contemporary Church

There is an enormous number and a great diversity of Christian ministries today that address the social problems of our world. To say that the entire church is (or is not) following the example of Jesus in such and such an area would be to vastly overstate or understate reality. Therefore, the task in the remainder of this paper is to examine shortly basic teachings and practices of social ministry nowadays in the light of the model provided above (Rotaru 2012a, 6). Both criticism and reform are in view here, a task that requires the imagination and creativity of the reader.

As was acknowledged above, foundational to Christian social ministry is the ultimate reliance upon God; it is the "seek-first-the-Kingdom" attitude, which means placing one's aspirations solely upon the action of the Kingdom. This frees the believer from financial (and other) worries and enables her to share generously with the poor. This new set of values also operates as a tool by which to measure "accepted" values and to discern what is just. This is the platform from which the Christian community ought to begin and carry out its social ministry (Rotaru 2012b, 6).

Paul also understood the importance of community life as a witness of the truth and justice that come from Jesus the Messiah alone. The primary focus of Paul's missionary work was to form communities, not to make individual converts. The result of Paul's high regard for community building was that the churches in general showed "a high degree of participation and a strong sense of belonging" (Tidball 1993, 885). Consequently, the inner life of the church is central to Christian social ministry. Only to the extent that the church lives faithfully in regard to her calling as a messianic community – exhibiting the love, forgiveness, generosity, mercy and justice of the Messiah Jesus in tangible ways – will she be able to faithfully follow Jesus' example in social ministry (Sider 1990, 65).

One of the most potent aspects of the early Christians' pursuit of social ethics was their practice of economic justice. If the church today is to continue the social ministry of Jesus and the early church it must not only teach from a biblical perspective on money and just (equal as Paul sees it) financial relationships, but it must also actively and concretely embody generosity within and without its structures (Rotaru 2010a, 7). This may require a radical rethinking of the church's economic practices. In the light of the poverty and human need the world knows nowadays, the church ought to work in Christ-like fashion through radical sharing with the poor. Redemption is not only for the soul but should also impact finances. Jesus' parable of the sheep and the goats presents an excellent picture of how a life of Kingdom-generosity would look like (cf. Mt. 25:31-46). Jesus does not give here an exhaustive list of actions but examples of creative and spontaneous responses to human need that should naturally occur when encountering need. It is startling that the "wicked" are not labelled as such because they did not pray or attend church meetings but because of the lack of concrete acts of social concern. Their excuse, that they did not notice the need of their "neighbor," does not move the judge in his decision to cast them away. Considering the gravity of the imagery here, the church should take seriously these types of concrete needs in society and reconsider the priority of their projects in the light of the poor who struggle for their existence.

Regarding opposition to oppression, Christian communities today bear the responsibility for direct criticism of injustice and the witness to a new Kingdom-reality as founded by the true King, Jesus Christ. The one

is based upon the other. Because the community finds true justice and peace in the risen and victorious Messiah, it is enabled to demonstrate that justice in the here and now, within and without the community (Sider 1993, 77). When it is living justly, the Christian community acts as a witness to society by exemplifying just relationships. As the transcendent source of ethical action, Jesus frees the Christian community from the worry which binds society to unjust systems and gives it an alternative set of values from which to proclaim and work for social justice (Yoder 1994, 53). This means that the church should call for justice and judge injustice in the context of the society at large (Rotaru 2012c, 5). Nevertheless, it should not limit the involvement to words but act concretely, in concrete situations, on behalf of the oppressed. Thus, Christian social ministry also includes seeking to change social structures and environments that hurt and oppress (Davis 1983, 525). This begins as a proclamation of the reality of Jesus' Lordship and his Kingdom values in the context of structural oppression and acting in love to counter systemic injustice. To do this, the church may need to leave behind some of its treasured things, such as financial security, power, and "ministries" that endorse violence and unjust structures. It is our call to think of the needs of our neighbors, especially when they are lying beaten to a pulp on the side of the road.

Conclusion

There are a lot of "neighbors" in need of "good Samaritans" in the world today. We may call them refugees (Măcelaru 2018), we may forget that the worth of humans is not decided by their wealth or social status (Măcelaru 2021) and we may ignore the fact that there are rights to which all humans are entitled (Măcelaru 2022a). However, such attitude is not the model Jesus has provided. We may ask whether these are our "neighbor," too. And we can be sure of Jesus' answer.

The question posed in the beginning, whether Jesus really cares about the needy and poor, has hopefully been answered with a strong "yes." Jesus did show deep concern for the poor, oppressed, and needy, and he responded in concrete ways to their needs. This was not a peripheral concern for Jesus, but the central aspect of his mission. Furthermore, Jesus pioneered a community of individuals who were free to share and minister generously to everyone.

In the light of Jesus' example (Rotaru 2010b, 7), Christian communities today are called to be actively involved in ministering to the poor, the oppressed, and the needy. Also, to oppose and intervene to change structural oppression. The task is enormous, indeed, but it is the only way to go. It is the only valid model of Christian social ethics (Rotaru 2017, 57-76).

References

Davids, Peter H. 1992. "Rich and Poor." In *Dictionary of Jesus and the Gospels*, edited by Joel B. Green, Scot McKnight, and I. Howard Marshall, 701–709. Downers Grove: IVP.

Davis, C. Anne. 1983. "Practice of Urban Ministry: Christian Social Ministries." *Review and Expositor* 80(4):525–28.

Dayton, Edward R. 1987. "Social Transformation: The Mission of God." In *The Church in Response to Human Need*, edited by Vinay Samuel and Chris Sugden, 52–61. Grand Rapids: Eerdmans.

Hengel, Martin. 1973. *Victory over Violence*. Philadelphia: Fortress Press.

Horsley, Richard A. and Silberman, Neil A. 1997. *The Message and the Kingdom*. Minneapolis, MN: Fortress Press.

Liu, Peter. 1996. "Jesus' Proclamation and its Fulfilment." In *Sharing the Good News with the Poor*, edited by Bruce J. Nicholls and Beulah R. Wood, 44–51. Carlisle: Paternoster Press.

Măcelaru, Marcel V. 2022a. "Toward a Biblical Understanding of Equality." *Journal for Freedom of Conscience* 10(2): 621–29.

Măcelaru, Marcel V. 2021. "Created in God's Image: Human Dignity in Biblical Perspective." *Journal for Freedom of Conscience* 9(3): 596–608.

Măcelaru, Marcel V. 2022b. "'Until the moon is no more': Psalm 72 as Political Imaginary." In *Psalms and the Use of the Critical Imagination: Essays in Honour of Professor Susan Gillingham*, edited by Katherine E. Southwood and Holly Morse, 118–137. LHBOTS 710. London: T&T Clark.

Măcelaru, Marcel V. 2018. "Christianity and the Refugee Crisis." *Transformation* 35(2): 69–76.

Măcelaru, Marcel V. 2017. "Truth, Justice, Uprightness. Human Flourishing in Prophetic Perspective." In *Truth and Compassion: Lessons from the Past and Premonitions of the Future*, edited by Robert Petkovšek and Bojan Žalec, 49–56. Theologie Ost–West: Europäische Perspektiven 20. Berlin, Lit verlag.

Măcelaru, Marcel V. 2009. "The Presence of the Kingdom of God: A Response to C.C. Caragounis." In *Theological Pilgrimages: Collected Faculty Papers, 2007–*

2009, edited by M.V. Măcelaru and C. Constantineanu, 59–68. Osijek: Evanđeoski teološki fakultet.

Mangalwadi, Vishal. 1987. "Compassion and Social Reform: Jesus the Troublemaker." In *The Church in Response to Human Need*, edited by Vinay Samuel and Christ Sugden, 193–205. Grand Rapids: Eerdmans.

Moltmann, Jurgen. 1993. *The Way of Jesus Christ.* Minneapolis: Fortress Press.

Mott, Stephen Charles. 1982. *Biblical Ethics and Social Change.* Oxford: Oxford University Press.

Parker, David. 1996. "Evangelism and the Poor in the Early Church." In *Sharing the Good News with the Poor*, edited by Bruce J. Nicholls and Beulah R. Wood, 52–60. Carlisle: Paternoster Press.

Rotaru, Ioan-Gheorghe. 2010a. "Trăieşte ca un creştin adevărat" ("Live like a true Christian"). *Argeşul Ortodox* IX, 471: 7.

Rotaru, Ioan-Gheorghe. 2010b. "Precum Eu v-am iubit pe voi, să vă iubiţi unul pe altul!" ("As I have loved you, that you love one another"). *Argeşul Orthodox* IX,467: 7.

Rotaru, Ioan-Gheorghe. 2012a. "Calcă şi tu pe urmele paşilor lui Iisus Hristos !" ("Follow in the footsteps of Jesus Christ!"). *Argeşul orthodox* XI, 550: 6.

Rotaru, Ioan-Gheorghe. 2012b. "Fii un bun ispravnic al vieţii creştine" ("Be a good steward of the Christian life"). *Argeşul Ortodox*, XI, 544: 6.

Rotaru, Ioan-Gheorghe. 2012c. "Biserica lui Dumnezeu, sursa unui Râu al Vieţii şi al Vindecării" ("The Church of God, Source of a River of Life and Healing"). *ArgeşulOorthodox* XI, 564: 5.

Rotaru, Ioan-Gheorghe. 2016. "Plea for Human Dignity." *Scientia Moralitas. Human Dignity - A Contemporary Perspectives* 1: 29-43.

Rotaru, Ioan-Gheorghe. 2017. "Misiunea Bisericii în societate" (The mission of the Church in society). *Timotheus – Incursiuni Teologice Tematice* 4 (2): 57-76.

Sider, Ron J. 1990. *Rich Christians in an Age of Hunger.* Dallas: Word Publishing.

Sider, Ron J. 1993. *One Sided Christianity.* Grand Rapids: Zondervan.

Thiessen, Gerd. 1978. *Sociology of Early Palestinian Christianity.* Philadelphia: Fortress Press.

Verhey, Allen. 1984. *The Great Reversal.* Grand Rapids: Eerdmans.

Yoder, John Howard. 1994. *The Politics of Jesus.* Grand Rapids: Eerdmans.