Journal of Community Positive Practices

Year XVII
No. 1/2017

- **Călina-Ana BUȚIU** - Evidence based practice in academic dropout policy. The PRO-INTEGRA model
- **Abdul Azeez E.P.** - Academic writing and publishing in India: Is quality a touchstone?
- **Adrian OTOVESCU** - The monographic research of the Romanian diaspora
- **Fredrick Ochieng OWUOR** - Access to Education and Living with Disability among the Luo of Kenya: A complex view, a troubling response
- **Cristina TOMESCU** - Social costs related to policy decisions in health care
- **Maria-Cristina OTOVESCU** - The civil servants and their image among the citizens of Craiova

EDITURA Expert

JOURNAL OF COMMUNITY POSITIVE PRACTICES

COMMUNITY DEVELOPMENT REVIEW

Director:
Ph.D. Sorin CACE - President,
ASSOCIATION FOR SOCIAL AND ECONOMIC DEVELOPMENT AND PROMOTION CATALACTICA

Scientific Committee:
PhD, Professor **Cătălin ZAMFIR**, Corresponding Member of Romanian Academy
PhD, Professor **Asher BEN-ARIEH**, Haruv Institute, Jerusalim, Israel
PhD, Professor **Gary B. MELTON**, University of Colorado, Denver, USA
PhD, Professor **John LUTZKER**, Georgia State University, Atlanta, USA
PhD, Professor **Michael J. PALMIOTTO**, Wichita State University, Kansas, USA
PhD, Professor **Jill KORBIN**, Case Western Reserve University, Cleveland, USA
Professor **Keith HALEY**, Tiffin University, Ohio, USA
PhD, Professor **Jimmy TAYLOR**, Ohio University, Zanesville, Ohio, USA
PhD, Professor **Andrea WIGFIELD**, University of Leeds, Leeds, United Kingdom
PhD, Professor **Elizabeth ECKERMANN**, Deakin University, Victoria, Australia
PhD, Professor **Renwu TANG**, Dean of School of Management, Dean of Academy of Government at Beijing Normal University, Beijing, China
PhD, Professor **Amitabh KUNDU**, Jawaharlal Nehru University, New Delhi, India
PhD, Professor **Claude MARTIN**, Research Director CNRS, Université de Rennes, France
PhD, Professor **Munyae M. MULINGE**, United States International University (USIU), Nairobi, Kenya
PhD, Professor **Manuel Antonio GARRETON**, University of Chile, Santiago de Chile, Chile
PhD, Professor **Renata FRANC**, Institute of Social Sciences "Ivo Pilar", Zagreb, Croatia
PhD, Professor **Asun LLENA BERNE**, University of Barcelona, Barcelona, Spain
PhD, Professor **Nawab Ali KHAN**, Sarrar bin Abduaziz University, Al Kharj, Kingdom of Saudi Arabia
PhD, Professor **Nicolae SALI**, Free International University of Moldova, Chişinău, Moldova
PhD, Professor **Mihaela TOMIȚĂ**, "Universitatea de Vest", Timisoara
PhD, Professor **Valeriu IOAN-FRANC**, National Institute of Economic Research, Bucharest, Romania
PhD, Professor **Corina CACE**, Academy of Economy Studies, Bucharest, Romania
PhD, Professor **Mircea ALEXIU**, Western University, Timisoara, Romania
PhD, Professor **Ştefan COJOCARU**, University "Alexandru Ioan Cuza", Iaşi, Romania

Editorial Board:
PhD, Professor Victor NICOLĂESCU
PhD Radu MIRCEA
Andreia-Nicoleta ANTON

Acknowledgement for editing contribution to ***Anna CALLAHAN*** *and* ***Ben STRAUSS****, Carleton College, Northfield, MN, USA*

Editted by:

Bucharest, Romania
CNCSIS: cod 045/2006
Editor-in-Chief: Valeriu IOAN-FRANC
Editor: Paula NEACŞU
Cover design: Nicolae LOGIN
Design and layout: Luminița LOGIN
Phone: 0040-21 318 24 38; Fax: 0040-21 318 24 32;
e-mail: edexpert@zappmobile.ro
License to the Ministry of Culture no. 1442/1992

ASSOCIATION FOR SOCIAL
AND ECONOMIC DEVELOPMENT
AND PROMOTION CATALACTICA
Colentina Road, no. 26, block 64, B2
ladder, apartment 97, sector 2,
postal code 021181, Bucharest;
Phone: 0040-21-240 73 03;
Fax: 0040-21 240 73 03; e-mail:
www.catalactica.org.ro;
corsorin@mailbox.ro

ISSN 1582-8344 (printed version); ISSN 2247-6571 (electronic version), *indexed in* **DOAJ, EBSCO, PROQUEST, CEEOL, REPEC, SCIPIO**

CONTENT

EVIDENCE BASED PRACTICE IN ACADEMIC DROPOUT POLICY. THE PRO-INTEGRA MODEL 3
Călina-Ana BUȚIU

ACADEMIC WRITING AND PUBLISHING IN INDIA: IS QUALITY A TOUCHSTONE? 13
Abdul Azeez E.P.

THE MONOGRAPHIC RESEARCH OF THE ROMANIAN DIASPORA 25
Adrian OTOVESCU

ACCESS TO EDUCATION AND LIVING WITH DISABILITY AMONG THE LUO OF KENYA: A COMPLEX VIEW, A TROUBLING RESPONSE 33
Fredrick Ochieng OWUOR

SOCIAL COSTS RELATED TO POLICY DECISIONS IN HEALTH CARE 43
Cristina TOMESCU

THE CIVIL SERVANTS AND THEIR IMAGE AMONG THE CITIZENS OF CRAIOVA 52
Maria-Cristina OTOVESCU

INSTRUCTIONS FOR AUTHORS

Authors wishing to publish papers at JCPP are asked to send their manuscripts at office@jppc. ro. For publishing a paper, authors must follow the requirements and conditions set forth below.

Who can publish: Papers can be sent by researches, academics and professionals with interests related to socio-economic sciences. The main criteria considered by the reviewers are originality, novelty, potential to spark debate and coherent exposure. Documents submitted for publication will be examined by editors before being placed into the process of review.

Requirements for publishing: The paper must be submitted in **English**, by e-mail, as attached **Word** file in a single document which will include all images and tables. Minimum requirements must be met on the following:

- **Size:** the paper should contain a maximum of 15 pages including biography. 4000-6000 words
- **Paper title:** should be concise and summarize the most appropriate contents of the paper
- **File format:** Microsoft Word
- **Text format:** Times New Roman 12, 1 line spacing, with diacritics if the text is in Romanian
- **Information about the author/ authors (a maximum of 250 words):** for each author it must be mentioned the academic title, current position, institution to which it belongs, contact details – telephone and e-mail. For the selected authors, all this information will be made public. The submission of a manuscript implies that the author certifies that the material is not copyrighted and is not currently under review for another publication. If the article has appeared or will appear in another publication, details of such publication must be disclosed to the editors at the time of submission.
- **Abstract:** will present shortly the purpose, field of application, research methods, results and conclusions of the paper. It should have a maximum of 250 words and will be written in English.
- **Key-words:** are designed to provide a rapid classification of the paper. The key-words must be written in English, separated by semicolon (;) and placed below the abstract.
- **Tables:** as simple as possible, with explanatory titles, numbered in the order they appear in the text. The source of the data must be mentioned below each table (Times New Roman 10, italic, aligned left).
- **Graphs:** should be made in Excel, in black and white and must be inserted and numbered in the order of appearance in the text. Each graph should have an explanatory title and the source of the data should be mentioned below the graph (Times New Roman 10, italic, aligned left).
- **Footnotes:** are inserted in the text and numbered with Arabic numbers. Their size should be reduced by bringing clarification on the text.
- **References:** should be cited as follows: the name of the author, year of the publication and page, all in parentheses (Ritzer and Goodman, 2003, p. 93) or if the name of the author is mentioned within a sentence it should be included as follows: ... Ritzer and Goodman (2003, p. 93). At a first citation containing from three to five authors, all names are mentioned, afterwards, it is used [the first author] "et al. ". If more than one paper by the same author, from the same year is cited, the letters a, b, c etc. should included after the year of publication. The citation of a paper available online should be performed following the same rules as for a book or a magazine specifying the electronic address where it was consulted.
- **Bibliography:** the full list of the references cited in the text must be presented at the end of the paper, below annexes, in alphabetical order of the names of the authors and in a chronological order for a group of references by the same author. The order is the following: name of the author/ authors, year of appearance, title, publisher, city; for example:

  Rea, A., Tripier, M. (2008). *Sociologie de l'immigration.* Paris: La Decouverte

  Koh, H. K. (2010). A 2020 vision for healthy people. *New England Journal of Medicine, 362*(18), 1653–1656

The process of review: Papers are reviewed by two specialists. Depending on their recommendations, the editors decide whether publish/ reject the paper or make suggestions for improvement to the author/ authors. The editors have the right to make minor editorial changes to submitted papers, including the correction of grammatical mistakes, punctuation and writing, as well as modify the format of the paper, but no major changes will be performed without the approval of the author. If major changes are needed, the paper is returned to the author for him to make the necessary changes. Authors are informed by e-mail on the status of the papers sent in no more than 6 weeks from their receipt.

Papers accepted for publication are sent to authors for accept printing. Authors are asked to respond to the editorial board within 7 days. Authors submitting papers to the editorial board implicitly declare their publishing agreement in these conditions.

Journal of Community Positive Practices, XVII(1) **2017**, *3-12*
ISSN Print: 1582-8344; Electronic: 2247-6571

EVIDENCE BASED PRACTICE IN ACADEMIC DROPOUT POLICY. THE PRO-INTEGRA MODEL

Călina-Ana BUȚIU[1]

Abstract*: Evidence Based Practice (EPB) entails making decisions relying on the combination between the best available evidence and the best practical expertise. A method used in medicine starting with the 90's, it has been extended nowadays to other fields such as education. The current paper looks at the use of EPB in student dropout mitigation, as an example of method diversification within educational policy implementation strategies. To that end, the model was applied to a "1 Decembrie 1918" University of Alba Iulia (Romania) project. The results support the applicability of EPB model to other institutions, providing higher education and being confronted with the problem of academic dropout.*

Keywords*: evidence-based practice; academic dropout; policy and practice.*

Introductory Notes

Some of the classical educational policy design, implementation or evaluation methods have been questioned as to their effectiveness with newer, more effective methods being explored. Some of these newer methods have resulted from combinations of the same classical methods, but some have been new or imported from other areas where they proved their merit.

In educational policy design, the definition of scientifically-based research is considered as essential by Eisenhart and Towne (2003). Case study has traditionally been the classical research method in education. The limitations of the method however led to the emergence of new forms of qualitative research, the multi-site qualitative research being one of them. In principle, the method while employing same data collection and analysis procedures, asks the questions however in more settings than one (Eisenhart and Towne, 2003). Although expensive, the method has been promoted for public policy evaluation on the merit of overcoming both some weaknesses of the quantitative method for ample projects and the peculiarities of one particular case study (Herriott,

[1] PhD in Sociology, Associate professor, Departament of Social Science, "1 Decembrie 1918" University of Alba Iulia, email: bcalina@yahoo.co.uk.

Firestone, 1983, p.14). Johnson and Onwegbuzie (2004) propose a combined methodology, appreciating that the mixed method research is complementary to traditional quantitative and qualitative method one, its merit being that of bringing more pragmatism in research endeavours.

In the case of special education however (Odom et al., 2005, p.137) claims that "the devil is in the details" and for that reason, they propose a staged approach in order to counteract the effects of defective methodologies. The first stage should be one of transition from descriptive research to experimental causal research, the second one being one of examination of the process that can affect the large-scale adoption of some practices. As to surveys, the most critical aspects for educational policy evaluation are their validity and their reliability (Desimone and LeFloch, 2004).

Evidence Based Practice (EBP) originated in the 1990's, in medical practice and it has gradually been gaining ground in psychology and education (Thomson, Diamond, McWilliam, Snyder, and Snyder, 2005). One believes the publication of an EBP methods debate by National Implementation Research Network (NIRN) in the prestigious *Implementation Science* Magazine was the event that most likely disseminated the concept into other areas (Bertram, 2014, p. 2).

In debating the implementation of effective services, Bertram (2014) describes the spread of EBP in several domains like agri-business, business in general, hospital administration, medical and nursing services, education and others, although prior to 2005, there was not much of a consensus as to the role of organizational infrastructure in client outcome and fidelity. Relying on Bronfenbrenner's ecological systems theory and appreciating that the NIRN model had poor relevance for the academic environment, Rosalyn Bertram proposed a new model using organizational and academic curricula changes as determinant mechanisms for student dropout effect-mitigation educational policy design.

The quality of the evidence used to support the practice relies heavily on the integrity of the data to be used in a particular study (Thomson, Diamond, McWilliam, Snyder, and Snyder, 2005, p. 184). Evidence appears easier to come by, in this new age of accountability and so more and more practice relies on evidence. Medicine and education are two of the areas in which this is true, although there is a difference in that, in medicine, EBP may lead to breakthroughs, while in education, only to incremental improvements.

In connection to intervention management, Webb (2001) claims that EBP emerges as a behaviour optimizing instrument in systematically organized environments, the model being heuristic, limited rationality based, with indeterminate, reflexive and locally optimal at best decision-making process. Webb considers EBP as a rigid framework, which restricts social assistance and leads it to a narrow path. The final result is the adoption of managerial strategies, which cultivate performance through regulation and individual practitioners' control.

For the identification of primary academic success factors, Johnson et al. (2016) used a model adapted from medicine employing the succession: Diagnosis → Prescription → Intervention → Evaluation. The model has been applied to 512 students, divided in three distinct profile groups: (1) traditional, (2) language/education/financially-challenged and (3) older/family-supporting/financially-challenged. The results led to practical applications that made a more targeted academic success intervention possible. One application was the development of an online early alert diagnostic instrument, which may be used for new student orientation by academic administration staff (Johnson et al., 2016, p. 320).

Evidence Based Practice and European Union Educational Policy

Taking notice of the spread of EBP in European Union policy making, an Eurydice (EU official education information network) report defines an evidence-based policy as one that "helps people make well informed decisions about policies, programmes and projects by putting the best available evidence at the heart of policy development and implementation" (Davies, 1999, European Commission/EACEA/Eurydice, 2017, p. 6). In the field of education, evidence-based policies rely on existing reference criteria like academic dropout, the degree of tertiary level graduation, educational mobility etc., and on existing key indicators like tertiary education attainment, 30-34 age group, and indicators from various sources like studies, opinion surveys, secondary analysis and others.

Distinct mechanisms and institutions are also created for evidence-based result distribution and policymaking. *Monitorul educației și formării* [*Education and Training Monitor*] is a Romanian annual publication that surveys the evolutions in the field at European Union level and which records developments in themes and criteria and progress in the achievement of main objectives[1].

In analyzing the European challenges deriving from the increased socio-occupational and educational mobility of our times, Van Driel, Darmony, and Kerzil (2016) conclude that national-level educational policies have not led to a visible decrease in attitudes of intolerance, discrimination and racism in schools. Since education plays a key role in developing common fundamental values in society and in view of the recent terrorist attacks not just on European citizens, but also on shared values of liberty, democracy, equality, rule of law, human rights and dignity, on March 15th, 2015, under the initiative of France and the Latvian Presidency of the Council of the European Union, the ministers of education from EU countries adopted a common "Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education". Several countries embarked on educational policies to support the declaration objectives, Romania being in the "policies under discussion" stage in 2016, which is an intermediate-level status in the process (European Commission/ EACEA/Eurydice, 2016a, pp. 3-4).

The Council of the European Union established that, by 2020, at least 40% of the 30-to-34 age group of citizens attains tertiary graduation or equivalent certification. In line with this objective, through the "Supporting growth and jobs: An agenda for the

[1] *See* ec.europa.edu/education/policy/strategic-framework/et-monitor

modernization of Europe's highest education system" communication the European Commission stated two major inter-linked policy goals: the increase and the widening of participation in higher education and the improvement of the quality and of the relevance of it. A series of education and training monitoring structural indicators have been developed aiming at: (a) targets for widening participation of under-represented groups; (b) monitoring of the characteristics of the student body; (c) recognition of informal and non-formal learning; (d) requirements to monitor completion rates in Quality Assurance; (e) performance-based funding with a social dimension (European Commission/EACEA/Eurydice, 2016b, p. 61). The 2016 European Commission's Eurydice rapport states that although Romania is one of the few countries that established under-represented group participation enlargement targets, it hasn't developed a student characteristic monitoring system yet. As such, one does is not data on the level of achievement of these targets.

The special attention that tertiary education enjoys in European policy making is due to its merit in ensuring not just employment, but a high-level income one, too. To that, one could add the value of social inclusion, another one of the main objectives of European social policy. In looking at the unemployment rates, in relation to the level of education, the *Education and Training Monitor's* analysis shows that persons with higher qualifications receive an 'employment premium' compared to their peers with lower qualification level, since the unemployment rate of tertiary graduates is lower. (European Commission/DGEC, 2016, p. 72).

The PRO-INTEGRA project – a model of Evidence Based Practice

The PRO-INTEGRA project relies on the premise that good knowledge of the risk-at-exclusion vulnerable groups' needs is necessary for effective intervention design. The broad spectrum of "1 Decembrie 1918" University students' background should provide various clues on the array of exclusion factors. This way, one can find a broad applicability of the results of the research and a suitable model of good practice.

Our hypothesis is that a substantial proportion of the students at risk of educational exclusion come from disadvantaged environments. A good understanding of the particular aspects of these environments is thus necessary in order to arrive at effective inclusion solutions. We also presumed that the educational staff dealing with these issues is largely unaware of these aspects (Marina, Buțiu, 2016, p. 15-16).

The intervention project had the goals of increasing institution's inclusion capacity for the students at risk of exclusion and of promoting equity in education. Its objectives have been (1) the development of an integrated information counselling platform to encourage student access and participation, (2) the undertaking of institutional-level qualitative and quantitative studies to identify the at-risk-of-exclusion situations, the under-represented student groups in the University and the attitudes towards the issue of academic equity, (3) the development of individual social equity competencies for teaching and auxiliary staff and for students alike through specialized training, (4) the development of risk assessment and management skills for student-advising career counsellors and the increase in the number of students benefiting from these services and (5) the enhancement of the equity strategy and intervention and reporting instruments institutional development capacity (Marina, 2016, p. 8).

In a relatively short time interval, a series of high-intensity, institutional interconnected activities have been performed which involved diverse stakeholders (Table 1).

Table 1: Stakeholders and activities in the PRO-INTEGRA project

Stakeholders	Activities
Students	Survey response Group interview participation Training Counselling session participation *INTEGRA platform interaction*
Teachers	Research on the issue of equity in education Survey response Group interview participation Curricula modification proposals *INTEGRA platform interaction*
Career counsellors	Training At-risk students' socio-occupational counselling and orientation Student training on INTEGRA platform use *INTEGRA platform interaction*
Administrative staff	Training *INTEGRA platform interaction*
Managers	Access and Social Equity Strategy for 2016-2020 of the "1 Decembrie 1918" University of Alba Iulia Access and Social Equity Strategy Implementation Plan for 2017

Three features of the six-month project qualify it as Evidence-Based Practice.

Firstly, the *practitioners' expertise*, which was employed by a large number of teaching staff and administrative personnel towards a focused, and pragmatic result in a relatively short period of time. The issues of social inclusion, equity in education and academic dropout have been recurring themes in scientific studies and publications, some being approached from the equity-equality perspective (Abbott, 2014), others examined in relation to the sources of inequality, like income (Oppedisano and Turati, 2011) or ethnicity and race (Sólorzano, Villalpando, and Oseguera, 2005). The social inclusion and vulnerability published studies of the University's social science academia (Buțiu, 2011, Marina, 2013, *coord.*, Buțiu, 2013, Millea, 2013, Stânea, 2013, Pascaru, 2013, Buțiu, 2014a, Buțiu, 2014b) have constituted the platform on which the theory in the field has been linked to teachers' practical experience and to the PRO-INTEGRA project research findings. Keystone for project's sustainability was the involvement of management in the design and implementation of the inclusion and equity institutional strategy. The administrative personnel also found itself having to deal less with bureaucratic tasks - that were not too enthusiastic about to begin with - and move into the new posture as a supplier of equity expertise.

The second notable feature was the set of *students' values and expectations* in their roles as customers of the educational services offered by the University. These were revealed through a survey of 1038 subjects and a group interview of 8 students selected through the Student's League[1]. For a comparative look, a series of questions have been asked from all of the students, teachers and administrative personnel alike. The results revealed significant differences in their representation of the same issues and have been shared back through the restitution methodology (see Pascaru, Buțiu, 2007). Student's perspective was more concerned with the educational process. They expect better prepared teachers, both in theory and at practice, more openness to student's problems and more modern and applicable subjects to real-life professional job requirements. Dissatisfaction with some teachers and with some practical activities has been voiced, together with a general desire and availability for volunteer opportunities.

And finally, the third feature was the stock of *best evidence* revealed in the academic and administrative documents and supplied through the counselling, communication and social inclusion informatics platform INTEGRA. The platform allowed interconnections that lead to timely identification and management of some academic dropout problems. According to Marina (2016, p.12), the INTEGRA platform was inspired by the *Student Alert* system found in many U.S. and U.K. Universities which has several major advantages for intervention actions: activity organization for at-risk students, participation fostering and risk category tailored interventions. Breaz and Despa (2016) describe it architecturally as having a modern design that allows for fast data access and a friendly user interface. The system allows differentiated access to four user classes: *Student, Counsellor, Tutor* and *Secretary*. The database allows tens of thousands of student records. Additionally, the platform includes two interactive modules, the *Communication Module* and the *Counselling Module*. The messaging system allows for hyperlinks and attachments and for user e-mail notifications (Breaz, Despa, 2016, p. 45-46).

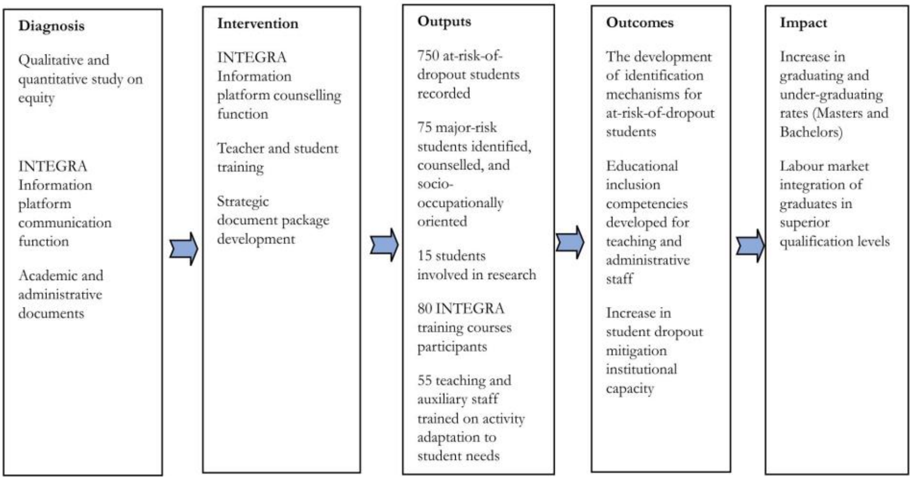
In the PRO-INTEGRA project, we configured the causal chain diagnosis - intervention - results - objective - impact presented in Figure 1. for applied modelling of change theory (White, 2009).

The diagnosis achieved based on three major information sources allowed the issuing of descriptive hypothesis i.e. the rationale of the intervention, or simply said the problem causes (*see* Chen, 2005). The intervention took into account both institutional capacity and resources and external financing[2], necessary for the expected results. If the

[1] Organization of students.
[2] External financing through the CNFIS-FDI 2016-0055 grant.

immediate results (outputs) have been recorded during activities, the outcomes have been evaluated at the end of the project. The impact will be assessed over a longtime frame, long after the end of the project's implementation.

***Figure 1**: Causal chain of intervention in PRO-INTEGRA project*



Conclusions

It is a well-known fact nowadays that high-quality upper education services require not just quality teaching but also innovative methods for student retention and more complex approach overall. The landscape of educational retention practices is now rich in shades, many universities striving to support the various needs of their students, throughout their schooling journey. It is also known that innovation in education management is less prevalent than in business. The organisational context, the individual student characteristics and the external environment are the three factors that influence academic success. In education, as in the medical field, although there already is a vast amount of information stored and repeatedly updated, policy design takes only a limited account of it. That is why this evidence needs to be correlated with practitioners' experience and with clients' values and expectations.

Universities are organisations that, from the perspective of social constructivism, continuously explore avenues of progress and cooperation for their members in not only dealing with, but also *driving* the process of change. As complex systems, universities are aware that any change in one area triggers effects in other, if not all, areas and that is why changes, done through projects or otherwise, must be carefully analysed before being implemented. One may want to recall White's (2009) remark that policy relevant research better be based on a change philosophy that describes the entire causal chain.

References

Abbott, S. (ed.). (2014). *The glossary of education reform. Hidden curriculum.* http://ed-glossary.org/hidden-curriculum, accesed at 25 Febr. 2017.

Bertram, R.M. (2014). Program Implementation Frameworks.Research and Evidence-Based Practice, Administration and Management, Health Care and Illness. Online Publication Date: Jan. 2014, *Encyclopedia of Social Work*, http://socialwork.oxfordre.com/view/10.1093/acrefore/9780199975839.001.0001/acrefore-9780199975839-e-949, accesed at 30 Jan. 2017.

Breaz, N., Despa, O. (2016). Platforma Integra: design şi funcţionalitate, L. Marina (coord.), 2016, *Ghid de bune practici pentru echitate în educaţie*, Editura de Vest, Timişoara, p. 43-70.

Butiu, C.A. (2011). Changing Ideologies in Welfare Policy, *Familie, filantropie și etică socială*, supliment al revistei *Altarul reîntregirii*, Alba Iulia, Editura Reîntregirea, p. 384-402.

Buțiu, C.A. (2013). Determinanți ai ocupării grupurilor vulnerabile, L. Marina (coord.), *Ocupare și incluziune socială*, Cluj-Napoca, Presa Universitară Clujeană, p. 45-56.

Butiu, C.A. (2014a). Childhood Poverty and Social Exclusion. European Approaches, *Journal Plus Education*, Special issue , p. 77-86.

Butiu, C.A. (2014b). Roma Social Inclusion through Higher Education, *The Journal of Linguistic and Intercultural Education,* No. 7 (2014), p. 55-68.

Chen, H.-T. (2005). *Practical Program Evaluation*, Thousand Oaks, London, New Delhi, Sage Publications.

Desimone, L. M., Le Floch, K. C. (2004). Are We Asking the Right Questions? Using Cognitive Interviews to Improve Surveys in Education Research, *Educational Evaluation and Policy Analysis,* Spring 2004, Vol. 26, No. 1, p. 1–22.

Eisenhart, M., Towne, L. (2003). Contestation and Change in National Policy on "Scientifically Based" Education Research, *Educational Researcher*, OCTOBER 2003, p. 31-38., http://journals.sagepub.com/doi/pdf/10.3102/0013189X032007031, accesed at 15 Dec. 2016.

European Commission/DGEC. (2016). Education and Training Monitor, *ec.europa.eu/education/monitor,* accesed at 15 Febr. 2017.

European Commission/EACEA/Eurydice. (2016a). *Promoting citizenship and the common values of freedom, tolerance and non-discrimination through education: Overview of education policy developments in Europe following the Paris Declaration of 17 March 2015.* Luxembourg: Publications Office of the European Union. http://eacea.ec.europa.eu/eurydice, accesed at 3 Jan. 2017.

European Commission/EACEA/Eurydice. (2016b). *Structural Indicators for Monitoring Education and Training Systems in Europe – 2016. Eurydice Background Report to the Education and Training Monitor 2016.* Eurydice Report. Luxembourg: Publications Office of the European Union. http://eacea.ec.europa.eu/eurydice, accesed at 3 Jan. 2017.

European Commission/EACEA/Eurydice. (2017). *Support Mechanisms for Evidence -based Policy-Making in Education. Eurydice Report.* Luxembourg: Publications Office of the European Union. http://eacea.ec.europa.eu/eurydice, accesed at 20 Febr. 2017.

Herriott, R.E., Firestone, W.A. (1983). Multisite Qualitative Policy Research: Optimizing Description and Generalizability, *Educational Researcher*, Vol. 12, Issue 2, Feb 1, 1983, p. 14-19.

Johnson, C.W., Johnson R., Steigman, M., Odo, C., Vijayan, S., Tata, D.V. (2016). Appropriately Targeting Group Interventions for Academic Success Adopting the Clinical Model and PAR Profiles, *Educational Researcher*, Vol. 45 No. 5, p. 312–323, June/July, 2016.

Johnson, R.B., Onwuegbuzie, A.J. (2004). Mixed Methods Research: A Research Paradigm Whose Time Has Come, *Educational Researcher,* Vol. 33, No. 7, p. 14-26.

Marina, L. (coord). (2013). *Ocupare și incluziune socială*, Cluj-Napoca, Presa Universitară Clujeană.

Marina, L. (2016). Pro-Integra. Un proiect de intervenţie şi cercetare în domeniul echităţii, in L. Marina (coord.). (2016). *Ghid de bune practici pentru echitate în educație*, Editura de Vest, Timişoara, p. 7-12.

Marina, L., Buţiu, C.A. (2016). Studiul echităţii la nivel instituţional: rezultate şi bune practici, in L. Marina (coord.). (2016) *Ghid de bune practici pentru echitate în educație*, Editura de Vest, Timişoara, p. 13-42.

Millea, V. (2013). Employers' Perspectives on Vulnerable Groups Employment, L. Marina (coord.), *Ocupare și incluziune socială*, Cluj-Napoca, Presa Universitară Clujeană, p. 83-112.

Odom, S.L., Brantlinger, E., Gersten, R., Horner, R.H., Thompson, B., Harris, K.R. (2005). Research in Special Education: Scientific Methods and Evidence-Based Practices, *Exceptional Children,* Vol. 71, No. 2, p. 137-148.

Oppedisano, V., Turati. G. (2011). W*hat are the causes of educational inequalities and of their evolution over time in Europe? Evidence from Pisa,* Documents de Treball de l'IEB 2011/1, Institut d'Economia de Barcelona, http://www.ieb.ub.edu, accesed at 25 Febr. 2017.

Pascaru, M. (2013). Opportunities of Employment in the Neighborhoods. Case Study on the Municipality of Alba Iulia, L. Marina (coord.), *Ocupare și incluziune socială*, Cluj-Napoca, Presa Universitară Clujeană, p. 75-82.

Pascaru, M., Buțiu, C.A. (2007). *Restituirea rezultatelor și dezvoltarea comunitară*, Cluj-Napoca, Argonaut.

Sólorzano, D.G., Villalpando, O., Oseguera, L. (2005). Educational Inequities and Latina/o Undergraduate Students in the United States: A Critical Race Analysis of Their Educational Progress, *Journal of Hispanic Higher Education*, Vol. 4, No. 3, July 2005, 272-294.

Stânea, R. (2013). Influence of Structural Factors on the Women Employment Rate in Romania, in L. Marina (coord.), *Ocupare și incluziune socială*, Cluj-Napoca, Presa Universitară Clujeană, p. 211-226.

Thompson, B., Diamond, K.E., McWilliam, R., Snyder, P., Snyder, S.W. (2005). Evaluating the Quality of Evidence From Correlational Research for Evidence-Based Practice, *Exceptional Children*, Vol. 71, No.2, p. 181-194.

Van Driel, B., Darmody, M., Kerzil, J. (2016). Education policies and practices to foster tolerance, respect for diversity and civic responsibility in children and young people in the EU, *NESET II report,* Luxembourg: Publications Office of the European Union.

Webb, S., 2001, Some considerations on the validity of evidence-based practice in social work, *British Journal of Social Work* (2001) 31 (1), p. 57-79.

White, H. (2009). Theory-based impact evaluation: Principles and practice, *Journal of Development Effectiveness*, 1(3), 271–284.

Journal of Community Positive Practices, XVII(1) **2017**, *13-24*
ISSN Print: 1582-8344; Electronic: 2247-6571

ACADEMIC WRITING AND PUBLISHING IN INDIA: IS QUALITY A TOUCHSTONE?

Abdul Azeez E.P.[1]

Abstract: *This paper explores the current trends of academic writing and publishing in India. The recent past has marked the reverberation of journals and other opportunities for publishing scholarly works in numerous platforms. Negative trends have also grown along with this publication boom as far the quality is concerned. Paid publication, publication without a peer review system, plagiarism and unethical practices have become quite common these days. The contest to increase API (Academic Performance Indicator) through publication has done injustice to the system of knowledge dissemination. This analysis is based on an assessment conducted by reviewing a number of research papers/articles and books. The papers for analysis were selected using the criteria developed by Jeffrey Beall for 'Determining Predatory Open-Access Publishers' (This criterion is in accordance with Committee on Publication Ethics). Fifty articles/research papers were analyzed from the field of social sciences and humanities. The probable chances of being reviewed, plagiarism, language, citation, referencing, nature of author's institutional affiliation and other aspects are analyzed.*

Keywords: *Academic Writing, Publishing, API (Academic Performance Indicator), Plagiarism*

Introduction

India is a country which bestows thousands of books, articles and research papers every year. The advancement and revolution in the arena of information technology has brought radical changes in the field of academic writing as well as publishing. At one dimension, it has brought certain best practices and on the other side, it has created venues for unethical practices. Initiatives like Open Access Resources, Digital Object Identifier (DOI), Indexing, calculation of impact factor are appreciable but the legitimate use of the same is worrisome. A large number of predatory/dubious/fake journals and periodicals had taken birth in the recent past. They have become a viable business for many as they publish they publish articles which do not comply with any scientific rules at a stunning cost. The concern of quality, relevance and research

[1]*Assistant Professor, Department of Social Work, Amity Institute of Behavioural and Allied Sciences, Amity University Gurgaon, Gurgaon, Haryana, India. Email: instinct000@gmail.com*

components are neglected or have never been considered in such journals. Paid publication, plagiarism and non-reviewed publications are common among them. These bogus/predatory journals have high coverage among the authors from developing countries especially India, Nigeria and some African and Middle East countries (Xia J et al., 2014). As a person working with an educational institution, with a public email address, I usually get 4-5 e-mails every week on the 'call for paper' from a series of so-called journals. I think probably many of you have the same experience. The call for paper have rather an academic than a marketing component where the reader is 'attracted' by the catchy sentences like: *'acceptance within 5 days', 'publication within 21 days', 'indexed journals', 'impact factor-5.24', 'digital certificate' and so on.* The introduction of API system by the University Grants Commission has significantly contributed to the initiation of new publishing venues by business minded people. A large number of students and academicians are crazy to publish their papers wherever possible to double and triple their API score. Being a mandatory requirement for entry level, API score plays a pivotal role in Career Advancement (CAS), promotion, increment and so on. Here arises the query "Why we publish? Is it just for the sake of publishing, increasing API score or to fulfill the real aim of dissemination of knowledge?". The unnatural boom of predatory journals and the quality of papers published in such journals indicate that some are publishing just to enhance the API score.

India has an appalling policy to determine what makes a good publication or how to determine the quality of a journal, considering the API score. It is ambiguous to define the quality of journal or publication by just having an ISSN or ISBN. Albeit all the dubious/ spurious journals hold this number, the concern of quality has never been satisfied in their cases. Some Universities have developed certain yardsticks for considering the quality of publications and warned their faculties and students to be away from publishing in such journals. Savitribai Phule Pune University has recently prepared a document as 'Guidelines for Research Publications' which is a comprehensive document that discusses what to do or not to do. The document clearly mentions that there is nothing to do with the mere classification of 'International' or 'National' as many of the quality journal published from India is in real sense international and many spurious journal are getting this privilege of international by just adding a word international in the journal title. The confusing terms like 'recognized journals' in the UGC Guideline of 2010 must be rectified and at least API score of the paper published in the predatory journals must not be taken into account.

The guidelines of Committee on Publication Ethics (COPE) are not followed by most of the paid open access journals operating in India. The ethical aspects of research and publication have never been considered in such publications.
It is devastating and disheartening to know that academicians in the rank of Professors are also engrossed in publishing their works in such journals. Even though the lists of such fake/spurious journals are publicly available (see:_https://scholarlyoa.com/ individual-journals) people still publish in such journals by paying. By doing this unethical act, they are not just dishonoring the institutions they represent, but eclipsing the academic image of the country when such sources are openly available at our fingertips.

Getting published by paying does not require any hard work, years of laborious training or intellectual ability; you just need to have a stuff or just letters filled in a page. Your paper will be 'accepted' and published irrespective of what has been there in the text. Anyone can submit and get it published as 'own' contribution with full plagiarism or an 'original' nonsense. The practice of peer review is far different from the predatory journals as the intention of latter is just to display in their website. The quality of peer review has never been seen in the paper published in such journals where people dump the spurious items and get them published.

The study of John Bohannon (2013) is quite relevant to the context of fee charging journals of India. His study entitled 'Who is afraid of peer review' is a typical example of how can one get published her/his fake/plagiarized paper in such journals. Bohannon has submitted his fake/manipulated paper to 304 fee-charging journals; interestingly, more than 60% of them send him an acceptance notification. This is a crucial indication that the system of peer review has never been practiced by many fee-charging journals. The story of India is not different, as large volume of such gibberish is getting published every year and subsequently such spurious papers increase their API Scores. The western 'debate about publish and perish' is also more relevant here. The quality of publications in India is not sufficiently empirically discussed.

It is really worrisome that 2462 journals of Indian origin have been assigned an International Standard Serial Number (ISSN) in last year by the National Institute of Science Communication and Information Resources. Are we really contributing to the field of academia and research as proportionate to the number of registered journals? Many of the publishers or interested people are curious to get this number as the guideline of UGC says that "journal with ISSN number".

Method

Fifty articles/research papers from ten predatory journals of Indian origin were analyzed. Journals were selected using the Criteria developed by Jeffrey Beall for 'Determining Predatory Open-Access Publishers'. A random sample of five from every journal was selected. Major component of analysis were the probable chances of being reviewed, plagiarism, language, citation, referencing, nature of author's institutional affiliation and editorial board of the journal and publication charged fees.

Results

1. Why People Publish in Predatory Journals?

The reasons for publishing in factitious journals may vary. The obsession for increasing API or at least having a minimum API to qualify for different academic positions or to show academic contribution at the end of the year are some of the reasons. Many universities (especially private universities) allocate an increment and a special allowance for publishing papers. Instead of serving the purpose of knowledge dissemination, these journals help to publish whatever has been sent, within a very short span of time. If there is an opportunity to publish the 'cut and paste' without any hardship, who will be ready for waiting longer just for the process of peer reviewing.

These journals are the venues for flexibility and a source of 'help' for many during crisis. Do you have enough API for applying for the post of Professor or Associate Professor or for a promotion? If not, do not worry; there are journals that publish predated papers. No matter how old you want to make the paper (one year or two years) it can be done. Where else can authors have this flexibility? And why waste such opportunities of promotion and new posts when vistas are readily available for exhibiting your 'persistent' engagement in research through such unethical mediums?

2. Time until the Articles are Published

Time taken for getting the work published is minimal. Author can have the printed version in hand within 20-30 days. Authors who submit their works to such journals have two main responsibilities after submission. Firstly, once the author receives the acceptance notification (there is no doubt on getting that), he or she has to make the payment. Secondly, send a filled copyright form with signature, even this is not mandatory for many journals. While the peer reviewed journals take three to eighteen months to complete the entire publication process, the journals analyzed in this study offer this within a maximum of 30-45 days. Most of the open access fee charging journals operating in India publishes monthly.

3. The Question of Peer Review

Peer review is the corner stone of a quality publication. It is a process in which a manuscript or a contribution is thoroughly checked, read and re-read for analyzing its academic and scientific quality to be published, by an expert in the respective field. Every journal in the analysis and many other fee charging journals indicate in their website that their journal is 'double blind peer reviewed journal', unfortunately it is written for the sake of attracting prospective 'customers'.

I contacted eight editorial members/reviewers as shown in the journal website to ask them whether they really do peer-review assignments for the journal. The answer was 'no'. They have accepted to be the members of the editorial board or become editorial board member on their own request but none of them have contributed to any peer reviews or editorial services. There is a mismatch in the number of papers published and the number of peer reviewers or editors each journal have. Is it really possible for a journal to publish 40-80 papers every month without a hired team of editors or experts? As a person involved in editorial tasks, I know it is unfeasible for any journal. This is an indication that 'peer review' just mentioned in the journal's website does not happen in the real sense. Although many journals earn huge amount of money, all the analyzed journals (even most of such journals) invite reviewers on voluntary basis.

Another indication from which we can conclude the papers are not reviewed is the quality of published papers. If you go through the paper, it makes you feel that it is just filled with letters; no scientific vigor and attempts are made to address the issues under investigation. Many have done injustice to the 'English language' as the very basic grammar rules are even violated; this specifies the dire reality that the papers are not even proofread.

The structure and content of published papers are poor, the manuscripts have not followed an unique structure and everyone has prepared the manuscript according to their own convenience. The guidelines indicated in these journals' website are not followed in many papers, but articles got published anyway. There are papers that are just cut and pasted from the published dissertations. I come across a number of titles which inappropriately highlighted the usage a particular methodology of research and investigation, i.e. qualitative study, quantitative analysis, longitudinal or cross-sectional study, meta-analysis etc., while such methodology has not been adopted inside the paper. Then how would such papers get published? This would not have happened if an expert from the field had read or reviewed the paper.

Generally, once a paper is received, journals with strong peer review system analyze the structure of paper, followed style, language etc. before it is approved for peer review. They will make a through checkup to confirm whether the contribution is publishable or not. Those papers that do not meet the basics of publication requirement are firmly rejected or asked to resubmit and this happens even before the peer review. To my disappointment, no such endeavors have been followed in the papers analyzed here. Many of the papers are a mixture of a number of styles and modes, in a same paper authors following APA style of referencing along with MLA, Chicago and Harvard.

4. Plagiarism

Plagiarism is rampant in Indian academia. We are brought to limelight by media for the imitation and copying achieved by people hailing from higher profile to the bottom of academics. Many universities face the scandal of awarding PhDs for plagiarized works. Recently, many universities have taken initiatives for preventing plagiarism in the PhD thesis by making an anti-plagiarism check compulsory before submission. But the prevalence of plagiarism at other levels is not potentially addressed. What can we notice now is that plagiarized works act as a reward for many to increase their academic points.

The reflections from this analysis show that academic integrity is jeopardized and they are proving the typical unethical behavior persistent in Indian academia. Most of the analyzed papers underline the fakeness of paid publications as they are just plagiarized and the basic publishing rules are violated. Resources that are easily available in the online networks are re-used as their own by many authors. Some people are smart enough to mix the copied items in between the original own arguments and pretend them as original. But some are not even clever for that, instead they just copy paste the stuffs from wherever it is available.

The basic rules of citation and referencing are desecrated in many papers. Several authors have just copied the literature from a published work along with its reference as this is an easy task, which fulfills the requirement of citing enough literature without reading the original work. However, it shows that many have failed to understand that the source they are copying is a paraphrased one or a quotation. Other technical issue includes the presence of un-referred items in the text; authors have cited a particular literature in the manuscript but not given the reference as endnotes or footnotes. There are papers that have given a detailed list of 'Reference' at the end of the manuscript but no such citations are made in the text; it indicates they just made a section in the title 'Reference' for the sake of doing it. Authors are supposed to indicate the References, not the Bibliography.

Can you publish a paper with same title and content in more than one or two journals? Yes, one can do that. I found that some of the authors published their single work (same title and content) in more than two journals. You may be wondering if it is a mere mistake done by a student of an undergraduate or post graduate, but the reality is that people with higher academic grades are involved in such acts. Many authors in different ranks of academic repute are doing such immoral acts. I simply do not understand why people do this. It is sure that they cannot show a paper with same title published in different journals together for any academic purpose. Then why this happens? Is this a syndrome like diploma seeking syndrome? This requires further investigation.

The analyzed journals in this study indicate detailed notes on plagiarism in their websites. Some of the captions are: "zero tolerance to plagiarism', 'paper found with plagiarism will be firmly rejected'. In reality, these are written for the sake of proclaiming the quality of publication. If this was their policy, they should not have published a paper that has already been published in another journal and available in the open space. Most of the publishers do a plagiarism check before it proceeds for publication or even before review. Paid publication analyzed here are the typical examples for unscrupulous acts of money earning.

It is understood that many of the papers are plagiarized. To establish it scientifically, ten papers were randomly selected from the fifty papers under analysis to examine plagiarism content. These papers were checked through the Urkund software. The result was alarming and showcasing the unethical Indian academia. Seven among the ten papers were highly plagiarized. Most of the items appeared in the papers were taken from web resources and already published resources which are easily available in the public domains. Seven among the analyzed papers have more than 50% of plagiarized content, after waiving off the cited items in the text. Citations made by some authors also are a great matter of confusion, as they cited items from a secondary source and treating them as the contribution of the same author and without acknowledging the original author. A number of such mistakes are visible in the analyzed papers.

5. Fee Charging as a Business

Publication becomes a business rather than a medium of knowledge dispersal. Many have taken the initiative of fee charging journals, as it is a potential business where income can be generated without much workforce and hard work. Table 1. shows journals' charges for publication and probable earned income. Huge amount of income has been generated by many journals in the short span of one year.

The charges for publishing papers are varying from one journal to another and from one situation to another. If you are publishing with one co-author, you may be charged more, if you require a hard copy of the journal, you may have to pay double. If someone prepares a very lengthy paper and wants to get it published, then he/she will have to pay an additional charge for each page after a limit, which may be seven or eight dollars. Publication charges for foreign authors are charged in dollars, which are ranging from 50 to 300 dollars, as per the nature of publications earlier discussed.

Table no. 1: Papers Published from March 2015 to March 2016

Journal	Publication Charges/per Paper (in $)	No. of Papers published last Year	Probable Income Earned in a Year* (in $)
Journal- 1	1100	121	133,100
Journal-2	1900	431	818,900
Journal- 3	2500	291	727,500
Journal- 4	2000	1590	3180000
Journal- 5	2500	290	725,000
Journal- 6	1500	1275	1625625
Journal- 7	2500	322	805000
Journal- 8	1500	706	1059000
Journal- 9	2000	2487	4974000
Journal- 10	2000	891	1782000

*The probable income earned is calculated on the basis of total papers published multiplied by the publication fee charged. Fees for multiple or foreign authors are not considered for the calculation here. It is done against the value of single Indian author charges for all papers.

6. Title of articles

Many of the fee charging fake/predatory journals have both attractive and confusing titles. Many have included 'International', 'Asian', 'South Asian', 'Universal', 'Global' in the journals' titles. There are usually confusing titles, which does not make any sense, 'Physical and Social sciences', 'Natural and Social Sciences', 'Arts and Science', 'Arts, Humanities and pure Science' and so on. It is a common trend among such journals to add catchy titles like 'Multidisciplinary', 'Interdisciplinary', 'Contemporary' etc. in their title. But the contents of the published articles are not justifying the journal's titles.

Starting with words like 'International' or 'Asian' makes a journal to be considered as an international journal. Are they really international in nature? The answer is no, as the contributions have no such international characteristics regarding contributors or the standards. The titles are just beguiling, sometimes odd, rather than area or field specific.

7. Language inside the articles

Many papers do not have any sort of readability or do not make any sense. As earlier said, they are just filled with letters rather than ideas. It is very easy for anyone to discrete what has been written by the author and what has been copied, as the written stuffs are not at all convincing and grammatically vague in nature. I have asked some of my friends who have expertise in English language to comment on a few of the selected papers to confirm the language perfection. They were reverted back to me with comments like 'the language is poor', 'essence of idea is not persistent in sentences', 'it seems like copied and inserted in between', 'there is often subject-verb confusion',

'confusion in passive/active voice usage'. The comments and whatever I have read makes me stick on to the fact that proofreading is not done for the papers. But does it matter? The reality is their paper got also published and an increase is made into the scorecard of 'academic performance'.

8. Editorial Boards

It is interesting to make a note on who constitutes the Editorial Board of these journals. It is understood from the journal websites that marketability is given preference while selecting the editorial board members. Most of the journals have at least a few international editorial board members in their list, especially those who are from the above-mentioned Middle East and African countries. Apart from this, a handful belongs to the western countries. Some of the names indicated in the websites as editorial members were not found anywhere in the respective University profiles or through Google Search. I felt that many of the members in the editorial board become members just because of their virtue of being from a foreign nation. The available information on the internet sources shows that the profiles of the members in the board are not that promising and I strongly agree that 'Google Search' or other Indexes are not the only criteria to assess the academic quality of a person. However, in the era of citations and impact factor, it does matter. A very few people from institutes of repute have been found in the editorial board of some journals. Hence, I was curious enough to know why this people are in these editorial boards. These journals are already declared as predatory, are they not aware? I decided to write to three selected people based on their academic contribution reflected in the common platforms. Interestingly I have received reply from one of the professors from Australia and the response was 'I am not aware'.

Editorial board members who are from India mainly hail from colleges located across country. Most of them belong to either private colleges or public colleges. Although faculties from Government colleges also constitute a considerable number, presence of people from public universities are very limited in analyzed journals as editorial board members. Is this not due to their sensitivity and awareness about the business mindedness of such journals? Probably the answer is yes.

Analysis of the profile of people in the editorial board was insightful. People were invited and included into the journal profiles by understanding the potency to tempt the prospective customers.

9. Authors and Institutional Affiliation

It is found that people in the rank of professors to young academicians, PhD and postgraduate students are publishing in such journals. I was eager to analyze the affiliation of authors and whether people from Central Universities, State Universities, Institutes of National Importance and renowned private Universities have made their presence as contributors in the analyzed journals. I was excited to examine what else this people have published or where else they have published. It was a source for me to identify more such fake journals, as many of them are the frequent contributors of them. The scrutiny of authors helped me to find the snowball samples of other such journals.

A considerable number of PhD students have published their papers in the analyzed journals. This has to be understood in relation with the new rules implemented by many universities, which made compulsory to have at least two papers published before the submission of the thesis. It is noteworthy here that most of the PhD students publish their papers with a co-authorship of their supervisors.

Publishing in predatory journals are not isolated incidents. It is prevalent among all the levels of academic. But it is really disheartening that people who are representing Universities of repute are engaged in such acts. Are they really unaware of what they are doing or just ignoring to create scores? They are not only degrading their image as academicians but also the institute they belong to.

As shown by Xia J. et al. (2014) a sizeable proportion of authors in the analyzed journals belong to Middle East and African countries. At least ten percent of the total published papers are contributions by authors of foreign origin. Countries like Nigeria, Ethiopia and Iran etc. are the main countries where author hails from.

10. False Indexing and Impact Factor

All the journals analyzed in this study have indicated in their websites that they are being indexed in various reputed indexes. But the given information is false and non-existent in the indexes. Journals are claiming reputation and quality in the name of indexes. Unfortunately, the contributors to these journals are not aware or not concerned of the reliability of information provided in the websites. They just wanted to claim that they have published in indexed journals; this can be even proved from the reprints of the paper where many of the journals indicate the journal is indexed in. Special privilege given for indexed journals by many universities in API scoring tempts many journal operators to give false information to attract contributors.

Another unethical act is the claim of fraud impact factor. Neither the impact factor journals claims are true nor are they accepted in the wider academic communities. Most of the journals that claim very high impact factor do not match with any available data. Journals that have just started two-three ago years also claim impact factor of more than five. Is it really possible for a journal to have such an impact factor within short span of time? As far as concerning the quality of the mentioned published papers, the answer is that they are of low quality and the probability of getting cited for such works is low. The details of citation of a particular paper are not mentioned anywhere as many other journals do. Therefore, we have to conclude that such information based on the 'citation' is forged in the light of non-availability of reliable data.

Some of the journals in the analysis proclaim a long list of indexing sites in their website. When I explored the reliability of the data, most of them are non-existent. Claiming fake indexes and impact factor have also grown along with the mounting trend of paid publications. The database of publications, at least abstracts, are not visible anywhere other than journal's own website. Indexes claimed by the journals are not even offering any such service or even if exist, these journals have not services exist.

Impact factors and indexes are mainly highlighted to attract the prospective customers to contribute with their papers. A number of indexes have been recently initiated with the purpose of providing 'Impact factor' to fake journals. In the absence of reliable data of citation, such claiming should be treated as fake.

11. Alternative Means

We have just discussed on the spurious/predatory journals and periodicals. Is this the only mode where people have unethical behavior in publishing? Probably the answer is no, as there are ample venues for the same. The culture of edited book and self-publishing becomes very common nowadays. Many of such books are initiated with the objective of hiking API score. Local publishers offer this service with 15000-25000 rupees, peer review system is non-existent in such publications. Local to international level publishers are publishing such works. If you want to be an author of a book, just prepare a draft, does not matter whether cut and copied from or blunders, pay an amount, 'your work' will be published. The basic principle of review, even proof reading does not matter at all.

Every year, a number of publishers/distributors (mainly local) visit our University for the purpose of marketing books and possible suggestions to library. We have to recommend books to the library based on the curricula, needs of the students and faculties. This exercise enabled teachers like me to think very rationally on the pathetic state of our publication system. I come across a number of books which are mere 'cut and paste' and illogical in nature. Unfortunately, many have fulfilled the criteria to get the score by having an ISBN. Quality measures are far from the scene. Edited book becomes a shortcut for many to hike API, as it involves only inviting papers, compiling it and publishing. 'Editing' never happens in such initiatives, it's a mere compilation of whatever they have received. However, the compilation becomes a striking source for crediting API to their accounts. The case of conference/seminar proceedings is also not different.

Conclusion

Most of the Universities have negligent attitude towards the publications made by their faculties (where they publish and what they publish). As far as promotion is concerned, it should not be deemed as a mere personal activity and the Universities ought to give concern for the faculties and their publications. A few universities have taken considerable measures to check the quality of what have been published or at list where have been published. Some of the universities give weight age to paper published in journals with Impact Factor and books with strong peer review system. However, impact factor alone must not be the criteria and every subject must have proper system, as there are limited choices available for subjects like humanities and social sciences, which lack high impact factor as par with science subjects. There is no suspicion that 'indexing' has relevance. Therefore, clarity on which index is needed to be considered for what subject should be explicit. Now several universities consider the indexes that are all 'science centric'. Subject/theme wise delineation of such consideration should be initiated. Points should not be awarded just because the journal is indexed anywhere.

There are cries and woes for removing the API system. There is no hesitation that there must be a performance appraisal system, otherwise the already devastated Indian

Academia becomes idle as we can see that many of the part of universities and colleges have never made any contribution to research and dissemination hitherto. They just become the 'teachers' by only teaching and neglecting the other two dimensions; research and extension. A quality publication is a positive mark that showcases the ability of a person to be engaged in research and innovation. The API system has to be revised, redefined and restructured so that the existing vague divisions and classifications of allotting score for whatever have been 'printed' must be in control.

Those who are blindly deceived by the API system are disturbed by the tedious task of preparing, submitting, revising, waiting so long and getting published. Another group of people are against this practice, due to the prevailing practice of awarding marks for anything and everything. Yes, their concern is real; people should not enter into academics with their pseudo-publications. In the absence of such system of performance appraisal, how can we assess the quality of a person engaged in research? Truly speaking, we do not have any other mode to assess it. We must understand that many of the reputed foreign universities consider 'quality publications' as par with a doctoral degree. Such waiving off is provided in the context of people's ability to engage in research and dissemination. In India, we are lacking uniform policies to bring quality into academics writing and publishing. Every university must have its own clear policy on ethics in publication and plagiarism.

Most of the western universities have well defined policy on plagiarism that is even applicable for writing academic assignments. This policy is applicable from the undergraduate level itself. It is a matter of profound regret that we don't have such policies even at PhD and faculty level. In western universities, at the time of admission, students were oriented on what is plagiarism, how can it be avoided and the consequences of it. There are incidents where many students are thrown out from the universities due to the allegations of their involvement in plagiarism.

Although many initiatives have been taken in order to ensure quality in the field of research, India still performs faulty in such quality concerns. University Grants Commission in the year 1984, through its document, has given strong indication against plagiarism and other academic unscrupulous acts. For 32 years from that point, we have not made it standard and systematic. Even though the recent guidelines brought forth by the University Grants Commission (2016) is a beacon of hope for reducing some of the existing unscrupulous acts and many of the unanswered ambiguities. The guideline emphasizes to consider those publications in "Refereed Journals as notified by the UGC", "Other Reputed Journals as notified by the UGC" and National/International publishers as identified by the UGC. The criterion of being notified as a journal/publisher by UGC is not indicated. It's a relevant question what mechanism would be used for identifying such journals. The guidelines have to be clear. There must be a solid system to identify journals/publishers.

Recently, many of the universities began the system of plagiarism check, before the submission of thesis. Many more initiatives have to be taken place in the field of research and academic writing. The culture of 'cut and paste' must not be promoted and orientation must begin right from the primary levels of education. The initiation of strict and viable policies in this field is a prime need in India. A qualitative transformation is required so as to safeguard India from the damages imparted by the present system and to carve a niche of its own in the circle of world academia.

References

Bohannon, J. (2013). Who's is afraid of Peer Review. SCIENCE.342 (6154) pp. 60-65 Available at: http://www.umass.edu/preferen/You%20Must%20Read%20This/ BohannonScience2013.pdf

Xia J., Harmon J.L., Connolly K.G,. Donnelly R.M., Anderson M.R., Howard H.A. (2014). Who publishes in "predatory" journals? Journal of the Association for Information Science and Technology.
Available at: http://onlinelibrary.wiley.com/doi/10.1002/asi.23265/pdf

UGC (1984). UGC's Policy and Programme for Improvement of Research in the Universities. University Grants Commission.

SavitribaiPhule Pune University (2015). Guidelines for Research Publications. SavitribaiPhule Pune University, Pune.

UGC (2016). University Grants Commission on minimum qualifications for appointment of teachers and other academic staff in universities and colleges and measures for the maintenance of standards in higher education) (3rd amendment), Regulations.University Grants Commission.

Journal of Community Positive Practices, XVII(1) **2017**, *25-32*
ISSN Print: 1582-8344; Electronic: 2247-6571

THE MONOGRAPHIC RESEARCH OF THE ROMANIAN DIASPORA

Adrian OTOVESCU[1]

Abstract: *The process of immigration of the Romanians in Europe and America aroused the interest of some researchers, especially in the field of sociology. It is underlined the contribution of a series of professors and PhD candidates from the University from Craiova, who made sociological investigations on the communities of Romanian immigrants from Italy, Spain, France, England, Germany, Holland, Belgium, USA, Canada. The base of these researches was the monographic theory and method. The sociological perspective of examination was combined with the statistical and anthropological ones. The field details were gathered through a questionnaire and an interview. It is shown that 20%, up to 25% of the Romanians from other countries confessed that they do not intend to return to their own country.*

Keywords: *the Romanian Diaspora, the monographic research, the value of the empirical research, the consequences of emigration, the protection of the immigrants.*

1. Introduction

For a long time representing just the interest of the journalists, the Romanian diaspora has also aroused, especially since 2009, a huge amount of interest within the world of the politicians from our country. Thus, we remember that the vote of the Romanians from abroad made the difference between the two candidates, running for the presidency of Romania, at the elections from 2009 and 2014.

The interest that some specialists and scientists showed for the study of the communities of Romanians from abroad increased considerably, after 1990, due to the amplification of the emigrant fluxes from Romania. The successive waves of citizens, who left the country, definitively or temporarily (only to work and earn money and then return to the country), implied millions of people, forming another Romania, outside the national borders and reaching, according to our estimations, almost 5 million people.

The main points of attraction were, on one side, the developed countries of the Occidental Europe, and, on the other side, the most advanced countries from the European continent, the United States of America and Canada. This situation leads us

[1] Assistant professor, PhD, Faculty of Philology, University from Craiova, Romania, email: adiotovescu@gmail.com

to the noticing of two forms of manifestation, on addressing the external emigration of the Romanians: *the Romanian Diaspora from Europe* and *the Romanian Diaspora from America*. Such a reality constituted the basis for the initiation of a scientific research project, of the Romanian emigrants from the two continents, within the Doctoral School of Sociology, within the University from Craiova. This way, it is explained why the authors of the systematically elaborated works, on the theme of the external migration, are either professors, or PhD candidates at sociology, in the already mentioned institution.

The Romanian diaspora from Europe was to be investigated, through a series of ten works and the Romanian diaspora from America, to be explored in two works. Thus, it was triggered a sociological research process, of the Romanian immigrant communities, from the following countries:

- Spain;
- France;
- England;
- Germany;
- Holland;
- Belgium;
- Austria;
- Greece;
- U.S.A.;
- Canada.

To these, there are added the results of our own research, made on the communities of Romanian immigrants from Italy (2006-2008) and the changes produced in the cultural identity of the Romanian immigrants from the Occidental Europe (2011-2013). On the whole, we can evidence a number of 12 works, which were based on the knowledge of the Romanian external migration problems, a process that started in 1990. Among the papers, there were published, up until today, 7 books.

- *The Romanians in Italy*, 2008; 2nd edition, 2016 (Adrian Otovescu);
- *The Romanian community from Spain*, 2014 (Cristina Ilie);
- *The Romanian community from Belgium,* 2015 (Cristina Pescaru);
- *The Romanian migration in Germany*, 2015 (Alexandra Porumbescu);
- *The Romanian immigration in England*, 2015 (Wedad Quffa);
- *The Romanian immigrants from USA*, 2015 (Dan Voinea);
- *The preserving of the cultural identity within the Romanian immigrants from Europe*, 2013 (Adrian Otovescu).

Moreover, we evidence that it has been finalised a work addressing *The Romanian immigration in France*, 2014 (Radu Riza) and two more have been prepared, to be maintained as dissertations: *The Romanians from Canada* (Elena Basarab) and *The Romanian community from Holland* (Alexandra Deaconu).

Therefore, until today, the sociological research of the Romanian immigrants referred to 9 European developed countries – Italy, Spain, France, Germany, England, Holland, Belgium, Austria, Greece (being published 6 monographs) and two American countries – USA and Canada (a monograph being also published). To the 11 researches, there is also added the one based on the identity reconstruction phenomenon, of the people who left Romania. So far, there have been published 7 books: 6 about the Romanian communities from Italy, Spain, England, Germany, Belgium, USA and a book referring to the metamorphosis of the Romanians' cultural identities, from the countries where they arrived.

2. The methodology of research

At the basis of the sociological researches, there was a specific pattern of approaching the Romanian emigrants. Thus, in the elaborated works, we also meet a presentation of the migration phenomenon, from the global, European and national point of view, along with a brief exposition of the main sociological theories, which explain the process of migration among the people on the globe. The work is continued with the empirical investigation of the immigrant communities, according to several aspects: that of the historic stages of emigration from Romania; the demographic, social, economic, cultural, religious characteristics; the relations with the native population and the other immigrants; the integration in the foster society and the communication to those remained at home etc.

The main objective, systematically considered by the members of the University from Craiova, was to accomplish a panoramic image of the Romanian immigration to Europe and America, the two continents concentrating most of Romanians who left abroad, after 1990. In order to fulfil such an objective, there were first examined the communities of Romanians from those countries that played continuously an attractive part, for Romanians. It must be underlined that the term *community* was used preponderantly in an anthropological/sociological respect, of population that share the same language, has common origins and history, was formed and shaped within the same national culture, which has the same traditions and customs. Due to the fact that the Romanians from the researched foreign societies do not live in territorial communities that are compact, homogeneous from the ethnical point of view (as *China Town*, for example), but they are spatially spread, there could not be operationalised the acceptation of territorial community, but only that addressing the cultural, historical and geographical belonging.

Each work, from the series of those referring to the *Romanian Diaspora from Europe*, offers us details on a community of Romanian immigrants, from a country or another, and, in the same time, it represents a "window", widely open towards the understanding of the Romanian migration phenomenon at European level. The cognitive approach had, as main ground, a theoretical-methodological principle, specific to sociology, that of *entireness*. Its application, in the research, meant that the Romanian migration phenomenon, to a certain European country, cannot be understood and explained, unless it is related to all the immigrants from that society, and, the latter one, to all the migrants that exist on European and world level. Therefore, in this context, the official statistical data have been fully rendered valuable, especially that provided by the National Institutes for Statistics, by *Eurostat* (that refer to all the 28 states members of the European Union), and by the *International Organization for Migration*. The process of migration was treated as a global dimension one, as it is demonstrated in the structure of the monographic works.

The analysis of the Romanian immigrants from Europe and America was usually conducted from a triple perspective: statistical, sociological and anthropological. The sociological approach implied both the presentation, done by the researchers, of the actual theories that explain the phenomenon of international migration and the assuming of a certain leading conception, mostly systematic, of the migrant networks. The theoretical approach was accompanied by several empirical researches, within the migrants from Italy, Spain, France, Germany, England, Belgium, USA, Canada etc. The field research started from certain studying hypotheses, and they were carried out according to the structure of precise plans of investigation, specific for the sociological thinking. The general premise from which it was commenced, presented emigration as an ambivalent phenomenon, meaning that it has both positive and negative consequences. The positive and the negative character can be judged according to the direct relation to migrant persons and the countries from where they left or where they arrived.

In order to gather the field information, generally, it was resorted to the poll, based on a questionnaire, and the structured guided interview, which allowed the obtaining of quantitative and qualitative information. The studied population was made of Romanian immigrants, aged over 18 years old, of both genders, with different levels of education etc. The territorial dispersion of the inquired subjects imposed the use of exploratory samples, the subjects being selected according to the opportunities of finding them, in the host countries. The collected information, and the measurements, validated on those batches of immigrants, led to the unravelling of new aspects and to the formulation of facts, drawing of conclusions, essential for the understanding of the way of thinking, the motivations, the behaviour, the interests and expectations, characteristic for the groups of Romanian immigrants, from the European societies, which adopted them, on longer or shorter periods of staying.

In the empirical research of the Romanian immigrant communities from Europe, there was generally adopted the monographic method, which did not exclude the use of other methods too, specific to sociology, such is the typological method (on which base, there were established the types of migrants, their problems and communication channels etc.), the comprehensive method (essential for the deciphering or understanding of the emigration reasons and the refuse to return home etc.), the method of case study, the comparative method, the method of observation, the functionalist method etc.

3. The value and the use of the empirical investigations

If the sociological theories have an essential role in the general explanation of the external migration phenomenon, the field researches evidence concrete data and particularities that, in their absence, it would be impossible to characterise the groups or the categories of immigrants from one country or another. Such substantial information can be related to the culture from which the immigrants come, their religious beliefs, their attitude towards the work, their conception on addressing the life and their fellows, the moral values that they cherish, the customs and traditions that govern their marriage and the family life, the perception of some ethnic minorities, the meaning they give to their own life, within the new society, in which they made their living etc. The empirical investigations are extremely important, because they show precise data, indispensable for the discovery of the efficient means of intervention in critical situations, of monitoring the immigration phenomenon.

The sociological field research are able to unravel such precious data, which the administration of the localities, with lots of communities of immigrants, can render valuable, in different pragmatic circumstances, avoiding or preventing some inter-ethnical or inter-cultural conflict relations, of drawing up some efficient educational and employment, social assistance etc. programmes. The dialogue with the immigrants, through the questionnaires or guided interviews, cannot be replaced by a statistical evidence, as rigorous as it would be, because the language of numbers is not able to replace the meaning of words or to decipher the feelings of the inquired subject. The same way, no theory would be able to depict, due to its general character, a personal, subjective feeling. For this reason, the feeling of disorientation of a young Romanian immigrant, who worked in London, is suggestive, when asked by a reporter, returned from our country, what he was feeling like, in the capital of England, offering a surprising answer: "How should I feel? When living in my village, I knew that the Sun always rose from behind the mountain. Here, it rises from everywhere and from nowhere!" Such examples prove how conclusive the case studies can be, despite their descriptive character, and, nonetheless, they attest the necessity of the empirical, field investigations.

4. Conclusions

As concerning the sociology of migration, it has been frequently used the technique of the questionnaire, both for the gathering of information from the abroad population and from their relatives who remained in Romania. Without the data collected through questionnaires, the the knowledge regarding the Romanian Diaspora might be limited to language of numbers (provided by certain statistical institutions) and to the confusions created by the discordances and discrepancies, often met between them (according to the probity of those who provide them) or the different and contradictory impressions of some observers, who place their intuition above the documented judgement and concrete investigation. For example, the fact that, in 2015, 28,000 Romanians applied for the Visa Lottery, in order to obtain the legal right to go to USA, is an incontestable truth, but the reason for wishing to leave the country, what they will do there and generally, which is their future life strategy, we will know only if we interview them individually, within an examination register, specific to sociology.

It has to be underlined that the information collected from the interviewed, through the questionnaire and the guided interview, clarifies a lot of answers, to some of the most important questions that we ask, on addressing the people who left Romania (temporarily or definitively), to work and live on the territory of other countries:

1. *Who are the people who left our country?* (the age category, occupation/profession, level of instruction, marital status, size of their family, rural/urban region, dwelling, county and region where they come from);

2. *Which are the main reasons for the leaving abroad and under what circumstances, was the decision made?*

3. *How did they travel (individually/in group) and by what means of transport?*
4. *Whether they were helped by somebody, when arriving at the destination, to find dwelling and work?*
5. *If they work in the same field and they have the same profession/occupation that they used to have in Romania?*
6. *How do they evaluate their income obtained in the foster country, as comparing to Romania?*
7. *How do they regard the citizens from the host-country and the working relations, the connections with the other immigrant co-nationals?*
8. *Which are the main personal/family difficulties that they face in the new society and for which one would they expect help?* (learning of the language, quality of their work, rent, children's education, treatment at the working place etc.)
9. *What changes have occurred in the mentality, behaviour and cultural identity of the immigrants, after arriving in the host country?*
10. *How do the Romanian feel amongst the foreigners, which is their affective condition, what brings them satisfactions and harmony or what bothers them constantly?*
11. *Generally, how do they consider to be socially integrated in the community from the host country?* (if they have friends, acquaintances, normal social life or they are overwhelmed with solitude and homesick);
12. *In what way do they communicate frequently, with the family members that remained in the country, former colleagues, friends, relatives?*
13. *Which is the destination of their earnings obtained abroad?*
14. *What life plans does the immigrant have for the future, do they intend to remain definitively abroad or to return home for good?* etc.

We know that the Romanians who left abroad do not always experience a comfortable state of mind (often missing their families and the place of birth), that certain co-nationals have not managed to become employed or involved in the social life, a situation that episodically attracted unjust discrimination and repudiation manifestations, along with the hostility of certain politicians or media institutions (in countries as Italy, France, England). Despite the temporary harsh conditions, many Romanians succeeded in building successful careers abroad, almost all of them are satisfied with their life there, as compared to that from Romania. Thus, when they are asked whether they are willing to return home, they almost invariably answer: "why?" or "what for?", "for unemployment or badly paid jobs?". Consequently, a significant share of the Romanian immigrants, between 20% and 25%, as shown by the data of certain researches, decided to remain definitively in their second country, which they chose for both working and living, for their own and for their families' safety.

Due to the discriminatory manifestations and the adversities, which the Romanian immigrants were subjected to, in Italy, France, Spain and England, in the past years, they need an increased special protection from the Romanian Ministry of Foreign

Affairs, which, through the diplomatic means at disposal, has the possibility to become involved more actively and with more motivation, for fighting the hostile attitude and defending the rights of our citizens, who live and work in other countries (Otovescu-Frăsie, 2008).

The odyssey of the Romanians who left abroad represents a disturbing component of our contemporary history, from the last two and a half decades. The works about the main communities of co-nationals from Europe and France offer us convincing data and significant landmarks, for understanding their destiny, in a troubled and constantly unsecure world.

The phenomenon of individual and collective emigration often implies major risks for the life of the citizens, involved in the search for a better and more secured world, especially during the clandestine travelling, between the native countries and the ones of destination, when, frequently, victims of the human trafficking and transportation accidents are registered.

References

Dâncu, A. et al. (2015). *Romania outside Romania*. Cluj-Napoca: Sinteza (online)

Fondazione Migrantes (2015). *XXIV Rapporto immigrazione Caritas e Migrantes* 2014. (Online)

Gavriluţă, C.; Gavriluţă, N. (2013). *Human trafficking. Secularization and public policy intervention*. Iaşi: Institutul European Publishing House

Ilie, C. (2014). *The community of Romanians from Spain. The dimension of discrimination and the types of acculturation*. Bucharest, University from Bucharest Publishing House

Otovescu, A. (2012). *Identity features of the Romanian immigrants from Italy. Journal of Community Positive Practice*, no. 3, 441-462

Otovescu, A. (2013). *The preserving of the cultural identity within the Romanian immigrants from Europe*. Bucharest: Editura Muzeului Naţional al Literaturii Române Publishing House

Otovescu, A. (2016). *The Romanians from Italy. The monograph of a community of immigrants*. 2nd edition, revised and completed, Bucharest, Romanian Academy Publishing House

Otovescu-Frăsie, C. (2008). *The international protection of human rights*. Bucharest: Editura Didactică și Pedagogică Publishing House.

Pescaru, C.-M. (2015), *The Romanian community from Belgium*. Bucharest: Editura Didactică şi Pedagogică Publishing House

Porumbescu, A. (2015). *The migration of Romanians in Germany*. Craiova: Sitech

Quffa, W. (2015). *The immigration of Romanians in England*. Craiova: Sitech

Sandu, D. (2010). *The social worlds of migration*. Iaşi: Polirom Publishing House

Şerban, M.; Stoica, M. (2007). *Policies and institutions in the international migration: migration for work from Romania*: *1990-2006*. Bucharest, Fundaţia pentru o Societate Deschisă Publishing House

Van den Berg, H. (2013). *The Economics of Immigration*, New York, Springer Publishing House

Voicu, O. (coord.r) (2014). *The barometer for the integration of the immigrants, 2014*. *Final research report*. Bucharest: The Ministry of Internal Affairs/The General Inspectorate for Immigration

Voinea, D. (2015). *The Romanian immigrants from the United States of America*. Craiova: Sitech

Journal of Community Positive Practices, XVII(1) **2017**, *33-42*
ISSN Print: 1582-8344; Electronic: 2247-6571

ACCESS TO EDUCATION AND LIVING WITH DISABILITY AMONG THE LUO OF KENYA: A COMPLEX VIEW, A TROUBLING RESPONSE

Fredrick Ochieng OWUOR[1]

Abstract: *The purpose of this study was to find out: (1) What stories do Luo elders construct around children living with disability? (2) What problems, causes, and solutions are presented in these stories? (3) What implications (if any) do these stories have on policy interventions to promote access to education for children living with disability? In-depth interviews were used to collect primary data from key informants in Kenya. In addition, secondary data was collected from journals, research reports, books, as well as oral sources such as local songs on disability and the Luo society. The findings of this study show that lack of the ethic of care in society is a major cultural and value barrier to promoting access to education for people living with disability since the negative values embedded in the culture of the people contradict the positive values underlying the education policies seeking to promote access to education for children living with disability. Lack of infrastructure makes it difficult for schools and parents to assist people living with disability. Government policies to educate society for value change, and to provide infrastructure for learners living with disability is essential to promoting access to education for learners with disability.*

Introduction

Local elders play an important role in community development. Among the Luo of western Kenya, local elders are believed to hold the social fabric of society (Obure et al., 2011). They are considered opinion leaders, who serve as a frame of reference when members of the community want to make moral, political, or economic decisions at local level. Local elders are custodians of culture (Abong'o, 2014). They share cultural knowledge through proverbs, stories and conversations (Ogola-Ayayo, 1980). They interpret development interventions from the state and non-governmental organizations through cultural lens. By doing so, they give meaning to development by influencing the way people perceive and respond to development interventions.

[1] PhD Fellow, National Institute of Development Administration. Bangkok, Thailand, email: fredrickochiengo@yahoo.com

The way local elders interpret development interventions has far reaching implications to development process and outcomes for instance, social acceptability of development programs or compliance with policy directives. During the British colonial period, formal education was largely a reserve of the elite (Cunningham M., 2006). It was associated with the right to govern or lead. Local elders interpreted this, by meaning that boys rather than girls should be given access to advanced education, since boys reserve the right to govern society. Luo community is a Patriarchal society. For decades, even after independence, households tend to spend more resources on boys' higher education compared to girls. This indicates that the influence of local elders' interpretation of development intervention leaves behind a legacy that outlives generations. During 1980s to 1990s for instance, Western Kenya was severely affected by HIV/AIDS. It was a new phenomenon in region. The government policy at the time was to encourage voluntary HIV/AIDS testing after which, those affected would be given medical care. However, local elders thought HIV/AIDS was not what government said it was, but rather a curse. In local villages, they were taught that this was a curse that befalls a man when he had sex with a widow (Miruka et al., 2015). Therefore, to prevent this curse, men should avoid having sex with widows. This view was widely shared in the community. Local artists made songs out of it. The view was strongly held in society. It took more than two decades to demystify the origin of the disease.

The above experience points to the idea of contemporary stories as a theory. Bagele Chilisa (2012) on contemporary stories as a theory observes that when a society is confronted with social, economic or political challenges, members of that society construct stories to explain a problem. Contemporary stories as theories have three common characteristics, namely: (1) they identify/name problem (for instance HIV/AIDS is a curse); (2) they describe what caused the problem (for instance HIV/AIDS is acquired when a man has sex with a widow); and (3) they prescribe the solution (for instance, to avoid HIV/AIDS, men should avoid having sex with widows).

Contemporary story as a theory is a qualitative technique that can be very useful in understanding social problems from the perspective of the community. It brings into development a constructed social reality of the community, which is often different from science or facts-based reality upon which policy and development interventions are based. The difference between these two realities can lead to policy implementation failure. If the reality of the community is not compatible with the reality that underlies policy design and implementation, communities can resist or refuse to comply with policy and development interventions. Despite of this, studies give little attention to the social reality constructed around social problems in community. Considering these, the purpose of this study is to explore stories Luo elders in Western Kenya construct around children with disability and access to education. The study attempts to answer the following questions: (1) What stories do Luo elders construct around children living with disability? (2) What problems, causes, and solutions are presented in these stories? (3) What implications (if any) do these stories have on policy interventions to promote access to education for children living with disability?

My motivation to examine this phenomenon was influenced by two factors: (1) As stated earlier, historical experiences show that the Luo community tends to resist policy interventions that do not resonate with social reality constructed in community. (2) The UN Sustainable Development Goals include a strategy on inclusivity. This strategy called "Leaving no one behind" is aimed at empowering the most poor or vulnerable in society in order to ensure everyone is included in development and benefits, in ways that realize equity at larger, by the year 2030.

Methodology

This case study is an excerpt from a PhD dissertation research on access to education and children living with disability in Kenya. In-depth interviews were used to collect primary data from key informants in Kenya. In addition, secondary data was collected from journals, research reports, books, as well as oral sources such as local songs on disability and the Luo society. In this article, three local songs on people living with disability and two cases of parents with children living with disability are presented.

Findings

The Luo of Kenya

The Luo are the fourth largest ethnic group in Kenya with an estimated population of over four million people (KNPC, 2009). Majority of the Luo live in western part of Kenya particularly Siaya, Kisumu, Homa Bay and Migori counties. For centuries, the Luo have practiced farming and fishing. It is this economic pursuit that informed early Luo settlements around Lake Victoria.

The Luo hold on traditional communal life, a place where socio-cultural values are shared through informal systemic social interactions. Traditional ideas are passed on to the new generation through lived experiences. Belief systems are reinforced and encouraged through admonition, appraisal, songs, conversations and storytelling (Oloo, 2013). Cultural education is respected in community. It is taught and shared under the oversight and custody of *siwinde* (local elders). Formal or informal gatherings are used to discuss the status of the community, local news, and to reflect on matters of mutual importance to the community. Scenes of elders sitting under round grass thatched houses, sharing lessons of life with the younger generation are common in the region. Here elders find identity and status, while the younger generation gains insights into life (Wenje P et al., 2015).

Community among the Luo is not only a place, but also an experience. It is a convergence of mutual interests, needs, concerns, and sense of oneself amongst others. Here, traditional teachings and customs are transmitted to the next generation. Continuous devotion to these beliefs signifies a cultural transformation process one has to go through in order to legitimately acquire Luo adulthood. The younger is cultured not just to understand the traditional beliefs and customs, but also to acquire the traditional perspectives to life. Through this lens, they interpret situations, events, ideas and make sense of the world around them.

The following three dominant perspectives characterize the Luo traditional view of people living with disability:

(1) *The victim oriented perspective*: This is the view that people with disability deserve sympathy because disability results from a misfortune. This view informs the way society is expected to understand and interact with people living with disability.

(2) *The fate oriented perspective*: This is the view that people living with disability are so, because of fate. Therefore, there is little the society can do, hence society is expected to accept the situation as it is.

(3) *Disability as a consequence of witchcraft:* Among the Luo community, disability is also believed to be a result of witchcraft. The community also believes that witchcraft is always attached to anything wrong among their members to the act of unseen powers. (Perry et al. 2014). In Luo custom, disability was seen as something caused, rather than a normal biological phenomenon. This belief is however changing with the introduction of education for different types of disabilities and development of rehabilitation centers.

A Luo song-mourning people living with disability

In Luo	In English
Ngat moran ma dende otwenyore. Raracha x2 Rangol iluongo ni ling lius, To muofu onegne taya. Nyang dhi gi momo x2	The disable ones are so ugly body wise x 2 The lame, the limping one. The blind has been denied light. The crocodile is leaving with the mute one x 2

The song is sung to a Luo audience, a community living near the lake. It is a song that mourns disability. The crocodile is an imminent threat posing constant danger to the community. Everyone is expected to be watchful to alert others when the crocodile comes. Everyone is expected to save themselves when the crocodile strikes. The disabled can't do so. The limping can't run. The blind can't see. The mute can't raise an alarm. They are a liability. This song degrades people with disability instead of appreciating their special conditions. The social acceptability of the song in the Luo society implies the attitudes towards people living with disability.

Luo song demeaning people living with disability

Luo song	Translation in English
❖ Rakuom ringi koth biro goyi koth ochopo x2	❖ Person with hump at the back runs, rain is coming, it will fall on you, it is about to fall x 2
❖ Puth, otiende ringi koth biro goyi koth ochopo x2	❖ Person without legs runs, rain is coming, it will fall on you, it is about to fall x2
❖ Raneko dimbri koth biro goyi koth ochopo...x2	❖ Mentally impaired person be patient, rain is coming, it will fall on you, it is about to fall x2
❖ Muofu ting wangi malo koth biro goyi koth ochopo…x2	❖ Blind person looks up, rain is coming, it will fall on you, it is about to fall x2

With a characteristic tone of irony and sarcasm, the above song demeans people with disability as helpless and as a liability to the society. A Person with a hump is seen as one unable to run when rain is coming. It will fall on him or her; likewise a person without legs. A mentally impaired person won't even recognize that it will be raining. The person is rained on as if he/she was waiting for it. Blind person can't see the rain is coming.

A Luo song expressing the burden of a mother with a disabled child

Luo song	Translation in English
❖ Riwa wanyiero kondong e dala kamin mare kone ni yathina konya.. ❖ Puth wanyiero kondong e dala kamin mare kone ni yathina konya.. ❖ Muofu wanyiero kondong e dala kamin mare kone ni yathina konya.. ❖ Rangoal wanyiero kondong e dala kamin mare kone ni yathina konya..	❖ We laugh when a mental disable child remains at home and the mother asks for help ❖ We laugh when a handicapped child remains at home and the mother asks for help ❖ We laugh when a bleeding child remains at home and the mother asks for help ❖ We laugh when a disable child remains at home and the mother asks for help

The above song suggests that a disabled child is a burden to the mother. She becomes a laughing stock when she seeks help. The child remains at home while others go to school, grow up to become self-reliant. The one living with disability remains at home under the care of the mother. This song expresses a sense of mockery and contempt with which society treats the mother of a child living with disability. It implies that people living with disability do not receive compassion, love and acceptance from the society.

The Case of Oduchi: The Parent-Magician with Children Living with Disability

During data collection, I visited one of the schools in Siaya County. I intended to meet one or two learners living with disability. I wanted to learn directly about their experiences regarding access to education. At arrival at the school, I was directed to seat on the bench and wait for guidance from the school administration.

An argument raged in the office next door. A parent spoke with a loud voice. He was complaining over severe conditions his child was undergoing in the school. The office was the Deputy Principal's office. For hours, they argued while I kept waiting. Finally, the person at the Deputy Principal's office walked out. He came and greeted all of us who were seated on the bench waiting to be served. Do you have children living with disability learning in this school? A woman seated next to me said yes. I kept silent. Why did he ask the question? I wondered.

The man passed by, went straight to the lady who sat next to me and requested her mobile phone number. He took note and left. After the man's departure, I asked the lady who the gentleman is. She told me that he is one of the feared men around this village. In the school, he was the Parent Teachers Association chairman. The man had two children learning in the same school, all of them living with disability. One was severely physically impaired and another one is dumb. I asked the lady to introduce me to the man, known in the village as Jamoko (rich man) but his real name is Oduchi.

When my time came I entered the deputy principal's office, introduced myself and made my request. The deputy was very positive to assist me, but feared that such interaction with disabled learners requires principal's authority not him, he even hinted that the principal had gone for one week at an annual meeting. I thanked him then left while promising visit again after one week.

Immediately, I stepped outside his office I thought of Jamoko (Oduchi) and the lady's informal stories about him and his two disabled children learning in that school. When I reached the school gate on my way out, I called Jamoko. He responded back by asking who I was. I told him that I was a teacher in one of the schools in the neighborhood county. I requested to know where he was and he directed me not far from the school gate.

I found him at the local business center, nearby the school gate. He owned a big shop, where he worked with his third wife. He had no other employees in the shop. The man was very welcoming. I requested to interview him. He was scared at first. He then asked where I came from, my family name, and why I wanted to interview him. Here, my family name was important. It would determine the level of access to the information I wanted, especially on such a sensitive topic. Talking about experiences of living with people with special condition comes with fear and stigma. After I answered his questions, the man accepted my request to interview him the following Sunday. I would meet him in his home in the morning, about 10:00 am.

On that Sunday, I reached his home. I found Jamoko ready for me. He had prepared porridge (nyuka) for our breakfast. For three hours, we took the porridge as we spoke. The interview was not yet over. I sought to ask more questions. He agreed for another interview the following Sunday.

Oduchi is 66 years but still very strong. You may think he is in his late forties. With such strength, he has managed to maintain and increase the wealth he inherited from his father. Oduchi's father was a magician. He thrived upon the legacy of his father, a man who had a lot of influence on the village. During our conversations, I heard him tell stories of politicians and other eminent people in the county, who visited him or invited him to their homes or working place.. He foretold their future and provided counsel over affairs that concerned them.

Oduchi is not well schooled. He reached standard six primary level because his late father preferred him over all siblings. He was always in the company of his father. By doing so, he mastered the art of magic. This later became his career, working with invisible powers. He was rich, but had the highest number of children living with disability. Each of his three wives had a child living with disability.

Two of his disabled children had retarded brains (mental problem). They could not think or talk well. Regarding the other two, one was seriously physically challenged while another, because he was dumb and had a hump at the back. Oduchi saw this normal. It was not strange to him since many people have children with varied forms of disability ranging from mental problems to deaf, blind, dumb or mute and even physically challenged. When I asked how he was dealing with the experience of children living with disability, he indicated that as a family, they were used to it even though people said a lot of bad things behind their back, while other people abused his children directly, especially when he is not there. He recalled times when people, drunk, shouted bad things about his family while passing by.

When I asked what he heard people say about his children living with disability, Oduchi was not at peace to explain but he only asked me; "Are you also a Luo? When I said "yes sir," he told me to better understand our custom and culture. He further told me to learn more about inheritance. Though, he failed to expand on the issue, but he remarked that in this world, children can bring a lot of fortunes or misfortunes. "My father left me with a lot of fortunes and more knowledge on how to deal with different issues." He said his father had powers and could do anything to anybody. He died at the age of 87.

Through our conversation, I came to learn that Oduchi believed in superstition and even he didn't take his children to hospital. He believed he could treat these children himself, through those powers. He viewed the condition of his children as mysterious, rather than a medical one. Rich and feared, even by his wives, Oduchi sought to solve the problem of his children himself.

Even though Oduchi was a magician, he believed in formal education. He had taken two of his children living with disability to school. One with physical impairment and another dumb. While he had never sought to take the other children to school, he argued that there was no school for them. Instead, he kept them at home, where he used them as instruments that mediated magical power. In this case, these children were not victims, but rather their disability was an asset in the world of magic.

As a parent, however, Oduchi had concerns about access to education and children living with disability. He cited lack of conforming chairs for the physically disabled and lack of teachers for the dumb child. He said the blind children are sometimes ignored. As a PTA chairman, Oduchi recalled how he had been consistently advocating for proper support for disabled learners, but that had been misunderstood by some other committee members and school administrators. In some circumstance Oduchi was vilified that he was just after supporting his disabled children. He confirmed that school life was not proper for disabled learners as teachers didn't take care or understood them. Other children also abused them and sang derogatory songs scorning them.

Oduchi feels children living with disability should remain at home rather than endure the agony at school, while comparing conditions for students without disability and for the ones living with disability. He observed that able bodied learners are always understood by teachers since they can explain themselves; the government also had well designed facilities and program for able learners. Children living with disability on the other hand not only lack teachers but also facilities. School conditions are not friendly to them. Oduchi sought to use his wealth and power to mobilize all parents with disabled children to withdraw their children from school, until conditions are improved by administration.

As we talked, at some point, he stated that as much as he had other children who were not disabled; they really felt for the disabled ones. At some point, he thought it was better for one to be poor, but with successful and able children. He saw so many poor people of his age, including his own brothers, planning and enjoying together with all their children. Oduchi viewed the problem of disability among his children as untreatable. He thought it was caused by his ancestors and was connected to his magical power and wealth.

In summary, Oduchi found a complex of experiences with children living with disability. Firstly, he found sorrow in the scorn he received from the community. Secondly, he found it difficult to explain his experiences with these children. Guilt and stigma characterized the rhetorical questions he posed in response to questions. Thirdly, he desired to educate some and he was aware of lack of support government had failed to provide for children living with disability. Fifthly, as a parent, he was an activist, who pursued the welfare of his children and initiated thoughts and ideas about protesting in favour of children living with disability. Finally, Oduchi was a magician, who drew benefits from children living with disability. He drew his justification from the cultural view, that disability is fate to be accepted, rather than seeking medical response. He thought that his wealth and loyalty to his ancestors was connected to the continuity of the condition of living with disability.

The Case of Onuang: A Curse or a Special Condition?

As I walked down a small market center in Siaya, I saw people gathered around a young man who appeared disturbed. Nearby, it was a newspaper vendor; a man bought a newspaper from every Sunday after church service. I moved near the crowd. There, an old man was struggling with the young man, mentally challenged, I thought. People stood by and watched the old man struggle. Step by step, strength was failing him. The young man wailed aggrievedly, opened his mouth and gasped. The old man was calling for assistance. I offered to help. We carried the young man to the house, a few minutes' walk from the market center.

We sat down for a little while, taking a short rest. A brief conversation went along. "My name is Onuang", hee said. "This is my home. You are most welcome and thank you for your assistance." He sighed. Onuang was 59 years old. He had six children, one of them was living with disability. We had just carried him home. He was the first one I knew in this family, unfortunately during a crisis. His condition however, was related to my study. I sought to know more about his condition. Therefore, I requested Onuang whether he would accept an interview sometime in the days that followed. He agreed and invited me the following Tuesday.

The following Tuesday, I met Onuang and his wife. Onuang's first born worked in Nairobi as engineer. His second and third born were studying at a local university. His wife spoke proudly of them. The fifth and the sixth born were in secondary schools nearby.

His fourth born was not in school. He was the young man I had helped Onuang take home the other time. A few years ago, he was taken to school but he was forced to drop out. Teachers found that he had difficulties concentrating in class. He could not make or keep friends. On several occasions, he shouted in class or talked to himself. Teachers did not know how to handle his situation. At first, they thought he was rude. On many occasions, they called Onuang to warn him. However, over time, they learned that his condition was complicated.

Fellow students did not understand him either. Some ganged up and beat him when he offended them. He would come home at times and report that his belonging had been stolen. Soon, he became the center of attention at school. Finally, the head teacher, frustrated with the situation, decided to terminate his studies at the school. Onuang sought further assistance from the nearby Education Office. An officer advised him to consult a witch doctor first. Another suggested that Onuang should give up on the efforts to educate the boy, since the condition appeared to be a curse. One officer, however, helped Onuang find a special school for mentally impaired children. A few months later, Onuang observed that his son had grown weaker. He thought his condition was worsening, hence he withdrew him from the school. At the time of the interview, one consultant had advised him to take the son abroad for special education. However, he did not have resources for that.

Onuang's wife believed that this disability was a result of witchcraft. She observed that while she was pregnant, Onuang's family had a land dispute. As a result, a man in dispute with Onuang's family used magical powers to inflict disability on their son after birth. While Onuang's family kept on seeking medical assistance as well as special education for their son, the belief that their son was living with disability because of witchcraft lingered in their minds.

In summary, this is typically a case of lack of awareness. It is an example of teachers not able to detect signs of children living with certain types of disability. It is an example of parents and education officers who still cling to the view that disability is caused by curses or witchcraft. It is an example of children struggling to understand others with special conditions. Finally, the case highlights lack of infrastructure in the wider educations sector.

Conclusion

Stories that Luo elders construct around children living with disability especially, as demonstrated in the songs presented in this article, show that narratives around people living with disability reflect contempt and mockery rather than compassion, kindness and love. This view regarding people living with disability blinds the society from seeing the talents, potential, resources and opportunities for development which people living with disability may bring to society. Lack of the ethic of care in society is a major cultural and value barrier to promoting access to education for people living with disability, since the negative values embedded in the culture of the people contradict the positive values underlying the education policies. Policy fails in part when the values underlying the policy conflict with the values of the communities, where the policy is implemented. In such cases, policy compliance is often weak. People resist or fail to provide adequate support for the policy. In this case, promoting access to education for children living with disability among the Luo will require strategies to promote education for value and world view change.

Mentalities of parents, with children living with disability, also indicate that cultural traditions largely influence the way people living with disability are viewed. Consequently, negative views discourage a positive response, which can enable children living with disability access better and adequate help. Lack of infrastructure makes it difficult for schools and parents to assist people living with disability. Government policies to provide infrastructure are the core of promoting access to education for learners with disability.

References

Abong'o N. V. (2014) The Socio-Cultural Changes in the Kenyan Luo Society Since the British Invasion and the Effects on the Levirate Custom: Cunningham, M (2006) Colonial Echoes in Kenyan Education: A First Person Account

Mackatiani1, C., Imbovah M., Imbova N., Gakungai D.K. (2015) Development of Education in Kenya: Influence of the Political Factor Beyond

Miruka P., Nathan J. & Obongo J. (2015) The Cultural View of the Luo People of Western (Kenya) on Widow Care and the Biblical Approach

Ogola, ABC. (1980).The Luo Culture: A Reconstruction of the Material Culture Patterns of a Traditional African Society

Obure, A.F.X.O., Nyambedha, E.O., & Oindo, Bo. (2011). Interpersonal Influences in the Scale-up of Male Circumcision Services in a Traditionally Non-circumcising community in rural western Kenya. In Global Journal of Community Psychology Practice.

Oloo. O J. (2013) Influence of Traditions/Customs and Beliefs/Norms on Women in Tree Growing in Siaya County, Kenya

Perry B., Oluoch L., Agot K., Taylor J., Onyango J., Ouma L., Otieno C., Wong C., and Corneli A. (2014). Widow Cleansing and Inheritance among the Luo in Kenya: the Need for additional Women-centred HIV Prevention Options

Wenje, P., Nyambuga, C., Nyambedha, E. & Muhoma, C. (2015) Sigendni Luo (Luo proverbs) as Communication Intervention Tool in the Fight against HIV/AIDS among the Luo of Western Kenya

Journal of Community Positive Practices, XVII(1) **2017**, *43-51*
ISSN Print: 1582-8344; Electronic: 2247-6571

SOCIAL COSTS RELATED TO POLICY DECISIONS IN HEALTH CARE

Cristina TOMESCU[1]

Abstract: *The aim of this study is to discuss how social costs in health social policies can be evaluated. Which are implications of health policy decisions, embodied in what I have called the social costs of these decisions? Among the social costs that we can intuitively detect are poor indicators of health status and poor indicators of health system, poor indicators in equal distribution of services. Are these enough indicators to measure social costs in health social policies? Economical definitions of social costs refer a cost to society because of an action or a policy change, referring to negative externalities. How health policy decisions generate social costs?*

Keywords: *social costs, social policy, health care, negative externalities.*

What social costs in health are?

Economical definitions of term refer to social cost as a cost to society as a result of an action or a policy change. It includes negative externalities (Glossary of International Economics, 2014), i.e. those negative consequences, the cost being borne by society.

Nash C. A. talks about a social cost for alternatives to action in relation to social policy outcomes (Nash C. A., in Pearce W. D., 2013, p. 8-30). According to him, social cost measurement theory has been at the center of controversies over the last decades, and debates have focused on the divergence of social / private costs and implications for the role of the state in a market economy, but also on the principles on which social cost measurement are based.

The difference between private and social costs implies, according to Nash (apud Pearce, 2013), accepts that individuals will ignore certain costs for society in their decisions, in order to make profit or seek their own utility. State intervention is therefore needed to limit these costs. One of the means can be the use of taxes and subsidies, but also other types of policies. However, in order to impose such taxes it is necessary to measure the social costs. The author wonders if the use of cost-benefit analysis is enough to measure them.

[1] Senior Researcher, The Research Institute for Quality of Life, Romanian Academy, e-mail: crisdobos@yahoo.com

Debates on negative externalities have gradually emerged, along with the economic growth in the past decades and the need for the state's involvement in reducing them. With the development of the welfare state, a consensus has been built in Europe that the excesses (or externalities) of the market economy must be reduced and provide citizens a certain degree of security, a vision based on the assumption that the state has resources to provide social services and centralized and affordable health services, because of the high price these services would have on the free market, and because the state has a vision of areas where it must act through health policy to improve health indicators.

Regulating demand and supply in health care

These issues cannot be left to be regulated only by demand and supply in the private market. Also, in Europe, there was a consensus that health should not be to a certain degree an object of consumption like any other for which to pay directly from your pocket, for a few reasons:

1. Health should not be a luxury. In the absence of insurers, the pocket payment of the care, request at the time of the purchase of the service may result in the consumer being unable to pay and health becomes a luxury.
2. There is an unpredictability of needs and costs in health care. The unpredictability of the needs makes it difficult to plan the costs. A young man should in principle have low needs, but the need for healthcare may arise. On the other hand, life in the 21st century implies certain risks to be ensured: traffic accidents, accidents at work etc.
3. Costs for treating a serious illness outweigh the savings of an average grade family if these costs should be paid out of the pocket.
4. There is a lack of knowledge about the services that should be purchased. Unlike buying a current consumer good, people have little knowledge of what they buy when health services are needed. There is an asymmetry of information between the buyer and the vendor. Even when they have the choice, patients choose between what the doctor proposes as variants. The request is therefore directed by the physician, not by the consumer. (Bodenheimer S.T., Grumbach K, 2009)

Health care has therefore been classified as a good for which the state has to intervene. Also in this category of intervention are all goods considered collective and social. Collective goods respond to two characteristics: the lack of exclusivity of supply and the absence of rivalry in terms of consumption. Among the collective assets, the epidemiological status of the population, the quality of the environment can be mentioned etc.

Collective assets resulting from the activity of an economic agent may be positive (eg, vaccination of children) or negative (environmental pollution, with health effects). The government can resort to taxes, subsidies, regulations to favour or limit these phenomena. Taxes on tobacco, alcohol, unhealthy food, junk food are examples of taxes passed by some governments to discourage the consumption of such products. This fee is normally intended to finance government health programs. On the other hand, contemporary public issues are sometimes generated by conflicts between private and public interests. In the field of health, there can be conflicts between the interests of pharmaceutical industries and the fight against pandemics through vaccination, for example.

State intervention through social policies to limit market effects is therefore necessary for several reasons related to distortions and limits of the market economy as Zamfir Cătălin mentions (Zamfir C., Zamfir E., 1995):

In terms of demand, there are distortions in the sphere of production and consumption:

- Demand in the market is shaped by the consumption needs of the population. Thus, consumption is characterized by two features: rivalry (the fact that someone consumes a product excludes another person from having it), and exclusivity (those who cannot pay for that product do not have access to the product). Regulated only by the market, access to medicines and medical services would be limiting for the population.
- There are cost / benefit distortions. These are social costs that the collectivity pays. Market calculation (profit growth) does not take into account social costs and consequences for the community. The effects of health pollution or the effect of the use of food additives and preservatives on health are such an example. The economic profit of a group may have a bad effect on the health of a large community. State intervention is necessary in regulating rules to reduce / limit these effects, which can be considered as social costs.
- There are monopoly distortions. Monopoly leads to high prices, making inaccessible some socially important products. Therefore, the state intervenes to make some monopolistic services and products available.

There are health systems in which the market plays a leading role. This is primarily about demand and supply of medicines. Manufacturers of medicines, sanitary supplies and appliances are private entities. State intervention to reduce market effects is by compensating or fully covering the price of medicines for certain categories of patients. The monopoly of some pharmaceutical manufacturers, in the case of some products, vaccines, increases the costs that the healthcare system must compensate or cover, with direct consequences on other costs in the system (and in the context of ongoing growth of costs with health care).

There are therefore products and services that are not optimally produced by market mechanisms:

- Social / public goods. While responding to individual needs, the consumption of social goods is collective.
- Desirable social goods. Social benefits tend to be sub-optimal. There are goods that have significant positive effects but will not appear on the market in the form of individual requirements. Preventive health care, for example. The long-term needs seem remote for the individual and he is not motivated to pay now. The young and

healthy individuals will be tempted to postpone the payment of health insurance because they believe that they shall not benefit from health services in the near future. For these reasons, the state has introduced compulsory health insurance for all employees. Another example is the obligation to vaccinate in order to prevent epidemics.

- Undesirable social goods. Goods consumed by individuals with negative social effects and which the state wants to discourage. For example, discouraging alcohol consumption. Alcohol consumption has adverse effects not only on the individual but also on the social, through the potential of delinquency included.
- Goods with social costs that tend to be overproduced. Such an example is environmental pollution, with health effects. (Zamfir C., Zamfir E., 1995).

Social costs deriving from economics may be economic or non-economic: for example, the degradation of the health of the community through the action of a number of factors: pollution, inadequate lifestyle leads to non-economic social costs: physical degradation of the population Consequences on the community with direct economic costs are: increased cost of health care and social protection (early retirement, sick leave, etc.) and a less-fit labour force.

The unequal distribution of resources, with large gaps between individuals, leads to social inequalities. Limitations on individual income earning capacity, inequalities related to structural social factors that do not belong to the individual lead to the need that the state intervene in correcting these inequities. On the other hand, there is an imbalance between needs and access to resources, an imbalance that needs to be corrected through policies. The child and the elderly are, for example, health care consumers who need to be protected. The child needs protection to ensure a healthy adult (curative and preventive medicine) and social emotionality is high related to the sick child. The old man is an important consumer of resources compared to the young man. Its needs are higher than its resources and must therefore be protected. Other vulnerable groups that may be exposed to imbalances in the supply of healthcare goods and services are geographically isolated people, or with difficult access to physicians, people with disabilities or various disabilities and inconvenient medical problems, families with many children, poor families, families with the unemployed persons, low-income employees.

Technological progress have not produced improved health at the level of expectations

Michel Foucault mentioned that we are witnessing a medical crisis that can be formulated in the following terms: technological progress and new social and economic functioning of medicine have not produced improved health at the level of expectations.

There are some aspects of the current crisis as he stated (Foucault, 2003):

– the difference between the science of medicine and the positivity of the effects (efficacy of medicine)

Medicine also has the capacity to kill. Until the recent age the negative effects were ignored. The degree of harm is directly proportional to its degree of ignorance. The tools available to medicine also cause uncontrolled effects. Anti-infectious treatment, antibiotics have led to a decrease in the sensitivity threshold of the body to aggressive agents, there is a disruption of the ecosystem.

There are some changes in 20th century, according to Michel Foucault:

- The emergence of a medical authority that is not just an authority of knowledge, of erudition, is a social authority that can make decisions with a social impact. It is a representation of the manifestation of state medicine.
- The emergence of a distinct disease prevention intervention fields: air, water, food, sewerage, construction, transportation, etc.
- Introduction of a collective medical unit in the form of hospital. Prior to the eighteenth century, the hospital was not a medical institution, but the assistance of the poor in anticipation of death.
- Introduction of the medical management and impact assessment systems of the medical system: data registers, statistics.

Modern medicine is related to some economic aspects. Today, health generates money in the market economy as long as it is a desire for a part of the population to ensure health and a luxurious living for others. Health is an object of consumption, which can be produced in pharmaceutical laboratories, consumed by actual or potential sick individuals and thus entering the market. (Foucault, 2003).

The human body enters the market twice: when it offers its labor force and then it consumes health. At this point, health system dysfunctions also occur. The introduction of the body into health consumption did not proportionally raise the level of health as hoped. It has been noticed that environmental variables, food consumption, education, income are related more to rate of mortality than drug consumption. (Foucault, 2003).

It sounds cynical, but market economy and power structures work in health, and once marketed in health, the issue of social equity, morality has lost ground. The most eloquent case is that of pharmaceutical companies and pharmaceutical distributors for whom very thing means maximizing profits, driving campaigns to promote products to patients and physicians, or even "corrupting" physicians in the system through incentives such as the payment of congresses or these all generate social costs. Moreover, decisions on social policy in health are politically determined, as well as the appointment of leadership from major health units: large urban hospitals, county public health departments, etc.

Health care as part of a historical complex, linked to power

Medicine is therefore part of a historical complex, linked to power. According to the social conflict theory (Radulescu, 2002), the medical system is seen as an institution of domination and power, the product of tensions and disagreements between groups with different interests, and individuals belonging to the underprivileged minority are sicker than others because they have less access to medical services and other welfare resources: housing, work, etc. Thus, the social system gets to work better in favour of privileged groups.

Health institutions, pharmacies and doctors are dominated by two contradictory motivations: their own financial or other interest, the deduction of expenses and the health insurance.

The various types of financing of sub-parts of the health system generate different "perverse" behaviors, with financial implications:

- payment per capita - adverse effect: attempt to increase the number of patients treated in the unit, not accent on the quality of the medical act,
- DRG (diagnosis related groups) - adverse effect: treatment of certain types of patients
- practice of informal payments-adverse effect: selecting a larger number of patients with prosperous material on their own list.

Some physicians hide the conflict of interest: they are shareholders or work at clinics, private labs, to whom they send patients from the public system.

Another issue that arises is: who benefits from the social funding of health care? The answer is after Foucault, (Foucault, 2003) the big pharmaceutical companies. Therefore, the pharmaceutical industry is supported by collective health financing, through social security institutions (state systems reimburses / finances drug costs) and doctors become intermediaries between demand and supply.

Another issue related to social morality is that insurance systems have failed to reduce the barrier between the rich and the poor in terms of the health inequality of health services as expected. Rich people continue to use health services more than poor and have better access to services in most countries. Therefore, the level of medical consumption expected from social security remains a desideratum.

The state healthcare sector remains the one that bears the high cost: difficult interventions, expensive diseases such as cancer, HIV etc. The private sector, opposed to the public health sector, remains profitable because it does the admissions for less serious reasons, those that require high expenses, very expensive appliances are rather uncovered by the private sector and transferred to the public sector, which is supported by the social financing.

Talking about evaluation of social costs, Mooney (Mooney G. in Pearce W. D., 2013, p. 120-140) refers to attempts to evaluate elements of human life or suffering. Saved lives or increased life expectancy and quality of life involved are very different outputs in a dialysis project, for example, what it would mean in an advertising project on child traffic safety. Despite this, consistency in terms of opportunity costs is needed in all policies that concern life-saving policies. On the other hand, outputs can be defined in different ways. For example, improving roads can save lives, reduce the risk of death or reduce driving anxiety. An advocacy campaign that increases the level of risk perception of crossing the street by the elderly has a beneficial effect because it saves lives but it can at the same time increase the anxiety level for elderly pedestrians.

All these topics are related to the appropriate social welfare function. There are various such functions that emerge as policy objectives change. Health system outputs are usually composed of increased life expectancy, decreasing rates of morbidity, increased comfort, mobility. In most cases, the patient only has little knowledge of his or her state of illness, or of the future state of health without or with treatment. Part of the output of the health system is information. But how can the consumer rationally play value on health care? For example, a woman going to a clinic for a screening about the possible detection of a cervical cancer is dependent on medical advice as well as on the effects of screeching. So, to what extent should consumer sovereignty be applied to health services?

There are several types of cost benefit analysis and the choice between methods is finally an ethical one. Even if the individual is the best judge of utility, he may nevertheless not make the required judgments. In health care, some treatments are very complex, some therapies, with side effects.

According to Stephen Gillian (Gillian S. et al., 2012, p. 119), the cost-effectiveness assessment should take into account that value in money is not the only cost, and saving lives is not the only benefit. Costs and benefits need to be accurately measured and compared between different interventions and outcomes. How do we determine if 10 lei spent for the program to improve the treatment of cardiovascular diseases are more efficient than the 10 lei spent on cancer treatment? Economic assessments help in making decisions by considering the results of interventions that are in competition with the resources they consume. The relevant results have to be defined, the measured costs. The economic assessment can be defined as a comparative analysis of the alternatives for action in terms of costs and consequences. Costs are generally of two types: direct (associated with activity, eg ten-minute cost of a family doctor, cost of recipe) and indirect (more difficult to measure, may include eg office maintenance costs where doctor works). The opportunity costs are the amount lost by not using the resource (labor, capital) in the best alternative to use.

Conclusions

Health of human capital is important for economic and social development of a nation, and the relationship between the two indicators is closely related. On the one hand, human capital in poor health condition negatively affects economic development by reducing work capacity and driving to high costs of providing public health services. On the other hand, economic development increases the standard of living of the population, the impact on human health and the resources available for investment in health care. We could say that there is a vicious circle between health status and health resources available in investing in health for poor countries. The circle could be broken by an additional effort of resources in the health system and considering long-term health policy as a priority.

The challenge for states is to find paths for reducing negative impact of social policies or lack of policies in terms of social costs and find an optimal ratio between responding to health needs and organizational and financial constraints. The health systems are complex administrative ones, with a low degree of flexibility and resistance to change and a great resource consumer. It is difficult to find an optimal health system structure. Each system has advantages and disadvantages, but a qualitative threshold for service delivery must be established.

Analyzes on the social equity of health policies are centered on fiscal, administrative and benefit policies. There are some types of theories explaining the programs, among which the most popular:

1. Political culture theory (explains policy preferences to certain health services, how health and causes of illness are defined), public policy skills to respond to health improvement, and possible solutions to the problem.
2. Structuralist theories: explores the political power of organizations to ensure policy changes. Political coalitions explain programmatic changes. The analysis of the groups participating in these coalitions explains a type of egalitarian policy.

The question arises how public affairs issues and the influence of the public agenda are manifested by collective consciousness. Are actual problems different from the issues reflected in collective consciousness? Zamfir C. talks about the cyclicity of social problems. See the crisis caused by a problem that erupts in the media, pointing to the deficiencies of the health care system. The analyzed social problem has a peak, and then it falls into disgrace in terms of media coverage. The problem persists, but is only socially cyclically aware through the media, and it is cyclically restored to the attention of the community. Are social policy measures influenced by these eruptions at the level of collective consciousness? Would these eruptions open an opportunity window?

Citizens expect governors to make informed decisions that these decisions are the result of a vision. Making smart decisions means operating in a coherent setting, which often does not happen. Decisions should be taken in a frame. Policies are value-dependent. The mere fact of selecting a fact as a problem is based on some values. Policies usually do not respond to an isolated problem, most often responding to a set of problems. This is what governments choose to do or not to do, in order to minimize social costs. (Cace S, 2004)

On the other hand, governments have at their disposal a wide range of instruments: information campaigns (advertising campaigns), tax, subsidize, regulate, set up agencies to address the issue directly. Although policies change over time, instruments have their inertia. For example, health policy is changing in the sector, but the essential elements: medical units, public spending as a mechanism remain essential, they cannot change. Instruments may be influenced by what is considered legitimate or not. When policy is radically changed, tools can change. Legitimacy is also related to cultural factors. Instruments may also be subject to legal restrictions or international agreements or other forums such as the European Union. Policies must show internal consistency and vertical coherence, ie the actions that flow from politics must be logically coherent, coherent. Horizontal coherence is manifested through consistency between public policy areas.

The lack of adequate treatments leads to long-term disabilities and suffering and the persons can be transformed from social active/employees to socially protected and disabled persons. These are categories that could be highlighted in a study: those who do not recover from accidents or diseases, but would have recovered if treated to the maximum level of medical competence, not accessible to every social group and regional area. The process of transforming these persons into social assistants could be significantly reduced by proper social policies. On the other hand, lack of coherence of prophylactic measures and community and primary health care programs brings indirect social costs, through a series of illnesses, the lack of recovery for people who already have a disability start, or the lack of coherent programs to prevent unwanted pregnancy followed by abandonment of children, entering the social protection system.

By intervening through social policies, we are dealing with a process by which it is decided to assign values to a group. The number of assigned values is lower than the number of existing values, leading to insufficient competition between values and recipients: either the economy does not have sufficient resources, or only some values are considered desirable.

References

Adrian C. F. (1998). *Public Health Policies and Social Inequalities*, London: MacMillan Press Ltd

Bodenheimer T.S., Grumbach K. (2009). *Understanding Health Policy*, New York: Mc Graw Hill Medical

Cace S. (2004). *Statul bunăstării. Evoluții și tendințe*, Bucureşti Editura: Expert

Elsner W., Frigato P., Ramazzotti P. (2013). *Social Costs and Public Action in Modern Capitalism. Essays inspired by Karl William Kapp's Theory of Social Costs*, Routledge Frontiers of Political Economy

Elsner W., Frigato P., Ramazzotti P. (2012). *Social Costs today. Institutional Analyses of the present Crisis,* Routledge

Foucault M. (2003). *Biopolitică și medicină socială*, Editura Design & Print

Gillian S. et al. (2012). *Essential Public Health,* Second edition, Cambridge: University Press

Pearce D W. (2013). *The Valuation of Social Cost*, Routledge

Rădulescu M S. (2002). *Sociologia sănătății și a bolii,* Bucureşti: Editura Nemira

Zamfir C., Zamfir E. (1995). *Politici sociale. România în context european,* Bucureşti: Editura Alternative

Zamfir, C. (2005). *Incertitudinea: o perspectivă psiho-sociologică*, Bucureşti: Editura economică

*** (2014). *Glossary of International Economics.* Terms of social costs and negative externalities

Journal of Community Positive Practices, XVII(1) **2017**, *52-66*
ISSN Print: 1582-8344; Electronic: 2247-6571

THE CIVIL SERVANTS AND THEIR IMAGE AMONG THE CITIZENS OF CRAIOVA

Maria-Cristina OTOVESCU[1]

Abstract: *The author examines the actual condition of the civil servants in Romania, both in the rights that are provided for them by the present legislation and in the perceptions of the citizens. This perspective imposed the merging of an analysis of the legislation with a sociological one. The first is based on the evidencing of the constitutional and legal provisions that protect the right of the public servants and the second one unravels the results of some sociological field researches that show the way in which the citizens regard the mayoral institution and the activity of the civil servants. In the town of Craiova, these evaluations are mostly positive, but they are correlated with certain other measures too, for the improvement of the activity of those who work for the local public administration.*

Keywords: *civil servant; the exercising of the civil service principles; the rights of the civil servants; the institutional structure; public image of the mayoralty/civil servants.*

1. Introductory specifications

The term of public servant has an administrative connotation and refers to the public institutions. The public servants are employed by the central public administration institutions (ministries, agencies etc.) and the local public administration (town-halls, prefect's office, county council etc.)

The public servants represent an important segment of the national labour force that is not similar to the staff that depends on the contract, although the budget represents a common source for the earnings. The statistical data show that the number of the public employees in Romania was, in 2014, of almost 1.2 million people, for a population of almost 20 million inhabitants, while Bulgaria had 84,000 public employees, with a population of almost 8 million inhabitants in 2010, and the Czech Republic, in the same year, around 96,000 public employees, for a population of approximately 10.3 million inhabitants. The 1.2 million employers, from the public sector, were representing 24.48% from the total number of employees in Romania.

[1] Associate Professor, PhD, Faculty of Law, University of Craiova, Contact Adress: University of Craiova, Faculty of Law, Calea Bucureşti nr. 107D, Craiova, Dolj; E-mail: otocris@yahoo.com

The civil servants are employed in all the institutions of the public administration, which activate both locally and centrally. In 2014, there were registered 133,582 civil services in the entire country and, in the next year, 2015, their number increased to 164,125, with 30,543 jobs more than in the previous year. From the 164,125 places in the public administration, 134,500 were occupied by the civil servants, the rest of 29,625 being vacant or temporary occupied. (The National Agency of the Public Servants, 2015)

According to the data published by National Institute of Statistics of Romania, the average salary in the public administration was, at the beginning of 2015, of 2,300 lei, while in the health sector was of 1,800, and in education of 1,700 lei. The staff from the public administration is preponderantly made of women. Most of the employees (over 40%) are between 40 and 50 years old and the fewest are under 30 years old. (*Ibidem.)*

The number of the employees from the public institutions has permanently increased, from almost 800,000, in 1900, who were assuring the functioning of the Romanian state at that time, to approximately 1.2 million, at the present moment. An ascendant evolution was also noticed as regarding the civil servants, whose number continuously increased, as it has been previously noticed. In 2014, the public servants were representing 2.72% from the total number of 4.9 million employees, and 0.66%, from the total of the Romania's population.

The statistical data attest that Romania has 60 public employees for 1,000inhabitans, while Denmark, for example, and has 180 public employees, Slovakia 136 for 1,000inhabitans, both countries having a smaller population than ours.

2. The theoretical-juridical background: the civil service and the civil servant

Within the process of functioning, on addressing any public authority or institution, there are involved three basic elements: competence, material and financial resources and human resources. The working staff is structured on compartments / lines of hierarchy and functions, among which only some of them are civil services. The holder of a civil service is usually, but not in all the cases, a civil servant. In all the countries, there are certain traditional practices, regarding the regulations of the civil service, but this situation ought not to be confused with the existence of a general status (Apostol Tofan, 2006, p.153)

In the specialised literature, it is mentioned the fact that: "The civil service and the civil servant represent legal institutions of the public law, in general, and the administrative law, in particular, which have been established after a continuous dispute between the doctrine, jurisprudence and regulations" (Mastacan, 2008, p.1).

The staff from the public administration is not made entirely of civil servants. In a stricter point of view, this quality is owned only by the holders of permanent positions, within a public administration. Beside these holders, with a permanent status, there are also the auxiliary staff and employees with salaries , some invested with secondary and temporary positions, others employed with a contract and subjected to the regime of the employees or workers from commerce and industry (Alexandru, 2007, p.304-305).

In our country, the activity of the civil servants is regulated by certain normative acts, encompassed both in the *Constitution of Romania* and the *Status of the Civil Servants*. Thus, in section 3, art. 16 from the *Constitution of Romania* (2003), there are provisioned the following conditions for occupying a public function: "The public services and dignities, civil or military, can be occupied, according to the law, by the people with Romanian citizenship and domicile within the country. The Romanian state guarantees the equality of chances between women and men for occupying of these functions and dignities" and at letter j, section 3, art. 73, there is expressly provisioned that "through the organic law, there is regulated the status of the civil servants".

Law no. 188/1999 on the Status of the Public Servants, republished and actualised in 2015, regulates the general regime of the juridical relations between the civil servants and the state or the local public administration, through the autonomous administrative authorities or the public authorities and institutions of the central and local public administration. The purpose of this law is represented by providing, according to the legal dispositions, of a stable, professional, transparent, efficient and impartial public service, in accordance to the interest of the citizens, along that of the public authorities and institutions from the central and local public administration (sections 1 and 2, art. 1).

According to the section 1, art. 2, the public service constitutes "the entireness of attributions and responsibilities provisioned by the laws, for the accomplishing of the public prerogatives by the central public administration, the local public administrations and the autonomous administrative authorities". The public servant represents "the person appointed, according to the law, in a public service. The person who was released from the position and they are still part of the civil servant reserves, continues to hold the quality of public servant further on" (Section 2, *Law no. 188/1999 on the Status of the Public Servants*, republished and actualised)

In Law no. 188/1999, section 3, art.2, there are presented the activities carried out by the civil servants and which involve the exercising of the public power prerogatives. They refer to:

„a) the enforcement of the laws and the other normative acts;

b) the elaboration of normative act bills and other regulations, specific to the public authorities or institution, along with their endorsement;

c) the elaboration of projects, policies and strategies, programs, studies of analysis and statistics, necessary for the achievement and implementation of public policies, along with the necessary documentation for the enforcement of the laws, for accomplishing the competence of the public authority or institution;

d) the counseling, the control and the internal public audit;

e) the management of human and financial resources;

f) the public debt recovery;

g) the representation of the interests of the public authority or institution, in its relation to the physical and legal persons, of public or private law, from country and from abroad, within the limitations established by the head of the public authority or institution, along with the representation before justice of the public authority or institution in which it is carried out the activity;

h) the carrying out of activities according to the strategy of public administration computerization".

It must be underlined that, in art. 3 of the previously mentioned law, there are evidenced the principles, the values and the exigencies that constitute the basis of the public service, which are to be presented below:

a) legality, impartiality and objectivity;

b) transparency;

c) efficiency;

d) responsibility, according to the legal provisions;

e) citizen oriented approach;

f) stability in carrying out the public service;

g) hierarchical subordination".

Through Law no. 188/1999, there was created the National Agency of the Civil Servants that functions within the Ministry of Administration and Internal Affairs. The purpose of it is "to ensure the management of the civil services and the civil servants".

3. The rights of the civil servants

The status of civil servant implies not only obligations and responsibilities, but also a series of rights that result from the actual legislation. Therefore, for example, there is underlined the fact that the right to opinion of the public servants is guaranteed, as provided in section 1, art. 27, *Law no. 188/1999 on the Status of the Public Servants*, republished and actualised.

According to the section 3, art. 44, the public servants "have the obligation that, when exercising their due attributions, to refrain from expressing or public manifestation of their political beliefs or preferences, to not favour any political party or organisation that falls under the same legal provisions as the political parties". Moreover, "it is forbidden any discrimination between the civil servants, based on political criteria, trade-union belonging, religious, ethnic, sex regarding, sexual orientation, material condition, social origin or any other nature convictions" (section 1, art. 27)

In all the civilised countries, which benefit by a very well-organised public administration, the place and the role of the civil servants are clearly defined. Thus, for example, the status of the French civil servant provisions, in section 1, art. 6, that the freedom of opinion is guaranteed to them, and in section 2, there is stipulated that there is not made any distinction between the civil servants, on addressing their political, trade-union, philosophical or religious, sex related or ethnicity opinions (Prisăcaru, 2004, p. 131).

The right of the public servant, to be *informed* on addressing the decisions that are made for the enforcement of the actual status in our country and which refer to them directly, are stipulated in art. 28. This means that the legal decision that involves them must be brought to their attention, in order to produce effects.

The civil servants have the right to *trade-union association*, meaning that they are allowed, to form trade-unions, to adhere to them and to exercise any type of mandate within them. Nonetheless, there ought to be observed that the high public officials or the public servants that have the function of credit release authority, elected in the trade-union leading bodies, are excepted from this right. They have the obligation that, 15 days after the election in the leading bodies of the trade-union organisations to opt for one of the two positions. In the case that "the public servant chooses the leadership of the trade-union organisation, their activity related to the job is suspended, on a period equal to that of the mandate in the leading position from the trade-unions. The civil servants have the possibility to associate in professional organisations or other types, with the purpose to protect their professional interests" (Sections 1-3, art. 29, *Law no. 188/1999 on the Status of the Public Servants).*

Art. 30 provisions *the right to strike* of the public servants, they do not receive their salaries or other salary rights, throughout the strike. (Section 1 and 2, art. 30, *Law no. 188/1999 on the Status of the Public Servants).*

Through the stipulation of the right to strike of the civil servants, there are regulated "the condition and the limit of its exercising, along with the necessary guarantee for the assuring of the services essential for the society, along side with the obligation to observe the principle of continuity and celerity of public service" (Manda, 2007, p. 179).

For certain categories of public servants, as, for example, that of the police officers, there are limited certain fundamental rights and freedoms. Thus, according to the art. 45, from *Law no. 360/2002 on the Status of the Police Officer*, they are forbidden:

a) to belong to a political party or organisation or to spread propaganda on their favour;

b) to express political opinions or preferences at work or in public;

c) to run for the local public administration authorities, Romanian Parliament and the Romanian Presidency;

d) to express publicly opinions that are contrary to the interests of Romania;

e) to declare or to participate to strikes, protests, demonstrations, processions or any type of political meetings;

f) to adhere to sects, religious organisations or other organisations forbidden by the law;

g) to carry out, directly or through a three-party, commerce activities or to participate to the administration or management of companies, except for the quality of shareholder;

h) to exercise lucrative activities that would harm the honour and the dignity of the police officer or the police institution;

i) to hold any other public or private position for which they receive a salary, excepting the teaching positions within the educational institutions, scientific research activities and literary-artistic creation".

For the activity that they carry out, the civil servants have the right to a wage made of two parts: the base salary and the seniority increment. Moreover, they benefit by bonuses and other salary entitlements, according to the provisions of the law. The payment of the civil servants is made according to the legal provisions on the unitary pay system for the civil servants (Art. 31, *Law no. 188/1999 on the Status of the Public Servants).*

According to the art. 111 from the annotated *Code of Labour*, the working time represents "any period in which the employee works, is at the disposal of the employer and carries out their duties and attributions, according to the employment contract and the collective labour agreement applicable and/or within the legislation in force".

The usual period of the working time for the civil servants is of 8 hours per day, 40 hours a week. For the worked hours, due to the disposition of the service or the public institution leader, over the normal period of the time or during the legal holidays or free days, the operating civil servants are entitled to retrieving or increase payment with an addition of 100% from the base salary. The number of the paid hours with the increase of 100% cannot be higher than 360 a year (Section. 1 and 2, art. 33, *Law no. 188/1999 on the Status of the Public Servants).*

The civil servants who, according to the law, are forced to wear a uniform at work, *receive it free* (Art. 32, *Law no. 188/1999 on the Status of the Public Servants).* Art. 36, letter c) from the *Law 293/2004 on the Status of the Civil Servants from the National Administration of Penitentiaries*, republished, stipulates that the civil servant within the system of the penitentiary administration is entitled to have a free uniform and specific equipment.

Moreover, according to the art. 28, section 1, letter c), from the *Law no. 360/2002 on the Status of the Police Officer*, the police officers are also entitled to receive free uniform and specific equipment.

According to the law, the civil servants have the right to an annual leave, medical leave and other types of leaves, medical care, normal working and hygiene conditions, for the protection of their health and physical and psychical integrity, pensions, and other types of entitlements of social insurances granted by the state (Art. 35-39, *Law no. 188/1999 on the Status of the Public Servants).*

During the period of the medical leave, maternity leave and those for the bringing up and supervision of children, the working relations cannot cease and cannot be modified, unless it is the initiative of the civil servant.

"The civil servants benefit by the protection of the law, in the exercising of their attributions. The public authority or institution must assure the protection of the public servant against menaces, violence, grave injuries, cases in which they might constitute as victims, while exercising the public function or related to it. For the guarantee of this right, the public authority or institution shall request the support of the statutory organs, according to the law. The special measures of protection for the public servants, with attributions of control and inspection, forced execution of debt recovery, along with other categories of public servants that carry out activities with high professional risk, there are established through normative acts, at the proposal of the National Agency of the Public Servants or by public authorities and institution, with the permit of the National Agency of the Public Servants" (Sections 1-3, Art 41, *Law no. 188/1999 on the Status of the Public Servants*).

According to the art. 42, "The public authority or institution must pay compensations to the public servant, in case they suffered, on ground of guilt of the public authority or institution, a material prejudice while carrying out the working duties".

4. The research methodology or directions

The knowing of the socio-professional category of the civil servants is a complex process that implies, on one side, the legal analysis (focused on the evidencing of the legislation in force), and, on the other side, the deciphering of the social relation between the civil servant and the beneficiary people, with the instruments of study specific for sociology.

Research regarding the civil servants will look at the following:

- Their position in the chart of the institution, which includes the managing and the operating positions;
- The working conditions that they enjoy, which can be adequate or inadequate for the fulfillment of the individual tasks;
- The degree of contentment/satisfaction, in relation to the work, the level of the wage system, the possibility of personal development and professional promotion;
- The psycho-social climate, which is the result of the relations of communication with their own colleagues (horizontally) and with the hierarchical superiors (vertically);
- The evaluation of the way in which the specific rights of the civil servants are observed etc.

Different previous researches on the civil servants were done with the intention to demonstrate how corrupt such environments are, for being later discredited *in corpore*, especially for political reasons, not for the improving or reformation of this field, very important from the social activity point of view. Some published works also have alerting titles (Giurgiu, Baboi-Stroe, Luca, 2002) and encompass general accusations on addressing all the public servants and the institutions from the public administration. The exaggeration of the dimensions owned by the phenomenon of corruption in our society, especially after 2004, and its transformation into a primordial problem of some institutions of the Romanian state, have compromised the efficient methods for fighting against the phenomenon, at the national level, and, at international level, they brought immense image prejudices (Romania being depicted as paradise of the corruption). Corruption, along with poverty, criminality or external migration, are real phenomena, present in any society from the world, which, nonetheless, must be kept under control, when they pass certain limits, they endanger the social order and the personal life of the individuals.

Another category of researches proved to be preoccupied with the presentation of the degree of satisfaction the civil servant, in comparison with the work they do, being well-known the fact that the administrative activities imply a certain repetition and monotony of the same operations. There were tested certain hypotheses, such is the fact that the civil servants who have a managing position are more satisfied with their activity than the ones who operate (Sandor, 2011, pp. 257-260). It is a common fact that, moreover, some civil servants, who are in touch with the public, are constantly subjected to difficult or stressful situations, generated by the verbal or emotional aggressiveness of certain citizens.

Extremely useful, there is another direction of the social research of the local public administration, the one that starts from the appreciations formulated by the citizens on addressing the behaviour, the attitudes or the capacity to communicate of the public servants, with their competences in solving some individual or collective issues of the local community etc.

Different polls or sociological researches prove that there are two types of questions that the citizens are asked: some that concern the mayoralty as an institution and the role it plays in the local community; others that refer to the employed staff, more precisely to the way in which the civil servants from a town-hall do their job, in their official relations with the citizens.

The big local communities, which have a high degree of urbanisation and a numerous population, are undoubtedly harder to be administrated, than the ones with a reduced number of citizens and economical-social activities. Usually, the towns-county residences in Romania are the most numerous demographically, a situation that implies a certain complexity of the administrative activity.

Generally, the institutions, and particularly the municipal ones, have a significant role in the organisation and the carrying out of the activity. For example, the biggest city of Romania, Bucharest, a capital with over 2 million inhabitants, needs 6 sector town-halls and a general one, in order to function administratively. The larger a city is, the more difficult it is to manage, that is the satisfying of the priority material needs (dwellings, food and water supplying, transportation etc.) and educational (day-care centers, any type of schools), cultural and entertainment, useful social activities for the adults etc.

The fact that in a city we meet several categories of official institutions, from those that have a local administrative and economic role, to the cultural and military one, is what provides a unitary and coherent living and working conditions for the people. First of all, the institutions meet some collective needs, organise a certain type of activities (economic, political, administrative, legal, medical, educational, religious etc.) and last longer than an individual, being useful for several generations.

Both the town hall and the city can be regarded as a system whose functioning is provided by the flux of input and output. The theoretical-systemic perspective is appropriate for the understanding and the explanation of certain fields of social activity. Therefore, it is not only interesting, but also important for the exploration of the local institutions that people respect, because it manifests trust in them and, implicitly, through the promoted values, the institutions confer to the citizens a certain social prestige. In their turn, the civil servants are interested in the manner they are regarded in the community, because their professional evolution and official recognition of their rights and qualities depend on their public image.

A rigorous research of the local public administration implies a field sociological research, based on three categories of indicators, as following:

1. The presentation of institutional structure of the local community and the appreciation of the main institution enjoy among the citizens;
2. The evaluation of the Mayoralty as a local public administration institution, due to the citizens' option;
3. The evaluation of the civil servants of the Town Hall, based on the perceptions of the adult population.

Further on, we are going to present a series of data, according to the three groups of indicators, evidenced by field researches, made among the population from Craiova.

The main studying method was the poll and the used technique was the questionnaire. The comments below are the produce of some secondary analyses, made on the data gathered within the empirical researches. The examined population was made of both gender people, with different occupations and levels of instructions, on 18 years old and over. They were selected through the method of selective sampling, using the statistical step of three, both in the case of the research of the 1,075 subjects (from July 2013) and in the case of the investigation of 524 people (from May 2015). The samples were projected in relation to the share of the population on neighbourhood and the considered objectives. In parallel to the poll, there was resorted to the statistical analysis of the gathered data.

5. Results and comments

a. *The appreciation of the public institutions*. The research on the population from Craiova, a town with over 300,000 inhabitants, through a face-to-face questionnaire, demonstrated that there are 16 institutions or categories of institutions, from a total number of 23 nominalised, which enjoys the trust and the respect of the inhabitants of this city, in variable extents. It should be noticed that 97% of the questioned people were able to identify one of the institutions, as they were requested, while the rest of 3% did not make any choice.

The 16 institutions were hierarchized quantitatively, in a low order of the shares of options, among the interviewed. The asked question had pre-determined answers and was formulated as following:

I am going to read the names of few public institutions from Craiova. Which of them inspires you the most and satisfies you, in terms of undertaken activity?

After the processing of the gathered data, there was made a classification of the first five most appreciated institutions, as below:

1. Town-Hall of Craiova – 18.4% (from the total number of respondents);
2. The University of Craiova and The University of Medicine and Pharmacy – 14.7%;
3. Dolj County Council- 10.5%;
4. County Emergency Hospital- 10.5%;
5. Police- 10.5%. (Oltenia Social Institute, 2013, p. 4)

As resulting from above, the first place in the classification of trust, expressed by the people from Craiova, is occupied, detachedly, by the Town-Hall. Along with the County Council, it owns the highest share of trust and satisfaction among citizens- 28.9%, being followed by the high education institutions, health and public protection ones. Thus, the five mentioned institutions form *the institutional structure* that defines the city of Craiova, meaning that, through their carried out public interest activities, they transmit trust and satisfaction for most of the adult inhabitants (a share of 64.3%).

Other institutions, with administrative role, such is the Prefect's Office, or the ones from the education, justice, culture, bank, religious etc. institutions, had lower shares, on addressing the trust and the satisfaction among the population, their positive image being supported by 35.7% of the subjects.

b. *The public image of the Town-Hall.* The basis for the expressing of the trust in the Town-Hall is represented by many aspects, including political and moral ones, nonetheless, on the first place being situated the acknowledgement of the effort put into making Craiova a cleaner, nicer town, attractive from the touristic point of view, to find a solution for the stray dogs, to repair and asphalt the streets, to renovate and technically endow the hospitals, from the local budget category etc.

The inhabitants of the town are satisfied "to a great extent" and "to a very great extent" with the following activities carried out by the Town-Hall:

- over 81% with the way the public gardens and parks were planned;
- almost 80% with the planning of the playgrounds;
- 52% with the extension of the water and sewage system;
- almost 70% of the cultural activities initiated and promoted by the Town-Hall;
- 49% with the way in which the public transport takes place;
- over 61% with the quality of cleanliness within the city etc. (Polling Institute from Craiova, 2015, p.23-29)

Moreover, the citizens believe that the first 3 problems solved by the Town-Hall between 2012-2015, were the cleanliness of the town, the condition of the street network and the need of the dwellers for parking spaces.

The high valuing that the Town-Hall enjoys, according to the inhabitants, is also reflected by the majority share of those who appreciated that "It has moved towards a good direction", of evolution, in the opinion of almost 73% of the inhabitants (other 12% evaluating it as a "wrong" one, and 15% did not answer or could not appreciate). Furthermore, 91% of the citizens declared that the support the project initiated by the Town-Hall, which proposes Craiova in the race for the Cultural Capital in 2021. (*Ibidem,* p.63)

Half of the citizens that resorted to the Town-Hall for solving their problems, followed the option of the audience, other 31.3% went to the Centre of information for the citizens and 18.7% addressed to a specialised service. The feedback proved to be, overall, a positive one, according to the legal provisions and individual expectations, as resulting from the next tables.

Table no. 1

After the filling of the petition/notification, what happened with the answer received from the Town-Hall?		**%**
1.	I received the answer within the legal period of time	72.4
2.	I received the answer, but after the legal period of time	14.9
3.	I did not receive an answer	6.7
4.	I have not received an answer yet	5.3
5.	Don't know/ Don't answer	0.7
	Total	100.0

Source: The Polling Institute from Craiova, *Opinions and appreciations of the population on the activity of the Town-Hall of Craiova,* Beladi Publishing House, Craiova, May 2015, p.12

Table no. 2

To what extent were you satisfied with the answer received from the Town-Hall?		**%**
1.	To a very great extent	41.8
2.	To a great extent	38.8
3.	To a small extent	10.4
4.	To a very small extent	9.0
	Total	100.0

Source: *Ibidem,* p. 13

The image of the Town-Hall was analysed through the opinion of the citizens on addressing such an institution in the life of the city. Consequently, they were asked the question from the table below, for which they received the next types of the mentioned answers.

Table no. 3

What projects should be initiated by the Town-Hall of Craiova, in order to feel proud that you are a citizen of the town?		%
1.	Jobs	28.8
2.	Cultural activities	5.0
3.	Aqua Park	4.0
4.	Revitalisation of industry	3.8
5.	Underground parking	3.2
6.	Don't know/ Don't answer	55.2
	Total	100.0

Source: *Ibidem,* p. 33

c. *In what way are the civil servants regarded within the community?* The evaluation of the civil servants from the town-hall is tightly connected to the appreciation that the public has about it as an institution, as well as the mayor. The data of the empirical research attest that the mayor of Craiova was quoted with over 63% much and very much trust, and 68% level of satisfaction among citizens, for the activity carried out in the first three years of mandate.

Although a quarter of the citizens of Craiova resorted to the services provided by the Town-Hall (in the last year before the research), in order to solve different problems, yet, their rate of satisfaction is a very high one, as 80.6% of the respondents confessed, a fact that indicates a positive and functional relation, between the expectations of the citizens and the services offered by the civil servant that work for the Town-Hall.

The qualities of the civil servants also resort from the general evaluation of the Town-Hall, for which there were obtained positive answers, from 80% of the interviewed population.

Table no. 4

Generally, how do you appreciate the activity carried out in the Town-Hall of Craiova		**%**
1.	Very good	22,1
2.	Good	43,5
3.	Satisfactory	15,5
4.	Weak	12,6
5.	Very weak	3,8
6.	I cannot appreciate	2,1
7.	Don't know/ Don't answer	0,4
	Total	100,0

Source: *Ibidem,* p. 35

Among the measures proposed by the citizens for the improvement of the activity of the civil servants and the institution of the mayoralty, we bring forward the following:

- the reduction of the waiting time at the pay offices (33,3%);
- increased professionalism of the civil servants (25,9%);
- consideration on addressing the concerns of the people (19,3%);
- the simplification of the bureaucratic operations (14,8%);
- giving higher wages to the civil servants (4,4%);
- the changing of their attitude (1,6%).

The fact that the last proposal was indicated by an insignificant percent of the citizens proves that there is a civilised behaviour of the civil servants, which confers respect and appreciation to the institution.

The level of the information transmitted to the Town-Hall is considered "sufficient" by the citizens of the city, in a proportion of 48.2% of them. The channels of communication preferred by the public are the local television stations (56.3%) and the local newspapers (21.2%). They are used by 77% of the questioned, the younger generation resorting to the social networks or the site of the Town-Hall for taking their information.

Conclusions

The rights of the civil servants are indissolubly related to their obligations or duties, whose detailing is presented systematically in chapter 5 of Law no. 188/1999. From the legal point of view, the obligations imply certain responsibilities and sanctions, in case they are not carried out (section 2, art. 43-49).

The main right provisioned by this law are the following: the right to opinion of the civil servant and the guarantee of it; the right to equal treatment, being forbidden the discrimination of the public servants on grounds of ethnicity, political preference, religion, trade-union belonging, gender, sexual orientation, material condition or social origin etc.; the right to be informed; the right to association in trade-unions and professional organisations; the right to strike; the right to a base salary and seniority increments, bonuses; the right to a daily working programme of 8 hours (40 hours a week); the right to be elected or appointed for a position in a public department; the right to annual and medical leaves; the right to normal conditions of work and hygiene, for the protection of their physical and psychical health; the right to medical care etc.

Other concepts used by the mentioned law are those of public service, public function, public servant, rights, duties etc. Through *public service*, it is understood "stable, professional, transparent, efficient and impartial public service, for the interest of the citizens, as well as for that of the public authorities and institutions from the central and local public administration". The public function is that position that implies certain attributions and responsibilities provisioned by the law, competencies within the process of enforcement of the state laws, through the central public administration, local public administration and the autonomous administrative authorities. At the basis of public service exercising there are principles, such the principle of equality, impartiality and objectivity, that of transparency, responsibility, citizen oriented policy etc. There are two types of public functions: of management and operation. *The public servant* is that person whose activity "involves the exercising of public power prerogatives", as the elaboration of bills and their enforcement, bills of policies and strategies of implementing the public policies, the management of the human and material resources etc. According to the level of attributions of the public servant, there are three categories of specific functions: a) that of the high officers; b) the managing public servants; c) the operating public servants.

The relation between the public servant and the local institution or community (Cace, S. and all, 2011) they belong, can be analysed from two perspectives: juridical and sociological. The sociological analysis evidences two directions of research: one addressing the degree of satisfaction or dissatisfaction of the population, confronted with the activity of the public servant and, implicitly, the institution where they work; the other, which considers the working conditions and the degree or satisfaction or dissatisfaction of the public servant.

The number of the civil servants from Romania has been increasingly growing, reaching 134,500 people, a reasonable number, compared to the needs of a country of almost 20 million inhabitants, and the situation met in other countries of the European Union. At the end of 2014, Romania had 4.9 million employees, according to the National Institute for Statistics. It results that the 134,500 civil servants had a lower share, of 3% from the total number of employees from our country, and under 1% of the population in Romania.

If we relate the necessary of 164,125 public servant jobs – considered in 2015 for the needs of the public administration from our country (from which almost 30,000 were occupied) – to the employed population, it results that the share of the civil servants is of 3.34%.

The information gathered through the empirical researches shows that certain institutions of the local public administration from Craiova enjoy a higher percent of trust among the citizens. Over 64% of them declared that they trust 5 institutions mostly, whose activity satisfies them greatly: the Town-Hall, the University from Craiova and the University of Medicine and Pharmacy, Dolj County Council, the County Hospital and the Police.

The image of the Town-Hall and the civil servants that work within it is, generally, quoted as a positive one, by almost 73% of the citizens, who appreciate the fact that it is evolving "towards a good direction". The positive appreciations are correlated with higher expectations of the population, on addressing the activity of the institution of mayoralty, such are: the reduction of the waiting time at the pay offices (33%); increased professionalism of the civil servants (26%); consideration on addressing the concerns of the people (19%).

References

Alexandru, I. (2007). *Administrația publică: teorii, realități, perspective*, 4th edition, Lumina Lex Publishing House, Bucharest

Cace, S.; Arpinte, D.; Cace, C., Cojocaru, S. (2011). *The social economy. An integrated approach,* in *Transylvanian Review of Administrative Sciences,* vol. 33, Issue 2

Giurgiu, A.-D.; Baboi-Stroe, A.; Luca, S. (2002). *Corupția în administrația publică locală. Cadrul legal existent. Măsuri întreprinse pentru combaterea corupției. Observații și recomandări,* Fundația pentru Dezvoltarea Societății Civile Publishing House, Bucharest

Manda, C. (2007). *Știința administrației*, Lumina Lex Publishing House, Bucharest

Marin, M. (2012). *Defining and Measuring Public Sector Employment: Romania's Case,* in Journal of Community Positive Practices 4/2012, pp. 667-678

Mastacan, O. (2008) *Răspunderea penală a funcționarului public*, 2nd edition, Hamangiu Publishing House, Bucharest

Prisacaru, V. I. (2004) *Funcționarii publici*, All Beck Publishing House, Bucharest

Sandor S. D. (2011) *Metode și tehnici de cercetare în științele sociale*, http://www.apubb.ro/wp-content/uploads/2011/02/Suport-MTCS-Ro.pdf

Tofan A., D. (2006) *Instituții administrative europene*, C. H. Beck Publishing House, Bucharest

*** The National Agency of the Public Servants (2015) *Report on the management of the public service and the public servants for 2015*, published on the site www.anfp.gov.ro

*** The Polling Institute from Craiova. (2015). *Opinions and appreciations of the population on the activity of the Town-Hall of Craiova,* Beladi Publishing House, Craiova

*** Oltenia Social Institute of the University from Craiova. (2013). *Opinions and appreciations of the population on institutions and occupations, actual living conditions*, Research report, Craiova

**** Law no. 188/1999 on the Status of the Public Servants*, republished and actualised in 2015

**** Labour Code,* annotated

**** Law 293/2004 on the Status of the Civil Servants from the National Administration of Penitentiaries*, republished

**** Law no. 360/2002 on the Status of the Police Officer*, 2014

JCPP

Year XVII • No. 1/2017

EDITURA Expert

ISSN 1582-8344