

ROMANIAN SOCIAL REACTION ON THE PROSTITUTION PHENOMENON. DISPUTES BETWEEN ROMANIAN ORTHODOX CHURCH AND POLITICAL GROUPS

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Abstract: *Legalizing prostitution was one of the most disputed problems on Romanian Parliament in 2009 with the requirement about new Penal Code. Therefore the people's representatives, Romanian deputies and senators argue to or against problem; one of the opinion was from far opposed prostitution, in this case Romanian Orthodox Church; the other views was in total accord or agreement, but exists too opponents and contrary or adverse. Because the Parliament reflects the voice of the nation is legitimate the regard too for a new Penal Code.*

Keywords: prostitution, dispute, parliament, political party, romanian orthodox church

Introduction

Current Romanian social reaction to the phenomenon of prostitution: Always popular social reaction, expressed, in essence, truth or opinion which proved then the closer to the truth about a social phenomenon and a particular social fact, quite rightly pronouncing sentence. If human trafficking is a social phenomenon in Romania, then social reaction on his part, considering the morality of our people is undeniable disapproval of its intrinsic actions: exploitation of any kind, and especially the sexual. They are known in the Romanian society disputes between Romanian Orthodox Church and social and political groups who wish legalizing prostitution, the former managing to prevent the legalization of the sale of bodies and pleasures of the flesh.

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With the new Romanian Penal Code was raised the problem of prostitution legalization; the new Code, 2009 version and for now the 2012 version doesn't contains rules about, on the contrary incriminate it. Many points of views from Parliamentary were taken from different party: democratic, liberal, social democrat about legalization or not prostitution and the authorized position of Romanian Orthodox Church.

“[The theological point of view] trafficking is a serious offense that undermines the integrity of the image of God in man. Trafficker deprive the victim of the divine gift of freedom decision violates the dignity of his person, he crushes his ability to reason and will rape her, mocking her feelings. He usurps God Himself Creator of the souls of the people they sell as objects. Depersonalize human trafficking, affecting physical, especially its spiritual, as it impedes the ability to tend to the likeness of God and do it His image worker. Trafficking transforms man into a slave, into a commodity whose price is not its value as a person, but the profit that can be removed from the trafficker «use» them” (Romanian Patriarchate, I.O.M., 2003, p. 7).

We appreciate that this is the only attitude that Romanian Patriarchate will ever express, respectively damnation trafficking by convicting traffickers generating fellow human degradation.

Romanian clerical voice has displayed “beliefs and sentiments common to the average of all members of the Romanian Orthodox Church arguing against the legalization of prostitution” (Durkheim, 1922, p. 28, *apud* Chipea, 1996, p. 98).

Theoretical framework

Until now prostitution is not legalized, with many hostile positions, although over time (since 1989) there have been several initiatives in this regard.

Because they say the future Bill looming criminal code punishing acts of prostitution because they will only be considered misdemeanors - the qualification of the act was motivated by the reason that victims of trafficking should be encouraged by law, to cooperate with legal authorities to catch and punish traffickers.

The 2009 version of the Penal Code - Law no. 286/2009 regarding the New Penal Code was published in the Romanian Official Gazette, Part I, no. 510 was published in the Official Gazette (www.avocatnet.ro, 2009), prostitution will not be prosecuted as a crime, but pimping and art. Pimping the marginal titled 211 (1) provides that “determination or aiding prostitution or profiting from property prostitution by one or more persons shall be punished with imprisonment from 2 to 7 years and deprivation of rights” and the same article of the law referred to in paragraph (4) that “by means maintaining prostitution sexual acts with different people in order to obtain economic benefit for himself or for another” different definition the previous one, in the Penal Code in force from 2006 (art. 328 of the Penal Code as amended up to July 12, 2006) which provides in art. 328 that

prostitution is “the act of the person who acquires or main livelihood, practicing for this purpose sex with different people. [...]”.

Then, the new and last version of Romanian Penal Code in force, respectively updated and completed by Law no. 63/2012 and Law no 27/212 provides that the prostitution is incriminated and punished by prison from 3 month to 3 years (art. 328 of the Penal Code, 2012).

Indeed, “New Penal Code has sparked controversy by changes on criminal facts. Romanian Orthodox Church has expressed outrage that decriminalized prostitution and incest are the new Code [...]. According to the new Penal Code, women who sell their bodies will not go to jail, but will be penalized by a fine only. However, its code punishable by imprisonment pimps, they risking punishment up to 15 years in prison” (www.realitatea.net, 2009).

Methodological section

Part of viewpoints of members of Romanian Parliament (deputies and senators) representing political groups but also personal opinions it's like an quantitative quality study about legalize or not prostitution; also the Patriarchate or Romanian Orthodox Church standpoint it's steady, unflinching, abiding and constant: against prostitution.

Official, personal attitudes and points of view upon legalizing prostitution

It is remarkable, however, claim - when a country legalizes prostitution practically legislates many aspects related to crime and sex industry (Raymond, 2009) - by Phd. Janice G. Raymond, professor emeritus of the University of Massachusetts in the Conference “The consequences of legalizing prostitution in Romania” dated October 2, 2007 in Bucharest organized by the National Agency Against Trafficking in Persons together with specialists from the U.S. State Department.

Legalizing prostitution was and is a controversial topic and Romanian political environments have different opinions about this subject, so the Democrat Party - Senator Vasile Blaga supported the idea of legalizing prostitution, stating that prostitution still exists than to leave to chance, then you better put it in a legal framework to protect women, because this job is extremely dangerous. In this way we eliminate pimping too. (Blaga, 2009) behold Summit thus confirming the existence of the oldest crafts, pop lawful entry into prostitution and having Mr. George Flutur - Liberal senator arguing: We are a European country and it's normal to have a legal framework for this job. I do not see why not create a legal framework for the girls that they see of their business anyway. I fully agree with the idea of Mr. Vasile Blaga (Flutur, 2009).

Senator opinion Hungarians Democratic Union in Romania, Gyorgy Frunda belongs to the same register, but is more reserved and nuanced we consider it transpires not only as the party's position which includes but personal opinion: I

agree with the idea of PD, but not a legislative priority; and in terms of social and health would be a step forward; however, I think some parents will not be pleased to say that their daughters are prostitutes job (Frundea, 2009).

Regarding the disagreement clearly expressed opinion about legalizing prostitution quote Mrs. Elena Udrea - Executive Secretary Democratic Party at the time: I see a moral to legalize sin. These women are exploited beyond measure and I find it absurd to make a legal framework to be further exploited. I do not agree with the legalization of prostitution and I do not change my mind (Udrea, 2009).

That although Democrat Party member as I said, expressed a different opinion from that of Mr. Vasile Blaga (here so that political mandate expressed through personal choice assessment was made and put in value morality, expressing pity and compassion for women in prostitution are considered exploited).

Vice National Liberal Party, Mrs. Norica Nicolai too expressed in the same direction - saying: Now prostitution works everywhere. I'm against it because the way they want to legalize it is demeaning to women and there is a legal impediment: Romania is part of the United Nations Convention of 2 December 1949 on combating trafficking and exploitation of prostitution of another and never undertook not to legalize prostitution (Nicolai, 2009).

Though Mrs. Norica Nicolai is a member of National Liberal Party, as Mr. Flutur wanted to comment on their own without considering that of his colleague, even more, citing international conventions universal argued that Romania has signed and has assumed responsibility (her opinion is clear, although an agreement may be adopted with reservations in allowing this). Louder but, as usual otherwise leader of BRP Vadim Tudor - concluded by saying: You cannot legalize this practice. Even former Patriarch, His Beatitude Teoctist personally asked me to oppose any intention to legalize prostitution. We are a Christian nation and we cannot accept this. (Vadim, 2009) - personal opinion and distinguish both official attitude of the Romanian Orthodox Church - through its head (at that time - September 4, 2007 - died).

I thought eloquently expressed chosen to exhibit attitudes of the nation on the issue of legalization of prostitution, they represent the Romanian people, the nation, based on the classic social contract and normative acts electoral, constitutional, etc. in force and their opinions are forming opinions, she having a passive or active role of social educators; all this amalgam of opinions, attitudes premier mention of the time - July 2007 - Mr. Calin Popescu Tariceanu, the Liberal Party leader, attitude diplomats, consider: I do not think that this activity, which sure I see through certain areas of Romania, is an important economically. ... The risk is that by such a measure - not fiscal, but by far legalization - to give vent to this issue which eventually can be seen from a perspective about protecting individual. Many women entering prostitution networks is likely to be all the activity of organized crime, human trafficking (Popescu Tăriceanu, 2009).

After parliamentary elections (2008) and the appointment of a new prime minister in the person of Mr. Emil Boc that the Democratic Party but also created new economic and social context of the global crisis, gentleman, as chief executive stated that does not want to make money from everybody, even if they would be more than necessary from the state budget. For example, legalizing prostitution, which would mean additional revenue for the state. This topic will be discussed with the Romanian Orthodox Church emphasizing did not know if society is ready for such a decision and explaining that which is not healthy for society should not be encouraged «for the sake of making money» from the state budget: [not] think they have used the crisis on the principle of Machiavelli “The end justifies the means” should not be there (Boc, 2009).

So here are some of the important social side at least the status of those who have expressed about legalizing prostitution and possible implications, with awareness increasing number of victims of trafficking, especially through sexual exploitation.

Given that outline the theoretical social reaction detach ourselves to some extent the claim that crime would not be an intrinsic characteristic of the act that you commit an individual (Tannenbaum, 1938, *apud* Banciu, 2005) but rather the consequence of what they consider other individuals that consider valid, except natural crime. The offense has been analyzed from a sociological perspective and not legal or anthropological by Raffaele Garofalo (1851-1934), lawyer and student of Cesare Lombroso. Garofalo distinguishes two types of offenses or crimes: the natural and legal or conventional natural crime is “that which in all times and places was and is considered felony or misdemeanor and is punishable (treason, murder, theft, rape, serious injury and so on)” (Chipea, 1997, p. 34).

Indeed, crime is naturally antithetical to natural law - inherent to the human being, without the observance of which it could not exist. Natural rights are universal for individuals and doctrine has entered “the [list] fundamental human rights that have been made in order for them to be respected by any legitimate constitution and are surprisingly similar, which suggests that the base Their is a common understanding of the conditions necessary for companies to give their full dignity of human beings” (Balan, 2003, p. 5).

Natural offense existed before any legislator to be so qualified, being created by society or social group. Any nation found and considered a serious offense that natural crime should be punished, because “strikes at the moral sense, the altruistic feelings of compassion, justice and the integrity of the company. [Garofalo] states that these feelings offense reaches the average level of development, higher level. Therefore it is rejected by the consciousness of the people that it punishes the perpetrator. If the public authority does not apply due punishment of the offender, and the people itself intervenes and justice.” (Garofalo *apud* Chipea, 1996, p. 34).

I believe that child labour, kept in a state of slavery, sexual exploitation, forced into pornographic or other forms of sexual exploitation and other such activities that violate fundamental human rights and freedoms resolution made in the manner of trafficking certainly fall within natural crime.

Legal or conventional offense is considered a milder form (Chipea, 1996) of crime which affect individual interests being created by the legislature. In the sphere of legal crime offenses fall, tort etc. and have a profound social origin being penalized easier. In this category - conventional crime - will sign and acts of prostitution by reconsidering the new Penal Code will no longer criminalize "Legalization of prostitution requires a law to regulate this activity. The new Criminal Code does not legalize prostitution, but it is still sanctioned" - said Friday, March 13, 2009, Justice Minister Catalin Predoiu (Neagu, 2009). (A compromise solution, we consider if the prostitution has been legalized, it will still be penalized, not punishment - usually the criminal fines, if any proper classification applies imprisonment, but by fines, because it will not be classified as a crime but will be legal offense - will change this legal regime. This is alarming but not in the sense that prostitution activity reprehensible and degrading punishment in application and enforcement was almost unattainable because it is well known that girls in urban belts or other places where they use to work (car parks, railway stations, basements, garages, cars etc.). place where law enforcement raids and are taken and transported to Police, legitimized, medical advice, making them the summaries and being fined or made them the criminal records for prostitution - have an attitude of mocking the whole situation, transforming it easily from drama in comedy because, on the one hand they cannot make it good fines (otherwise known aspect of bodies carrying out raids, the more that their even make indecent proposals are fighting fines) and especially knowing that it is unlikely to draw them criminal, on the other hand, girls are used to such events, not the first offense. (Ministry of Justice argues that criminalizing prostitution is not necessary because it can be tackled efficiently with methods modern offenses such as sanctions.

It's the most ridiculous statement, as long as everyone knows that fines have absolutely no effect. Nothing the police or gendarmerie prostitutes gather on the streets and amend them, because they never pay the fines, but the police station directly return to "work". On behalf of hundreds of prostitutes gather fines, but they cannot be cashed because prostitutes have no income, no assets on which to foreclose fines. Halal efficiency. Does the Ministry of Justice is not even aware of this situation? - Position expressed by Mr. Iulian Urban - Ilfov County Senator (Urban, 2009).

Reasoning on how to sanction prostitution, you can choose:

- if fine sentences indeed mentioned in penal antecedent, but in fact fine, most likely it will not be paid, the woman citing lack of money, if the fine is converted into days in jail, becomes unprofitable for the Romanian state in mind and prison overcrowding and the presence of many people who have real social danger in free, we consider the possibility that the prostitute to be a mother, child stigma is unbearable;
- whether prostitution should be considered offense - we must recognize that it can change at the social level, many aspects: first, in terms of justice there will be that "false" the act of order, in the sense that once caught, the girls

will not have no choice - or will pay a fine contravention (administrative sanction) or will be required (for example, normative regulations: Government Ordinance no. 2/2001 on the legal regime of contraventions, approved with amendments and completions by Law no. 180/2002, with subsequent amendments) to the provision of community service, in other news prostitution will be free, meaning that there will be no restrictions in designated areas according to law.

It is possible that the number of prostitutes to grow and be an industry or underground economy in this respect, at which time it will consider legalization measure them or will be prohibited. Expressed a firm position in relation administratively sanctioning prostitution was the Romanian Patriarchate in the sense of a strong disagreement with the draft Penal Code (12 March 2009) that it appears that human dignity, the sacred institution of the family and public morality are completely ignored (Romanian Patriarchate, 2009).

Basically the Orthodox Church through leadership, expressing a voice, which considers decriminalizing prostitution negative and turn looks very worried that they will take certain social phenomena: remotely solve a serious social problem, decriminalization of prostitution will aggravate the problem as a financially motivated slaves, which intensifies the moral degradation of society, the proliferation of various diseases and increasing number of divorces and the women trapped in this slavery are irremediably affect mental and physical health, and social dignity (Romanian Patriarchate, 2009).

If prostitution will be considered an offense it is hoped greater number of people to cooperate with the authorities disapprove of trafficking networks to their annihilation, in a press release of the Ministry of Justice of 16 March 2009 is thus argues this “moving from public opprobrium to the person who recruits recruited is thus likely to help punish the real culprit for the expansion of prostitution and other correlative phenomena characterized by a degree of social danger much greater, especially trafficking (Press Release of the Ministry of Justice, 2009).

Conclusions

These could be some of the disputed issue of social reactions legalization of prostitution and human trafficking default, if we consider representatives of criminology and J. Taylor, P. Walton, J. Young (Taylor, Walton & Young, 1973 *apud* Banciu, 2005) shared the view that the result of a criminal act conflicts between certain individuals and inequitable structures, political and economic aspects of society. According to the authors, in the first instance should be evaluated origins of the far delinquent act (namely prostitution, being generators and forced sex) in the second stage should be identified and explained the origins of the delinquent act immediate (Taylor, Walton & Young 1973 *apud* Banciu, 2005) - it generates, followed by explanations of concrete ways that determines specialization traffickers (a.n.) - and finally, it should be answered in the light of

several considerations (sociological, economic, psychological, cultural) and in terms of public attitudes towards rejecting legal classification the scene.

Indeed, the proliferation of trafficking cannot ignore the rise in prostitution as a way to gain and opportunism traffickers to make a profit through the exploitation and sale of human bodies (“beautiful young women are sold to more than 100.000 dollars, new owner will not let you go until you bring an amount of eight to ten times higher than that bought it.” (Sipos, 2008, p. 46).

Taking into account public attitudes relative to the liberalization of prostitution cannot notice feminist attitudes, attitudes driven by economic interests, political interests etc. expressing attitudes.

In this sense, the social reaction theory classics Edwin Lemert, Howard S. Becker, Kai T. Erikson, Frank Tannenbaum surprised precisely the quality of a delinquent act as intrinsic quality not so much the act itself but the qualification that other individuals arrogates him - as deemed relevant and George Vold, another representative of this guidance – “in order to defend their interests and to limit the possibilities of action of the dominant classes” (Vold, 1959 *apud* Chișeș, 1997, p. 59).

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