

DISTINCTIVE FEATURES OF THE
NORMATIVE ACTIVITY PERFORMED
BY THE ROMANIAN ADMINISTRATIVE
AUTHORITIES DURING THE SANITARY
CRISIS GENERATED BY THE NEW
CORONAVIRUS IN THEIR RELATIONSHIP
WITH THE HUMAN INTEGRITY AND
FREEDOM OF CONSCIENCE

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Abstract: The present work does offer an analysis which does concern the relationship that does exist between on one side the concepts of integrity and freedom of human conscience while on the other side is the normative activity which is elaborated due to the fact that the time period we are living in is a particular one into which everyone of us has seen his own usual way of life deeply troubled. On one side a struggle is carried on against the clock in order to find a vaccine which could be able to render immune all of the people worldwide against the infectious disease denominated as Covid-19 so that it could no more appear and endanger the people's lives. On the other hand there are a lot of people throughout the world who do criticize upon the preventive measures which have been imposed by the authorities, who do deny the positive role of the vaccine and who are organizing civil opposition protests against these taken measures declaring that they are doing so in order to protect democracy. In the present work we are attempting an accurate analysis of the present situation as well as the formulation of an appropriate answer to the question: is the compulsory suspension of activity for churches as well as for other cult shrines an infringement brought to the freedom of conscience or is it not? We are also formulating a personal point of view in what does concern the question if the preventive measures imposed through the instauration of the emergency or respectively the alert states are or not contradictory in respect to the rights and liberties of the citizens as these are understood within a democratic society? And should

we move further: do the currently enforced norms which do concern the citizen's right to life render legitimate this type of already taken actions? In order to formulate an objective answer to each of these issues we have chosen to analyze the current legal frame which does concern this matter. We have as well made use of a retrospective survey upon the role held by the procedure of vaccination during the former socialist regime.

Keywords: *normative activity, administrative authorities, personal integrity, freedom of conscience, pandemics, Covid-19.*

1. A few reasons leading to the choice of our theme

The period we are living in is a particular one. Our own ordinary way of life has changed throughout a few months only. The countries which do own some well endowed institutes vowed to the scientific research which do themselves rely upon an adequately powered productive infra-structure have come by now to carry on a struggle against time in order to find a vaccine¹ which could be able to render the people immune towards the action of the new coronavirus so that the covid-19 disease would no more endanger their lives; consequently a lot of scientific communications have come to be released in what does concern many issues related to the creation, the testing and the respective uses to be made of such vaccines². Romania itself has become involved to the unanimous attempt of creating

1 „The University of Oxford and the AstraZeneca firm will resume in Great Britain the clinical tests for the experimental anti-COVID vaccine after these had been stopped a few days ago due to the illness of a patient.” Luana Păvăluță, Digi24HD, 12.09.2020 18:56, <https://www.digi24.ro/stiri/externe/testele-clinice-ale-vaccinului-anti-covid-de-la-astrazeneca-vor-fi-reluate-1367201>, visited on 12.09.2020; uefiscdi.gov.ro, „Când vom avea vaccinul anti-coronavirus?”, <https://uefiscdi.gov.ro/news-cand-vom-avea-vaccinul-anti-coronavirus>, visited on 12.09.2020, quoting as a source „UK Research and Innovation (UKRI) - How long will it take to develop a COVID-19 vaccine?”, Translated and adapted by the members of the Societății Române de Bioinformatică upon agreement with the UKRI”.

2 Peeples L. News Feature: Avoiding pitfalls in the pursuit of a COVID-19 vaccine. PNAS. 2020 Mar. DOI: 10.1073/pnas.2005456117; Prompetchara E, Ketloy C, Palaga T. Immune responses in COVID-19 and potential vaccines: Lessons learned from SARS and MERS epidemic. Asian Pacific Journal of Allergy and Immunology. 2020 Mar;38(1):1-9. DOI: 10.12932/ap-200220-0772; Cohen J, Kupferschmidt K. Vaccine designers take first shots at COVID-19. Science. 2020 Apr;368(6486):14-16. DOI: 10.1126/science.368.6486.14; World Health Organization. Pandemic influenza vaccine manufacturing process and timeline: Pandemic (H1N1) nota 7 a reuniunii din 2009. World Health Organization. 2009 Aug; Rappuoli R, Black S, Bloom DE. Vaccines and global health: In search of a sustainable model for vaccine development and delivery. Science: Translational Medicine. 2019 Jun;11(497) DOI: 10.1126/scitranslmed.aaw2888.

such a vaccine³. On the other side there are a lot of people throughout the world who are criticizing upon the preventive actions taken by their own local authorities since they do estimate that such actions do in fact mean some hard infringements brought upon their rights to respectively a free circulation of individuals and to reunite themselves; the human interaction has therefore come to be limited through the imposed obligations of respectively preserving a certain physical distance among individuals and of making use of some previously indicated protective equipments. Things have come indeed so far that even the positive role able to be held by a possible vaccine is by now denied⁴ and the people are carrying on some organized protests against these taken actions⁵; the defense of democracy itself is their declared and assumed purpose.

We have taken as our starting point these issues which are by now present within our lives. Around ourselves we are daily meeting

3 „The OncoGen Center from Timișoara together with the Cantacuzino Institute from Bucharest have received a funding of 3,5 millions de lei for developing a vaccine against the SARS-COV2. The researchers from Banat do sustain that they have already found the right formula for the composition of the vaccine. After verifying it in-vitro the tests will begin – at first on animals then on people. This fact does situate Romania among the few countries which do work upon such a serum and should the things go on well we could have the vaccine on the market a year from now.”, Author: Stirileprotv.ro, 27-06-2020 08:51, «OncoGen: „Vaccinul anti-Covid e gata și acum”. De ce nu poate fi folosit încă», <https://stirileprotv.ro/stiri/actualitate/oncogen-vaccinul-anti-covid-e-gata-si-acum-de-ce-nu-poate-fi-folosit-inca.htm>, visited on September 13-th 2020.

4 Teodora Tudosie, „Once the pandemics has appeared the anti-vaccine supporters have seen a perfectly fitting opportunity for once more spreading their comnspiration theories against the vaccines.”, in the paper „Cum profită anti-vacciniștii de pandemie: teoriile pe care le promovează mai mult ca oricând”, <https://playtech.ro/2020/cum-profitati-anti-vaccinistii-de-pandemie-teoriile-pe-care-le-promoveaza-mai-mult-ca-oricand/>, visited on September 12-th 2020.

5 Cristina Ioniceanu in the paper „Ce legătură este între pandemia de coronavirus și proteste” has written: „Have you seen the impressive images with the protests from the United States, Germany, Great Britain, Bulgary, Belarus, Poland or Switzerland. You too might have have asked yourself if the Covid-19 could or not be related to all of these street movements. The sociologist Claudiu Tufiș says that yes even if the reasons themselves which have determined the people to step onto the streets are indeed various from one country to another. The current pandemics does indeed generate a state of anxiety throughout the population .”, <https://www.mediafax.ro/coronavirus/ce-legatura-este-intre-pandemia-sde-coronavirus-si-proteste-19533381>, visited on September 12-th 2020.; Adelina Rădulescu, „ The protests from Berlin against the restrictions imposed by the coronavirus have resulted in injuries sustained by 18 police officers.”, <https://romania.europalibera.org/a/proteste-de-la-berlin-fa%C8%9B%C4%83-de-restric%C8%9Biile-impuse-de-coronavirus-s-au-soldat-cu-18-poli%C8%9Bi%C8%99ti-r%C4%83ni%C8%9Bi/30762180.html>, visited on September 12-th 2020.; Berlin: Proteste ample contra măsurilor anti-COVID-19, <https://www.dw.com/ro/berlin-proteste-ample-contra-m%C4%83surilor-anti-covid-19/a-54404412>, visited on September 12-th 2020.

people who through their own behaviours are indicating the fact that they have become always increasingly burdened by the restrictions which they are officially due to impose upon themselves. They are therefore reacting against this burden in two different ways: they do invoke the objection that the authorities are not enough justified when they do effectively impose such regulations and therefore they do refuse to apply them or either they do respect them but they do it with grumpy vociferations uttering some critical statements addressed to the public authorities. Thus referring to the wits of a so-called Balkanic spirit which throughout its history has been defined as naturally given and intrinsic to the Romanian people we have taken into consideration the necessity and usefulness of a comparative analysis to be performed that is to say the one of the relationships which do effectively exist between: on one side the concepts of integrity, of the freedom of conscience and of the freedom of expression while on the other side we do find the normative activity which has been accomplished during the period of the current pandemics. We have consequently taken into consideration the necessity of an attempt to formulate an appropriate answer to the respective questions: is to suspend the activities carried on within churches and other cult shrines an infringement brought towards the freedom of the human conscience or not?; the limits brought towards the freedom of the individual circulation could they or not be justified – from both the moral and the legal perspectives? Could the regulations brought to the human right to life itself provide whatever legitimacy to such taken actions? In order to formulate the most appropriate answers towards these issues we have chosen to perform the analysis of the current legal frame which has been by now enforced upon these matters.

2. Definitory issues which do concern the normative activity carried on by the administrative authorities in their attempt to eliminate the sanitary crisis which has been generated by the Covid-19 virus

Through the regulation stated by its article 93 paragraph (1) the Constitution of Romania does enforce a prerogative of the President of Romania namely the one to dispose the taking of some „exceptional actions” should certain precisely defined situations supervene. Among such actions

to be possibly taken do figure the institution of the state of emergency throughout the whole country or in some of its administrative-territorial units only. The fundamental law does impart to the President the legal obligation to request from the Parliament the acknowledgement of the respectively taken action and the term into which this legal duty ought to be fulfilled is of „five days at most” since its institution. In conformity with the stipulations of the Constitution’s article 100 paragraph (2) the state of emergency ought to be instituted in virtue of a presidential decree which ought as well be counter-signed by the prime minister. The juridical regime under which the state of emergency is situated has been established through a special normative act: the Government’s Emergency Ordinance nr. 1 issued on January 21-st 1999 concerning the regime of the state of siege and the regime of the state of emergency⁶ which has been approved with modifications brought through the Law nr. 453 issued on November 1-st 2004 for the approval of the Government’s Emergency Ordinance nr. 1 of January 21-st 1999 concerning the regime of the state of siege and the regime of the state of emergency. This latter is defined as being⁷: „the aggregate of exceptional actions pertaining to policies, economics and public order to be taken throughout the whole territory of the country or either in some of its administrative-territorial units only which ought to be instituted under the following situations: a) the existence of some grave dangers either actual or imminent which do concern the national security or the functioning of the constitutional democracy; b) the imminence of the occurring or the facts themselves related to some supervened calamities

6 Published in the Monitorul Oficial al României, Part I, nr. 22 of January 21-st 1999. Modified Government’s Emergency through the: Law nr. 453 of November 1-st 2004 for the approval of the Government’s Emergency Ordinance nr. 1/1999 concerning the regime of the state of siege and the regime of the state of emergency; Law nr. 164 of 2019 for the modifying and completion of the Government’s Emergency Ordinance nr. 1/1999 concerning the regime of the state of siege and the regime of the state of emergency; Government’s Emergency Ordinance nr. 34 of March 26-th 2020 for the modifying and completion of the Government’s Emergency Ordinance nr. 1/1999 concerning the regime of the state of siege and the regime of the state of emergency; Government’s Emergency Ordinance nr. 48 of April 9-th 2020 concerning some financial and income tax measures; Decision of the Constitutional Court of Romania nr. 152 of May 6-th 2020 concerning the non-constitutionality exception raised against the statements of art. 9, art. 14 lit. c1)-f) and of art. 28 from the Government’s Emergency Ordinance nr. 1/1999 concerning the regime of the state of siege and the regime of the state of emergency and against the statements of the Ordinance in its whole aggregation as well as against the Government’s Emergency Ordinance nr. 34/2020 for the modifying and completion of the Government’s Emergency Ordinance nr. 1/1999 concerning the regime of the state of siege and the regime of the state of emergency in its whole aggregation.

7 G. E. O. nr. 1/1999 in its art. 3.

which do render necessary suiting the concerned case the prevention, limiting or removing of the consequences created by some occurred disasters.” Should the status of the facts impose it during the time period of the state of emergency the exercise of some fundamental rights and liberties could be restrained⁸ but yet under the requirements related to the due respect of the regulations stated by the Constitution in its article 53⁹.

The legislator does explicitly utter that during the respective states of siege or emergency the right to life could in no way be restrained¹⁰ and that are consequently prohibited: „b) torture as well as the inhumane or pernicious punishments or treatments; c) condemnation for infractions which are not qualified as such according to national or international law; d) restriction of the free access to justice”. The utmost duration of the period within which the state of emergency could produce its effects is of 30 days¹¹. The analysis of the current legal frame does point out the fact that as a part of the executive power which in Romania is a „bi-cephal”¹² one the President of Romania has received from the constituent legislator the prerogative of instituting by decree the state of emergency. As a consequence the President of Romania has issued the Decree nr. 195 of March 16-th 2020 concerning the institution of the state of emergency upon the territory of Romania¹³, a state which has been prolonged through the Decree nr. 240 of April 14-th 2020 concerning the prolongation of the state of emergency upon the territory of Romania¹⁴.

8 G. E. O. nr. 1/1999 in its art. 4.

9 Art.53. The restriction of exercise for some rights or for some liberties: „(1) The exercise of some rights or of some liberties could be restricted only in virtue of the law and only should the restriction be imperative suiting the case for: the defense of national security, of the public order, health or morality, of the rights and liberties of the citizens; the development of the penal instruction procedure; the prevention of the consequences of a natural calamity, of a disaster or of a particularly grave sinister circumstance.(2) The restriction could be disposed only should it be necessary within a democratic society. The taken action should be proportional with the situation which has generated it, should be applied through an un-discriminatory modality and should bring no infringement to the existence of the concerned right or liberty.”

10 G. E. O. nr. 1/1999 in its art. 3 par.2.

11 G. E. O. nr. 1/1999 in its art. 5.

12 Ioan Muraru, Elena S. Tănăsescu, Dana D Apostol Tofan, Flavius A. Baias, Viorel Mihai Ciobanu, Valerian Cioclei, Ioan Condor, Anastasiu Crișu, Ștefan Deaconu, Andrei Popescu, Sorin Popescu, Bianca Selejan-Gușan, Milena Tomescu, Verginia Vedinaș, Ioan Vida, Cristina Zamșa, *Constituția României. Comentariu pe articole, I-st edition*, Editura C. H. Beck, 2008.

13 Published in the Monitorul Oficial al României, Part I, nr. 212 of March 16-th 2020.

14 Published in the Monitorul Oficial al României, Part I, nr. 311 of April 14-th 2020.

The normative act through which the President of Romania has enforced the state of emergency has been enforced¹⁵ with the declared purpose of: „preventing the dissemination of COVID-19 and performing the management of its consequences in respect to the evolution of the epidemiological status” the respective restrictions of the exercises of the individual rights to: free circulation, intimate, familial and private life, instruction, private ownership, strike as well as the restriction of the economical freedom, of the inviolability of the domicile and the one of the freedom of reunions. The respective juridical norm has also brought the indication that the degree of the imposed restriction ought to be proportional in respect to the degree till which the following criteria¹⁶ have been surveyed: „a) the intensity of the intra-communitary transmission of the COVID-19 virus; b) the appearance frequency of clusters within a given geographical zone; c) the number of patients the status of whom is critical in respect to the effective capacity of the sanitary system; d) the effective capacity of and the continuity in maintaining the social services as well as the public utilities for the population; e) the effective capacity of the public authorities to maintain and ensure the actions concerning the public order and safety; f) the actions taken by other states which do carry on an impact upon the population or the economical status of Romania; g) the capacity to ensure the actions to be taken in order to apply the status of sanitary quarantine; h) the appearance of other emergency situations”. Through the same normative act the President of Romania has established some special competencies in the matter of regulations. Consequently the Minister of Internal Affairs or his legally entitled substitute „with the agreement of the Prime Minister and through a military ordinance” does dispose in what does concern the „General prime emergency actions gradually applicable stated by the items 1-7 from the Annex nr. 2” of the Decree respectively through the order of the head of the Department for Emergency Situations or of his legally entitled substitute legally entitled substitute in what does concern the „General prime emergency actions gradually applicable stated by the item 8 from the Annex nr. 2” of the Decree. Should we analyze the Annex nr. 2 to the Decree nr. 195 of March 16-th 2020 concerning the

15 Decree nr. 195 of March 16-th 2020 concerning the institution of the state of emergency upon the territory of Romania in its art. 2.

16 Decree nr. 195 of March 16-th 2020 concerning the institution of the state of emergency upon the territory of Romania in its art. 4 par. (4).

institution of the state of emergency upon the territory of Romania we would ascertain the fact that to the Minister of Internal Affairs has been imparted the exclusive competency of ruling through military ordinances in what does concern: „1. The isolation and quarantine procedures applied to the individual persons in provenance from the risk zones as well as to the ones who make contact with the formers; quarantine procedures exerted upon some buildings, localities or geographical zones; 2. The gradual closing of the crossing check-points upon the frontier of the state; 3. The limiting or prohibition of the circulation of individual persons or vehicles or the prohibition of the circulation of individual persons or vehicles in or towards certain zones or between certain hours as well as the ones of the exit from the same zones; 4. The gradual prohibition of the circulation upon roads, railways, at sea, upon water flowing streams or of the aerial one following various itineraries as well as of the one by the subway; 5. The temporary closure of certain restaurants, hotels, cafés, clubs, casinos, headquarters of various associations an other facilities supply stations providing water, electrical energy, natural gases as well as the ones of the economical operators which do detain capacities of a strategical importance for the national level; 7. The identifying and requisitioning of materials, production and distribution facilities, of protection equipments, of antiseptic and medical use substances which are or could be made use of in treating the COVID-19 disease.”

Upon the ground of the above mentioned juridical norms the Minister of Internal Affairs has issued the Military Ordinance nr. 1 of March 17-th 2020 concerning some prime emergency actions which concern the agglomerations of individual persons and the frontier-crossing circulation of some goods¹⁷ through the article 2 of which has been lawfully enforced the suspension of all of the: „cultural, scientific, artistic, religious, sportive, entertainment or gambling activities as well as the ones of balneary cure or of personal fitness which are performed within closed spaces”.

Since May 15-th 2020 in virtue of the Decision nr. 24 of May 14-th 2020 concerning the approval of the institution of the state of alert at national level as well as of the actions to be taken for the prevention and control of infections in the context of the epidemiological status generated by the SARS-CoV-2 virus¹⁸ which has been issued by the National

17 Published in the Monitorul Oficial al României, Part I, nr. 219 of March 18-th 2020.

18 Published in the Monitorul Oficial al României, Part I, nr. 395 of May 15-th 2020.

Committee for Emergency Situations the state of alert has been enforced upon the territory of Romania. Or into such a legal conjecture the ordinary rules which do concern the legislative process have lawfully become applicable again even if the spreading process of the Covid-19 infectious disease has not yet ceased. As a consequence – as it is demonstrated in the fundamental motivation of the concerned normative act¹⁹ - the Parliament of Romania has adopted the Law nr. 55 of May 15-th 2020 concerning certain actions taken for the prevention and stiving against the effects of the COVID-19 pandemics²⁰. Therefore the restrictions brought towards the rights and liberties of the citizens have been this time enforced by the Parliament. To eliminate the new coronavirus as well as its effects has ultimately become a fundamental social value which by now is duly acknowledged through the legislation process.

19 „Taking into consideration the fact that in the context generated by the dynamics of the evolution of the epidemiological national but as well international situations both determined by the spreading of the SARS-CoV-2 coronavirus the general public interest does require the adoption of some new measures which could allow for the public authorities to intervene effectively and by making use of the most appropriate means in order to manage the current crisis, taking into consideration the necessity of continuously assuring – even after the state of emergency would have ceased – an adequate protection against the illness caused by the SARS-CoV-2 coronavirus but as well the simultaneous creation of the frame premisses for the return through previously established taken steps and with no major gaps towards the situation of normality including through the relaxation brought to the actions formerly taken in the context of the institution and prolongation by the President of Romania of the state of emergency upon the territory of Romania (...) taking into consideration the necessity of the institution – including at the legislative level and in the context generated by the existence of an emergency situation of which both the extent and the intensity are particularly vivid – of some mechanisms through which could be adequately and in full priority protected the conventional, unional and constitutional rights to life, to physical integrity and to a good state of health as well as taking into consideration the obligation which is imparted to the State by the Fundamental Law and which does consist in the fact of taking actions in order to assure for the citizens an appropriate hygiene and a state of good public health as well as because according to the statements of the republished Constitution of Romania in its art. 53 the exercise of some liberties could be restricted only in virtue of the law and only should the restriction be imperative suiting the case among others for the defense of the public order, health or morality but also of the rights and liberties of the citizens under the occurred circumstances in thye context of the crisis situation generated in Romania by the covid-19 pandemics it is necessary for the Romanian Parliament to adopt through a duly issued law some restrictive measures which should be essentially temporary and suiting the case gradual ones as well as proportional with its prognosed or manifested level of gravity and necessary in order to prevent and remove whatever imminent dangers might occur towards the conventional, unional and constitutional rights of the individual persons to life, to physical integrity and to good health through an un-discriminatory modality and which should bring no infringement to the existence of the concerned right or liberty”.

20 Published in the Monitorul Oficial al României, Part I, nr. 396 of May 15-th 2020.

3. Freedom of conscience versus right to life

The restrictive actions taken during the respective time intervals of the emergency state respectively of the alert state have generated a lot of critical objections throughout the Romanian civil society. Among them some have pointed out economical issues while others have focused upon moral and psychological reasons. Not few of them have raised the question of the restriction brought to the right of participating in the religious ceremonies performed within buildings which are usually and purposely meant for this type of activities. For certain members of the civil society their state of frustration related to this matter has been expressed through the vehemence of their loudly raised voices. The press has presented some opinions according to which the public administrative authorities are not at all endowed with the legal competency of disposing the suspension of these activities²¹ as well as questions concerning the real juridical significance of this already taken action²². The point that churches should not be closed has even been sustained by well-known personalities who have chosen to get involved into this controversy. For example the President of the Romanian Academy²³ while being addressed by Mr. Marius Tucă a question formulated as follows: „I have read a few articles of yours and some among the important themes which you have approached are related to the church. Why this attitude?” has stated that: „The Romanian people does have its own inner assets and what I wanted to demonstrate is the fact that for us Romanians the church is an intrinsic part of the essence of life. By itself the closure of the churches is in no way able to get us out of the pandemics, it could in no way deliver us from the disease. We could find our pride in the fact

21 Mediafax.ro, 10.05.2020, 8:20, „The message of an Orthodox priest addressed to Raed Arafat: You have no authority to state upon the opening or closing of the churches”, <https://www.mediafax.ro/social/mesajul-unui-preot-ortodox-pentru-raed-arafat-nu-aveti-autoritaea-sa-va-pronuntati-pentru-deschiderea-sau-inchiderea-bisericilor-19123391>, visited on September 14-th 2020.

22 Catalin Raiu, „Este închiderea bisericilor o agresiune la adresa libertății religioase?”, HotNews.ro, 29 martie 2020, 20:01, <https://www.hotnews.ro/stiri-opinii-23761955-inchidere-bisericilor-libertate-religioasa-coronavirus.htm>, visited on September 14-th 2020.

23 Marius Tuca Show, «Aurel Pop, Președintele Academiei Române: Nu sunt de acord cu ideea școlii generalizate online. Esența omenirii este comunicarea de la om la om», 13.05.2020, 16:54, <https://www.mediafax.ro/marius-tuca-show/aurel-pop-presedintele-academiei-romane-inchiderea-bisericilor-nu-e-de-natura-sa-ne-scoata-din-pandemie-nu-se-scapa-de-boala-19130093>, visited on September 12-th 2020.

that we are among peoples one of the most faithful, the church is tied up to our souls. I do believe that our access into the church is a capital issue.” All of these interrogations do in fact situate face to face on one side the right to life and on the other side the freedom of conscience. Yet insofar the former is concerned both the juridical norm²⁴ as well as the moral and even the religious ones²⁵ do explicitly state that it ought to be: guaranteed by whoever among the individual persons – should it be a high public servant, a government official, a magistrate or a simple member of the civil society. Let us insist upon the precision which we do indeed have to bring that in this controversy the really involved fundamental right is the freedom of conscience and not at all the freedom of religious practice because in the respective cases of each one of us our own taken actions during the pandemic time interval are ruled by the individually exerted freedom of our own consciences – as we are going to further demonstrate in the following item of the present work. In practice and in the respective cases of each one of us the individually chosen modality through which we could apply the actions taken in order to prevent the spreading of the new coronavirus is tightly related to our own individual conscience as well as to the degree of comprehension towards the surrounding reality that each of us is effectively able to reach for – or this latter is not necessarily related to our own individual religious beliefs. Our own conscience should also be directing us because it is impossible for the authorities to permanently survey the individual behavior of each of us.

The Explanative Dictionary of the Romanian Language – which has been elaborated in the frame of the Lexicology and Lexicography Sector of the “Iorgu Iordan” Linguistics Institute²⁶ - does state that in its restrictive sense the word “life” does bear the meaning of a: „synthesis of the biological, physical, chemical and mechanical processes which are definitory for the living organisms²⁷. Or this meaning does not fully correspond to the sense

24 The fundamental law of the state that is to say the Constitution of Romania does rule in its Art. 22 upon the: „Right to life as well as to physical and mental integrity” which is rightfully owned by each and every individual person also bringing the precision that the concerned right is lawfully guaranteed.

25 For example the Bible – which is the fundamental written ground of the Christian belief - in its Book of Exodus, Chapter 20, verset 6 does mention „Do not kill” as being the Sixth Commandment uttered by God.

26 II-nd edition, 1998, p. 1145.

27 Ibidem, p. 1159.

that the word “life” could acquire should it be applied to the human being. Since the human being is endowed with an intellect to the biological functions fulfilled by the human organism do consequently come in order to be added a multitude of other affective and volitive processes.

The life of individual persons ought to be protected so that the society itself could exist. Yet living is not limited to the only abilities to breathe, to be able to nourish yourself and to be able to communicate through one or several languages and this is precisely why the general purpose to protect the life of a human being could in no way be limited to the actions only which do lead to the obtained result of preserving the active status of the vital functions of the human organism. To protect the life of a human being does mean instead: «to create the most appropriate material and spiritual frame into which the human individual could develop the aptitudes that have been imparted to him through his genetical patrimony, could acquire the most suitable habits that would help him to build relationships with his fellows and to carry on some useful activities within his pertaining collectivity.»²⁸ Therefore into what we do denominate as the protection of human life we ought as well include the totality of the actions through which could be created the material conditions and the spiritual elements due to which the physical and mental health of the individual person would be assured and respectively due to which would be protected and guaranteed the rights and liberties which are naturally intrinsic to the human being – among which do figure the freedom of conscience and the religious one.

At the worldwide level the statement that the right to life as well as the right to the physical and mental integrity owned by the individual human person should constitute the primordial values of whatever society in each of the currently existing states as well as worldwide is taken into consideration as an axiom. To no human being at all - and under no potentially invocable motivation at all - ought to be permitted to submit his fellow to torture or either to some inhumane or morally pernicious treatments. We do sustain the opinion that the death penalty does constitute by itself a crime which under no circumstance at all could ever acquire whatever legitimacy. Yet in order to be able to speak about the respect vowed to human dignity - therefore about the freedom of conscience - as

²⁸ Alina Livia Nicu, *Instituția publică în dreptul administrativ*, Editura Universitaria, Craiova, 2003, p. 54.

well as about the psychological side of the human existence at first it would be necessary for the human being to exist, to be alive, to enjoy his own physical and mental integrity. In other words to the right to life should be imparted an essential priority – where by right to life we are referring towards the *stricto sensu* meaning. The constituent legislator has even stated separately in what does concern the individual right to the protection of health²⁹ that is to say in a complementary perspective in respect to the rights to life as well as to physical and mental integrity. Consequently to the public authorities the legal obligation is imparted to take such actions that for each of the individual persons – should her be a citizen, a foreigner or a stateless person – her own life would be at first protected as well as her rights to physical and mental integrity. Should there exist a state of facts which might endanger her life or her physical and mental integrity then the public authorities would have to act in such a way that the respective state of facts could be removed as soon as possible while during the action of removing the concerned danger the restrictions brought to certain among her rights and liberties would have to be legitimated. Yet the hardest ever objective to be fulfilled is the one of rendering a human being aware of the fact that he is by himself due not to expose himself towards the concerned risks as well as not to expose his fellow people to them and to willingly work together with the social actors to which the legal competency has been imparted in order to act in view of guaranteeing his own right to life. For each individual person it is only her inner conscience which is entitled to choose her type of behavior.

The freedom of conscience is a component of the spiritual side of the human being which should be analyzed both from the point of view of the protected person and from the perspective of her protector. This analysis should also be performed in a tight correlation with the concept of integrity.

4. Integrity and freedom of conscience during pandemics'time

Integrity is a complex concept which does increasingly keep being invoked as an ideal to be sustained by the civil society throughout the world. Complex it is because it effectively does mean a lot more than the simply correct behaviour and should we step further this latter would have to

29 Art.34, The Constitution of Romania republished in 2003 in its Art. 34.

constitute a wholesome finality that we ought to achieve – as a result of the materializing of an individual person's own aptitude to be incorruptible.

In what does concern the persons who are working in the public sector and who do currently own the quality of an official or the one of a public servant in Romania the exigencies manifested by the civil society have been transposed by the legislator into some juridical norms which have also been reunited within a special law that does bear the title: „Law nr. 176/2010 concerning integrity in the exercise of public services and offices for the modifying and completion of the Law nr. 144/2007 concerning the constitution, organizing and functioning of the National Agency for Integrity as well as for the modifying and completion of other normative acts”³⁰. In what does concern the persons who do provide the semantic contents of the concept of civil society the respective exigencies that pertain to integrity do belong to the common law.

During this period when the pandemics of Covid-19 does produce a lot of uneasiness throughout the world at least at a first glance even the so loudly proclaimed trend of mondialization does seem to be obliged to step down onto a secondary rank. Through its own public national authorities each state does establish what should exactly be the actions it would take through which it could attempt to stop the spreading of the new coronavirus and to protect the life of its citizens. The public authorities endowed with competencies in what does concern the emergency situations as well as the specialized scientists are of course organizing consultations with their counterparts from other countries and they do follow the communiqués issued by the World Health Organization yet the taken decisions as well as the assumed responsibilities in their respective regards do remain at the national extent.

Human resources as well as material ones are limited so in the present stage of the evolution of the human society the civic spirit ought to mainly rely upon integrity as the most important of its components. It ought to be understood as a result of the human conscience fully active and alive as well as expressed through the attitudes of responsibility and incorruptibility which do ultimately lead towards a correct way of action. Under these circumstances the freedom of conscience could be able to materialize under a sublime form which is the care demonstrated towards our fellow people as if they were our own persons that is to say

30 Published in the Monitorul Oficial, Part I, nr. 621 of September 2-nd 2010.

the protection vowed towards our fellow people in the same way as if we were protecting ourselves. We are therefore entitled to say that during the present times the relationship which does exist between integrity and freedom of conscience ought to be one of a bi-univocal determining. Thus the free manifestation of conscience ought to determine a behaviour vowed to integrity while the honest behaviour – which does involve the self-censoring of our own behaviour – is a practice that is able to preserve the constant awakening of the human conscience.

Physically understood persons – individuals – as well as their willingly constituted associations ought to duly respect the concept of integrity and preserve the constant awakening of their consciences. This may seem to be a too exigent assertion but it does indeed express a vital requirement so that we could healthily escape from this pandemics which is a new type of challenge. Freedom of conscience ought to mean the fact that yes, I may personally think that for me it is not necessary neither easy to wear a protective mask but yet integrity ought to determine my own individual behaviour in the sense that I am due to wear the mask whenever for me the risk should rise of spreading the virus the existence of in my own body I am not at all aware – might I jeopardize my own family or either an unknown individual. Freedom of conscience ought to mean the fact that yes, I am entitled to believe in theories which do concern the existence of some conspiracies and that vaccines are not effective but yet integrity – which does rely upon the awakening spirit of my own conscience - ought to determine me to take into consideration the results obtained due to the activity of vaccination which has been performed in our country as well as throughout the world for decades long. For example it is the practice of vaccination which in Romania has led towards the eradication of diphtheria³¹. Thus I ought to ask myself: „Yet through my own attitude

31 In its work „Analysis of the evolution of the transmissible diseases which are under surveillance. Report for the year 2016” the National Institute for Public Health – through its National Center for the Surveillance and Control of Transmissible Diseases does bring some precisions about the facts that: „In Romania the data which concern the disease of diphtheria gave been gathered ever since the year of 1905 (except for the time period of the World War I). The annually recorded incidence ratios of this disease have been initially very high – that is to say with values up to 117% but after the introduction in the year 1960 of the anti-diphtheria vaccination procedure the incidence of the same disease has significantly decreased (the last five local cases have been recorded in Romania in 1989) while from 1990 till the present day no case of diphtheria at all has ever been recorded in our country.”, <https://www.cnscbt.ro/index.php/rapoarte-anuale/779-analiza-evolutiei-bolilor-transmisibile-aflate-in-supraveghere-raport-pentru-anul-2016/file>, visited on September 14-th 2020.

might I or not cause a damage to someone?" and my own answer to this question ought to be a behaviour which ought to be in conformity with the prescriptions uttered by the medical specialists.

In what does concern the individual persons gathered into associative organisational structures the respective examples of the producers of protective equipments against the virus and of the distributing networks which do provide them to the common people are explicit proofs of the fact that during our own times a relationship of bi-univocal determining should exist between integrity and the freedom of conscience. More precisely speaking: when you are manufacturing this type of equipments and when you are fully aware of the role held by these products then under your quality of being a producer it is your own conscience which ought to determine you to fully respect the accurate standards of both quality and hygiene during the production process that is to say to ultimately prove your own integrity as the most appropriate form of expressing your own self-respect which as far as it could be concerned ought in its turn ought to keep awakened your own conscience. This fact ought consequently mean that you as a producer of such protective equipments should avoid the delivering towards people of products that are lacking the conformity to the prescribed standards and which could therefore jeopardize the lives of the individual persons ultimately wearing them. For example a mask produced under circumstances where hygiene would be lacking might increase for its ultimate wearer the risk of becoming infected not only with the currently starring coronavirus but furthermore with all of the other existing types of microbes. Or this fact might by itself cause a lot more evil than the simple absence of the mask. Through the same line of thought the distributors ought not to acquire at all products that are lacking conformity neither to artificially increase the purchase prices of such products till an unacceptable level due to their own wish for wealthiness.

In other words the covid-19 pandemics has led us towards becoming aware of a cuent reality which we could in no way deny: the human *ego* should be able to exert a self-censorship so that it could due to it be able to then express itself freely in the circumstances that only a fully possible social comfort could provide. This is the reason why integrity on one side and the free conscience on the other ought to exist simultaneously and complementarily. The Romanian population ought to become aware of this status of things and consequently ought to act in accordance with it. Yet in order to fulfill these *desiderata* the level of

general culture to which the population has reached until now has to be considerably increased and this could not be done without at first the provided assurance of a decent standard for its daily life.

5. Conclusions insofar are concerned throughout the relationships which do exist among them the respective on the relationship between concepts of integrity, freedom of conscience and normative activity exerted by the administrative authorities

The covid-19 pandemics has caused a large number of human deaths and has generated some major dysfunctions within the respective medical systems of a lot of countries because of the fact that the action of the new coronavirus has taken humanity by surprise. Yet why did things happen this way? Why was humanity surprised? Simply because the people to whom the highest prerogatives of decision-making throughout the world have been currently imparted do not read the Bible. Many other people with no decision-making prerogative at all in what does concern their own local society do the same thing. Many among them are proclaiming themselves as being faithful Christians yet they dispose of no time at all for reading the Bible. Otherwise how could the decision-making individuals forget the fact that at any moment to come they ought to be prepared themselves and to be also ready to prepare the people on behalf of whom they are making the concerned decisions for the fulfillment of the verses which do exist in the Bible and through which we are so warned³²: „6. Upon wars to come and news about wars shall you hear. Yet be careful not to worry about yourselves because these things are due to happen. But the end this still shall not be. 7. Some lineage shall rise against another lineage and some empire shall rise against another empire. Famine there shall be and plagues too upside of earthquakes in a lot of places.” This warning is by now several millenniums of age and yet we are always taken by surprise. Though we are aware of the fact that the most important mission which has been imparted to the Christians living on earth is the one to: „Do love your nearby fellow as you do love yourself”³³ yet the human being is incessantly a rebel, his own ego does manifest

32 The Bible or the Holy Scriptures with References, 1924, Dumitru Cornilescu, Evangile of Matthew, Chapter 24, verses 6-7.

33 The Bible or the Holy Scriptures with References, 1924, Dumitru Cornilescu, Evangile of Matthew, Chapter 22, verse 39.

itself alike a volcano – always ready to rise in his inner contestation spirit – while frequently most of the individual persons do choose as their own priorities to be fulfilled their own personal welfare, their comfort or simply their scornful velleity of always being right in what they say or do. This is how in spite of the fact that for everyone of us individual persons the highest priority should be her own right to life and while here or there agglomerations would increase the risks of infection with the new coronavirus and by that of becoming ill due to the covid-19 yet in the civil society many voices have loudly risen in their wish to contest the taken decision in what does concern the suspension of all activities usually carried on within churches and in other cult shrines, objecting against it upon the ground that it would be an infringement brought to the individual freedom of conscience. In our opinion the correctly exercised freedom of conscience should instead be the rightful path for us to take so that we could accurately understand the current status of things and we as well could be able to also understand that love towards our nearby fellows is a *sine qua non* requirement for the existence of some healthy, beautiful and non-violent social relationships. We should consequently acquire the inner certitude that we are due to cooperate with the administrative authorities so that the generalized state of jeopardy could be eliminated as soon as possible and that we could as quickly as possible return towards our usual and dearest practices from before the occurring of the pandemics – including towards the full exercise of our rightful religious freedom. In our opinion the guarantee which has to be ensured to our individual right to life does indeed justify and therefore does render legitimate the taken and imposed preventive actions that have been enforced through the institution of the state of emergency or of the state of alert. They are not at all in contradiction with the rights and liberties of the citizens within a democratic society. Of course we are entitled to say that there have been some blunders and imperfections throughout these taken actions, maybe even some plain mistakes but they have appeared in correlation with the only few informations we do currently dispose of in what does concern this virus. We would also like to underline the fact that in our own days a relationship of bi-univocal determining should indeed exist between on one side the individual freedom of conscience and the individually assumed choice of integrity on the other side.

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