



THE 6TH EDITION OF THE INTERNATIONAL CONFERENCE
**EUROPEAN INTEGRATION
REALITIES AND PERSPECTIVES**

**Analphabetism in the 21st Century
and its Legal Consequences**

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Abstract: Every day we must note the main differences between well educated people and less ones. In fact, we can describe the human life like a continuous struggle between the pretensions: few people are to well informed, and the others cannot fulfill the same level. But these words are less important as conversation; the difference is created by the modernization of the technology. In this case, population is forced to learn new skills, but there is, somehow, a real disproportion between the result: not everyone is able to learn well all the new vocabulary, the new ideas of work and the new instruments of working, as computer or many others. In the same time, we must note that large categories of population, despite of free access to the education are not trying to adapt to the modern provocations: more than that, they are not able to understand new ideas or new technologies. However, they live as normal persons, make juridical act and represent subject for juridical reports. They are subjects of any branch of law, as the constitutions allowed. But this difference creates a question: can be a real gap between the ability to understand public or private law and its consequences? And, in this case, it might be possible to imagine some distinction between these kinds of persons? In our opinion, next years might be able to introduce this subject on public debate agenda, and we must find – from now – an answer: the humanity of today is quite strange, and from this part of life surprises are always ready. The specialists of law cannot stay in former reality; they must imagine new provocations and new answers. In our opinion, this direction is important for next years, and our text will try to find an answer for that.

Keywords: analphabetism; functional analphabetism; juridical re-dimension of society; new legal order

1. The Consequences of Technological Modernization - General Issues

Every day we face a situation: you have to endure, to analyze and consider actions, ideas and actions opposing it in a way different people: different primarily through their intellectual capacities, for although all people have were born - in theory (in terms of rights conferred by the organic legislature and constitutional one) with equal opportunity, the differences between them are difficult to overcome, and the consequences of these differences are not always positive.

What we want to mention here are not the words themselves, but rather the consequences of the legal aspect of the ideas we are trying to express here, in coherent, understandable and easily to analyze form.

Thus, the main idea is related to the technological modernization of the last 150 years that has brought mankind: inventing the first car; airplane, rocket and finally the computer. Over time, human society was obliged to receive any technological invention and to find a meaning in terms of the use daily, but

began to see after entering binary forms technology developed inside own homes (computers) that a good part of reality better known and well controlled change with dizzying speed.

Basically, it was born a new world where differences manifest themselves very quickly: the lack of technological knowledge creates gaps in terms of social position: both in terms of perception (image problem becoming increasingly important in this century) and especially the legal aspect. This second aspect is complicate because the requirements of various employers in the labor market is often difficult to fulfill many of the potential candidates for the vacancies: they can be filled, but the job description restricts access only to those who skills have not only formalized (by obtaining a qualification) for a domain, but also practical experience that, as global competition in the market for goods and services at the time of 2011.

2. Analphabetism. General Aspects

All these issues, noticed above, there is, in fact, than the consequences of a reverse phenomenon of modernization, that is – on one side – historically natural, organic, and on the other hand, an anomaly that should to be corrected, but it can not be transformed from something bad into something good in any country in the world, much less in poor countries.

Specifically, modernization is, in everyday language the word “progress, easy access (financial and technological) to as many products and techniques to improve the situation of persons”.

The opposite is portrayed phrases that emphasizes the return of (the failure) to persons or companies, which can also be divided into:

- a) Deficiency of historical nature, which means the situation of few human societies who didn't reached a historical consciousness in the form of their organization able to create states (here we include the tribes still remaining in different states of aggregation, but not as a state);
- b) Economic failure by some states (as noted, is necessary the formation of states): they can not succeed, for reasons of cost strictly, to ensure certain standards of life which are known, desired, but very difficult to met for a large majority of citizens, regardless of corrupt or dictatorial as the political elite. The situation of many countries in Central Asia but also in the Middle East is particularly difficult by the water problem, it is almost a *casus belli*; any attempts to resolve them by administrative methods (communist type - such as trying to assigned new channel for the great Siberian rivers to the south of Turkistan sun-burnt), military (as of the Jordan River, with numerous conflicts that will reignited) or commercial (buying water from Turkey to Israel) did not lead to results positive long-term, predictable;
- c) Psychological deficiency, where some technical or intellectual skills fail to be fixed, although the state has created or provided a framework for creating conditions for their acquisition, usually by setting up schools and specialized institutes.

In this third area will be situated states have reached a particular maturity, which acknowledges the role of education in training, allocation of resources in this direction, but faces a big problem: having access to many technologies, they are not yet easy to use by potential beneficiaries.

Specifically, their citizens are not sufficiently prepared to use every opportunity that the company uses a very simple, but unusual for civilized society: analphabetism.

The analphabetism is defined by the United Nations in 1958 as a situation of a man who can not read and write and can not therefore understand a text. The mere fact of not knowing how to read represents analphabetism, even though, by imitation, you could be a good calligrapher. However, it is obvious that this definition does not appear to be a misunderstanding of the text result of various shortcomings such as intellectual, but it is a direct result of the lack of two basic information: can be people who understand any situation, according with this definition, because there was someone to explain it, but still be analphabet, because they needed to have someone using a “mist elimination” from their minds.

3. The Analphabetism Rate to 0, the Global Level

The definition of 1958 corresponded to a particular period in history: the years 1950 to 1960 is when most states appear on the world political scene, the independence movements – especially on the African continent – taking at geopolitical scale hurricane proportions.

Many of the new states were hit from the start of this big problem: the new rulers were in no position to be in general upper secondary education, since the colonial powers – with few exceptions – very many natives did not allow access to high level of education. (Johnson, 2000, p. 436)

Thus, legally, we consider that Africa was the exception of high-school education, and analphabetism – the rule. We must note that in some states is not any native with higher education.

It should be noted that the Asian societies, more powerful as economy, enjoyed a higher access to education compared to the African continent, but on this continent is the only state where having more than four years of schooling means the offense against state security, who was followed by the mass executions, disappearing as 20% of Cambodian population.

For these reasons, the first concern of the new state – or those who have barely regained its independence – had to be the creation of schools for training in fundamental areas of existence of the state: legal sciences, medical sciences and military science, followed those other shortcomings to be removed as soon as possible within available funds established new political power.

Since then the African continent began to fall entirely within the first two categories mentioned above: the failure of historical nature (because tribes didn't disappeared, only few aspects becoming a little mild) and economic failure, (which states can not totally eradicate).

Just after 1960 we could really bring in any analysis of social phenomenon fully aware of the problem of analphabetism worldwide, as well as some steps that are in fighting this phenomenon: that the main measures to be provided will not only be taken by states, because the main obstacle to classical analphabetism (classical analphabetism we agree to call this like the definition stated by the United Nations) is the first language used for elementary education.

Intellectual development is accompanied usually by the acquisition of higher language skills, other than their own (or possibly first learned, because there are few languages spoken by so small number of people that can not be held fully education institutions in the school system), but this does not mean that the student reach his full intellectual capacity just by learning more languages.

4. Functional Analphabetism

Two press information caught our attention: one in 2008, the other in 2011.

First, in National Journal February 5, 2008 show the following news: "While the world is evolving successfully, Arab countries kept the slow pace of development and the analphabetism is the main problem. Even if funds are allocated for educational development record, the Arab countries "refuse" to cultivate their children, even if this method would be the easiest way to a better life. Following a report by World Bank experts, Arab countries kept at a high level of analphabetism, while in Asia and Latin America more schools are attended by many children. Worldwide, the leading Arab countries contributed to the unemployment level and 60% of the population is under 30 years. In 10-15 years, Arab countries will need to create 100 million jobs and to fulfill this target, whole educational process must be modernized, said one World Bank experts.

The second story has a more brutal in expression, belonging to a local newspaper¹: "... From school violence, who become common in schools of the county to schoolgirls porn, everything became possible thanks to the leadership blinders School Inspectorate of Ialomita. ... Many of the pupils (and what is worse is that they are high school pupils) falls to the concept of functional analphabetism, but nobody does not talk about them. Ignore them, hide them, we just praise the performance of learners". And more recently, contends professor Otilia Dumitru, "the school created by indulgence, another category of pupils, drug addicts. Children drugged by the hour. I discovered Monday morning, all the fog. And they recognize! They smoke! I wonder how it is possible, why come to this? It has nothing to do with school! But they do at school because nobody refers!" says the teacher. ... Functional analphabetism is a concept that refers to people who can read but not understand what they read. For Ialomita, in the first semester of the 2010-2011 school year there were approximately 700 thousand absences. A study on education in member states published by the European Commission shows that in Romania, in 2006 compared to 2000, the percentage of pupils aged 15 who are functionally analphabet increased from 41.3% to 53.5%. According to statistics belonging to Ialomita School Inspectorate, in the same period 156 pupils were expelled because of absenteeism. 5257 other pupils have chosen to wear low notes for their behavior, 726 notes with less than 7. The percentage of functionally analphabets places Romania on the last European countries to literacy. Bulgaria is ahead of Romania, with a rate of 51.1% of young people who do not understand what they read. A total of 764 pupils were registered in the first half of the current school year with "serious disciplinary violations" of the school rules. Under this term it hides the violence against teachers, violence among pupils, public disturbance or theft".

As it can be seen, and persons with functional analphabetism are those who either went to school and obtained an appropriate degree level education or have left school before obtaining a degree, but in both cases have not sufficient basic skills.

A study on education in member states as published by the European Commission², shows that in Romania, in 2006 compared to 2000, the percentage of pupils aged 15 who are functionally illiterate increased from 41.3% to 53.5%. By comparison, in Finland only 4.8% of students aged 15 years have difficulty understanding what they read. After Finland is Ireland with 12.1% and Estonia 13.6%. Percentage places Romania on the last European countries to literacy. Bulgaria is ahead of Romania, with a rate of 51.1% of young people who do not understand what they read.

¹ http://www.independentonline.ro/2011/04/27/Elevii-ialomiteni-penduleaza-intre-droguri-si-analfabetism-functional_4308/

² <http://www.consultanta-psihologica.com/infirmitatea-secolului-xxi-%E2%80%93noul-analfabetism-noua-sclavie/>

5. Legal Consequences of Functional Analphabetism

All these data pointed out that soon a majority of the active population will be un-necessary, from social point of view, less productive and easily subject to manipulation of any kind.

However, legally, all these people (huge number) have civil rights and economic ones. Our question is: can be exercised within the limits and according to the purposes to which they were edicts?

Thus, in terms of substantive law, such a person will not be able to identify when they are subjective rights violations, therefore, can not bring suit in court when they need: to be somehow modified the general prescription period? Moreover, in this case it must be considered that functional analphabetism is a proven case that may lead to suspension prescription rate extinction because this assumption is a case to necessary impose similar person under interdiction?

Scientific analphabetism legal situation can, in our opinion, be one case for which any interested person may request, including the prosecutor, putting a person under interdiction. Although not required, such a move could lead to increased interest in education, including helping the national education system to eliminate the attitude of “diploma factory” that grow over 20 years.

If the first case sets a common situation to all branches of law, the second refers only to the legal capacity of individuals. We believe, moreover, the establishment of two additional prohibitions: to marry, because this institution is not an act “*jocandi causa*”, on the one hand, and therefore to have one job: make certain prohibitions more good by their very existence, rather than failing them, under the false argument that it would violate a basic human right. The author advocates the idea that it is less important to write anything, but is compulsory to write well.

From the perspective of public law, retain the idea of real control, psychological, for anyone who wants to run for a dignitary. Obviously, it will consider that this is a measure that will violate human rights, only that it must abandon the idea that people really are equal among themselves all the time: the idea of specialization is, in fact, very strong affirmation of this idea. Otherwise, we might consider able to perform the task of foreign minister, for example, including a fireman on a steam train or a shepherd in the most isolated mountain peak.

6. Conclusions

The biggest mistake of scientific and political dialogue of the XXI century is to believe that all rights that provide access to a superior position are intangible, because this is a principle and not because of the need to protect society from various dictatorial tendencies.

And yet, we must understand that whatever is created by man is not eternal, and that the main purpose of the people is to grow and develop. Thus, to accomplish these goals, individual law subject, looked at *singuli*, adopt various stratagems, which sometimes renounce to certain rights to acquire them later with more power. That idea can not remain at the individual level, with any risk; it should be extended to the whole society.

Therefore, we think that we need a new upgrading and repositioning of the politico-legal system: although one can not believe that it might be possible, the ultimate goal of law – to achieve augmentation of all opportunities which belongs to a society – often involving cleaning the land before building a strong construction, with no cracks.