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Virtual Specialised Myths and Illusions: The Field of Romanian Justice

ABSTRACT

The article studies the way specialized myths are functioning into virtual space and the type of illusion they may generate. The field of specialization we approach is the Romanian justice, where we analyse the myth of the blind justice, the myth of the hero and the personal myth. Virtual space is analysed in two of its components: television, where *live justice* is presented and internet, where *blogs* are the new preferred form of addressing to the people. A last part of the study makes a short classification of the consignee of the Romanian juridical virtual myths.

KEYWORDS

Romania; Justice; Specialized Myths; Romanian Juridical Mythosphere.

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Terminology

The definition of *myth* we operate with is located on a median conceptual line between the restrictiveness of the theoreticians and the permissivity of the contemporary dictionaries. According to the approach of our study, we chose to use myth as defined by Lucian Boia: “We consider myth an imaginary construct: story, representation or idea, with the aim of understanding the essence of cosmic and social phenomena depending of the inner values of the community, for ensuring its cohesion¹”.

The syntagma *specialised myths and illusions* defines in our approach myths and illusions related to a specific field of activity. Our study presents them related to the Romanian juridical domain, due to the fact that we observed the existence of universal myths inside the Romanian juridical mythosphere – the myth of the blind justice and the myth of the hero. We analyse their functions and their transformations when their vehicle is virtual space. The preference for the juridical domain is related to the major importance it represents for the formation of a new type of collective mentality, adapted to the contemporary geopolitical realities the Romanian society is experiencing.

Virtual in our conception is not restricted to the usual synonymy virtual –



internet, instead adds a new component – the TV news channels component, because their audience is in a relationship of virtual presence with the broadcasted events. Although the TV screen makes possible an immersion into spaces and times contemporary to the audience, still these are not the concrete space and time of the viewer, his immediate reality. The TV reality is an alternative, a mediated and selective one, the objectivity and the dimension of the experience being ensured by the width of the camera and not by the concrete senses of the TV spectator. The TV audience may be assimilated in our study and from our point of view to the traveller into the virtual space of the internet.

The Myth of the Blind Justice

The universal myth of the blind justice is built on the old images of the Greek goddess Themis and the Roman goddess Justitia, both represented most of the time with three distinctive elements²: the scale, as symbol of a correct judgement of the facts and deeds; the sword as symbol of the battle for equity and correctitude and the blindfold as symbol of the universal empowering of the law for all the law subjects.

Romania's membership to EU required several specific conditions, one of the most important being that of a correct, uncorrupted and incorruptible justice, the reverse of what the European commissioners observed in the Romanian society. To satisfy the condition of an incorruptible justice, a new specific legislation was adopted and were created anticorruption institutions (The National Anticorruption Directorate, but also The National Agency for Integrity), eventually accused of political *parti pris*. Still, at the European level, results were attained and Romania became an EU member under the condition of justice monitoring. On the Romanian territory, there were much more to do to reinforce

the myth of blind justice. A change of the collective mentality was a challenge and a powerful media campaign was part of the strategy, disseminating the messages: *Justice is working! Corruption is punished!*, no matter the law subjects. The myth of the blind justice was needed to become again a universal myth for the Romanian society.

Part of the media campaign was broadcast on the news channels, that are, as above mentioned, part of virtual space. For a long period, the news channels and other news journals were invaded by a torrent of arrests for corruption, live transmissions from the courts, etc., the accused being especially well-known businessmen, legislative, executive or even juridical public figures, part of the high level corruption. Obviously, justice is blindfolded in this campaign and the myth of blind justice is almost reinforced.

This type of news creates for the TV audience a participative pact, due to the live broadcasts, with images in an alert succession, without any studio editing. The spectator has the illusion of being at the core of the events and an active part of them. But the reality is different. The spectator is still in front of the TV set, incapable of modifying in any way the course of the events. We consider that the myth of the blind justice corroborated with the live broadcasts has the capacity to generate another myth – the myth of *live justice*, according to Edgar Morin that states that the TV shows may become myths using their quality of offering important aspects of *Zeitgeist* in their contemporary social context³. The myth of *live justice* supports the myth of the blind justice, through a virtual and mostly emotional⁴ participation of the TV audience, much more numerous that the audience from the court, which is not always emotionally and intellectually connected to the court procedures. The *live justice* spectators express their solidarity and intellectual interest by the simple



fact of not changing the channel. We may even say that *live justice* adds a new illusory and virtual part in the juridical process – the TV spectator.

According to the same Edgar Morin, culture has the role of creating certain virtualities in the detriment of other ones, starting from the fact that the humans, as cultural beings, are partly real and partly imaginary. The TV mass culture transmitting the *live justice* myth, has the role of creating an anticorruption behaviour, first imaginary through a virtual participation to the legal procedures and then at a reality level, using the TV virtual space to create a desirable behaviour for the citizens. Corruption punished as a crime passes from possibility to certitude due to the participative pact the TV media is offering.

The Myth of the Hero

Another myth we analyse for the juridical domain in correlation with virtual space and in relationship with the myth of the blind justice, due to its incorruptibility component is the myth of the hero. Starting from the classical myth of the hero, which chooses to sacrifice himself in front of adversities and for the good of other humans, the myth of the judicial hero is in our vision that of the magistrate sacrificing himself instead of accepting political imposed corruptibility. The virtual space for this myth is that of the internet, specifically the new tribune of the modern people – the *blog*, containing opinions under the form of *posts* and the mass speaking out loud in a new type of forum, the section entitled *comment*. The myth of the hero's role into virtual space is presented as follows.

Our example for this type of juridical virtualities is Project Prosecutor Panait, a *blog* located on [\[press.com/\]\(http://procurorpanait.wordpress.com/\). To a better understanding of its importance for the myth of the judicial hero, some explanations are necessary. Prosecutor Cristian Panait, a promising name in criminal investigation, committed suicide in 2002, while investigating a complicated and important case for the Romanian jurisprudence, a case related to corruption in the juridical system and with many references to a high level in finance and politics. The official legal solution to his death was suicide caused by stress and psychological problems generated by the complexity of the case he was investigating. Other unofficial speculations appeared, oscillating between murder and the choice of personal sacrifice when confronted with the danger of becoming a corrupted prosecutor, a servant of a justice without justice. The last variant is adopted by the above mentioned blog, too. The importance of prosecutor Panait as an exponent of the myth of the juridical hero derives from its associated powerful symbolism. Prosecutor Cristian Panait becomes an ethical and moral example for other magistrates, tempted to construct for themselves a powerful personal image, one of incorruptible magistrate, as presented later in our study. Prosecutor Panait's power also derives from its survival period as a mythical image in a domain with a permanent spectacular dynamic. Nine years after his death, his ghost is still haunting not only virtual space, but it brings murder accusations to some of his former colleagues, nowadays in important political dignities⁵.](http://procurorpanait.word-</p></div><div data-bbox=)

Project prosecutor Panait takes a mythical characteristic using, among other things, the anonymity of the authors. The *posts* referring to Panait are written in the first person, creating the illusion of being written by Panait himself, although an explanation is offered, that of a literary convention serving to promote Project prosecutor Panait⁶. As for the purposes of the blog, it seems to be mainly analysing the juridical mythosphere:



We invite you to identify and tell us about any *prejudice, obsession or myth* concerning justice, magistrates or political influence in justice. All these categories are subsumed to the notion of preconceived idea, which is generally transmitted and multiplied into the public space without any criticism or without being the result of personal judgement or experience⁷.

The term *hero* used in this literary convention has a different meaning than *martyr*, this differentiation having a predetermined role from our point of view. Cristian Panait is considered a martyr of a corruptible/ corrupt system that needs to be changed. Heroes are instead all those fighting against this type of system, without sacrificing their lives, by just being magistrates of a blind justice:

The most painful for me is the fact that justice does not have heroes. It has no strong personalities, no exceptional destinies, and no people determined and willing to speak out loud. Prosecutors and judges live in a lifeless comfort in a profession offering them security in front of any exterior factor, as society is, meaning people, which, sometimes, for example, raise the question of responsibility. We cannot have heroes because the system is attacking them and forces them to become martyrs just like me. [...] Our justice does not need more martyrs, it needs heroes. It is too late for me, but I do believe that I managed to leave a trace into the consciousness of those coming after⁸.

We consider that the myth of the hero exemplified through prosecutor Panait and the blog using his identity serves as *charter* to stimulate and perpetuate a specific behaviour in magistracy, based mainly on

incorruptibility. This new myth of the hero also helps building a new mythosphere for justice.

The Personal Myth

While the myth of blind justice operates in the judicial domain as an essential myth, generating other specialised myths, the myth of the judicial hero (exemplified in our study through prosecutor Panait) occasionally serves as *charter* for the personal myth of some magistrates with a public image built on the myth of the incorruptible justice. We chose as example for the personal myth related to the judicial domain a public person, conventionally called Magistrate X, on ethical principles, due to the fact that a second specialization of the authors is juridical science.

Magistrate X uses the entire sphere of virtual and real symbols and archetypes from juridical domain to build his own personal myth. The *personal myth* designates a personal transformation and development on the account of one's own experiences and correlated with the social, cultural, economic, and professional and other types of myths that may become a personal experience. According to Joseph Campbell, most mythologies generate empathy for those affiliated and rejection for the outsiders of their values and ideas. As the Romanian juridical mythology tends to be in agreement with the latest European geopolitical coordinates, one's affiliation to the new myths of the Romanian justice may bring only a personal growth as public image as well.

Magistrate X uses the comment section of *Panait project blog* to express his fellowship with the departed character, using the syntagma *brother Panait*, not as a professional kinship, but also as a moral and doctrinarian kinship. The belief in the new system



built on the myth of the blind justice is directly expressed into the same commentary: “There is a visible rising generation: that of those not abiding humiliation, pressures, the lack of professionalism, repression methods. Let’s put our hopes in them, because they gradually stand in for the formers...” Meanwhile, the blog created by Magistrate X includes the *Panait project blog* into the *recommended blogs section*.

The use of juridical mythosphere also includes pursuant symbols of the new myths. One of the posts from Magistrate X’s blog comes as a confirmation for this type of use of the juridical mythosphere. The post has the title: *I am a țuluș myself*, the common noun *țuluș* being a linguistic novelty obtained from a proper noun, the family name of Doru Țuluș, section chief prosecutor in the National Anticorruption Directorate – NAD, known by the mass culture due to the unsuccessful attempt of dismissing him and putting a stop to his investigations, that had as suspects politically influent people. The transformation of the above mentioned proper name into a common noun has the role of defining a class of professionals of justice, having as main characteristic the resistance to political pressures and their fight for making the myth of blind justice a living reality.

We notice that, to a general level, the personal myth built in virtual space by Magistrate X generates the illusion of a unitary myth subscribing to the myth of the blind justice. The illusion is dissipated to a detailed analyse due to the affiliation to several mythical and symbolic variations derived from the primary myth. The doctrinal virtual kinship with prosecutor Panait and the self-inclusion into the type of *țuluș* prosecutors seem to follow the same line of the magistrates’ incorruptibility. Still, the *Project Panait blog* has a critical attitude to the *țuluș* type of magistrates, considering

NAD magistrates just *good sports*, not too far from political compromise⁹ and the efficiency of their activity just an object of the old corruptible juridical mythosphere.

The Consignee of the New Romanian Juridical Mythosphere

Although *specialised myths* may lead to the conclusion of specialisation as a domain and consignees, we consider that the new Romanian juridical mythosphere presents two types of consignees: a universal consignee and a specialised consignee.

A first type of consignee for the juridical myths is a universal one, the public in a broad sense, the TV public in our study. Myths are creating for the public a desirable behaviour, adapted to the new Romanian geopolitical realities. Also universal is the consignee of the image generated by the new Romanian juridical mythosphere – the EU states and their citizens, which have to be aware of the fact that Romania is an equal partner as morality and ethics of the law institutions, supported by citizens willing to promote this type of values.

A second type of consignee for the new juridical mythosphere is a specialised consignee, professionally belonging to the juridical system or, at least, familiar with it. Technical and procedural details are mostly understood by people working in the juridical system and they have the capacity and the obligation to build a new juridical mythosphere, to eliminate the undesirable mythosphere of a corrupt and politically servant justice, to multiply the model the myth of the hero is offering and to apply the new type of justice brought into attention by the myth of the blind justice.

If a possibility to pass from the dialogue between myth and imaginary and illusions to the dialogue between myth and reality may be discussed when referring to the



universal consignee of the specialised myths from the Romanian justice, a different possibility appears for the specialised consignee of the juridical myths, that of multiplying and applying the ideal mythical models.

Notes

¹ Boia, Lucian, *Pentru o istorie a imaginarii*, trad. de Tatiana Mochi, București, Humanitas, 2006, p. 39.

² Some sculptural and painted representations of justice (*Justitia*, by Luca Giordano, 1686; *The Power of The law*, in Olomouc, Czech Republic, 19th century, the statue of Justice from the Canadian Supreme Court, from 2010, etc.) do not have the blindfold as element, suggesting, from our point of view, the perceiving possibility of justice, in different time and spaces, as unequal for the law

subjects. All the translations belong to the author.

³ Morin, Edgar, *L'esprit du temps*, Paris, Grasset Fasquelle, 1962, p. 102.

⁴ Some TV spectators react in a physical manner, as gestures or even organic, to the TV events, depending on the intensity of the emotions transmitted by the TV images.

⁵ <http://forum.realitatea.net/showthread.php?t=54720>.

⁶ <http://procurorpanait.wordpress.com/about/>, retrieved.

⁷ <http://procurorpanait.wordpress.com/miturile-justitiei/#motivatie>, retrieved.

⁸ <http://procurorpanait.wordpress.com/about/#comment-2>, retrieved.

⁹ <http://procurorpanait.wordpress.com/2008/05/06/catavencu-dixit-justitia-romaneasca-de-desene-animat/>, retrieved.