



ANALYSIS OF THE CONCEPTS OF THREAT TO NATIONAL DEFENCE AND NATIONAL SECURITY

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This approach compares the concept of threat used in the field of national defence and national security by investigating legal and politico-administrative institutions and terminology, in order to clarify its content. In this regard, a number of sources are examined that benefit from universality, legitimacy and opposability to support the following arguments: the concept of threat in the field of national defence and national security has distinct meanings which determine different social and institutional responses.

Keywords: threat; country's defence; national security.

In 1995, Kate Storey stated that threats cannot be defined outside their context; they are created and located in the socio-historical period in which they are composed¹. As such we can say that threat from a logical point of view is a category whose ramifications are determined by the context in which the concept appears. The chosen study methodology is the conceptual analysis based on the rules of formal logic.

In general, the universal meaning accepted in language for threat is that of action to threaten and its result. The action itself refers to manifesting the intention to harm someone in order to intimidate him or to get something from him².

The concept of threat benefits from studies in many fields, from history to mathematics and beyond, but for the economics of this article the fields of reference are country defence and national security. Therefore, the context in which the negative manifestation aimed at intimidating or gaining an advantage takes place is described by the boundaries of the two areas. This consequence should be visible in the special characteristics that the concept of threat acquires in relation to the hypostases of the country's defence and national security. Therefore, the classical criteria for classifying concepts will be applied, namely the scope and content of the country's defence and national security, in order to observe them in relation to the concept of threat.

Explanatory dictionaries, normative acts and opposable invested documents were used to identify the content and scope of the terms or concepts "defence", "security", "country" and "national". The selection criteria of these materials were: universality, legitimacy and general opposability. Thus, according to social conventions, explanatory dictionaries comprise the universally accepted meaning of terms in a language; the legal norms provided in normative acts adopted by expressing the agreement of the parliamentary majority were retained precisely because of the legitimacy given to the meaning and practical attributes given to the concepts they describe, and the documents invested with general opposability were selected due to the extra interpretation and nuance they add to the properties and elements of the sphere of the above-mentioned concepts.

Once the uses of the above concepts are identified, the coding is performed, consisting in the categorization of the definitions, the use of the attributes of the concepts, as well as the antecedents and consequences. The last two aspects are important for revealing the context in which the relationship between the concepts of threat and defence of the country on the one hand and national security on the other can be achieved, the antecedents being defined as "events or incidents that may occur before the concept". and the consequences as "events or incidents that occur as a result of ensuring the concept"³.

Content and scope of the concepts of country defence and national security

According to the Explanatory Dictionary of the Romanian language⁴ (marked with 1 in Table No. 1)

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and the Small Academic Dictionary⁵ (marked with 2 in Table No. 1), the terms "defence", "security", "country" and "national" have the following content and sphere/ meaning:

Taking into consideration the fact that the analysis takes into account the concepts of national defence and national security, as they are perceived in our country, we will further investigate the legal

texts of law level that refer to the four concepts/terms ("Defence", "security", "country" and "national") which are: the Romanian Constitution⁶ (marked with 1 in Table 2), the defence law⁷ (marked with 2 in Table No. 2) and the national security law⁸ (marked with 3 in Table No. 2). According to these three normative acts, there is an ordering relationship among these concepts and

**Table no. 1
UNIVERSAL MEANING OF THE CONCEPTS
OF NATIONAL DEFENCE AND SECURITY**

Term	Content / Sens	Sphere / meaning
Defence	1. „ to intervene to help someone or something to support him against a hostile action; to guard a territory, a city, etc.; to maintain a fighting position and the reflexive to oppose an attack, a hostile action” 2. „hindrance protection, in which case, being attacked, you have the right to attack those who attack you, fighting as offensive aimed at stopping the enemy, all the measures taken to stop the enemy offensive or struggle to guard a territory”	All actions to repel an attack on an entity or territory
Country	1. „territory inhabited by a people organized administratively and politically in a state” 2. „relatively homogeneous part of the geographical area, to which certain characteristics are specific (ethnic, ethnographic, landform, climate, water, economic resources, etc.); area of land (delimited) on which a certain authority is exercised; territory inhabited by a people organized administratively and politically in a state”	All features of a nation
Security	1. „being safe from any danger; a feeling of confidence and peace that the absence of any danger gives to someone” 2. „shelter from any danger; feeling of confidence, peace due to the belief that there is no danger; no risk of accidents; (often with determinations indicating the field) complex of material, economic, political conditions that ensure security”	Condition maintained by hazard elimination actions
National	1. „shelter from any danger; feeling of confidence, peace due to the belief that there is no danger; no risk of accidents; (often with determinations indicating the field) complex of material, economic, political conditions that ensure security” 2. „belonging to a nation or a state”	All features of a nation

**Table no. 2
MEANING GIVEN BY LAW TO THE CONCEPTS
OF NATIONAL DEFENCE AND SECURITY**

Term	Content / Sens	Sphere / meaning
Country defence	1. citizens have the right and obligation to defend Romania which is a national state, sovereign and independent, unitary and indivisible with the form of republican government, Romania is a rule of law, democratic and social state. The conditions regarding the fulfillment of military (defence) duties are established by organic law. Loyalty to the country is sacred.	<ul style="list-style-type: none"> • right and legal and moral obligation • profession • defence occurs only when Romania is attacked
	2. the set of measures and activities adopted and carried out by the Romanian state in order to guarantee the national sovereignty, independence and unity of the state, the territorial integrity of the country and the constitutional democracy.	<ul style="list-style-type: none"> • activity organized for a specific purpose; • maintaining the Romanian state
National Security	3. the state of legality, balance and social, economic and political stability necessary for the existence and development of the Romanian national state as a sovereign, unitary, independent and indivisible state, maintaining the rule of law, as well as the climate of unrestricted exercise of fundamental rights, freedoms and duties of citizens, according to the democratic principles and norms established by the Constitution.	<ul style="list-style-type: none"> • maintained by hazard elimination actions

Table no. 3
MEANING GIVEN BY OPPOSABLE DOCUMENTS OF THE CONCEPTS
OF NATIONAL DEFENCE AND SECURITY

Term	Content / Sens	Sphere / meaning
Country Defence	<ul style="list-style-type: none"> implies the possibility of an active, dynamic intervention in case of attacks or hostile actions from the outside;¹⁰ 	<ul style="list-style-type: none"> a plurivalent state that reflects the needs of society
National security	<ul style="list-style-type: none"> pre-existing state of peace and internal security of Romania;¹¹ 	<ul style="list-style-type: none"> continuous existence in accordance with the values of the Romanian state
	<ul style="list-style-type: none"> involves more than military security, so the military field, but also other aspects of state life – such as economic, financial, social – which could affect the very state of the state by the magnitude and severity of the phenomenon.¹² 	<ul style="list-style-type: none"> a plurivalent state that reflects the needs of society

Table no. 4
THREAT ANTECEDENTS AND CONSEQUENCES

Concept	Critical Attributes	Antecedents	Consequences
Defence	Imminent Vitale negative effects Probability	Certainty Attack Enemy	Competence Monovalence Violence
Country/ National	Territory People Sovereignty	Political Relations Community Stability	Permanence Self-determination
Security	Potentiality condition State Balance Permanence	Positive cognitive perception	Progress Stability Multivalent
Country/ National Defence	Probability Oriented on a certain moment Vital effects Continuity Romania Capacity	Hostile interests Military attack	Involuntary change of the nation Extinction War Monovalent Violence Counteracting action
Country/ National Security	State Need Potentiality Balance Permanence Romania	Positive cognitive perception at the level of the whole community	Progress Stability Multivalent

therefore they are subject to the law of inverse variation⁹ due to the evolution of knowledge about the country's defence and national security. The content and scope of the country's defence and national security are:

The generally opposable documents – decisions or judgments of the courts – develop the content of the concepts analyzed as follows (Table No. 3):

Regarding this category, a series of clarifications are required regarding the concept of attack or hostile actions. Thus, respecting the criteria of universality, legitimacy and opposability, the content of these concepts in the field of defence and security is given by the provisions of international law on armed conflicts¹³ customary

international law, UN resolutions¹⁴ and the jurisprudence of the International Court of Justice on military or quasi-military

Also, the Constitutional Court of Romania finds that the terms country and national are equivalent and have the same scope related to defence and security¹⁵.

Therefore, it follows from the content and scope of the above concepts that their antecedents and consequences are (Table No. 4):

From the above it results that the country's defence represents the capacity of the Romanian nation to resist an armed / military attack and national security represents a state of permanent stability of the Romanian state that allows the



development of social life in accordance with the will of the Romanian nation and its interests.

Another conclusion is that national defence and national security are distinct concepts between which there is no logical subordination relationship. At the same time, it appears that defence depends on the occurrence of a certain circumstance whose description is universally accepted, namely the armed / military attack and the military aggression. On the one hand, national security is a state of society that must be permanently maintained and whose disruption can be caused by various events, which gives the concept of national security a multivalent character and whose definition cannot be achieved because it depends on the circumstances of the context.

Threat from the perspective of the country's defence and that of national security

Threat, in general, is the object of the intention to harm someone in order to intimidate him or to obtain something from him, in other words it represents the deeds meant to produce intimidation or to obtain an advantage from a certain subject. The facts themselves have negative effects, exclusively for their subject. The concept of threat has the following content (Table No. 5):

Regarding legal sources, the threat in the field of defence is described by the provisions of international law that Romania has ratified. Thus, the threat is described in relation to the military attack, as well as to other situations of a military nature that are correlated to the military aspects. The content and scope of defence, from the perspective of international law, are determined by the prohibition of the threat / use of military force by nations in their international relations¹⁶, the consequence being the activation of the right to self-defence of the state targeted by military

attack (military response to aggression). as well as the intervention of the international community to restore peace.

From this point of view, the concept of the threat in the field of national defence becomes clear as the military response is excluded in the absence of an imminent military attack. In accordance with this observation, the normative acts provide that the national defence is made exclusively for defensive reasons, and Romania permanently maintains its defence capacity¹⁷.

Unlike the threat to the country's defence, the one in the field of national security can take various forms, their source not having a certain quality, but only a determined purpose, namely the disturbance of Romania's balance, stability and legality. The Constitutional Court of Romania noted that "threats to national security are viewed either from the perspective of concrete acts committed by a person, or from the perspective of the subject who may suffer injury/harm as a result of an act. Thus, it can be stated that threats to national security are objectified, on the one hand, in those actions / facts which, regardless of the perpetrator, by their effect are absolutely presumed to have a direct impact on society as a whole, and, on the other hand, in those actions/facts which by their effect have a direct impact on certain determined persons and a mediated impact on society as a whole"¹⁸.

Another interesting fact for clarifying the concept of threat to the country's defence is that, since one of the critical attributes of the concept of the country's defence is the defence capability, it turns out that it requires a continuous effort to build this capability, which affects both the defence of the country and the following elements: leadership, forces, resources and territorial infrastructure¹⁹, elements of national security, as they are constituted, exist, and are used peacefully when they perform secondary functions assigned by law to support the state of equilibrium, stability and legality of the country, but fulfill their main purpose in case of manifestation of hostile military or military actions.

In conclusion, we are in the presence of a threat to the country's defence when there is an implicit or explicit declaration of future and illegitimate use of armed force against the state, the execution of which depends entirely on the will of the state making the declaration. On the other hand, we are

**Table no. 5
THREAT CONTENT**

Critical Attributes	Potential Upcoming Negative perceptions
Antecedents	Uncertainty
Consequences	Anxiety Fear Stress



in the presence of a threat to national security when acts are committed that are likely to adversely affect or disturb the state's balance, stability and legality, and in the military, we are in the presence of a threat to national security when the country's defence capacity is affected.

Conclusions

This article argues that the threat from the point of view of defending the country and national security are concepts with different spheres and content, which cannot be confused in order to avoid affecting the Romanian society as a whole. This is also the reason why the two hypostases of the concept of threat deserve a separate analysis. In the field of defence, the threat takes the form of an explicit or implicit declaration of use of force against Romania, while the threat to national security can be defined as an intention, plan, action affecting national values and interests.

The demarcation line between the two concepts, although difficult to specify explicitly, can be drawn if the circumstances of manifestation are taken into account: the threatened subject and the author of the threat; the value / interest targeted by the situation / act that causes fear, anxiety and the state instruments used to remove the effects of the threat.

The consequences of manifesting situations that can be assessed as threats to the country's defence differ from those that are determined as acts considered as threats to national security. Also, the subject of the two types of threats is different. Thus, in the case of a threat to national defence the subject is the State, while in the case of a threat to national security the subject may be society or certain individuals plus a mediated impact on society.

NOTES:

1 Kate Storey, "The language of threats", *International Journal of Speech Language and the Law*, vol. 2, no. 1, 2013, pp. 74-80.

2 [Academia Română, Institutul de Lingvistică „Iorgu Jordan - Al. Rosetti”], *Dicționarul explicativ al limbii române*, Univers Enciclopedic Gold Publishing House, Bucharest, 2012, p. 35.

3 L.O. Walker, K.C. Avant, *Strategies for Theory Construction in Nursing*, 5th Edition, Pearson New International Edition, 2014, p. 178.

4 [Academia Română, Institutul de Lingvistică „Iorgu Jordan - Al. Rosetti”], *Dicționarul explicativ al limbii române*, Univers Enciclopedic Gold Publishing House, Bucharest, 2012.

5 [Academia Română, Institutul de Lingvistică „Iorgu Jordan - Al. Rosetti”], *Micul dicționar academic*, IInd Edition, Univers Enciclopedic Publishing House, Bucharest, 2010, <https://dexonline.ro/definitie/apărare>, <https://dexonline.ro/definitie/țară>, <https://dexonline.ro/definitie/securitate>, <https://dexonline.ro/definitie/național>, accessed on 11.08.2021.

6 *Constituția României*, republished, art. 1, 53, 54.

7 *Legea no. 45/1994 privind apărarea națională a României, cu modificările și completările ulterioare*, art. 1.

8 *Legea no. 51/1991 privind securitatea națională a României, cu modificările și completările ulterioare*, art. 1.

9 In a series of ordered notions, the ascending order of the content corresponds to the descending order of the sphere and vice versa. This law applies in any field where we have ordering relationships (subordination, overordering) or hierarchical. Subordinate is the notion that is in a connection, which comes from the one with richer content, narrower sphere.

10 *** *Decizia Curții Constituționale no. 80/2014 asupra propunerii legislative privind revizuirea Constituției României*, para. 343.

11 *Ibidem*.

12 *** *Decizia Curții Constituționale no. 872, din 25 iunie 2010 referitoare la obiecția de neconstituționalitate a dispozițiilor Legii privind unele măsuri necesare în vederea restabilirii echilibrului bugetar*, para. II.

13 The Geneva Conventions and the Additional Protocols that Romania has ratified.

14 *** *Rezoluția ONU no. 3314/1974 privind definiția agresiunii*.

15 *** *Decizia Curții Constituționale no. 802/2018* regarding the exception of unconstitutionality of the phrase "or other such interests of the country", contained in the provisions of art. 3 lit. f) of Law no. 51/1991 on the national security of Romania, and the provisions of art. 4 para. (2) of Law no. 255/2013 for the implementation of Law no. 135/2010 on the Code of Criminal Procedure and for amending and supplementing normative acts containing criminal procedural provisions.

16 *** *Carta ONU*, Art. 3.

17 *** *Legea no. 45/1994 privind apărarea națională a României, cu modificările și completările ulterioare*.

18 *** *Decizia Curții Constituționale no. 802/2018* regarding the exception of unconstitutionality of the phrase "or other such interests of the country", contained in the provisions of Article 3 letter f) of Law No. 51/1991 on national security of Romania, and the provisions of Article 4 para. (2) of Law No. 255/2013 for the implementation of Law No. 135/2010 on the Code of Criminal Procedure and for amending and supplementing some normative acts containing criminal procedural provisions, para.79.

19 *** *Legea apărării naționale a României no. 45/1994*, Art. 6.

REFERENCES

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Constituției României, para. 343.

*** Decizia Curții Constituționale no. 872, din 25 iunie 2010 referitoare la obiecția de neconstituționalitate a dispozițiilor Legii privind unele măsuri necesare în vederea restabilirii echilibrului bugetar, para. II.

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*** Legea no. 45/1994 privind apărarea națională a României, cu modificările și completările ulterioare.

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