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The Value of the Water in the Romanian Christian Tradition and its Current Legal Protection

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Abstract: Ever since the ancient times, water has been a sacred element, an indispensable element of life, a symbol of femininity, motherhood and fecundity. It was the primordial substance from which all life forms were born. We notice that its value is also given by the fact that the existence of water sources was and it is still nowadays, a determining condition in the establishment and development of human settlements, which led to a contradictory situation: on the one hand, man needs water in order to survive, and on the other hand, he forgets about its importance and, out of a desire for modernity, he pollutes and makes it dirty. That is why, in time, people have realized that in order to have a healthy life you need a legal protection of the water, especially after the industrialization and the growth of population have led to an accelerated rhythm of its pollution. In this respect, especially since the last decade of the twentieth century and up to now, several conventions and laws have emerged against water pollution, both the industrial and the domestic pollution. In this paper we will try to show what is the material and spiritual value of the water to the Romanian people and what legal steps have been done and we believe some more should be done, in order to protect the purity and quality of the water.

Keywords: water; water quality; conventions; population growth; laws; water pollution

1. Introduction

When we look for a definition of the water we will find out that it is a colorless, odorless and tasteless liquid that is part of the most living organisms. The water molecule (H₂O) consists of two hydrogen atoms bonded to an oxygen atom. Water boils at a temperature of 100 degrees Celsius and solidifies at 0 degrees Celsius. It is called drinkable when it responds to norms established by texts legislated by law:

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it must be pleasant to drink both in terms of taste, color and smell, and as an absolute rule, not susceptible to harm the health.

The drinking water must not contain pathogenic microorganisms or toxic substances (copper, lead, cyanide, arsenic, phenolic compounds, etc.) and its concentration in certain chemicals (mineral salts, ammonia, nitrites, nitrates, chlorides, organic matter) must be limited. Water is the main organic solvent. The human body consists, on average, of 60% water.

Water metabolism is regulated by the body. Thirst is the first sign of a water deficit in the body. In some pathological situations, the water content of the body may vary. During dehydration, it is insufficient in the body. Conversely, during an excessive secretion of antidiuretic hormone, the body tends to retain too much water, which can cause the formation of edema, in particular a cerebral edema, which can lead to disturbances of consciousness, even a coma.¹

2. The Spiritual Value of the Water

In addition to its material value for the human body, water has always had a spiritual value in the Romanian tradition and beyond.

The most important Christian holidays in which water becomes a sanctifying element, endowed with the gift of healing and cleansing the one who drinks from it or bathes in it are “Epiphany” and “The Spring of Healing”, of great significance in the village world. On “Epiphany,” the church officiates the service of sanctifying the waters as a repetition and liturgical remembrance of Christ’s baptism in the Jordan — which is the foreshadowing of our own Baptism, by which ancestral sin is washed away; Christ’s entry into the waters of the Jordan represents His descent into the heart of the fallen Creation to restore and cleanse it from sin, the water of the created world becoming, through His baptism, the “source of salvation.” Baptism refers to the Resurrection of Christ, as St. Paul says: “Men and brethren, have ye not been baptized into Christ Jesus, that we were baptized into his death? So we were buried with Him in death through baptism, so that, just as Christ was raised from the dead by the glory of the Father, so we may walk in the renewal of life; for if we grew up

¹ www.sfatulmedicului.ro, accessed on 14.06.2021.

with him in the likeness of his death, we shall also be partakers of his resurrection” (Romani VI, pp. 4-5)¹.

Water, as a messianic sign, has been mentioned since the Old Testament, where the prophet Isaiah associates it with the coming into the world of the incarnate Word of God: “And it shall be My word that proceeds out of My mouth; he will not return to me without fruit, but he will do my will and do his purpose” (Isaiah, LV, 3, 6, 7, 10-11). Baptism is also foreshadowed in the Old Testament by the wonderful event of the Jewish people passing through the Red Sea, after coming out of Egyptian bondage, when the sea water, this symbol of invincible power, which inspires respect but also fear, is tamed by God to it became a purifying element, which “washed” the Jewish people of their past existence, in order to “give birth” to them in a new identity.

Therefore, water cancels what existed before, but, unlike fire, which permanently destroys the matter, water restores it to other forms, primes it and renews it. If fire purifies the soul, water has the power to purify both the soul and the matter. Purification by water or lustration means rebirth, with all the attributes of the initial birth².

At the Epiphany, after the sanctification of the waters and the blessing of the whole nature through them, the believers are blessed and invited to drink the holy water and to sprinkle their houses. The words that the priest utters in the prayer for the sanctification of the water show the power that the water now acquires: “And he gives them the grace of redemption and the blessing of the Jordan. Make it a source of incorruption, but of holiness, of the remission of sins, of the healing of diseases, of perishing devils, removal of all the powers of the adversaries, full of angelic power. May all who will sprinkle and taste it have it for the purification of souls and bodies, for the healing of passions, for the sanctification of houses and for all the necessary use”.

Aghiasma is the holy water that never spoils, acting as an antidote that protects man and his household from danger. It has beneficial and healing effects for sick people, who drink it in the morning on an empty stomach. The custom requires that on Epiphany, the service be held outside the church, near a spring, river or fountain in

¹ Ierodiacon Gabriel, *Simbolismul apei în Teofanie/ The symbolism of water in Theophany*, www.crestinortodox.ro, accessed on 14.06.2021.

² Irina Bazon, *Apa ca element sfințitor în sărbătorile creștine și semnificația ei în viața tradițională a satului/ Water as a sanctifying element in the Christian holidays and its significance in the traditional life of the village*, de pe www.irinamonica.wordpress.com, accessed on 14.06.2021.

the village, which is meant to reflect the cosmic character of this service through which the sanctification of the whole nature can be performed, because the good news of salvation must be spread and transmitted to the whole world.

The consecration of the water also takes place on the feast of the “Spring of Healing”, the first great feast after the Resurrection, a feast dedicated to the Mother of God, a service that emphasizes the role of the Blessed Virgin Mary in the work of saving people. This holiday dates back over 1500 years, during the reign of the Byzantine emperor Leo the Great, who, guided by the Mother of God, discovered a miraculous spring in a forest near Constantinople, where he will build a church as a sign of gratitude. Later, the great emperor Justinian recovered from a serious illness after drinking from the spring. Over time, many miracles were performed at this spring in Constantinople, which has survived to this day.

3. The Material Value of the Water for Humanity

Water has always been the element of the physical-geographical framework that has contributed substantially to the formation and further evolution of human households and settlements. The proof that water was a polarizing factor of rural settlements in our country is the abundance of the names of villages with hydrographic characters: Bălteni de Sus, Bălteni de Jos, Cișmeaua Nouă, Lunca, Plauru, Fântâna Mare, Grindu, Izvoarele, Luncavița, Murighiol (Lake Vânăț), Dunavățu de Sus, Dunavățu de Jos, Ostrov, Agighiol (Lacul Amar), Iazurile, Valea Teilor, Valea Mărului, Sarighiol (Lacul Galben). Also, we can add here those oiconyms that refer to a specific hydromorphic habitat: Salcia, Nufăru, Sălcioara.

The need for water resource, at micro (household) or macro (locality) level is one of the determining factors in their functionality and physiognomy. At the household level, the water source (well, pool) is located in a place so that the entire microeconomy is carried out optimally (in the interference space between garden, yard, house, stable). In some cases, secondary wells may appear in the garden, in the vicinity of the animal stable, if the area of the household is larger. However, it should be noted that there is a hierarchy of these water resources, depending on the quality of the water, then the proximity of the space it serves, or the way of extracting water. There are also cases in which this water source does not exist in the household. This situation can be attributed either to the proximity of a public resource, or due to local topographic or socio - economic conditions. If in the first case the water supply of the household can be done rhythmically, using the transport procedure with the cup,

in the second case it is necessary to store the water in large containers. Also a solution was to collect water from rainfall¹.

Water is everywhere and in everything that exists. Water is the blue blood of the Earth. Our most distant ancestors still knew about the miraculous qualities of the water. It is not in vain that many popular legends and myths say that “Water is the source of life.” Indeed, without taste, without smell, without color - it can not only be said that it is a necessary element for life, but that water is life itself. Water is the material from which we were born. In fact, man, at birth contains over 75% water.

Who would have thought how much the value of water influences our thoughts, the words we say or the music we listen to? Although hard to believe, this has been scientifically proven, with the results of the Japanese researcher Masaru Emoto speaking for itself. Following research, he concluded that the molecular structure of water changes its shape depending on the vibration of the environment. The reactions of water crystals to different environmental conditions, music, pollution, thoughts, words were followed. As unbelievable as it may seem, water reacts like a living element, it is receptive to any human thought or emotion. Positive influences cause a positive nature of water, and negative ones - the negative nature. It seems like a miracle, but we should not forget, scientists say that everything that today seems to be a miracle, or is burned at the stake, becomes science tomorrow.

The reality of the last decades attests that humanity has reached the “edge of time”, when civilization has already approached the stage of full appropriation of the Earth. We realize that natural resources can no longer be considered inexhaustible, and the issue of their rational use, including water, must be paramount in all national and international state projects and programs. It is up to us how we manage the resources given by nature, how we capitalize on them, so that the effects of our actions do not cause us harm. In the past, people were more dependent on nature and respected it more. Not in vain did they personify her, calling her “mother-nature”. Today, however, we are so preoccupied with reaping the benefits of exploring natural resources that we completely forget that they are limited. And then, we all bear the consequences of the impact of human activities on aquatic and terrestrial ecosystems.

Awareness of a problem is the first step towards solving it, and we must recognize that environmental pollution, including water, is an important issue for all of us. Water, this substance indispensable to the course of life, this miraculous liquid called

¹ Alexandru Chiselev, *Apa-viață și moarte/ Water-life and death*, www.academia.edu, accessed on 15.06.2021.

to ensure the invigoration of the body, this medicine indispensable to maintaining health has become more valuable than ever in our history. Being extensively used in agriculture and industry, water should receive more and more attention to be used as judiciously as possible for both the present and the future generations.

Due to the growth of the world's population, but also to some other factors, fewer and fewer people benefit from drinking water. For this reason, water is becoming a strategic resource for many countries. In the hustle and bustle of everyday life, we meditate less and less on the fact that all known life forms depend on water.

Although it has a very simple formula - H₂O, meaning two molecules of hydrogen and one of oxygen, water has a special importance for everything that is alive, being the formula of our survival. Doctors recommend that we should drink at least 2-2.5 liters of water every day. Ecologists have long warned that drinking water is becoming less and less. Mankind is on the verge of a drinking water crisis that will have far more serious consequences than today's financial crisis and will destabilize the world economy. It is assumed that in 30 years, water will not reach even half the population of the planet.

Here are just a few things we should be concerned about:

- in a maximum of 5 years, in Africa, due to the climate change, 75 to 250 million people will be left without water;
- from 24 to 700 million people will be evacuated from the dry regions;
- the use of fresh water in the last 50 years has increased three times, but the irrigated lands only twice;
- the agricultural sector uses about 70% of the total volume of the water used in all industries;
- the household needs on average 2-5 liters of drinking water and 100-500 liters for the rest of the needs (hygiene, laundry, etc.), a small amount compared to 2000-5000 liters needed daily for food production for a family;
- a person could take a daily shower for a year with the same amount of water needed to produce a single kilogramme of meat;
- if no measures are taken to improve the water use model in this field, by 2050 the need for water will increase by 70-90%.

As serious as, or perhaps even worse than the irrational consumption of drinking water is its pollution due to the negligent actions of mankind.

Pollution can take many forms, ranging from organic compounds and other chemicals to residues from the production of different types of energy. The degree of toxicity of a pollutant to human health and ecosystems depends on its chemical nature, quantity or concentration, as well as its persistence. The specific effects of pollutants depend not only on the environment in which they are located (air, water or soil), but also on the interaction with co-existing pollutants, as well as on the duration of exposure.

Some types of pollution, such as certain forms of contaminated water, poor air quality, industrial waste and garbage, light, thermal or noise overload - are easy to observe, but there are more subtle forms of pollution detectable only with specialized tools.

Severe organic pollution as well as moderate/severe salinity of some rivers threaten food security, the fishing industry and, in general, the livelihoods of the population. Improving sewage can help counteract these effects, although in many regions untreated sewage from sewage continues to be discharged into the environment; because of this, wastewater management is of fundamental importance for preserving the quality of the environment and ensuring access to clean water for all.

Nutrient pollution (mainly nitrates and phosphates) caused by agrochemical excesses continue to pose a significant threat to biodiversity and requires increased efforts/services to clean up ecosystems globally.

It is estimated that this pollution will continue to increase beyond 2020, especially in Asia, South and Central America and sub-Saharan Africa. Developed countries (in Europe, for example) also suffer from freshwater pollution, signaled by high levels of nitrates in drinking water. Between 10% and 20% of EU groundwater monitoring stations have nitrate levels exceeding the permitted threshold of 50 mg/l.

Therefore, water, as a symbol of life and its main source, becomes, through thoughtless human action, which causes its infestation, a sign of death, which bears in it the sign of human decay. In this case, destruction does not occur as a result of divine punishment, nor as a relentless effect of the frightening force of the earth's water, in the face of which man feels powerless, but is the terrifying consequence of the choice man of our time has made for "the culture of death".

4. The Legal Protection of the Water

A “water policy” began to emerge only at the end of World War II, when industrialized countries began to develop a legislative plan for water protection. Firstly, some principles were realized, which were gradually accepted internationally.

The first of these principles is water inventory and river classification. In general, the classification of running water from rivers used as a source of drinking water and for fishing to those that form waterways.

Secondly, the discharging undertakings were required to take into account, on the one hand, the characteristics of the substances discharged before their treatment and, on the other hand, the self-treatment capacity of the rivers, their flow, their biological status, and so on.

Last but not least, it was established that a very important principle would be to develop a coherent set of laws and action programs.

This is how, for example, the Water Resources Act 1963 came into force in the United Kingdom, creating 27 River Authorities entrusted with the conservation and development of water resources. In West Germany, a framework law was passed in 1954 stating that any discharge into the aquatic environment is a use of water and is subject to authorization. In France, the “Water Commission” was set up in 1959 with the task of inventorying existing means of information, research and action. The actions of this commission led to the drafting and publication on 16 December 1964 of the Law on Water Regime and the Fight against Pollution.

The first international document on the subject is the “European Water Charter”, adopted by the Council of Europe in 1968, which contained a series of rules and principles that subsequently received legal consecration as follows:

- the water resources are not inexhaustible;
- the water quality must be preserved;
- the water has no borders;
- the water is a common heritage of nations;
- the water pollution is prohibited.

The principles applicable to the protection and management of waters proclaimed by this document, were the starting point of other documents adopted at the international level in the field, which made essential contributions on water protection.

The UNO General Assembly adopted in 1980 a Resolution, by which the period between 1980 and 1990 was proclaimed the “International Decade for the Drinking Water”, thus trying to mobilize all states in the world for the protection and development of these environmental factors.

The fight against water pollution continued in the following years so that a partnership on water protection was established. The Global Water Partnership (GWP), officially established in 1996, is an international network open to all organizations involved in water resources management: governmental institutions of developed and developing countries, United Nations agencies, bi-directional development banks and multilateral, professional associations, research institutes, non-governmental organizations and the private sector. GWP was created to promote and encourage Integrated Water Resources Management (IWRM), which aims to ensure the full development and management of water, land and associated resources by maximizing economic and social well-being without compromising the sustainability of water systems vital environment.

GWP promotes IWRM by creating active forums at national, regional and global levels. The Governing Authority of the Partnership comprises the Technical Advisory Committee (TAC), composed of a group of 12 internationally recognized scientists and experts, qualified in various disciplines of the field of water management. This committee, whose members come from different regions of the world, provides technical support and advice to other government forces as well as the Partnership structures as a whole. TAC was tasked with developing an analytical framework for the water sector and proposing actions that will promote sustainable water resources management. The TAC maintains permanent open contact for its symmetrical organizations, ie the regional TACs of the GWP, currently established worldwide to facilitate the implementation of the IWRM at regional and national level.

Aware that water resources are limited and water is an essential and inalienable public good, the European Community has taken the initiative to adopt an instrument that includes both the perceptions of sustainable use and how to achieve them.

Directive 2000/60 / EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy establishes a legal framework for the protection and restoration of water purity in Europe and ensures its sustainable use. The Water Framework Directive is

recognized as a solid and ambitious basis for integrated long-term water management within the European Union (“EU”).

The Directive gives Member States the opportunity to cooperate in a partnership based on the participation of all stakeholders for the protection of inland, transitional, coastal and groundwater by improving the ecological quality of surface waters, preventing pollution and establishing a system. Integrated pollution control system.

The Directive promotes the elaboration of an integrated Community policy in the field of water, under its incidence entering all the waters of the European Community, aiming to prevent the deterioration of surface and groundwater bodies, but also their restoration, as well as artificial water bodies. The Framework Directive clarifies that water management means much more than water distribution and treatment, but involving the exploitation and management of land that affects water quality and quantity alike, requires coordination by Member States on spatial planning and integration into financial priorities.

The main objective of the Water Framework Directive is to achieve a “good ecological and chemical status” of all surface and groundwater bodies in the Member States of the European Union. In this respect, the Directive requires cooperation between Member States, both within and outside borders.

In order to achieve the proposed objectives, the Directive establishes a common legal framework, at Community level, in the field of water, enshrining the basic principles of a sustainable water policy at EU level.

We note that the Water Framework Directive provides only the general framework and common principles for action, setting the limits within which any action in the field of water must be carried out, with each Member State having the obligation to promote national legislation complementary to the Directive.

The Drinking Water Directive was revised in 2020. It defines the essential quality standards for water intended for human consumption. It requires Member States to regularly monitor the quality of water intended for human consumption using the “sampling point” method. Member States may include additional requirements specific to their territory, but only if this leads to higher standards.

The Directive also requires the regular provision of information to consumers. In addition, reports on drinking water quality must be submitted to the Commission every three years. The revised directive was proposed by the Commission on February, 1st 2018, in response to the European citizens’ initiative “Right2Water”,

replacing the previous directive of 1998. The revised directive updated existing safety standards and improved access to safe drinking water according to the latest World Health Organization. In addition, it increases transparency for consumers in terms of drinking water quality and water supply, thus helping to reduce the number of plastic bottles due to increased confidence in tap water. An EU-wide risk assessment of water safety will help identify and address potential risks to water sources from the distribution level.¹

Management in the field of water protection in Romania is regulated by the Water Law no. 107/1996. The law seeks to conserve and protect water resources to maintain ecological balance and regulates the activity of key economic factors in water management.

The Romanian legislation in the field of waters was harmonized with the European one by Law no. 122/10.07.2020. Thus, the “Water Harmonization Strategy” elaborated in the year 2000 is updated. In addition to the already existing chapters regarding the current situation of water quality in Romania, the aspects regarding the institutional framework and water legislation, the chapter on European Union legislation, with the objectives and the main provisions of the water quality directives, in particular for the Water Framework Directive (2000/60/EC), which are already finalized, a new chapter has been introduced on the analysis of legislative changes on water protection in Romania, highlighting actions legislation on EU water management directives and another one, on measures and actions needed to implement water directives.

5. Conclusions

Romania, through its national legislation and ratified international conventions in the field of the water protection, is part of the guideline transposed by the European Union to the Member States, of respecting the priority of citizens’ right to a healthy environment through the use and consumption of quality water, to keep the opportunity to enjoy the underwater fauna and flora. Ecological awareness plays an important role in the conditions of the global ecological crisis facing humanity, which must contribute to the formation of an ecological culture of human personality. Cultural-ecological models are, in fact, capable ecological norms, capable of defending and preserving the right to water, respectively the attitude

¹ *Protecția și gospodărirea apelor/Water protection and administration*, www.europarl.europa.eu, referință din data de 17.06.2021.

towards aggressions against water, the way of protecting it, promoting measures, prevention, prophylactic and, at the same time, therapeutic, curative when water degradation has already occurred.

The formation and development of the culture of the right to water can be successfully achieved only in an ecological society, in which the ultimate goal or aim is to optimize and harmonize the interactions between man and nature. The formation of the culture of the right to water is based on knowledge of the laws of water and society, on the scientifically based human action on the environment, on respect for the right of every human being to an environment environmentally safe for life and health, and the creation of a system judicious training and ecological education of the population.

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