

Mr. Christian Zimmermann,

Please allow me, before offering specific answers to the problems incriminated, to put forward the following general considerations:

1. The articles in question are original texts that present my own opinions, my own economic view on the subjects they deal with. Any scientific analysis on the substance of the ideas and the arguments I used will reveal the originality of my approach. In fact, this concern with originality can be found along my entire work, either in articles, books or research projects.

2. None of the articles in question can be susceptible of being linked with the idea of plagiarism in itself, with the idea of intellectual theft from the work of other author, just as plagiarism is presented on RePEc website: “Plagiarism [...] is the wrongful appropriation, close imitation, or purloining and publication, of another author's language, thoughts, ideas, or expressions, and the representation of them as one's own original work” (<http://plagiarism.repec.org/>)

3. During my entire academic and scientific career I have never prejudiced the work of other authors, always being preoccupied with enriching the scientific knowledge in this field by developing ideas and approaches that would represent me. This principle guided my entire scientific and publishing activity, an activity that, over the time, materialized in several books and articles (some of which can be accessed and consulted on the Center for Economics and Liberty – ECOL website <http://www.ecol.ro/autori/2>). Moreover, as you can also ascertain, the plaudits of the Romanian academic and scientific community regarding my professional ascension are one of the most laudable – for instance, the book “Market Economy” (<http://www.ecol.ro/carte/market-economy-institutional-foundations-of-prosperity>) has been awarded, a few years ago, by the Romanian Association of Economic Faculties. I could also add the fact that, in 2004, I founded the first *Institutional Economics* course from the Romanian academia.

4. The publication of the same text in several journals does not represent a case of copyright infringement because, with the consent of the editors, I retained copyright for those texts.

I also want to inform you that, in the years when these texts were published, the Romanian journals that are now indexed in international databases were not imposing copyright cession. This fact can be proved, and the messages of some editors that I presented below are also evidence in this sense. To add more, the debut of the journals was, in some cases, equivalent to the publication of certain texts that were presented within conferences and workshops, fact that gives those articles a working paper status.

These arguments, however, do not claim that the repeated publication of the same text does not interfere with the current scientific practice and the academic deontology. But this mistake does not involve the journal editors or other authors – whose ideas I would have fraudulently used, by plagiarism.

5. It is remarkable that RePEc shows a strong concern regarding the originality and exclusivity of the publication of scientific articles. But sometimes, as it is the case in the present situation, the incrimination of the originality of these publications is neither the result of the intervention of well-intentioned readers, nor that of the intervention of editors. For your Commission, comprised of specialists that are experimented in plagiarism analysis, it will be easy to highlight that the plagiarism accusations received by RePEc do not prove the good-faith of the scientist, always interested in the originality of the economic ideas, a fact which imposes a clear distinction between intention and error, between intellectual theft and editorial negligence.

Currently, a wide (informal) campaign of revealing the plagiarisms, from the academic environment, manifests in Romania. Sometimes, those who were proved to have plagiarized the work of other authors insist on showing that they are not the only ones and that many others have the same problems too, as in the case of this complaint. And sometimes, such problems are sought only because "they must exist" and not necessarily because the evidences of the scientific documentation prove it. For instance, you can verify within RePEc the contribution to the disclosure of plagiarisms from the person who launched the accusations against my studies, in order to distinguish between good intentions – meant to protect the scientific originality and bad faith – intended to damage the credibility of a particular author or professor.

In such contexts, your decisions are of special importance for the career and the scientific path of the authors, a case in which I am asking you to appreciate the good faith of this intervention and the following specific arguments.

Case 1

a) Regarding the text "[On Significance of Transaction Costs in Institutional Economics](#)," [Romanian Economic Business Review](#), Romanian-American University, vol. 1(1), 2006

First of all, I send you the answer of the *Romanian Economic and Business Review* editor regarding copyright, an answer received on 12 July and already sent to AJES editor, so before your notification.

From: Bogdan Glavan <bogdan.glavan@gmail.com>
Date: Thu, Jul 12, 2012 at 2:55 PM
Subject: Re: issue regarding your AJES publication
To: Cosmin Marinescu <marinescu@gmail.com>

Dear Dr. Marinescu,

I am very sorry to hear about the situation concerning your article published by AJES, especially given that, as we agreed in 2006, you've kept the copyright for your work. My lack of reaction has created this confusing situation.

Unfortunately, I have omitted to comply with your request to withdraw your article *On Significance of Transaction Costs in Institutional Economics* from REBE last year, when you let me know about the publication in AJES of a more comprehensive work that considerably enriched the original paper.

Today your text has been definitively withdrawn, (as you can see <http://www.rebe.rau.ro/RePEc/rau/journal/SP06/REBE-SP06-A10.pdf>), and an erata will be included in the next issue of REBE to explain the situation.

Once again, I am deeply sorry for having caused this misunderstanding, and I hope that by withdrawing your article I have helped you clarify the situation with AJES.

Please consider our journal as an outlet for your publication in the future.

Best regards,
Bogdan Glavan
Editor, Romanian Economic and Business Review
www.rebe.rau.ro

You can notice that, even since the last year, once *American Journal of Economics and Sociology* (AJES) accepted to publish the article "Transaction Costs and Institutions Efficiency: A Critical Approach", I solicited the editor of *Romanian Economic and Business Review* (REBR) to withdraw the initial article.

I permanently retained the copyright for that text, precisely with the purpose of completing it and publishing a more comprehensive article, with all the scientific arguments that were taken into consideration. In fact, as you can verify, the text from 2006 is, in length, not even half of the article published in 2012.

Therefore, the fact that the link of the article is invalid is due to the action of REBR editor, as he explains in the above-indicated message.

Consequently, I would like to ask you remove from the RePEc portal the profile of the article "[On Significance of Transaction Costs in Institutional Economics](#)," [Romanian Economic Business Review](#), Romanian-American University, vol. 1(1), 2006, in accordance with the (delayed but reparative) decision made by REBR editor.

b) Regarding the text "[Institutions, Human Action and Transaction Costs](#)," [The Journal of the Faculty of Economics – Economic Science Series](#), Oradea University, vol. 1, pages 399-403, 2007

With the above title, the text was presented within a conference, having at that moment the status of a working paper, being then included in the volume of the Oradea University. Again, we are talking only about a small fraction from the article published in AJES, in 2012.

Thus, *American Journal of Economics and Sociology* (AJES) is the journal that currently holds the exclusive copyright for the article "Transaction Costs and Institutions Efficiency: A Critical Approach", an article that also represents the final form of a more comprehensive research on the relationship between institutions and transaction costs.

Moreover, as you can also verify, I informed the AJES editor about this copyright problem before you notified it.

c) Regarding the incriminated paragraph (page 49) from Hülsmann (2000), rest assured that it was just an unfortunate negligence. On the one hand, please consider that Hülsmann's article was heavily quoted, a fact that excludes any intention of capitalizing on his ideas in a fraudulent

manner and on my behalf. I assure you that, regarding the indicated paragraph and footnote, we are only discussing about an unfortunate negligence in rigorously using citations and quotation marks. This error might have occurred in the stage of documentation and while elaborating the bibliographic files, and perpetuated, through editing, up to the final version.

More concrete: AJES editor can confirm you that the text of the article went through various stages and forms of editing, with the main purpose of correcting English deficiencies, as I am not a native English writer. I believe that the unintended mistake of using the incriminated paragraph incorrectly (without quotation marks) occurred during these stages. Later, in the final stage of linguistic verification of the text by a specialized editor, certain adjustments that removed the paragraph from the original form may have occurred.

As an author inspired by the Austrian School of Economics, my consideration for Guido Hülsmann is too high to even think about using his ideas without quotation.

As you can notice from the analysis of the entire article, we are discussing only about a few sentences whose proper quotation I have happened to miss, by a regrettable unintended mistake. However, taking into account the considerable dimensions of this article, the precise identification of a few incriminated sentences is somehow surprising. Besides, any analysis will confirm the originality of the scientific approach from the article in question. Therefore, the article "[Transaction Costs and Institutions' Efficiency: A Critical Approach](#)" (AJES, 2012) cannot be, under any circumstances, associated with the idea of plagiarism.

But thank you for notifying me about this error, and I am sure it would be of great benefit if all the articles from RePEc would be so meticulously verified.

Case 2

First of all, I assure you that I did not infringe the copyright of editors and journals because, as author, I retained copyright, a fact that explains the possibility of republication.

a) Regarding the text "[Institutional change in EU: how much "free market", how much "welfare state"?](#)," [Romanian Economic Business Review](#), Romanian-American University, vol. 1(4), 2006.

The publication of the article was made under the same conditions mentioned above by REBR editor, without copyright cession. The text was also presented within a workshop, my contribution being a "work in progress", thus having the permission of being republished.

b) Regarding the texts "[European Economic Model: Que Vadis Ue?](#)," [Revista Tinerilor Economisti \(The Young Economists Journal\)](#), University of Craiova, Faculty of Economics and Business Administration, and "[Harmonized Europe or European Harmony?](#)," [Romanian Journal of European Affairs](#), European Institute of Romania – both from 2007.

Wanting to rapidly popularize the European institutional model analysis – in the very year of Romania's accession to the EU, I sent the text, in the same period, to those two journals -

Romanian Journal of European Affairs and *Revista Tinerilor Economisti* (The Young Economists Journal). Again, the text in question is absolutely original, presenting my personal conception, accidentally a critical one, about the European institutional arrangement.

I wasn't notified about the final decision regarding the publication of the articles and, even if I did not expect that both journals would accept the proposed article, this thing happened. Hence the absence of mutual quotations and usage of different titles. Unfortunately, during that period, the publishing framework was poorly structured by editorial rules, being so, partly, responsible for such editorial mistakes.

On the other hand, once the concerned journals were indexed in international databases, including RePEc, I was never asked and I never agreed on publishing the texts within this new context. It is a relevant argument for the articles on which the editors do not hold copyright.

Of course, under these circumstances, I can request the withdrawal of the text, so that this overlap problem will be completely resolved.

In fact, *Romanian Journal of European Affairs* is not even indexed within RePEc, but I present you the position of its editor, a situation that can also be confirmed by the other editor:

From: **Mihai Sebe** <mihai.sebe@ier.ro>
Date: Mon, Jul 23, 2012 at 12:53 PM
Subject: RE: article RJE
To: Cosmin Marinescu <marinescu@gmail.com>
Cc: rjea@ier.ro

In attention of Mr. Christian Zimmermann – RePeC

In attention of Professor Cosmin Marinescu – ASE

We hereby confirm that in 2007 the authors didn't have to sign any **Copyright Agreement** with the *Romanian Journal of European Affairs*. As a matter of fact starting only with 2010 the submission of an article implied a commitment from the author to comply with the copyright policy of the *Romanian Journal of European Affairs*.

Please see: http://www.ier.ro/index.php/revista/page/guidelines_for_authors

For the text of the **Copyright Agreement** please see:

http://www.ier.ro/documente/rjea_pdf/copyright_agreement_for_RJE_articles.pdf

Taking into consideration the above mentioned situation the editors of the *Romanian Journal of European Affairs* don't considered themselves to be affected by the fact that the article/parts of the article (was) were published previously.

Also the responsibility for the article belongs solely to the author who is directly responsible for the quality and the originality.

Yours truly,

Mihai SEBE

Project Coordinator – **European Affairs Research and Training Unit**

Associate Editor – **Romanian Journal of European Affairs**

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I hope that the arguments presented within this comprehensive answer are edifying for your endeavor. I consider that the accusations of plagiarism are completely unjustified taking into consideration the presented elements, which does not mean that I do not reproach myself the premises of these accusations.

I terribly regret the imprudent way in which I used the same text in different editorial contexts, but please take into consideration that the text in question is an original approach that cannot be in any way associated with plagiarism.

Moreover, please take into account the whole good faith of this argumentative endeavor, the broader and nuanced context within which this issue is placed and my personal profile on which you can obtain additional information, verified and proved by the authors, editors or scientific and academic personalities with whom I have collaborated over time.

Sincerely,

Cosmin Marinescu