EUROPEA

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BOOK REVIEWS

WITHIN AND AFTER THE COLD WAR: EUROPE'S STRUGGLING ROLE AND POSITION INSIDE THE GLOBAL SECURITY MATRIX

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Abstract

Along the 20th century, Europe lost its preeminence in international affairs. It was no longer the epicenter of the world, but a mere shadow of its former self. This new Europe was most visible after 1945. During the Cold War, the old continent reached the threshold of its vulnerability, and needed American protection in order to survive, rebuild itself and prosper. After 1989, Europe suffers from security confusion, especially when it comes to its relations with America. Is contemporary Europe capable of ensuring its security without Washington's interventions? Is this scenario desired by the USA, or even by all the European countries? How can the former "axis mundi" redefine itself in terms of security? These are the main questions the present paper is trying to take into account.

Key words: security, geopolitics Cold War, post-Cold War, transatlantic partnership

Western Europe during the postwar period

After the Second World War, USA and its European allies formed, in 1949, the North Atlantic Treaty Organization (NATO). The most important task of the new military alliance was the discouragement of any aggressive behavior, especially the ones who could come from the USSR.[1] Gregory Flynn states that USA insisted more on the economic reconstruction and the political federalization of Europe than on the

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[1] Eugen Preda, *NATO. Scurtă istorie*, Bucureşti: Silex, 1999, p. 65; François de Rose, *Al treilea război mondial nu a avut loc. NATO şi pacea*, Bucureşti: Nemira 1998, pp. 32-33; Jiři Fidler, Petr Mareř, *Istoria NATO*, Iaşi: Institutul European, 2005, pp. 18-19.

necessity of a military alliance with it against the USSR. In the first years after the war, Stalin and its country, seriously affected by the confrontation, were not perceived as a geopolitical threat.[2] Only after the soviet aggressions upon Berlin, the sovietization of Czechoslovakia and the beginning of the Korean War, the Americans understood the necessity of this transatlantic partnership. In response, the soviets created in 1955 the Warsaw Treaty, a military partnership between USSR and the Eastern Europe countries (except Yugoslavia) which entered after 1945 in the soviet geopolitical sphere.[3]

The Second World War left behind a devastated "old continent" and shattered the ambition which aimed to regain Europe's central place in the world. The new geopolitical pole was the United States of America, but its supremacy was contested by Stalin and the USSR. Even if the "reign" of Europe in the world affairs was over, its geostrategic importance remained very high. This continent was, at least for a couple of decades, the geopolitical stake of the Cold War; being disputed both by the Americans and the soviets, it followed its cultural and democratic instinct and chose USA to ally with in the longest ideological confrontation that took place in the XX-st century.

The Cold War: a brief introduction

Two major theses compete to explain the beginning of the Cold War. The traditional thesis blames the Marxist ideology and its soviet corollary for the origins of the confrontation. Ideas like the global revolution and the "universal class struggle" could only lead to conflict; besides that, the political experience of the soviet leaders, which permanently dealt with internal or external enemies, was also pugnacious.[4] The competing revisionist thesis affirms that the USSR could not have started the Cold War. Stalin's empire was ravaged after the Second World War, loosing almost a third of its population along with many resources

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[2] Gregory Flynn, "Statele Unite şi apărarea Europei", in Raoul Girardet (ed.), *Apărarea Europei*, Iaşi: Institutul European, 2005, pp. 122-123.

[3] Tony Judt, *Epoca Postbelică. O istorie a Europei de după 1945*, Iaşi: Polirom, 2008, pp. 143-147. As Paul Johnson observed, analyzing the conditions that led to the appearance of the Cold War, the postwar period can be metaphorically expressed as a "peace trough terror". *O istorie a lumii moderne (1920-2000)*, Bucureşti: Humanitas, 2005, pp. 422-453.

[4] Wilfried Loth, *Împărţirea lumii. Istoria Războiului Rece (1941-1945)*, Bucureşti: Saeculum I.O., 1997, p. 10.

and industries, and it didn't possess nuclear armament (until 1949), like the USA did. The American capitalist economy, inherently expansive and oppressive, forced the USSR to enter this confrontation.[5] The debate between the two theses is still present, because people still (and will always) have strong or soft ideological affinities, which are a part of their axiological identity. Personally, I incline more to the „traditional thesis", but without necessarily neglecting the „revisionist" one. Yes, the USSR was devastated after the Second World War, and for this reason it tried hardly to consolidate its authority over the new East-European satellites. Also, one should not forget the interpretation that the Tsarist empire gave to its security: expansion. Furthermore, the soviets also possessed, from their tsarist predecessors, an inflexible and aggressive diplomatic tradition, and this allowed them to pursue their interests with harshness, seeking to intimidate their interlocutors by creating an uncompromising and retributive image. However, one cannot exclusively blame the Kremlin for triggering the Cold War. The American interests in Western Europe were also considerable, and the Washington officials also looked for a security matrix – almost unavoidable contrasting with the soviet semantic of security - best fitted to achieve them.

    Peter Calvocoressi sustains that the

sources of the Cold War included many cultural and ideological elements, but it was primarily a struggle for power and a consequence of some biased calculations. The protagonists – USA and USSR – feared one another. It's true that they did not agree, even detested each other; but if they would not have feared each other, the Cold War would have not existed.[6]

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[5] *Ibidem*, pp. 12-16. Joseph Nye Jr. distinguishes a third thesis, complementary to the revisionist one, the "postrevisionist" thesis. Insisting on the "structural level", the postrevisionists extract what they believe to be the inevitable character of the confrontation between USA and USSR based on the new bipolar geopolitical configuration of the world. Joseph Nye, *Descifrarea conflictelor internaționale. Teorie și istorie*, București: Antet, 2005 p. 109. Other authors, like Anne Deighton, ascribe the emergence of the Cold War to a set of three interconnected factors: "ideology", "decisional factors" and "geostrategical factors". See „The Cold War in Europe, 1945-1945: Three Approaches", in Ngaire Woods (ed.), *Explaining International Relations since 1945*, New York: Oxford University Press, 1999, pp. 81-87.

[6] Peter Calvocoressi, *Rupeți rândurile! Al doilea război mondial si configurarea Europei postbelice*, Iași: Polirom,, 2000, p. 155. For an instructive assessment of the Cold War problems, see also Martin McCauley, *Rusia, America si Războiul Rece*, Iași: Polirom, 1999, Andre Fontain, *Istoria Războiului Rece*, București: Editura Militară, 1993, or Thomas Parish, *Enciclopedia Războiului*

USA feared that Stalin would send his armies further into the Western Europe and that the communist parties could came to power in countries like Italy or France; in return, Stalin feared "a new western alliance."[7]

Calvocoressi also affirmed the major features of the Cold War were its pseudo-ideological and nuclear dimensions, thus making it a potential Third World War.[8] On the other hand, Kenneth Waltz disagreed regarding the ideological importance of the Cold War. In his opinion, geopolitics prevailed over ideology in this confrontation. The two superpowers acted more like traditional powers when they struggled to extend their sphere of influence over the states in the Third World.[9] Based on these analyses, it can be appreciated that the two major dimensions of the Cold War, ideology and geopolitics, were both very important in understanding this period from the 20th century, the first acting like a justifying shape for the national interests of the superpowers, projected in the international environment mainly as geopolitics.

Theoretically and politically, the Cold War was apprehended by USA in two successive ways. The first way, never materialized, consisted in a limited nuclear war. It was followed by the containment theory[10], launched in 1947 by George Kennan.[11] For him,

The political personality of Soviet power as we know it today (1947, C.E.) is the product of ideology and circumstances: ideology inherited by the present Soviet leaders from the movement in which they had their political origin and circumstances of the power which they now have exercised for

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Rece, Bucureşti: Univers Enciclopedic, 2002. The most important documents signed during the Cold War are gathered in Aurel Preda-Mătăsaru, *Tratat de relaţii internaţionale moderne şi contemporane. Războiul Rece* (vol. III), Bucureşti: Lumina Lex, 2005.

[7] Peter Calvocoressi, *op.cit.*, pp. 155-156.

[8] *Ibidem*, p. 156.

[9] Kenneth Waltz, *Teoria Politicii Internaţionale*, Iaşi: Polirom, 2006, p. 235.

[10] After Stalin's death in 1953, a period of geopolitical relaxation began to emerge between the two superpowers. Still, President Eisenhower talked about "freedom" and Eastern Europe's fight to obtain it; this leads to the conclusion that the containment theory's essence remained unchanged until the End of the Cold War, even if its name changed almost with every American president and the geostrategical doctrine that followed.

[11] Peter Calvocoressi, *Europa de la Bismarck la Gorbaciov*, Iaşi: Polirom, 2003, p 109.

nearly three decades in Russia. There can be few tasks of psychological analysis more difficult than to try to trace the interaction of these two forces and the relative role of each in the determination of official Soviet conduct. Yet the attempt must be made if that conduct is to be understood and effectively countered.[12]

Western Europe during the Cold War

Where was Europe in this geostrategic equation? If during the 1940's and the 1950's western Europeans feared a military outbreak of the overgrowing tensions between USA and USSR, in the 1960-ths and 1970-ths they started to be also sensible to the idea that the two superpowers could make economical and political agreements which would disadvantage them.[13] During the Cold War, even in the early years of the confrontation, the European Community became a powerful economic force, but its security against the potential soviet threats was in a great extent ensured by USA trough NATO.[14] Being military weaker than its transatlantic neighbor – some authors argue - Europe tended to value "soft" power and international organizations more than national capacities and "hard" power.[15] Even so, one cannot fully state that Europe was helpless in case of a military threat. In 1986, the military forces of West Germany, Italy, France and the United Kingdom comprised "over a million man, with a further 1.7 million in reserves…"[16] In addition to that, these countries possessed (and they still do) a consistent military technology, especially the United Kingdom and France, which also have nuclear capacities.[17]

Frictions inside the transatlantic community were rather usual, both between Western Europe countries and the USA, but also among the European powers. In the first years after the war, there were serious doubts regarding the acceptance of FRG (Federal Republic of Germany) inside

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[12] George Kennan, "The sources of soviet conduct", in Gearoid o Tuathail, Simon Dalby, Paul Routledge, (ed.), *The geopolitics reader*, New York: Routledge, 2006, p. 78.

[13] Kenneth Waltz, *op. cit.*, pp. 237-238.

[14] Robert Kagan, *Despre paradis si putere. America si Europa în noua ordine mondială*, Bucureşti: Antet, 2005, p. 17.

[15] *Ibidem*, p. 33. The theoretical distinction between "hard" and "soft" power was introduced in the field of International Relations by Professor Joseph Nye Jr.

[16] Paul Kennedy, *The rise and fall of the great powers. Economic change and military conflict from 1500 to 2000*, New York: Vintage, 1987, p. 472.

[17] *Ibidem*, p. 472.

NATO. Although she was finally admitted in 1954, this result did not overcome the suspicions and the precaution of the other European NATO members towards it. [18]

In France, President De Gaulle opposed two times, in 1961 and 1967, the United Kingdom's intention to enter the European Community. He sustained his position claiming that UK could offset the delicate political and economical balance that was beginning to emerge between France and Germany and he was also susceptible to the close relationship between the UK and USA, presuming that the last one would affect France's sovereignty and position in Europe.[19] De Gaulle also feared the German economic revival, trying political strategies to temper its unforeseeable neighbor.

The European security became a pressing matter in the late 1970-ths, when USSR developed new military technologies and started the war in Afghanistan. But in the early 1980, Europe's fears towards Brejnev's USSR were considerable diminished, along with the attraction the Soviet Union exercised for many decades on European countries like France or Italy.[20]

The last decade of the Cold War witnessed an intensification of the European discontents towards the United States and NATO. The main motives of this outcome were mostly geopolitical (disagreements upon the Strategic Defense Initiative, perceived by Europeans as a dangerous withdrawal of the American nuclear shield which protected them, or the Middle East conflict) but they entailed serious political and economical changes inside the EC' structure.

Disputes with America thus proved an important element in widening the agenda of European integration, from the narrow confines of commercial and agricultural policy, to the range of economic, monetary and even political affairs discussed among the Twelve [EC members] in the late 1980s.[21]

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[18] Sylvain Kahn, *Geopolitica Uniunii Europene*, Chișinău: Cartier, 2008, pp. 28-29; Peter Alter, *Problema germană și Europa*, București: Corint, 2004, pp. 183-208.

[19] Neil Nugent, *The Government and Politics of the European Union*, New York: Palgrave Macmillan, 2006, p. 26.

[20] Gustave Parmentier, "Alianța atlantică și apărarea europeană", in Raoul Girardet (ed.), *Apărarea Europei*, Iași: Institutul European, 2005, pp. 51-53.

[21] William Wallace, Piers Ludlow, "Europe", in Alex Danchev (ed.), *Fin de Siècle. The Meaning of the Twentieth Century*, London: Tauris Academic Studies, 1995, p. 85.

Hope and confusion. Europe after the Cold War

The clash of the Berlin Wall in November 1989, followed by the Eastern European revolutions, and finally, the dismantling of the USSR announced a new era in the international relations. Liberal optimism was the new trend in political thinking, and authors like Francis Fukuyama represented the voices of the moment.

If the early twentieth century's major political innovation was the invention of the strong states of totalitarian Germany or Russia, than the past few decades have revealed a tremendous weakness at their core. And this weakness, so massive and unexpected, suggests that the pessimistic lessons about history that our century supposedly taught us need to be rethought from the beginning.[22]

As the years went by, early 1990's optimism was slowly beginning to crumble. The difficult and unexpectedly prolonged transition in Eastern Europe led to social disappointment and uncertainties regarding democracy.[23] Nationalistic tensions were worryingly emerging. Furthermore, realist thinkers and politicians "doubted that there could be any international agreement over the liberal principles" highly appreciated at the moment.[24]

For some analysts, reunified Germany and the NATO frame that made it possible represent the event that marked the end of the Cold War, not the defeat of the USSR. Germany was the epicenter of the Cold War; once reunited, despite the soviet opposition, the political bases of the ideological confrontation were invalidated.[25] Bringing back together FRG and DRG was not an easy task; it raised social tensions and economic

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[22] Francis Fukuyama, *The end of history and the last man*, New York: Free Press, 2006, p. 12.

[23] Richard Sakwa, Anne Stevens (ed.), *Contemporary Europe*, New York: Palgrave Macmillan, 2006, p. 234.

[24] *Ibidem*, p. 235. For a balanced idealist/realist approach of post-Cold War Europe, see Fred Halliday, "Europe and the International System: War and Peace", in Stephen Chan, Jarrod Wiener (ed.), *Twentieth Century International History*, London: I.B. Tauris & Co. Ltd., 1999, pp. 91-92.

[25] Robert Cooper, *Destrămarea Națiunilor*, București: Univer Enciclopedic, 2007, p. 61. A diachronic analysis of the "German problem" and of its implications in the events which eventually triggered the end of the Cold War can be found in Ieuan G. John, „The Re-emergence of «the German Question» : a United Germany and European Security and Stability", in David Armstrong, Erik Goldstein, *The End of the Cold* War, London: Frank Cass & Co., 1990, pp. 126-146.

difficulties that are still encountered today. Still, in the first day after the reunification, the Germans experienced an intense national feeling: they felt that a historic injustice was finally overcame and Germany (FRG) could no longer be blackmailed by the Kremlin authorities.[26] Peter Calvocoressi, on the other hand, believes that USSR did not firmly oppose the reunification of Germany, as its ideology was supposed to dictate it, for pragmatic reasons: this was the only strong economy willing to financially assist the USSR in the attempt to modernize its infrastructure.[27]

Inside the EU, reunited Germany was rather uneasy for France to deal with. The two countries reached a compromise: Germany gave away an important part of its economic control to France, which in return accepted the new state and its role as Europe's economic engine. Still, the dissonances between the two parts were far to be over. After its reunification, Germany assigned a big percent of its funds to the newly incorporated eastern districts, disadvantaging the Union's budget, a measure which created discontents in Paris. Furthermore, France tends to see the EU as a partnership of nations, while Germany has a more integrationist approach to this matter; France sustains the Keynesianist theory of the state's partially and temporary involvement in the economical process, while Germany tends to value more the freedom of the markets; France was reluctant to the eastern enlargement of the Union, seeing it as a threat to its cereal market, (France is one of the most important cereal producer in the EU), while Germany encouraged it for its own industrial reasons.[28]

The Maastricht Treaty, signed in 1992, was "the next step in the development of the Community", but it faced serious challenges coming from two directions: the political turmoil that convulsed Eastern and Central Europe and the wars emerging in the ex-Yugoslavia provinces.[29] Now, the East European states, released from the soviet domination, claimed their rightful position among the EU members; however, their acceptance inside the Union was slow (for some too fast) and raised

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[26] Timothy Garton Ash, *Istoria prezentului. Eseuri, schițe și relatări din Europa anilor '90*, Iași: Polirom, 2002, pp. 58-63.

[27] Peter Calvocoressi, *Europa de la Bismarck la Gorbaciov*, Iași: Polirom, 2003, pp. 211-212.

[28] Robert Gilpin, *Economia mondială în secolul XXI. Provocarea capitalismului global*, Iași: Polirom, 2004, pp. 149-172.

[29] Peter Calvocoressi, *Politica mondială după 1945*, București: ALLFA, 2000, p. 244.

numerous institutional and economic problems. On the other hand, the ethnic conflicts from former Yugoslavia "throwed a bad light upon the common leadership of the UE"[30], because the European leaders were incapable to contain and stop them by their selves and needed NATO in order to succeed.

When writing about the adequate reconfiguration of post-1989 Europe, Ralf Dahrendorf is concerned that the dangers of constructing Europe against potential Muslim, Russian, or even German threats are not completely over.[31] Irrational passions which fueled the most pernicious forms of nationalism of the 20th century are still present in the European societies, although their intensity has weakened. This is why the new EU will always need "flexible institutions", healthy economic actors and a strong normative frame.[32]

America, the geopolitical "tutor" of reunited Europe?

Robert Kagan, one of the most important American realists from the present days, argues that after the Cold War, Europe's geopolitical role in the world was considerable diminished. Europe was no longer the main geostrategic stake disputed between Washington and Moscow, and the USA, the only superpower left in the world, could act without seriously taking into account European proposals. This led to resentments and tensions inside the transatlantic partnership, tensions that had a major outbreak during the beginning of the second Iraq War. [33] But these tensions didn't emerge only after 1989; during the Cold War there were also disagreements between the transatlantic partners. The USA accused France several times "as being an old colonial power in Indochina and in Algeria", blamed France and the United Kingdom for the Suez affair and imposed Western Germany to recognize the German-American relations as being more important than the French-German ones. On the other hand, France's recurrent and sarcastic ironies towards the USA could have been avoided.[34]

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[30] *Ibidem*, p. 244..

[31] Ralf Dahrendorf, *Dupa 1989. Morală, revoluţie si societate civilă*, Bucureşti: Humanitas, 2001, pp. 205-206.

[32] *Ibidem*, pp. 207-209.

[33] Robert Kagan, *op. cit.*, p. 102. More about transatlantic frictions regarding the Iraq War and the European "hypocrisy" in the Kosovo matter in 1999, pp. 102-116.

[34] Catherine Durandin, *Statele Unite, mare putere europeană*, Chişinău: Cartier, 2007, pp. 290-291.

During the Cold War, America's legitimacy was recognized by the Europeans. This legitimacy was based on three factors: a "common strategically threat" (USSR), a "common ideological threat" (USSR), and a "structural legitimacy" ensured by geopolitical configuration the confrontation, meaning that USA's power could be balanced by the soviets together with the European Community, which had a stronger decisional weight in the world affairs than it has today.[35] Extended, the argument reaches the point where Europe's actual economic strength and the peace and prosperity it enjoys for over a half of century is a direct consequence of USA's military protection[36]. Zbigniew Brezinski also shares this opinion, as he doubts the political integration and the military capacity of the European Union in the years to come. Despite these shortcomings regarding its internal functionality – Brezinski continues - Europe's geopolitical role in the world is inestimable: this continent, democratic and prosperous, represents a "bridgehead" for American interests in Eurasia. In response, the USA offers Europe military protection. America should nevertheless take advantages from France and Germany's political incongruences inside the EU to enforce its own view over the transatlantic military and economic partnership.[37] Turning back to internal affairs, Brzezinski argues that Europe tries to compensate its political deficiencies by enlarging further into the East.[38] This enlargement deepens Europe's security confusion and also its political cohesion: from an internal point of view, EU's functionality will be affected, and from an external point of view, Europe tends to split between the western countries, which do not always agree with America's geopolitical conduit, and the eastern countries which embrace this conduit almost without reserves.[39]

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[35] Robert Kagan, *op. cit.*, pp. 92-95.

[36] *Ibidem*, p. 5.

[37] Zbigniew Brzezinski, *Marea tablă de şah. Supremaţia Americană şi imperativele sale geostrategice*, Bucureşti: Univers Enciclopedic, 2000, pp. 70-74.

[38] Zbigniew Brzezinski, *Triada Geostrategică. Convieţuirea cu China, Europa si Rusia*, Bucureşti: Historia, 2006, pp. 57-87.

[39] Catherine Durandin, *op. cit.*, pp. 272-278.

Contesting the American triumphalism: a descriptive critic of Washington's "generosity" regarding postwar and post-Cold War Europe

Washington encouraged the centrifugal European tendencies even from the early days after the 1989 revolutions, Noam Chomsky argues. Claiming that the UE should integrate the less developed eastern countries who just won their freedom against the Soviet Union, America seemed to be the indulgent moral instance of the free world which offers its support to the needy Eastern Europe in those times of distress, gaining its respect and confidence. For the European Union, the integration of poor and underdeveloped East European countries was, in Chomsky's opinion, a poisoned gift. The major economic and democratic problems of the East slowed down, with the passing of the years, the economic capacity and institutional functionality of the EU. The eastern enlargement of the EU advantaged the economical and geopolitical preeminence of the United States which seeks to maintain Europe in a subordinate position. Even the Marshall Plan that the USA has always used to remind Europe what a great debt it has towards its transatlantic partner was not as unselfish as it was believed to be. This plan

«created the frame for a large quantity of direct private American companies investments in Europe», establishing the basis of the multinational corporations. *Business Week* described in 1975 the multinationals as the «economical expression» of the «political framework» established by the decision factors after the war, frame inside which «the American affairs prospered and extended themselves towards sees» (…) being initially financed with the Marshall's Plan dollars» and sheltered against some «negative evolutions» by the «umbrella of the American power»[40]

Chomsky's argument, provocative and incisive, is also, to some extent, debatable. The United States helped rebuilding Western Europe not to economically exploit it, but mostly because it needed a strong ally in the ideological confrontation with the soviets. If not moral, (although no one can deny the consistent cultural bond between the "old" and the "new world") the equation was a strategic one: it is better to have a democratic

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[40] Howard Wachtel, apud Noam Chomski, *Hegemonie sau supraviețuire. America în căutarea dominației globale*, București: Antet, 2003, p. 143.

and prosperous Europe on your side than a soviet, hostile Europe against you. If in the process of reconstructing the old continent, America saw also an economical opportunity, why not use it? After all, this wasn't an asymmetrical, mercantile relation between a colonial power and its humble servant, and Europe also profited by it. Beside that, Reagan's America spent enormous sums with the Strategic Defense Initiative, a project which disquieted the Europeans, but helped put an end to the Cold War. The massive financial loans needed to put it into practice came, ironically, from Germany and Japan, two states who owed to a great extent the United States their economic power and security.[41] In conclusion, America and Western Europe had a very complex and interdependent relationship during the Cold War and, with minor exceptions, supported one another against the USSR. Furthermore, the promises and encouragements the Clinton administration made to the Eastern European countries after 1989 can also be seen as an attempt to economically and politically guide them to democracy (sadly without serious financial support), and to reinforce NATO's existential reason: geopolitical security. Nobody could be sure that authoritarianism was an ended chapter in Russian history and in Eastern Europe[42] and new threats were also emerging in the Middle East.

The end of the international eclipse: post Cold War Europe distancing itself from the transatlantic security matrix?

Some authors, like Timothy Garton Ash, do not agree with the idea that contemporary Europe could be defined as a "military protectorate" of the USA; from this kind of statements, one could understand that the USA is ruling Europe, which is not the case, even if the strongest European countries still rely on the USA when it comes to military actions.[43] After the consummation of what John Lewis Gaddis has called *The Long Peace*, [44]Europe's dependency towards the United States "no longer corresponds to the new international situation", characterized by "the reduction of the nuclear risk, the reunification of the continent" and "the rediscovered vigor

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[41] Ghiță Ionescu, *Oameni de stat într-o lume interdependentă*, București: All, 1998, p. 309.

[42] G.H. Bennet *Preşedinţii americani, 1945-2004*, București: Editura Ştiinţelor Sociale şi Politice, 2004, p. 318.

[43] Zbigniew Brzezinski: *Triada Geostrategică. Convieţuirea cu China, Europa şi Rusia,* pp. 95-96.

[44] John Lewis Gaddis, *The Long Peace. Inquires into the History of the Cold War*, Oxford University Press, New York, 1987.

of powers", along with the "progress of the European construction."[45] Besides that, the Europeans are seen to have a more conciliating, liberal view over the international relations scene, based on cooperation and negotiation, while the Americans still tend to see the world as a battleground in which they have to defend their more and more disputed preeminence. Despite this opinion, the EU countries had in 2003 a number of peacekeeping troops that was actually ten times larger than the number of American troops engaged in similar military actions.[46]

Jeremy Rifkin grasps this dissonance very well when he writes that "the problem which Europe has to face is that of living in two worlds simultaneously: the everyday world of real politic and the vision of a better world which is to come."[47] Robert Cooper, on the other hand, insists upon the necessity of "double standards" when it comes to security, and especially Europe's security. Europe may be "postmodern", reasonable, cooperative and prone to negotiations, but some parts of the world, especially the "premodern" ones, characterized by political and economical instability, even chaos, are not. The solution resides in the cooperation with the modern world, a world of nation states and realpolitik where the USA has the dominant role – in the attempt to contain and hopefully democratize the premodern chaotic states, very dangerous in the nuclear context in which we live for a half of century. Furthermore, the profound interdependence of states, cultures and societies, made possible by the globalization era, can easily be transformed into a relay trough which "premodern" states can export different kinds of threats and political instability.[48]

To Henry Kissinger, the misunderstandings between the United States and Europe seem to resemble "family fights" rather than real conflicts. When it came to key matters, both transatlantic partners generally agreed, so there should not be any serious worry in the future about this topic.[49] This appears to be the most verisimilar point of view. Due to their common cultural origins, Europe and America are keen to share, in a global

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[45] Jean Michel Gaillard, Anthony Rowley, *Istoria continentului european, de la 1850 până la sfârşitul secolului al XX-lea*, Chişinău: Cartier, 2001, pp. 605-606.

[46] Jeremy Rifkin, *op. cit.*, p. 251.

[47] *Ibidem*, p. 239.

[48] Robert Cooper, *op. cit.*, pp. 88-89.

[49] Henry Kissinger, *Diplomaţia*, Bucureşti: Bic All, 2003, p. 713.

perspective, similar ends, even if the debate about the means of achieving them is very much present, and will probably remain so in the decades to come.

European security and its central dilemma

Should Europe create is own security force or should it trust NATO for defense matters, exactly like it did in the years of the Cold War? This is the main question Bruxelles authorities have to answer regarding the security dilemmas of the continent. Even if the armies of the EU member states become more and more professional[50], there are several obstacles the European countries encounter in their attempt to seek military autonomy. States like the United Kingdom or the Netherlands tend to value NATO more than a separate European military force. Europe's project of a quick reaction force is redundant to NATO's quick reaction force, which is far better: in case of military emergencies, the NATO troops are prepared to intervene in 5 to 30 days, while the European troops need at least 60 days for this kind of mission. [51]

France and Germany, the founding states of the EU, are struggling to create a common defense force and give consistency to the second pillar of the Union established by the Maastricht Treaty in 1991, but France, in its Gaullist inertia, wants this force to be NATO independent, while Germany tries to find a more consensual approach between an independent European security force and the transatlantic partnership.[52] The European defense is also problematic due to an internal reason: the tension between "national sovereignty and European integration"[53], which will not be so easily to overcome.

In general, the EU tends to spend about half of the American defense budget.[54] Albeit the European military force numbered, in the first years after 2000, about two million soldiers, while the USA had only 1.4

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[50] Jean Michel Gaillard, Anthony Rowley, *op. cit.*, p. 623.

[51] Raluca Ştireanu, "Construcția instituțională a politicii de securitate a Uniunii Europene", in *Cadran Politic*, nr. 13, 2004.

[52] Jean Michel Gaillard, Anthony Rowley, *op. cit.*, p. 619.

[53] *Ibidem*, p. 622.

[54] Jeremy Rifkin, *op. cit.*, p. 253. The percentage refers to the period 2000-2002. After the beginning of the Second Gulf War (2003), the disproportion of security budgets between USA and EU is very likely to have grown.

million, the Americans still possess a far competitive military industry than the Europeans.[55]

American perceptions regarding the European security

When it comes to the EU defense, the United States position is ambivalent. There are voices, like Robert Kagan's, that claim an increase of the European military budget in order to achieve a more balanced cost of military actions inside the transatlantic partnership. The "strategic vacation" of the Europeans is incorrect and expensive for the American partner. Europe should renounce holding on to a defensive military power, like it did during the Cold War and start projecting its military capacities in the outside world, along with the USA.[56] Zbigniew Brezinski shares this opinion as well. After writing that "the United States and the European Union represent, together, the hard nucleus of political stability and global economic welfare", complains about the frequent arguments the two "entities" have in the present days, accusing Europe that is military budget is lower than half of the United States military budget.[57] Furthermore,

Europe is the economic beneficiary of the stabilizing role, political and military, which the USA assumed in the Middle East (on which's petrol Europe is dependent even more than America) and also in the Far East (an area in which the European economic interests are growing).[58]

But when France and the United Kingdom initiated, in 1998, a project meant to firmly state the military dimension of the EU, along with its civilian one[59], America became disquieted. The European Defense and Security Policy, (EDSP), thou it failed to achieve it objectives in the 1999 Kosovo War and needed strong American military support to win, was perceived as having the potential to undermine NATO.[60]

In November 2000, the state secretary from that time Madeline Albright formulated the official position of the Clinton administration in

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[55] *Ibidem*, pp. 253-254.

[56] Robert Kagan, *op. cit.*, pp. 19-24.

[57] Zbigniew Brzezinski, *Marea Dilemă. A domina sau a conduce*, Bucureşti: Scripta, 2005, p. 87.

[58] *Ibidem*, p. 88.

[59] Jeremy Rifkin, *op. cit.*, p. 257.

[60] *Ibidem*, pp. 257-258.

this matter by publishing what was called «the three D-s"». The EDSP must not conduct to the *decoupling* of the European defense from NATO; the new military organization must not *double* NATO's capacities; and the quick reaction European force must not *discriminate* the NATO country members that don't belong to the European Union.[61]

Henry Kissinger was also worried regarding the possible military independence of the EU. He wrote that "autonomy seems to be treated as its distinguishing feature, and cooperation with NATO appears to be conceived as a special case."[62] For the former state secretary, the main contemporary question of the European- American relations is the following: "will Europe's emerging identity leave room for an Atlantic partnership?"[63] The transatlantic frictions at the beginning of the new millennium are mainly a result of an intergenerational conflict generated by different political experiences – Kissinger argues - but, just like in his previous book, *Diplomacy*, he is convinced that America and Europe will always be partners and a European defense strictly separated from NATO is "nonsense"[64].

The generation in office at the turn of the millenium in almost all the countries of Western Europe respresented center-left parties that had their formative experiences in some type of anti-American protest. Even in the United States, many in the foreign policy establishment of the Clinton Administration had grown up with the conviction that America had no right to project its power abroad until it faced up to and overcame its own domestic shortcomings or, if it did, that it should do so only on behalf of causes other than its own interests. (...) While the founding generation treated the Atlantic Alliance as a point of departure for a union of democracies, the protest generation views the Atlantic Alliance as a relic of the Cold War, if not an obstacle in overcoming it.[65]

Although Kissinger's analysis is, without doubt, a profound and pertinent one, the fact that the geopolitical circumstances at the end of the Second World War were very different compared to the present situation

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[61] *Ibidem*, p. 258.

[62] Henry Kissinger, *Does America need a foreign policy? Toward a diplomacy for the 21st century*, London: Simon & Schuster, 2002, p. 58.

[63]*Ibidem*, p. 48.

[64] *Ibidem*, p. 49.

[65] *Ibidem*, pp. 41-42.

should not be forgotten.   The United States and Europe were incommensurable different, their leaders and their political experiences as well. Further, Kissinger states that without the American regulatory presence, the Western European countries would re-enter the nationalistic path that almost destroyed them two times in the first half of the XX-th century; "this time, not by war, but by an exhausting national rivalry" which will eventually lead to the undermining of the European project.[66]

It is true that 20th century Europe was ravaged by two world wars and after the second it was economically rebuild by America, which also ensured its security; it is also true that during the Cold War, at least in its first phases, Europe probably could not have succeeded in maintaining its geopolitical independence by itself. Finally, one must recognize that, even in the present days, the European security is dependent on the United States military capacity, but Kissinger's intention to maintain and even reinforce the paternal role that USA exercised over the last fifty years upon Europe is highly questionable. The international specter changed a lot after the Cold War's end and the newborn European identity can only be affirmed by temporarily lack of consent and occasional oppositions towards its transatlantic "tutor".

Concluding remarks

The North Atlantic Treaty Organization, thou disregarded by some after 1991 as an "alliance looking for a mission", will probably remain for the years to come Europe's security matrix, despite the occasional transatlantic disagreements. In the future, these disagreements could continue in the Middle East, where both EU and the United States have major economical interests and occur in China's case, also a strong American commercial partner receiving more and more direct external investments from Europe. Japan, still a faithful American ally in the Far East and a serious European economic competitor, is another potential factor of distress inside NATO.

Europe's strategic equation must, under no circumstances, exclude the Russian Federation. Thou military weaker than the ex USSR, its economic strength is growing, "largely due to the steadily rising prices of

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[66] *Ibidem*, p. 54.

oil and natural gas."[67], and Europe's dependency on Russian natural resources is worrying. In time, Russia's pride and resentments will most certainly improve its military capacities; combined with its unpredictable geopolitics, oscillating between South Eastern Asia and the Occident[68], this will surely cause concerns among the NATO member states.

The recent independence of the ex-Serbian province Kosovo is another potential source of disagreement inside NATO, but this event could also impact the European Union. Catherine Durandine's distinction between the Eastern European countries, which support almost unconditional American interests and the Western European countries, who sometimes oppose those interests, could be, in this case, invalidated, but frictions will surely rouse inside the UE, even if they won't be diffused on the East-West axis. Independent Kosovo could have unpleasant effects on NATO as well. For instance, the vast majority of the new state is Muslim. The crime and drug networks operating here are no longer a secret for many years and some of these networks are being sponsored by militant Islamic groups in the Middle East. The questions are: is NATO capable of dealing with a European state that has the potential of becoming a terrorist nursery in the years to come?

In the near future, even if the EU will take a federal turn, remain on different levels of economic and political development or become a "confederated Europe without a nucleus"[69], its security will remain dependent on the United States military force. Europe needs to find its own, separate geopolitical identity, no doubt about it, but this must be done progressively and without misbalancing the Atlantic partnership.[70] For Timothy Garton Ash, Europe contains two antagonistic forces:

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[67] Milan N. Vego, "Russia and the return of geopolitics", in *Joint Force Quarterly*, nr. 45, 2007, p. 8. The present economic crisis is affecting Russia to a great extent – lowering the price of hydrocarbons – but this does not necessarily mean that Russia is facing an insurmountable problem. After the passing of the crisis, its international position will surely be improved, unless of course "green politics" will start playing a key role in foreign and economic policies around the world.

[68]*Ibidem*, p. 8.

[69] Henry Kissinger, *op.cit.*, p. 55.

[70] For Barry Buzan and Ole Wæever, "the EU is clearly a great power", but its "global presence" is for now "inconsistent, stronger on issues like international trade, monetary matters, and the environment than on most high politics [power politics, C.E.] questions". *Regions and Powers. The Structure of International Security*, New York: Cambridge University Press, 2003, p. 374.

"eurogaullism", faithful to the "Europe of nations" vision and prone to a confederate approach of the European construction[71], and "euroatlanticism", which insists upon the necessity of a substantial economical and military connection with the USA. Great Britain, along with the Central and Eastern Europe are the strongest supporters of this direction[72], while the main exponent of "eurogaullism" is, of course, France. For Garton Ash, this struggle will eventually decide "the future of the Occident."[73] If this future is to be, for Europe, safe and prosperous, it still depends on what will become of the transatlantic alliance. "Any serious judgment regarding the just way Europe will go on depends, (…) on the assessment of the trajectory, the motives and the interests of the United States."[74]

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[71] Timothy Garton Ash, *Lumea liberă. America, Europa şi viitorul surprinzător al Occidentului*, Bucureşti: Incitatus, 2006, pp. 65-69.

[72] *Ibidem*, pp. 82-91.

[73] *Ibidem*, p. 59.

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THE ADMINISTRATIVE REFORM
IN THE ROMANIAN CONSTITUTION OF 1923

Diana Rețe[*]

Abstract:
The historical act that set the basis of our national unitary state raised the problem of reorganizing the state on a new constitutional frame. This paper aims to analyze the measures and principles of the administrative reform realized in the Constitution of 1923, with an emphasis on relation between the theoretical reception and the practical implementation of the principles of decentralization, deconcentration and stability.
Key words: Constitution, unification, administration, decentralization, deconcentration.

1. The Constitution of 1923 aimed to represent the political and juridical foundation through which the governmental institutions will gain stability, durability, and the ability to adapt to changes over time.

After December 1918 Romania went through changes determined mainly by the Great War's huge destructions, arbitrary imposed debts, lack of work equipments and labor force, which determined inflation and, generally, financial chaos in the economic life.[1]

As far as the internal political life is concerned, around this period of time the situation was unstable and marked by changes that influenced the future evolution of the Romanian state. The main problems that aroused and needed to be resolved at that time were: the agrarian and administrative reform, the democratization of the political regime, and the enlargement of citizens' rights and liberties, which will allow mass participation to the political organization of the country.

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[1] See Eufrosina Popescu, *Din istoria politică a României. Constituția din 1923*, Bucureşti: Editura Politică, 1983; Paul Grecianu, "Bazele constituționale ale organizării financiare", in *Constituția din 1923 în dezbaterea contemporanilor*, Bucureşti: Humanitas, 1990, p. 422.

In administration, the demands of the territorial unification of the "historical provinces" made it necessary to engage on wide-encompassing programs of legislation, meant to ensure the actual unity of the country from a legal and, *largo sensu*, administrative standpoint.[2]

Following the unification, the state was organized on more than one administrative system: the Old Kingdom had the same administrative organization since 1864, Bessarabia was organized in the czarist spirit, and Bucovina and Transylvania had an Austro-Hungarian organization. These different kinds of organization suggested different opinions as to the way in which a unitary administrative system could be devised. Some specialists considered that it was undesirable to impose on the newly added provinces the administrative system applied in the Old Kingdom, claiming that this system was old and that it badly needed to be reformed. Likewise, the idea of embracing an utterly foreign administrative model was received without enthusiasm. Anibal Teodorescu remarked that "a future administrative law will have to take in account two elements, an abstract one, outlined by the general and superior principles of the administrative science of law, and a real element, sketched by the real needs of the people for which we will legislate"[3]. The author declared:

> „I don't know and it does not exist an ideal organizing system, which could be applied invariably to any nation and so, to our nation, and it is precisely in this that that wonderful and deep difference between positive and precise sciences, where the researcher has to do with the element – number, and social sciences, where it has to do with the element – human, rests [...] What yesterday answered to the ideal of a nation life, today can be old fashioned, just like a coat made while ago. And what today we judge that need to replace what was yesterday, our followers could find that needed to be reformed, because the

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[2] In fact, the 1918 unification had brought together two legal systems: the one of the old kingdom and that of the provinces under former Austro-Hungarian rule (Transylvania and Bucovina). Although their legal systems were largely compatible, both having a respectable continental European, i.e., Napoleonian inspiration, there were, nonetheless, significant differences between them.

[3] Anibal Teodorescu "Viitoarea organizare administrativă a României", in *Constituția din 1923...*, p. 409.

principles in law are not everlasting; it is only the transformation of an individual's conception of life that is perpetual".[4]

However, the reforms, while being, no doubt, both necessary and desired, could not be put in practice without revising the Constitutional provisions of the Old Kingdom. The importance of addressing the issue of constitutional reform was not overlooked in that era, which still breathed the hot air of political romanticism. It has been said that:

"A Constitution cannot be borrowed and cannot be the creation of an inspired legislator, because it has nothing to create or to invent, it has only to formulate solemnly, politically and judicially, the social psychology, the economic condition, the social justice desideratum, and the ethical aspirations of the nation"[5].

The new Constitution needed national and particular character, in order to articulate the specific experience of our nation; cultural and developmental role through education, as well as democratic features. The new Constitution had to reflect the changes of socio-political relations between social categories, to reflect the transformation of the juridical conception over individual property, to establish rights and liberties for national minorities, and to reflect the legal unity of the new Romanian state, "being unnatural for a unitary state to govern itself on different law systems"[6].

2. In what follows, we will focus on the task of tracing the main principles that were proposed and introduced in the Romanian administrative system by the Constitution of 1923, against the background of (nowadays) general recognized principles supposed to govern an efficient and modern administration. We shall show how these or (more appropriately) similar principles have informed the provisions of the Constitution, and thus ensured – or so it was claimed – a consistent basis for the subsequent development of the country. Both the theoretical motivation and the factual analyses that have prompted the adoption of such principles will be shown, thus creating a comprehensive image of the

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[4] *Ibidem*, p. 419.

[5] Dimitrie Gusti, "Cuvânt de deschidere", in *Constituția din 1923...*, p. 21.

[6] Eufrosina Popescu, *op. cit.*, p. 79.

situation in which the reforms were seen as necessary. It can be conjectured that whatever was deficient in those aspects of the Romanian society that were under the scope of the Constitution had less to do with the Constitution itself, as were consequences of the failure to grasp the point of the above mentioned theoretical and factual considerations.

3. Today, it is widely accepted that a performing administrative system must rely on the principles of decentralization, deconcentration and stability for the civil servants.

4. Generally speaking, *decentralization* has been defined as a process of integrating specific units that have their own personality, which are capable of assuming the tasks of solving local problems and defending the interests of a social group of people, usually a local community. We talk about those local communities in which the administrative institutions are elected by their inhabitants, which exercise autonomy in relation to the state and exercise specific competences defined through law. In other words, decentralization refers to the process of giving the counties and communes the right to satisfy their own interests through their own elected councils.

5. Needless to say, one must distinguish between decentralization and *deconcentration*. Deconcentration means to redistribute some of the administrative and financial competences of ministries and other central authorities to their own subordinated structures situated at local level. So, when the centre passes some of the attributions to the prefect, it doesn't mean decentralization, but only deconcentration.
"[…] deconcentration refers to a transfer to lower-level central government authorities, or to other local authorities who are upwardly accountable to the central government […]. In contrast, political, or democratic, decentralization refers to the transfer of authority to representative and downwardly accountable actors, such as elected governments". [7]

6. Referring to the third stated principle, the construction of contemporary administrative systems places a significant emphasis on the competence of the civil servants. Naturally, competence cannot be assessed

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[7] Elizabeth Linda Yuliani, *Decentralization, deconcentration and devolution: what do they mean?*, 2004,
[http://www.cifor.cgiar.org/publications/pdf_files/interlaken/Compilation.pdf], January 23, 2009.

in *abstracto*: it amounts to the civil servants' ability to solve specific problems in a highly efficient way. The efficacy is determined by *professionalizing* the **civil** service and warranting the *stability* of the civil servant. This issue of civil service professionalization, stability and legal status is a core issue on the reform agenda.

7. The same ideas worked as guiding principles of the administrative reform within the Constitution of 1923, where we can observe that the administrative organization of the state had, also, been oriented toward the following directions: reorganizing the administration on the principle of decentralization, applying deconcentration in public services, taking politics out of administration and assuring the stability of the civil servants. Let us see now just what the rationale for each principle was in the opinion of their supporters and how it was embedded into the Constitution.

8. At that time, the decentralization principle has been viewed, for instance by Anibal Teodorescu, as a skeleton of Romanian administrative system. Teodorescu argued that the idea of decentralization appeared around 1800 but it took a long time to be applied in practice. Today, based on the fact that people's needs grow faster and faster, the decentralization in administration involves new foundations, specific rules, and précised measures.

Similarly, Vintilă Brătianu mentioned the necessity of decentralization, warning that:

„The complex activity of the state can be fulfilled normally only by easing its activity, through work division. But the work division that is needed is such that it will keep a harmonious functioning of all its parts, up to its last unit, all of them being part of a living organism, which is the state".[8]

Accordingly, the decentralization principle has been stipulated in the Constitution of 1923 which divided the territory in counties and communes, and established that their administration to be managed by counties' councils and communes' councils (elected through universal, direct, secret and compulsory vote). These councils were composed of chosen members, right members and co-opted members (even women). So, article 108 of the Constitution, clearly stated that: "The county and

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[8] Vintilă I. Brătianu, "Nevoile statului modern și Constituția României Mari", in *Constituția din 1923...*, p. 67.

commune institutions are regulated through laws. These laws will be based on administrative decentralization." Following these stipulations, there were specific measures proposed to be put in practice at commune and county level, in order to reform the administrative system.

One first proposal, made by A. Teodorescu, regarding the administrative reform in communes, referred to the election process of the local authorities. He proposed that all the inhabitants of a specific location should participate at elections. He also suggested that it is necessary for the representatives of education, culture, and health to take part at communes' councils in order to assure a higher representation of those services at local level.

„The commune Council will be, as in past, chosen, but to make some collective interests, like public education, culture, hygiene and sanitation to be represented permanently inside the commune authority, I think that will be necessary for their official representatives to be part of the Council. In this way, the valuable wisdom of the priest, schoolteacher, and sanitary agent will be used exclusively towards the interest of the village. In urban areas, this measure would spread out to all chiefs of special commune services."[9]

Some other measures that were proposed in the same project, referred to: a) the enlargement of the duration of Council appointments, to 9 years, with the obligation of renewal at each 3 years, in order to assure the unity of the views and programs and to lessen up the accomplishment of those programs; b) the abolition of interim commissions by organizing the elections for the new council before the running out of the old council, which will assure the continuity in programs' application; c) the division of communes councils' tasks in villages with high number of inhabitants by establishing new local councils; d) those communities from Transylvania and Bucovina, named towns, should be on the same level as counties are, in what regards their relation with the central government.

The proposals made in order to restructure the administration at county level were mainly focused on resizing the counties pointing out that the small counties should disappear, in order to enlarge their surface and to increase their incomes. The main reason was that there were some counties that "the government exerts oneself to keep them just to satisfy some local

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[9] Anibal Teodorescu, *op. cit.*, p. 415.

electives"[10]. The decentralized principle was needed to be applied in order to lessen up the task of the central government. The belief was that what is county related should be decided and executed at county level and by its specific institutions and authorities.

„In this way the prefect will stop being that *factotum* in county administration, remaining only the link agent in communication chain between county and center, and its eye, which stay opened for law to be abided."[11]

The prefect was the main representative of the centre at local level. The law gave him the quality of being a representative of statal interests but also that of being the chief of decentralized county administration. He was named through royal decree based on the proposal made by the Inner Affairs Minister and was under his direct command.

9. Deconcentration is another principle applied in public administration. It was not consecrated constitutionally in 1923, although it was recognized by the doctrine and accepted as a necessary element of modern administration, based on the fact that local problems enlarged and diversified and a specific control of general interests at each decentralized unit was necessary. In fact, from our previous remarks concerning the prefect, it is clear that this institution fits rather poorly into the scope of the decentralization principle, despite the widely accepted contrary description. (Most likely, this is so because the two principles were not clearly recognized to be distinct.) The prefect appears to be the "local chief" of the administration, but he acts as such only because he represents the central government. Carefully observed, the situation is plainly the inverse of that presupposed by the principle of decentralization: in this case we are talking about a form of authority which gains its legitimacy from "below", that is, from the local community. On the contrary, the status of the prefect is such that his legitimacy and authority derives from above, that is, from the central government. The first picture, of legitimacy gained from below (and which does not emanate to the highest level) is characteristic of decentralization. The second – in which, as we have seen, the prefect fits better – is characteristic of deconcentration.

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[10] *Ibidem*, p. 416.

[11] *Ibidem*.

In a contemporary opinion, deconcentration was described as that action of transferring the administrative and financial competences from ministries or other central authorities to local services that are part of their hierarchical structure, so the central authority has the right to control the local activity, to emerge in its actions, to suspend, cancel or modify its orders, for illegal reasons or even inopportunity reasons[12]. It is important to emphasize the scope of the hierarchical control of the central institutions over their deconcentrated "offsprings".

10. We shall dwell a little longer on the final principle of administrative reform that we have mentioned earlier, i.e. the principle of stability. This is not so much because of the higher inner complexity of the issue, but rather because this particular point seems as actual now as it was in 1923. We shall exhibit both the considerations *de lege lata* as well as those *de lege ferrenda* which were prompted by the debate, if only to point that the law seemed then (as it does now) to become legal proposal. This seems, indeed, a rather bizarre tendency, since it is the other way round that is natural!

The general dispositions of the 1923 Constitution established that "the king had the executive power in state" (article 39), and "the government exercised the executive power in the name of the king" (article 92). In reality, the central organs of administration were the ministries run by ministers, exponents of the political parties, the major problem figured out being that political parties had a high influence over the administration. The specialists remarked that significant pressures of the political spectrum of the society were directed, first and foremost, towards the satisfaction of the interests of the political parties, rather than the public interests.

„[...] the administration was not always considered as a special organ of the state, with its exclusive duty to assure a good application of laws, but […] it was used, in many cases, by those political parties which had the power in government, as an instrument intended to satisfy not public interests, but political parties' interests. The functionary, the minister or the mayor, could not apply objectively the law, with the only wish of making today better than yesterday, but he was constrained to apply the law in the way that satisfied the interests of the political party that governed at that time. Was

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[12] See Ion Deleanu, *Instituţii şi proceduri constituţionale în dreptul român şi în dreptul comparat*, Bucureşti: Ed. C. H. Beck, 2006, pp. 380-381.

this party supposed to pay a lot of supporters? What followed was an entire avalanche of orders regarding the replacing of some public functionaries with others, which were also aware of the fact that they will have the same future as their predecessors. From here, the creation of an entire legion of temporarily functionaries, which were obliged to have an artificial life of lay-about (parasites of political parties), humble pillars of these clubs, small despots during their governance. This practice of dismissing functionaries, hierarchically, from top to the bottom, it is still the characteristic of our administrative regime."[13]

The administration appears as an instrument used by political parties, that based on its unstable structure will make appointments for certain administrative positions on political basis and purposes and not on competition and merit system, as it is desire to be done in administration.

We can observe that these "habits" used in the administrative system were also strongly disagreed in other countries. For instance, in America it was in use that "spoils system", public functionaries and officials being dismissed when a new political power came to govern, functioning a depraved system in which each person was oriented toward its own welfare, knowing very well that it is just a temporarily position, and that he will be dismiss under the new leadership. The change took place, in America, in 1883, when Pendleton Act introduced the merit system (meritocracy), the selection of public functionaries based on competence, professionalism, political neutrality, and the right to a career. Woodrow Wilson was the one that wrote, in 1887, early after the setting up of the reform in the federal government of the United States, "The Study of Administration", article through which the author brought the public American administration in the researchers' view by introducing the science of administration, and sustaining that political sciences should be preoccupied with the legal aspects of government administration. He underlined that it is harder to apply a Constitution than to frame it. The author focused its study on making a distinction between politics and administration, and on the need to orient the administration in the direction of the science of management, by separating it from traditional policies.

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[13] Anibal Teodorescu, *op. cit.*, pp. 410-411.

„Wilson also proclaimed the existence of a major distinction between politics and administration. This was a common and necessary political tactic of the reform movement because arguments that public appointments should be based on fitness and merit, rather than partisanship, necessarily had to assert that «politics» was out of place in public service. As Wilson said, «Although politics sets the tasks for administration, it should not be suffered to manipulate its offices».”[14]

To take politics out of administration, in Teodorescu's view, actually means to "bind the functionary by his job, to emancipate him from temporarily governments' will, to recognize his stability". Only in these conditions, offering stability to the one that serves the public interest, you can pretend "serious condition of capacity and a conscientious accomplishment of his tasks"[15]. Guided by the example of Prussian Constitution of 1920, he underlined the need for the new Romanian Constitution to have included the principle of job stability, in regard to civil servants, as a principle which will assure a better application of laws, a better organization through serving better the public interests, and a closer approach to public interest. The idea of functionaries' stability wasn't treated superficially, like it would seem at a first glance. The author specified clear methods of applying the principle in practice, by making a difference between those functionaries from high-level positions and those that are situated on lower hierarchical levels. Teodorescu argued that top functionaries don't need that benefit of "job security" offered by the Constitution and, also, don't have to have rights in organizing the structure of the administrative personnel. The personnel that are placed on lower hierarchical levels need to feel safe in keeping their jobs and need to specialize in their profession. It is known that the political criterion is primarily used in making appointments on high-level jobs, the professional merit and administrative competence being less important.

„The minister is passing, and most of the times he has neither technical competence, nor administrative competence, which are supposed for such a functionary to have. Someone can become minister because of his unquestioned professional capacity – and this it is happening sometimes – but he can become a minister because of other circumstances, for instance

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[14] Jay M. Shafritz, E. W. Russell, *Introducing Public Administration*, Longman, 2002, p. 28.
[15] Anibal Teodorescu, *op. cit.*, p. 412.

because of his electoral results, his well speculated connections – and this is happening most of the time. [...] In these conditions, the only remedy that I see is to unburden the minister by part of his current attributions, of those administrative and technical ones, and to pass them to a general secretary who would enjoy stability and would function as a second general secretary next to the political secretary, who would continue to be removable. The permanent general secretary would be responsible with the technical and administrative route of his department. His stability character wouldn't make him to feel pressure in cases of political conversions; it would give him the chance to get to know all employees, to appreciate them based on their activities and results, their accurate values, and would help him to assure the compliance with what we call the administrative tradition, in its positive sense."[16]

Teodorescu even expressed the opinion of elaborating a public functionary statute that should include the rights and duties of public functionaries, by clearly mentioning that the "public functionary was created for public service, and not this for the functionary"[17].

"Through this statute will be specified the duties of the functionaries and the guarantees gave to those that will serve the public interest, will be establish the hiring and promotion conditions, their responsibility and disciplinary measures, the right of suspending these guarantees until further judgment, remaining to the discretionary appreciation of his minister or delegate."[18]

The opinion was that the functionaries represent an important factor in the well functioning of public administration, in any country, arguing that:

„With a professional class of functionaries, we can apply even an incomplete organizing system, while with functionaries that do not correspond to the mission, even the perfect administrative system would fail."[19]

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[16] *Ibidem*, pp. 411-412.

[17] *Ibidem*, p. 418.

[18] A. Lascarov-Moldovanu, Sergiu D. Ionescu, *op. cit.*, p. 73.

[19] Anibal Teodorescu, *op. cit.*, p. 419.

It is worth mentioning here what Ioan Filitti noted, in regard to civil servants, that "[…] a professional and spiritual preparation it seems to me to be more efficient then a legislative *perpetuum mobile*"[20].

11. It thus appears clear that the Constitution of 1923 was inspired by strong theoretical commitments, fully connected to the new developments and the new understanding of a modern state, with a modern administration and with generous aims. At the same time, these theoretical statements were quite in agreement with a lucid analysis of the flaws of the previous legal and political establishment of the Romanian society. Some of these flaws were thereby corrected, even if only in part; on the contrary, others remained untouched. Furthermore, some of the changes were never more than grand statements of some wishful states of affairs, which never managed to rise to the status of realities in the Romanian political and administrative practice.

12. Are we to infer from this that, at least as far as its theoretical basis is concerned, the Constitution of 1923 was merely a "projective" one? The answer, we think, is no. Undoubtedly, this law, like many others before it and many after it, failed to be fully incorporated into the practice it was meant to regulate (and, to a certain extent, to institute). But this is in fact a pervasive trait of most laws which contain more than dispositions of immediate applicability, as most constitutions do. This is to say that although the constitution was less than perfectly brought into everyday life, it did manage, unlike a "projective" constitution, to perform as a realistic model of the Romanian society. Some of the areas on which it made a difference, even if outside the limited scope of the administrative reform, are worth mentioning.

Although the Constitution of 1923 was the object of both positive and negative appraisals, from both politicians and academics or lawyers, it was widely accepted that it had some worth mentioning merits. Thus, Eufrosina Popescu underlined that:

„With all its class limits, far away from reflecting the most wishes of large population mass, the Constitution of 1923 has been appreciated for its positive elements. It included several of the democratic rights and liberties, intended to contribute to the well organization of economic and socio-

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[20] Ioan C. Filitti, *Despre vechea organizare administrativă a principatelor române*, Bucureşti: Imprimeriile E. Marvan, 1935, p. 76.

political life after the Union, and reflected the remarkable conquests of the nation like: land reform, universal vote, measures that represented main steps toward the road of general development of Romanian society.[21]

The Constitution of 1923 offered, through realizing the administrative and judicial unity, and by exploiting the current traditions, a "unitary frame for social life, contributing to the consolidation and the development of the whole Romanian state, of the unitary national state"[22].

The Constitution of 1923 affirmed a new institutional system through governmental and state institutions and organizations, political parties and groups, and social organizations. At the same time, it is considered that by establishing the basis for educational structures on different levels of teaching and establishing professional, commercial, and vocational schools, it set the basis for the subsequent development of the national culture and it assured the coordination between education and the necessities of social life.

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[21] Eufrosina Popescu, *op. cit.,* p. 223.

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LE NIHILISME EUROPEEN ENTRE PLATONISME ET CHRISTIANISME

Vlad Mureşan[*]

Abstract

It is with Nietzsche that what we call Western nihilism comes into the spotlight of history. With this, we gain consciousness of a process that has been secretly working in the substructure of European history. Following Nietzsche, Heidegger describes nihilism as a force unleashed as early as the splitting of the world into a phenomenal and an intelligible one by Plato. What we call contemporary nihilism would thus be nothing else than the fulfillment and extinction of this long-standing metaphysical tradition. We are critically assessing this view on the grounds that the pervasive influence of Christian theology (with its stress on the dead of God, completion of the Law, or the end of all things) is more appropriate to explain the catastrophic Western experience than the rather static, contemplative and serene platonic experience.

Key words: Nihilism, Platonism, Christianity, Postmodernism, Deconstruction

1. La grande révélation du Néant

« Notre sérénité. Le plus important des événements récents, - le fait que <Dieu est mort>, que la foi chrétien a été ébranle - commence déjà a projeter sur l'Europe ses premières ombres. Du moins pour le petit nombre de ceux dont le regard, dont la méfiance du regard, sont assez aigus et assez fins pour ce spectacle un soleil semble s'être couché, une vieille et profonde confiance s'être changée en doute »[1].

La mort de Dieu a été la fin de la foi de l'homme dans quelque chose extérieur à lui-même qui lui donnerait sens et valeur. La déflagration faustienne de la modernité a été l'effort correspondant de l'homme de s'auto-certifier en tant que nouvel *Axis Mundi*. A la «mort du Père», le fils hérite tout. Le

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[1] Friedrich Nietzsche, *Le Gai Savoir*, Paris: Mercure de France, 1882-1901, p. 299.

projet moderne a été la décision de l'homme d'accommoder le monde (son royaume) à son idéalité royale, afin de s'accommoder ainsi à lui-même. *La mort de l'homme est la fin de la foi de l'homme dans quelque chose intérieur à lui-même qui lui donnerait sens et valeur*. A la mort du fils, tout est relégué au néant. Lorsque Dieu meurt, l'homme se possède encore lui-même, et se peut encore désirer lui-même. Cependant, s'il meurt pour soi-même, l'homme devient de *Da-sein* un *Da-nichts*, un lieu d'ouverture au néant. L'alternative est : si ni l'Etre ni l'homme ne donnent plus du sens, alors il ne reste plus *rien*.

« Ce qu je raconte, c'est l'histoire des deux siècles qui vont venir. Je décris ce qui va venir, ce qui ne saurait plus venir autrement : la montée du nihilisme (…) Cet avenir parle déjà par la voix de cent signes et pressages, cette fatalité s'annonce partout ; (…) Notre civilisation européenne tout entiere s'agit depuis longtemps sous une pression qui va jusqu'à la torture, une angoisse qui grandit de dix ans en dix ans, comme si elle voulait provoquer une catastrophe »[2]

Le nihilisme est la grande révélation du Néant.

On ne réalise pas aujourd'hui combien *tous* les thèmes du postmodernisme, surtout du postmodernisme ontologique (la différence pure, le manque universel de fondement, le relativisme culturel, l'arbitraire de toutes les institutions, le scepticisme, le cynisme, le pragmatisme de la survie) sont enracinés dans ce *sentiment originaire du vide*, consubstantiel avec l'intuition vide de l'athéisme qui contemple la grande *Absence* de la divinité[3]. En effet, la mort du Sens infini de l'homme et du monde ouvre la lente entropie de tous les sens finis, humains et mondains. La décomposition entropique de toutes les cohérences cosmiques agrégées est l'expression physique d'un glissement du monde vers le Néant.

Le décès de « la Lumière du monde » a annoncé le décès de sa lumière humaine. Aujourd'hui, n'importe quoi peut avoir sens, puisque l'homme vie dans l'ère où rien n'a plus de sens, car c'est l'ère du *sens nul* révélé.

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[2] Friedrich Nietzsche, *La Volonté de puissance*, Paris: Mercure de France, 1887-1903, p. 25.

[3] « Nietzsche définit le nihilisme comme étant la situation qui se présente lorsque <tout est permis>. Si tout est permis, alors, nos actions ne font aucune différence ; donc rien n'a de valeur », Stanley Rosen, *Le nihilisme. Un essai philosophique*, Paris : Ousia, 1995, p. 17.

Ce n'est pas par hasard que le prophète de la révélation du Néant est aussi le prophète de la « mort de Dieu ». Ce n'est pas non plus par hasard qu'il ait écrit *L'Antéchrist*. Car si le Christ révèle l'Etre, Nietzsche révèle le Néant.

Voici l'altérité paradigmatique de la culture occidentale. De même que le Christ est l'auteur archétypal de la pré-modernité et de la modernité, étant leur limite commune (théologie et humanisme), Nietzsche est la limite commune entre la modernité et la postmodernité (humanisme et nihilisme). Le christianisme *affirme* que Dieu meurt *sur la croix*. Nietzsche confirme qu'Il est aussi mort *en nous*. L'humanité crucifie Dieu, l'humanité lui produit l'absence.

2. Scission et nihilisme

Pour Nietzsche, « le mensonge de la métaphysique, de la religion et de la morale » s'édifie sur la scission et le dédoublement du monde entre *la chose en soi* et son *phénomène*. Puisque la rupture est en même temps une *hiérarchisation* par laquelle un monde est jeté dans un au-delà d'un être divin ou d'un espace immuable des valeurs, ce monde de l'au-delà est décrété le juge du monde d'en deçà, de notre monde vivant. Celui-ci, dans son régime de précarité, demeure toujours *sous les valeurs*, et ne cesse pas d'être le négatif simple du monde transcendant. La révolte ouvre le projet d'une *transmutation des valeurs* (*Umwertung aller Werte*).

La volonté de pouvoir, force ou énergie vitale secrète du monde, est projetée intentionnellement : elle *institue* des valeurs. Elle dresse au réel des idéaux et lui hiérarchise, avec le magnétisme d'une séduction transcendantale, l'ouverture entéléchique de l'aspiration. *La tentation verticale des idéalités appelle le réel à la négation et à l'abandon de soi-même, donc à une progression éternelle et à la souffrance sans pacification*. Le rejet nietzschéen de toutes les métaphysiques provient de cette détermination anti-vitale des valeurs qui confisquent le trajet d'une vie *per aspera ad astra*, et la contraigne à une tension suicidaire non limitée, car les astres évoquent incessamment la crise du tellurique en nous. La vie est cependant possible seulement dans la conservation de la limite. Les valeurs sont ainsi devenues l'autel de sacrifice de la vie. Si la vérité est dans le monde des valeurs, le monde de la vie d'ici-bas est dans le mensonge. Le *devoir-être* impose à la vie de porter la croix des valeurs idéales et de les suivre jusqu'à

la hauteur de leur inaccessibilité. Le monde d'ici-bas, précaire et *sous les valeurs*, ne cesse pas d'être calomnié et opprimé par les philosophes, les théologiens et les moralistes. Or c'est justement cette *inaccessibilité* des valeurs idéales qui serait notre captivité dans le mensonge du réel.

Les valeurs sont pour Nietzsche des objectivations de la volonté de pouvoir, des structures dominatrices, des conditions de structuration hiérarchique d'un monde qui, si elles font défaut, devient chaotique. Ainsi les valeurs n'ont pas une neutralité par rapport à la volonté, elles ne sont pas en elles-mêmes, autoréférentielles, mais seulement une extension instrumentale de la volonté omniprésente de pouvoir. « Tous les centres de force, non seulement l'être humain, battissent, à partir d'eux-mêmes, le reste du monde dans son ensemble, qu'ils mesurent donc de leur propre force, et qu'ils modèlent ». La volonté est « institution de valeurs ».

L'insistance rationnelle sur la souveraineté de la conscience aurait fracturé l'équilibre fragile entre l'élément dionysiaque qui est la pulsation de la vie universelle en nous, et l'élément apollinien de la conscience, structure de la finitude de l'individuation, de la personnalité vigoureuse, de la conscience qui freine le *hybris* extinctif dionysiaque. L'herméneutique négative, de la suspicion par rapport aux prétentions nobles des valeurs morales fait Nietzsche affirmer l'immoralité de la genèse elle-même des valeurs du point de vue de la vie. Elles ne seraient qu'un déguisement et à la fois une symptomatologie des besoins d'affirmation de la volonté de pouvoir. Les valeurs sont devenues les assassins du dionysiaque en nous. Les valeurs sont les agents de la dissolution de la vie en nous.

La dévalorisation est « la perte de la force de structuration historiale des valeurs » (Heidegger)[4]. Le monde apparaît, après la mort de Dieu – en tant que mort de l'espace transcendant des valeurs – comme étant *vide* de valeurs : c'est un monde dont la consistance est évacuée.

Heidegger montre que le monde subsiste au décès des valeurs et, comme totalité des étants, demande des vérités nouvelles. Car les valeurs en tant que telles restent des structures anti-chaotiques. L'enjeu est maintenant la nouvelle institution de valeurs à venir, et Nietzsche le résout par le refus de promulguer un nouveau décalogue – en tant que nouvel outillage axiologique, qui aurait été un nouvel archétype de la souffrance, comme un jugement de la vie pour son manque d'idéalité – en préférant

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[4] Martin Heidegger, *Nietzsche, II: Le nihilisme européen*, Paris : Gallimard, 1971, pp. 30-34.

indiquer seulement le nouvel endroit de l'institution des valeurs, leur principe : *la volonté de pouvoir*. Si la dévalorisation est la conversion des valeurs dans des expressions de la volonté, de l'Idéal dans une expression des profondeurs irrationnelles vivantes, alors la transmutation en tant que moment affirmatif du nihilisme n'est que la conversion de l'étant en tant que tel en valeur, donc de la volonté souterraine, dans une valeur suprême. Il ne s'agit pas du changement, de la permutation des valeurs à l'intérieur de l'espace idéal, mais de la réduction de l'espace idéal lui-même à l'infra-espace virtuel de la Volonté. L'endroit des valeurs n'est plus céleste, pour Nietzsche, mais tellurique. Les valeurs ne proviennent plus de l'empirée lumineux, mais des profondeurs ténébreuses de l'irrationalité.

La réduction de l'espace des valeurs donne comme un premier résultat que *Sollen* n'est plus interdit, et atteint seulement en tant que *Schrank* (donc seulement dans la vision intentionnelle). Le *Sollen* est maintenant dans le *Sein* lui-même. L'être est déjà son propre *devoir-être*, intérieur dans *ce-qui-est-déjà*. *Ce-qui-est* est déjà *ce-qui-doit-être*. Il s'agit de la plus grande tentative de justification de la Terre devant le Ciel.

« Tous les centres de force, non seulement l'être humain, battissent, à partir d'eux-mêmes, le reste du monde dans son ensemble, qu'ils mesurent donc de leur propre force, et qu'ils modèlent »[5].

Tous les jugements de valeur expriment de la sorte, irrémédiablement, la présence de la volonté de pouvoir dans l'homme, et aucunement un jugement des maladies de ce monde par une instance supra-mondaine quelconque. Cette démythification devient chez Nietzsche la source d'une hiérarchie des valeurs : les jugements de valeur ont autant de vérité, et les valeurs imposée ont autant d'autorité, combien puissante est la volonté de pouvoir dans l'homme qui les affirme. *L'intensité de la volonté de pouvoir valide les valeurs*. Voici la grande chance pour le renversement de toutes les valeurs déjà consacrées.

L'histoire de l'humanité présente ainsi à Nietzsche un véritable spectacle du mal manifesté, car tous les systèmes moraux proviennent de la faiblesse, et d'un commandement de l'abandon du soi pour un autre : l'amour du prochain, des ennemis, l'humilité, la générosité.

Le nihilisme est l'expression symptomatique de la crise des « valeurs dominantes » dans la civilisation européenne. La nécessite qui se

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[5] Martin Heidegger, *Nietzsche, II: Le nihilisme européen*, Paris: Gallimard, 1971, p. 40.

réalise dans le mouvement intérieur de l'empire de l'anéantissement universel, est la « dévalorisation des valeurs dominantes », « la mort de Dieu », l'éclipse des horizons métaphysiques, l'apothéose du vide sur la terre. La perte de la foi dans une image morale du monde entraîne le soupçon global par rapport à toute attribution de sens, sur toute évaluation. Sous rapport psychologique, l'état nihiliste est l'existence sous le signe du désespoir, à la marge de l'abysse de valeurs, de sens, de finalité et de direction. La mort des certitudes vectorielles, laisse l'homme sous l'empire noir de la désillusion et de la déception. « *Nihilismus: es fehlt das Ziel; es fehlt die Antwort auf das Warum ?* » (*Wille zur Macht*, I, ch. 1).

Cependant, la crise de l'axialité, syndrome océanique de la déréliction, est encore la forme d'un nihilisme passif, esclavage devant l'absurde décomposition suicidaire de l'être humain. Le paradoxe de Nietzsche est qu'après avoir dynamité toutes les structures de cohérence de valeur et de sens du monde, il nous appelle encore à un héroïsme difficilement à justifier en dehors d'une valeur fondatrice, comme une sorte de *nihilisme extatique*, affirmatif (?), qui consiste justement dans le choix téméraire de vivre *à l'extérieur d'un sens* donné par la foi dans un idéal, et de laisser le nihilisme épuiser sa phénoménologie corrosive. Mais la vie est *nisus*, et Nietzsche nous demande d'amputer de la vie son essence *intentionnelle*, de lui rendre donc son inertie chimique, pré-biotique.

Ainsi le nihilisme se convertit-il dans la promesse eschatologique de *l'advent* d'un « anti-nihiliste », un « Moïse » d'un nouveau set de valeurs extraites de la compréhension détachée à l'invasion générale du désert. Ses nouvelles valeurs sont tenues de ranimer le temple vide du Dieu qui est mort.

3. La conciliation postmoderne avec le Néant

La postmodernité est l'époque qui parcourt la démolition des coupoles axiologiques de l'existence, des valeurs qui unifiaient cette dernière (des identités, essences, universaux). Les postmodernes multiplient la multiplicité du multiple, comme des dé-compositeurs d'un monde fondé sur des pressions de pouvoir, tel que toute architecture

implique, afin de résister, des structures de force en tension[6]. Le cosmos demande l'articulation cohérente des valeurs afin qu'elles ne n'écroulent pas dans l'anarchie transcendantale d'un monde stochastique, qui est brisé dans le vortex de la différence, avant même d'être posé. L'*uni*-vers ne saurait durer comme un *multi*-vers, il ne peut être maintenu en coagulation sans une *Axis Mundi*. La postmodernité est l'entropie transcendantale de l'humanité, qui retourne toutes les valeurs dans l'indifférenciation justement pas leur division fractionnelle infinie. Les postmodernes sont les « écuyers du chevalier sans tête ». La maxime de leur liberté créatrice est : « rien n'est vrai, tout est permis » (Nietzsche). « L'anti-philosophe » Deleuze se croit ainsi libre d'écrire *n'importe quoi*, de mal-former toute cohérence, de se donner à lui-même des cohérences parce que le néant est infiniment modelable.

Cependant les valeurs structurent le désert du monde. Comment pourrait-il l'irrationnel dionysiaque, énergétique, a-structurel, émaner des réalités, faire sortir de lui-même des cohérences capables de géométriser le chaos mondain rémanent ? L'infra-réel de la volonté de pouvoir est plus chaotique encore que le monde décapité qui se dissipe après le déicide de l'Un dans l'abysse assoiffé de la volonté de pouvoir qui demande ce qu'elle ne possède pas, justement du pouvoir. *Voici la vraie doctrine des infirmes* [7]! Les valeurs que Nietzsche veut faire jaillir des profondeurs irrationnelles, abyssales, sont intentionnelles volitives, mais non conscientes. Cette inversion, ce dépassement par renversement de toutes les valeurs prévalentes dans notre civilisation (*Umwertung aller Werte*) est donc partie du grand projet restaurateur de Nietzsche, dont la finalité est la venue du « surhomme », qui serait possible seulement par la redécouverte et la restauration des valeurs « nobles », auparavant opprimées par la domination bimillénaire des valeurs de la décadence, « hostiles à la vie ». C'est le grand « contre-mouvement » de la transmutation de toutes les valeurs. En même temps, nihilisme ne fournit aucune solution co-existentialiste.

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[6] Pour Derrida, il est grand temps de « passer au-delà de l'homme et de l'humanisme » vers « la forme informe, muette, infante, et terrifiante de la monstruosité », J. Derrida, *L'écriture et la différence*, Paris : Seuil, 1967, p. 426.

[7] « Cette déchéance, cet affaiblissement, ce dédoublement sont les résultats obliques de la doctrine sur l'obéissance », Nicolas Berdiaev, *Le Sens de la Création*, Paris : Cerf, 1955, p. 32.

4. La christologie du nihilisme

La thèse de Nietzsche et de Heidegger réduit l'histoire occidentale à la scission platonique du monde, qui aurait présidé à la manifestation du nihilisme[8].

La fracture platonique du réel réside dans l'inversion : *ce-qui-est* devient *apparence*, l'être sensible est converti en mensonge, alors que *le-rien-d'au-delà* est investi, *positivé* : il s'agit donc de l'annihilation de l'être donné et l'institution du rien nullement donné. C'est un anéantissement récurent qui donne de l'être au néant, et donne le néant à l'être. La métaphysique colonise le néant avec être, et imprègne l'être avec le néant. *Le nihilisme serait, pour Heidegger, l'apothéose de la métaphysique européenne[9]*.

Pour expliquer le devenir du nihilisme, en tant que phénoménologie du Néant sur la Terre, le platonisme ne saurait suffire (à propos de la cécité de Nietzsche, qui voyait dans le christianisme un simple « platonisme pour le peuple »), car il ne peut expliquer exhaustivement les convulsions de l'odyssée spirituelle de la civilisation occidentale :

1. D'un côté, le platonisme n'est qu'un camouflage dans le concept d'une ontologie archaïque (Eliade) où on trouve précisément le même dédoublement ontologique, la même fracture médiatisé par une participation du *monde d'en deçà* au *domaine de l'au-delà*. Pourtant, ce n'est dans l'espace des ontologies archaïque, formulées de manière archétypale, que ce sont enregistrée toutes les éruptions qui ont convulsionnées le destin de l'Occident. Il y a donc plus encore à la base de la crise de l'Occident, une quelque chose que le platonisme ne possédait pas ;

2. Le dualisme platonique intelligible / sensible était statique, et garantissait un *status-quo* ontologique, sans aucunes germes à même de fermenter une dialectique.   C'est un modèle de vision stable et conservatrice du monde, qui n'instigue pas l'histoire au *mouvement* ;

3. La temporalité était *cyclique* (« le temps est une image mobile de l'Eternité » – Platon), donc enfermée dans un pléonasme ontologique du

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[8] « La liaison du nihilisme et du platonisme est prise d'entrée de jeu par Heidegger comme la clé de l'interprétation du premier. Le nihilisme, posant le supra-sensible comme l'étant véritable», il déclare nul le reste de l'étant. Le platonisme <calomnie la vie> en tant qu'elle est créatrice », Denise Dagues-Souche, *Nihilismes*, Paris : PUF, 1996, p. 106.

[9] Martin Heidegger, *Nietzsche, I*, Paris: Gallimard, p. 166.

recyclage, sans le sentiment narcotique de la fin, donc sans la charge auto-propulsive du salut.

Tout au contraire, la vision chrétienne opère au sein de la réalité des torsions éminemment dialectiques :

1. Elle ramène en deçà cet au-delà caché, l'incarne, *le Soleil lui-même descend dans la caverne*. Le christianisme amène l'Eternité dans le temps, l'Infini *comme* fini. Si le Christ devient archétype de la sotériologie individuelle (mais aussi agent de l'eschatologie universelle), la solution est presque invivable, elle demande une immense tension lorsqu'elle demande au fini de vivre la tension de l'approximation de l'Infini (« Soyez parfaits de même que votre Père des cieux est parfait »). L'Incarnation sollicite idéalement le réel, sollicite infiniment le fini, et désamorce les tensions de l'incompatibilité historique de l'union christique. L'histoire occidentale manifeste tous les déchirements de cette union, impossible de supporter dans l'histoire, entre le Ciel et la Terre, qui était auparavant statiquement relaxée dans les ontologies archaïques et dans le platonisme, jusqu'à l'abdication nihiliste des deux, tant de la terreur de l'Infini dans l'histoire que de l'auto-terreur du fini par lui-même.

2. Elle courbe le parallélisme et l'extériorité des mondes et les uni dans le Christ, en annonçant l'imminente suppression de leur extériorité, donc la suppression post-apocalyptique de la religion elle-même. L'Incarnation (comme archétype de l'eschatologie) annonce le dépassement du mode religieux par l'intériorisation de l'histoire dans l'Eternité, de l'homme en Dieu (le Huitième Jour). L'athéisme est un effet renversé de l'Incarnation, puisqu'il intériorise l'Eternité dans l'histoire, et Dieu dans l'homme (Feuerbach).

3. La temporalité est vectorielle : c'est l'annonciation de la suppression de l'histoire par la Parousie. C'est l'apparition de l'angoisse, mais aussi de l'espoir, comme dominantes existentielles d'une *civilisation-en-attente*. La tension imminente de la Révélation de l'au-delà peut être facilement reconvertie dans un acte de contrainte de la conversion, lorsque l'homme veut devenir l'agent et le milieu de la révélation.

5. Conclusion

Il ne faut pas ignorer donc la dimension moderne du christianisme. C'est de cette maniére que le nihilisme postmoderne trouve ses racines plutôt chrétiennes que platoniennes.

Comme on l'a pu voir, c'est avec Nietzsche que le nihilisme devient un thème obsessionnel de la nouvelle philosophie. Ce moment coïncide avec la prise de conscience d'un processus qui travaillait secrètement dans la substructure de l'histoire occidentale. Suivant Nietzsche, Heidegger décrit le nihilisme comme un effet de la scission platonique entre sensible et intelligible (l'institution d'un monde au-delà nie le monde « réelle »).

Nous avons traité de manière critique cette interprétation, en offrant des raisons qui indiquent que c'est plutôt le christianisme qui contient le germe du nihilisme. Des questions purement chrétiennes comme « la mort du Dieu », « l'accomplissement de la Loi », ou « la fin de toutes choses » sont beaucoup plus adéquates pour expliquer les tensions dialectiques qui ont aboutit a engendrer le nihilisme contemporaine que la vision plutôt contemplative, sereine et statique propre au platonisme.

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LES SOURCES DE LA CONDITIONNALITE POLITIQUE EUROPEENNE

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Abstract

The conventional sources of the concept of political conditionality are the constitutional traditions of the member states or the international reference instruments in the protection of human rights and fundamental freedoms created in the framework of various international organisations. The relations with the countries in transition from Central and Eastern Europe have been a source but also a continuous application of the principle of conditionality. It is for the purpose of welcoming the new democracies from the East that the EC began to establish a mechanism that binds together democratic reform and the deepening of cooperation. As a consequence, this principle gained the whole of EU foreign relations. The construction of the concept of political conditionality owes a lot to doctrine as well as to the contribution of various law or political science experts.

Key words: political conditionality, human rights, European Convention on Human Rights, Eastern European Countries

La conditionnalité politique a été pendant longtemps « l'Arlésienne du droit communautaire »[1]. On entendait parler, mais elle n'était pas clairement définie et rarement appliquée. Les essais d'éclairer le contenu de cette notion renvoient aux différentes conventions en matière de droit de l'Homme et du respect des principes démocratiques ou bien à la doctrine.

Les sources conventionnelles du concept de la conditionnalité sont les traditions constitutionnelles des Etats membres ou les instruments internationaux de référence dans la protection des droits de l'Homme et

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[1] Edwige Tucny, *L'élargissement de l'Union Européenne aux Pays de l'Europe Centrale et Orientale*, Paris: Editions Harmattan, 2002, p. 27.

des libertés fondamentales élaborés dans le cadre des diverses organisations européennes dont les Etats membres de la Communauté européenne faisaient également partie. Parmi ces instruments européens de protection, les plus cités sont l'Acte final d'Helsinki et la Charte de Paris pour une nouvelle Europe dans le cadre de la Conférence de Sécurité et de Coopération en Europe (CSCE) ou encore et surtout la Convention européenne de sauvegarde des droits de l'Homme et des libertés fondamentales (CEDH) dans le cadre du Conseil de l'Europe. La référence faite à ces instruments internationaux a permis de donner une idée de la nature des droits inclus par la suite dans les clauses droits de l'Homme des accords conclus par exemple avec les Pays de l'Europe Centrale et Orientale (PECO). Avant la proclamation solennelle de la Charte des droits fondamentaux de l'Union européenne, laissée cependant hors du nouveau Traité adopté à la même occasion[2], ces références servent à distinguer le contenu de principes à respecter (liberté, démocratie, droits fondamentaux, Etat de droit) cités dans une première phase dans les préambules et plus tard dans le corps des traités communautaires. Après avoir été inclus dans les accords de la Communauté avec les pays de l'Est, à travers les clauses droits de l'Homme, le principe de conditionnalité est institutionnalisé et consacré par le Traité d'Amsterdam, en gagnant ainsi le terrain conventionnel du droit communautaire.

Avec la décision d'intégrer les PECO, l'Union européenne se trouvait face à son cinquième, et plus complexe, élargissement. Les précédents élargissements concernaient des Etats caractérisés par un système parlementaire et démocratique, respectant l'Etat de droit et les droits de l'Homme, ainsi qu'une économie de marché concurrentielle et libérale. Même si elles ont été plus problématiques, les adhésions de la Grèce, de l'Espagne et du Portugal, n'ont pu être possibles qu'après le retour de ces pays à la démocratie. Par contre, les PECO, avec leur passé communiste menaçaient de déstabiliser le fondement même de la construction communautaire. Une question subsistait cependant, comment intégrer des Etats dont la situation économique et politique ne correspondait pas aux exigences d'une adhésion à l'UE? C'est à cette

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[2] il s'agit du Traité de Nice modifiant le Traité sur l'Union Européenne, les Traités instituant les Communautés Européennes et certains actes connexes. *Journal officiel* n°C 80 du 10 mars 2001, [http://europa.eu.int/eur-lex/fr/treaties/dat/nice.html], 30 janvier 2009.

question que venait répondre le Conseil européen de Copenhague (1993) qui fixe les critères, voire les conditions à accomplir par les candidats à l'adhésion à l'Union. Respecter les exigences économiques afin de pouvoir faire face aux pressions concurrentielles du marché unique constitue une partie importante. Pourtant, tout comme la décision de l'élargissement de l'Union vers l'Est était une décision motivée par des raisons politiques, l'enjeu principal du processus d'intégration européenne restait l'accomplissement des conditions politiques, à savoir, la consolidation des institutions démocratiques, le respect des droits de l'Homme et des minorités, la primauté du droit. C'est à travers la conditionnalité politique que l'Union essaye de jouer un rôle décisif dans la transformation démocratique des PECO[3].

La poursuite de la coopération liée à des conditions politiques, n'était pas une innovation dans la pratique internationale, mais c'est seulement récemment que la conditionnalité s'est affirmée comme un principe des relations internationales. Une importante contribution revient au processus d'élargissement de l'UE vers les PECO. Quant à son contenu, les sources conventionnelles internationales et la doctrine ont été pour une grande partie les principales contributions. Il est évident que le respect des droits de l'Homme et des principes démocratiques est devenu un facteur très important des relations entre l'UE et les Etats de l'Europe centrale et orientale et en général des relations extérieures de l'UE. C'est de toute évidence une évolution majeure, mais il reste à voir quel est l'impact de l'introduction des clauses relatives aux droits de l'Homme dans les accords européens. D'autant plus que le contenu de l'expression « droits de l'Homme et principes démocratiques » n'est pas très clair et que la formulation standard consacrée des accords européens reste vague. Ces accords font savoir que « Le respect des principes démocratiques et des droits de l'Homme établis par l'Acte final d'Helsinki et la Charte de Paris pour une nouvelle Europe, ainsi que les principes de l'économie de marché, inspirent les politiques intérieures et extérieures des parties…»[4]. L'Acte

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[3] les Conclusions de la Présidence du Conseil européen de Copenhague, du 21et 22 juin 1993, [http://ue.eu.int/newsroom/newmain.asp?LANG=1], 30 janvier 2009.

[4] PE 215.521, A4-101/96, Rapport sur le Livre blanc, « Préparation des Etats associés de l'Europe centrale et orientale à leur intégration dans le marché intérieur de l'Union », COM(95)0163-C4-0166/95, Commission des affaires étrangères de la sécurité.

final d'Helsinki[5] et la Charte de Paris[6] ont été établis dans le cadre de la CSCE. La référence faite dans le cadre des accords européens à ces instruments internationaux de sauvegarde des droits de l'Homme donne une idée de la nature des droits inclus dans les clauses des accords avec les PECO et lesquels d'entre eux entrent sous le champ d'application de ces clauses.

Le respect des droits civils et politiques est exigé en priorité par rapport aux droits sociaux ou culturels dans la stratégie de l'UE à l'égard de l'Europe centrale et orientale. Cette approche a été considérée nécessaire pour le commencement du processus de transition dans ces pays. À cette époque, l'organisation des élections libres, la liberté d'opinion et l'établissement du multipartisme comme base pour une économie libre de marché, figuraient parmi les priorités de la stratégie de la CE vers les pays de l'ancien bloc communiste. Mais depuis, aucune référence n'a été faite à la protection des droits économiques et sociaux dans les accords européens. Les relations privilégiées de la Communauté européenne avec les nouvelles démocraties de l'Est, avec les PECO en transition vers un régime démocratique et une économie de marché, ont été à la fois une source et une application continue de la conditionnalité émergente, un atelier pratique de la construction de ce concept qui deviendra un véritable principe politique de l'ensemble des ses relations extérieures.

Les relations de la Communauté avec les PECO en transition : source et application continue de la conditionnalité

L'effondrement des régimes communistes dans les pays de l'Europe Centrale et Orientale en 1989 et leur retour vers l'Occident, vers la démocratie et l'économie de marché ont déterminé des changements majeurs du contexte géopolitique européen. La recherche des garanties de sécurité économique et politique dans un effort d'éviter toute tentative de retour vers le passé a conduit les PECO vers les organisations

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[5] l'Acte final d'Helsinki adopté lors du sommet des chefs d'État et de gouvernement d'Helsinki réunis dans le cadre de la CSCE le 1er août 1975 [http://www.osce.org/docs/english/1990-1999/summits/helfa75e.htm] ou [http://www.osce.org/docs/english/chronos.htm], 30 janvier 2009.

[6] la Charte de Paris pour une nouvelle Europe adopté lors du sommet des chefs d'Etat et de gouvernement de Paris réunis dans le cadre de la CSCE du 19-21 novembre 1990 [http://www.osce.org/docs/english/1990-1999/summits/paris90e.htm], 30 janvier 2009.

internationales occidentales, telles l'OTAN, le Conseil de l'Europe et la Communauté européenne. De leur côté, ces organisations se trouvaient confrontées à une situation tout à fait nouvelle à laquelle elles devaient en premier lieu s'adapter, en révisant leurs structures, leur raison d'être, leurs objectifs, leurs politiques et leurs instruments. En ce qui concerne la Communauté européenne, elle s'est confrontée à un défi majeur, comment faire face aux demandes d'adhésion des pays dont la situation économique et politique était loin de celle des Etats membres, ou bien, comment préserver la paix et la stabilité politique sur le continent européen, sans mettre en danger l'ensemble de la construction communautaire. C'est dans ce contexte qu'on assiste à l'essor du concept de conditionnalité politique qui accompagne la vague de démocratisation touchant l'Europe Centrale et Orientale en 1989. Le développement et l'application de la conditionnalité se trouvaient « légitimés par la situation dans ces pays et confortés par la nécessité d'une intervention extérieure permettant au processus de libération d'aboutir »[7].

Avant 1989, la conditionnalité était latente dans les relations extérieures de la CE et rarement exprimée. Quant aux élargissements précédents de la Communauté et de l'Union européenne, le souci des membres fondateurs de se protéger contre les risques de dénaturation s'était traduit dans l'obligation des nouveaux venus à respecter l'acquis communautaire[8]. Le respect de la démocratie, de l'Etat de droit, des droits de l'Homme et des libertés fondamentales avait été jusqu'alors sous-entendu, étant donné les traditions démocratiques des candidats.

Les premières manifestations de ce « noyau dur » de ce qu'on appellera plus tard « la conditionnalité politique » ont apparu lors de l'élargissement de la Communauté vers le Sud du continent, avec l'adhésion de la Grèce et ensuite de l'Espagne et du Portugal, des Etats

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[7] Anne-Marie Gicquel, *La conditionnalité politique dans les relations extérieures de la Communauté Economique Européenne* , Mémoire de DEA de droit communautaire, Faculté de droit et science politique, Centre Européen de Recherche, Université de Rennes, 1993, p. 69.

[8] Certains pays de l'AELE (par exemple la Grande Bretagne et la Suède) candidats à l'adhésion ne se sont pliés qu'à certaines conditions imposées par le principe de respect de l'acquis (mais toujours à celles concernant les droits fondamentaux). La Grande Bretagne a refusé de faire partie de l'espace Schengen ou de l'Union Economique et Monétaire mais cela après son adhésion et non pas avant, voir les avis de la Commission sur les demandes d'adhésion de ces pays.

ayant retrouvé des régimes politiques de démocratie pluraliste. En effet, l'avis de la Commission sur la demande d'adhésion de la Grèce soulignait que « la consolidation de la démocratie en Grèce est intimement liée à l'évolution des relations de la Grèce à la Communauté »[9]. C'est avec la mise en application de la politique communautaire d'aide à la transition des PECO, que la conditionnalité revêt sa forme la plus accomplie. L'opération et le programme[10] PHARE (Pologne Hongrie aide à la restructuration économique) ainsi que la BERD (Banque Européenne pour la Reconstruction et le Développement) sont les premiers instruments qui mettent en œuvre un début de conditionnalité politique.

Le programme PHARE principal instrument de conditionnalité politique pour l'Europe centrale et orientale

Le soutien[11] occidental au processus de restructuration en Europe centrale et orientale s'est concrétisé pour la première fois lors de la réunion des sept principales nations industrialisées (G-7) au sommet de l'Arche à Paris, du 14 au 16 juillet 1989. L'opération[12] PHARE lancée en juillet 1989 visait à mettre en place une assistance économique à la Pologne et à la Hongrie, dont la gestion et la coordination allaient être confiées à la Commission européenne, et impliquait 24 pays, le G24[13] auquel participent également plusieurs institutions internationales à caractère économique en tant qu'observateurs, le Fonds Monétaire International (FMI), la Banque

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[9] Bull CE S 2/76, «Avis sur la demande de l'adhésion de la Grèce», p. 9.

[10] Le lancement officiel du programme a été opéré par l'adoption du Règlement (CEE) n° 3906/89 du Conseil, du 18.12.1989, relatif à l'aide économique en faveur de la Hongrie et la Pologne, JOCE n° L 375 du 23/12/1989 p. 0011 – 0012, [http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=FR&numdoc=31989R3906&model=guichett], 30 janvier 2009.

[11] cette action en faveur de la Hongrie et de la Pologne a été confiée par la suite à la Commission qui pouvait « arguer d'une expérience internationale appropriée et paraissait apte à prendre rapidement les initiatives nécessaires en concertation avec les autres parties concernées », J. Raux, « Les instruments juridiques des relations de la Communauté avec les Etats d'Europe de l'est », p. 56.

[12] Françoise De la Serre, « L'Union européenne et l'élargissement aux pays d'Europe centrale et orientale », in Louis Dubois, (ed.), *L'Union européenne*, Collection Les notices, Paris: Editions de la Documentation Française, 1999, p. 133.

[13] les douze Etats de la Communauté, et des pays membres de l'OCDE, les Etats Unis, le Canada, l'Australie, le Japon, la Nouvelle Zélande, mais aussi l'Autriche, l'Islande, la Finlande, la Suède, la Norvège, la Suisse et la Turquie.

mondiale, la Banque Européenne d'Investissement [14] (BEI), le club de Paris et ultérieurement la BERD[15].

Le programme PHARE était en revanche, un programme spécifiquement communautaire lancé en décembre 1989 et exclusivement financé par le budget européen. Il reprenait les priorités fixées au départ par l'opération PHARE : restructuration de l'agriculture, amélioration de l'accès aux marchés, promotion des investissements, formation professionnelle, action sur l'environnement.

L'éligibilité des candidats obéissait aux mêmes critères que l'opération PHARE, le programme étant conditionné par l'organisation d'élections libres, l'introduction du multipartisme, le respect des droits de l'homme, la suprématie du droit, ainsi que l'évolution vers une économie de marché. Les critères d'éligibilité ont été déterminés lors de la réunion du G-24 du 13 décembre 1989 et en fonction du respect de ces critères, il s'est prononcé en faveur de l'extension du programme à la Bulgarie, à la Tchécoslovaquie, à la République Démocratique d'Allemagne (RDA) et à la Yougoslavie.

Très rapidement la Communauté européenne s'impose à la fois comme le «pilote de l'opération PHARE» et grâce à son programme spécifique, comme le «principal partenaire des PECO dans leur entreprise de reforme politique et économique»[16]. Au titre de PHARE la Communauté européenne a d'une part, favorisé un meilleur accès au marché communautaire[17] et d'autre part, a soutenu la mise en place des grandes

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[14] la BEI, institution financière de l'Union a soutenu de multiples projets d'investissement destinés à corriger les inégalités de développement dans les régions. En 1997, le Conseil avait décidé qu'un montant de 3.520 millions d'euros serait affecté aux activités de prêt à long terme de la BEI. pour les PECO, pour une période de janvier 1997 à janvier 2000, voir L. Beurdeley, *L'élargissement de l'UE aux PECO et aux îles du bassin méditerranéen*, Questions contemporaines, Editions l'Harmattan, Paris, 2004, p. 62.

[15] Ioanna Pouli-Pleros, *L'intégration des pays de l'Europe centrale et orientale dans une Europe en transition*, Athènes, Editions Ant. N. Sakkoulas, 2002, p. 58.

[16] De la Serre, Françoise , « L'Union européenne… », *cit.* p. 133.

[17] en supprimant en 1990 la plupart des restrictions quantitatives encore appliquées aux produits des PECO et en leur accordant aussi le bénéfice du système des préférences généralisées, PHARE s'était fixé d'autres objectifs comme l'approvisionnement alimentaire et l'aide à la restructuration de l'agriculture, l'assistance en matière de formation ou l'assistance en matière d'environnement, la promotion des investissements privés, pour plus de détails sur les cinq objectifs principaux du programme voir Pouli-Pleros, I., *op.cit.*, p. 59-

réformes permettant le passage à une économie de marché, en finançant également l'assistance économique requise. Cependant, il restait insuffisant quant au soutien global à l'économie des pays bénéficiaires et à la couverture de leurs besoins financiers ou monétaires. C'est pour cela que la création de la BERD était plus que nécessaire.

La BERD une banque pour l'Europe centrale et orientale

Les actions du G24 concernaient principalement des aides alimentaires, des mesures commerciales dont la coordination était confiée à la Commission européenne. L'expérience acquise par la Communauté européenne, la flexibilité des premières opérations menées à l'Est ont joué un grand rôle dans la décision prise en juillet 1989, de confier à la Commission[18], la coordination de l'aide à la Pologne et à la Hongrie dans le cadre de l'opération PHARE[19]. Cependant, «ce groupe multilatéral, insuffisamment structuré n'est pas parvenu à régler les problèmes d'endettement qui relèvent tant du FMI que du Club de Paris, ni à impliquer significativement les Etats-Unis et le Japon qui ont clairement privilégié les relations bilatérales directes»[20].

C'est pour cela que l'initiative française présentée par le président François Mitterrand de créer « une banque pour l'Europe » permettant la transition des PECO vers la démocratie et l'économie de marché est bien accueillie par les autres chefs d'Etat ou de gouvernement lors du Conseil Européen de Strasbourg en décembre 1989. La BERD est créée le 9 décembre 1989 et ses statuts vont être adoptés le 29 mai 1990. Les objectifs principaux de la banque consistent dans la promotion dans les PECO du secteur privé dans une perspective de libération de l 'économie. L'une des

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[18] Le président de la Commission a admis dans un discours devant le PE qu'il est désormais « impossible de dissocier le rôle économique de la Communauté de son rôle politique », Présentation du programme de travail de la Commission pour 1990 au PE, le 17 janvier 1990.

[19] Françoise De la Serre, « La politique de la Communauté européenne vis-à-vis de l'Est: vers une approche globale ? » in Alexis Lloyd, Antoine Winckler, (ed.), *L'Europe en chantier*, Collection Pluriel intervention, Paris, Editions Hachette, 1993, pp. 242-244.

[20] F. Demarigny, F. Vuillemin, « La banque européenne pour la reconstruction et le développement, une réponse adaptée aux nouveaux besoins de l'Est ? », Revue internationale *Esprit*, novembre 1990, Paris: Editions Esprit, 1990, p. 4.

originalités[21] majeures de la BERD réside justement, dans le fait que ses statuts conditionnent expressément le bénéfice des concours financiers au respect et à la mise en pratique de la démocratie multipartite et du pluralisme, assurée notamment par l'organisation d'élections libres, le multipartisme, le respect des droits de l'Homme incluant le respect des minorités, la primauté du droit et l'évolution vers une économie de marché. Le respect des conditions d'éligibilité à l'aide financière est obligatoire et même sanctionné en théorie, même si en pratique le Conseil des gouverneurs de la BERD n'a jamais suspendu les aides financières allouées à un PECO, même si les critères constitutionnels d'attribution n'ont pas toujours été respectés.

Si cette politique de conditionnalité de la Communauté à l'égard des PECO peut être considérée et interprétée d'une manière uniforme, les buts poursuivis par l'introduction de ces clauses ne sont pas les mêmes selon la région concernée. Par exemple les pays du processus de stabilisation et association bénéficiaient d'un autre programme CARDS, destiné à accompagner et conforter le processus de réformes démocratiques, économiques et institutionnelles dans les pays de la région. CARDS était un nouveau programme unique d'assistance à la région doté d'un montant de référence financier indicatif de 4,65 milliards d'euros pour la période 2000-2006. Comme l'a montré la conditionnalité à l'égard des PECO, une perspective crédible d'adhésion potentielle à l'Union européenne, une fois les conditions remplies, est le meilleur levier pour inciter ces pays à réaliser les réformes nécessaires. C'est un mécanisme qui a très bien fonctionné pour la Roumanie et qui est en train de porter ses fruits dans une région beaucoup plus difficile celle des Balkans occidentaux.

Par la suite on examinera les principaux instruments internationaux qui ont inspiré la conditionnalité politique européenne et les évolutions du concept dans la doctrine.

Les sources conventionnelles internationales de la conditionnalité politique européenne

L'Union Européenne n'a sans doute pas inventé la conditionnalité. La conditionnalité a été longtemps employée comme un outil sans

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[21] Jean-Claude Gautron, (ed.), *Les relations Communauté Européenne Europe de l'Est*, Paris: Editions Economica, 1991, p. 25.

cérémonie dans les relations entre les Etats, formalisée, modelée et remodelée ces dernières décennies par les institutions de Bretton Woods. Naturellement, dans ce contexte, elle est devenue fortement contestée, comme outil du puissant contre le faible ou comme reflétant un certain agenda idéologique. En ce qui concerne les PECO, la conditionnalité politique imposée par l'Union européenne n'était pas nécessairement quelque chose de nouveau. Tout comme les Etats membres de l'UE, les PECO avaient déjà assumé des obligations relatives aux droits de l'Homme, suite à leur qualité de membres des diverses organisations internationales comme le Conseil de l'Europe ou l'Organisation des Nations Unies. La Charte des Nations Unies[22] et la Déclaration Universelle des droits de l'Homme[23], complétées par les Pactes sur les droits civils et politiques, sociaux et culturels sont des sources majeures d'inspiration pour l'UE dans le domaine des droits de l'Homme. Le texte le plus important au sujet des droits de l'Homme pour les Etats européens reste la Convention européenne de sauvegarde des droits et des libertés fondamentales conclue sous les auspices du Conseil de l'Europe[24]. L'adhésion à la CEDH est devenue une condition implicite à l'adhésion à l'UE: d'un côté, les Etats membres de l'UE y avaient tous adhéré, de l'autre côté, il n'y avait pas un document similaire dans l'ordre juridique communautaire.

C'est seulement avec la proclamation à Nice[25] de la Charte des Droits Fondamentaux de l'UE[26] que l'Union se dotait de définitions propres

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[22] Charte des Nations Unies [http://www.un.org/french/aboutun/charte/index.html], 30 janvier 2009.

[23] Déclaration universelle des droits de l´Homme adoptée par l´Assemblée générale dans sa résolution 217 A (III) du 10 décembre 1948,
[http://www.un.org/french/aboutun/dudh.htm], 30 janvier 2009.

[24] Ouverte à la signature des Etats membres du Conseil de l'Europe le 4 novembre 1950, entrée en vigueur le 3 septembre 1953, la CEDH établit une liste de droits et libertés fondamentales (droit à la vie, interdiction de la torture, interdiction de l'esclavage et du travail forcé, droit à la liberté et à la sûreté, droit à un procès équitable, pas de peine sans loi, droit au respect de la vie privée et familiale, liberté de pensée, de conscience et de religion, liberté d'expression, liberté de réunion et d'association, droit au mariage, droit à un recours effectif, interdiction de discrimination). D'autres droits ont été ajoutés par des protocoles additionnels à la Convention,
[http://conventions.coe.int/treaty/fr/Treaties/Html/005.htm], 30 janvier 2009.

[25] les Conclusions de la Présidence du Conseil européen de Nice, du 7, 8 et 9 décembre 2000, [http://ue.eu.int/Newsroom/LoadDoc.asp?BID=76&DID=64241&from=&LANG=1], 30 janvier 2009.

des droits qu'elle s'engageait à protéger. La Charte adoptée conjointement par les trois institutions communautaires le 7 décembre 2000 a fait l'objet de critiques assez disparates. Inutilité, absence d'originalité par rapport au système de la CEDH élaborée par le Conseil de l'Europe dont la Charte serait un « double inutile ». Elle serait inutile aussi par rapport aux Constitutions nationales dont elle n'améliore pas les standards de protection garantis, voire un instrument imposé par l'Union qui ignorerait les Constitutions nationales ou se superposait à elles, interventionnisme excessif par rapport à l'actuelle répartition des compétences entre la Communauté européenne et les Etats membres. En réalité, le champ d'application de la Charte n'est tout simplement identique à celui de la CEDH, ni à ceux des Constitutions nationales. La Charte est constituée d'un ensemble de garanties qui peuvent être invoquées contre l'Union, ses institutions et ses normes juridiques. On peut la faire valoir contre les Etats membres, mais uniquement dans la mesure ou ils appliquent le droit communautaire ou agissent dans le cadre des exceptions prévues par le droit communautaire. Pour les mêmes raisons la Charte ne se superpose donc pas aux Constitutions des Etats et ne représente pas une alternative, mais un instrument symétrique à ces derniers. Et même si du moins en partie, la Charte ne fait que codifier des droits préexistants, affirmés dans le traité CE ou bien par la Cour de justice, elle n'est pas pour autant inutile, car elle cristallise ces droits dans un catalogue en les ancrant à des paramètres externes comme la CEDH, en retirant ainsi leur interprétation au pouvoir discrétionnaire de la Cour de justice des Communautés européennes. Pour l'instant[27] et jusqu'à ce qu 'elle soit insérée dans les Traités, la Charte reste un instrument de « soft law », une déclaration conjointe des trois institutions qui l'ont proclamée à Nice le 7 décembre 2000, certes d'une grande valeur politique, mais formellement dépourvue de valeur juridique autonome. La Charte n'est pas contraignante mais

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[26] La Charte des droits fondamentaux de l'Union européenne est disponible dans le JOCE C 364 ou

[http://europa.eu.int/comm/justice_home/unit/charte/pdf/texte_fr.pdf], 30 janvier 2009.

[27] La Commission pourrait décider d'accompagner toute proposition d'actes communautaire d'une fiche de compatibilité avec les droits fondamentaux, habitude déjà prise pour la subsidiarité.

produit déjà des effets, comme instrument d'interprétation[28] des normes communautaires existantes en matière des droits fondamentaux.

Avant la Charte, les instruments internationaux de la protection des droits de l'Homme étaient déterminants pour comprendre le contenu des obligations dans ce domaine. L'importance était d'autant plus grande dans la perspective des sanctions en cas de non-respect de la clause de conditionnalité, celles-ci pouvant aller de la suspension de certains droits (de représentation pour le Conseil de l'Europe ou de vote dans le cadre du Conseil pour l'UE – le cas autrichien) à la suspension des Accords (conclus entre la CE et les PECO, entre la CE et les Etats tiers, en général). La clause de suspension suppose que le respect des principes démocratiques et des droits de l'Homme tels que définis par l'Acte final d'Helsinki et la Charte de Paris pour une Europe nouvelle ainsi que le principe de l'économie de marché, inspirent la politique intérieure et extérieure des parties contractantes, et constituent des « éléments essentiels » des accords. Les premiers critères de la conditionnalité politique mis en place par les structures d'aide financière pour les PECO faisaient référence aux instruments internationaux de protection car il n'y avait pas un mécanisme très clair de protection des droits de l'Homme dans les traités communautaires ni dans le système légal de la Communauté. L'Acte final d'Helsinki[29] et la Charte de Paris pour une nouvelle Europe[30] qui le modifie sont deux accords conclus dans le cadre de la CSCE. L'Acte final date du 1er

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[28] dans les conclusions des avocats généraux, par exemple dans les conclusions de l'avocat général Alber (aff. C-34/99), Tizzano (aff. C-173/99), Mischo (aff. Jointes C-122/99P et c-125/99P, dans lesquelles les explications du Présidium sont citées comme aide interprétative), Stix-Hackl (aff. Jointes C-49/00 et C-131/00), Francis G. Jacobs (aff. C-377/98), Philippe Léger (aff. Jointes C-353/99 et C-309/99) ou bien dans les arrêts du Tribunal de première instance de l'UE par exemple l'arrêt du 20 février 2001, Mannesmannroehren-werke, aff. T-112/98

[29] Adopté le 1er août 1975 à la fin du sommet de la CSCE, l'Acte Final énonce les principes fondamentaux qui régissent les relations entres les Etats participants (y compris le respect pour la souveraineté nationale, la reconnaissance de l'inviolabilité des frontières nationales, l'abstention du recours à la force et la coopération comme fondement des relations internationales).

[30] Adoptée lors du sommet de Paris de la CSCE, les 19, 20 et 21 novembre 1990, cette Charte réaffirme l'attachement des Etats participants aux principes de l'Acte final d'Helsinki et met les bases de l'institutionnalisation de la Conférence et de sa transformation en Organisation de la Sécurité et la Coopération en Europe (OSCE).

août 1975 et constitue un code de la coexistence pacifique entre Etats. Le titre VII de l'Acte organisé en trois corbeilles, traite du « respect des droits de l'Homme et des libertés fondamentales, y compris la liberté de pensée, de conscience, de religion ou de conviction » sans distinction de race, sexe ou de langue. La Charte de Paris pour une nouvelle Europe a été adoptée à Paris le 21 novembre 1990. La Charte qui est une adaptation de l'Acte final constitue « un engagement indéfectible en faveur de la démocratie fondée sur les droits de l'Homme et les libertés fondamentales, la prospérité par la liberté économique et par la justice sociale et une sécurité égale pour tous les pays ». Ces deux accords internationaux font de la conditionnalité politique (démocratie, Etat de droit, droits de l'Homme, etc.) une condition fondamentale pour promouvoir la paix et la sécurité en Europe. Une autre référence incontournable est la CEDH signée le 4 novembre 1950 dans le cadre du Conseil de l'Europe, organisation régionale européenne a but politique, créé le 5 mai 1949. L'adhésion au Conseil de l'Europe est conditionnée par le respect de certains critères politiques en principe obligatoires et préalables. Selon le préambule du Statut du Conseil de l'Europe, les Etats membres sont « inébranlablement attachés aux valeurs morales et spirituelles qui sont le patrimoine commun de leurs peuples et qui sont à l'origine des principes de liberté individuelle de liberté politique et de prééminence du droit, sur lesquelles se fonde toute démocratie véritable ». L'article 3 du Statut précise que « tout membre du Conseil de l'Europe reconnaît le principe de la prééminence du droit et le principe en vertu duquel toute personne placée sous sa juridiction doit jouir des droits de l'Homme et des libertés fondamentales ». Ainsi toute adhésion au Conseil de l'Europe semble être soumise à deux principes, la primauté du droit, ou respect de l'Etat de droit et le respect des droits de l'Homme et les libertés fondamentales, plus un troisième qui en est la conséquence directe, l'exigence d'un régime démocratique[31]. La CEDH est une référence obligatoire dans le domaine de la protection européenne des droits de l'Homme[32] pour l'UE y compris.

La conception fonctionnaliste du traité de Rome ne laissait aucune place à la protection des droits de l'Homme, à l'exception des droits

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[31] Anne-Marie Gicquel, *op.cit.*, p. 69.

[32] Frédéric Sudre, *Droit européen de droits de l'Homme,* Collection droit fondamental, 9-ème édition revue et augmentée, Paris: Presses Universitaires de France, 2008, p. 93.

inhérents à la libre circulation et à l'interdiction de discrimination basée sur la nationalité. C'est pour cela que dans le passé, un rôle important dans ce sens reviendra à la Cour de Justice des Communautés Européennes (CJCE). Dans ses efforts de déterminer le contenu des droits fondamentaux protégés par la CE, étant donné le silence des traités à ce sujet, la Cour a privilégié le recours à la CEDH en tant que référence commune pour les Etats membres et par conséquent pour les pays qui souhaitent adhérer à l'Union. Les juridictions constitutionnelles italienne[33] et allemande[34] ont fortement stimulé le parcours menant à l'affirmation de la protection des droits fondamentaux et ont soumis la primauté du droit communautaire à la protection des droits fondamentaux. L'arrêt *Nold* de la CJCE précise que « les instruments internationaux concernant la protection des droits de l'Homme auxquels les Etats membres ont coopéré ou adhéré peuvent également fournir des indications dont il convient de tenir compte dans le cadre de droit communautaire »[35], ce qui permettra « l'intégration dans l'ordre juridique communautaire, à travers les principes généraux, de la Convention européenne de sauvegarde des Droits de l'Homme et des libertés fondamentales au titre de standard minimum européen »[36]. Dans l'affaire *Nold*[37] la Cour affirme qu'elle a le devoir de s'inspirer des traditions constitutionnelles communes des Etats membres lorsqu'elle remplit sa fonction de garant de la protection des droits fondamentaux. Dans cet arrêt, la Cour avait admis que les droits fondamentaux ne représentent pas une prérogative absolue puisque, dans le cas concret, ils pouvaient être comprimés en fonction des intérêts des Etats et des objectifs d'intérêt général poursuivis par la Communauté européenne. A partir de l'arrêt *Hauer*[38], la Cour a élaboré une notion autonome des droits fondamentaux en se referant aux « traditions constitutionnelles communes des Etats

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[33] arrêt *Frontini* du 27 décembre 1973, no 183, arrêt *Granital* du 8 juin 1984, FRAGD du 21 avril 1989 cités par Lucia Serena Rossi, (2002), « Constitutionnalisation de l'Union européenne et des droits fondamentaux », *Revue trimestrielle de droit européen*, n° 1-2002, janvier-mars 2002, Paris: Editions Dalloz, p. 40.

[34] à partir de l'arrêt *Solange* du 21 octobre 1986, *ibidem.*

[35] Arrêt *Nold* de la CJCE (14.05.1974); aff-4-73, Rec. 508.

[36] Guy Isaac, Marc Blanquet, *Droit communautaire général*, 9-ème édition, Sirey Université, Paris: Editions Dalloz, 2006, p. 156.

[37] arrêt du 14 mai 1974, aff. 4/73, Rec. p. 581.

[38] arrêt du 13 décembre 1979, aff. 44/79, Rec. p. 491.

membres et à la CEDH », reproduite par le traité de Maastricht. Dans l'arrêt *Hauer*, la Cour considère que le droit de la propriété peut être comprimé au nom d'un « intérêt général »[39].

Bien qu'on ne puisse contester en règle générale, la capacité de la CE à limiter l'exercice des droits fondamentaux dans le but de mieux préserver l'intérêt communautaire, il faut vérifier si les restrictions imposées sont justifiées[40]. En se referant au contenu des Constitutions nationales qui permettent la limitation du droit, la Cour de justice ne parle explicitement évidement que de certaines d'entre elles, car non seulement la Cour n'a jamais examiné toutes les Constitutions nationales, mais en plus elle donne quelques fois l'impression que la référence aux traditions communes relève d'une simple « clause de style »[41]. En ce sens la Charte constitue un instrument d'interprétation, même de la catégorie la plus nébuleuse des « traditions constitutionnelles communes des Etats membres », dont elle parvient à donner une interprétation plus authentique, et de toute manière plus influente que tout ce que la Cour pourrait déduire, souvent de manière approximative, des Constitutions des Etats membres.

La Charte ôte le monopole de l'interprétation et de l'élaboration des droits fondamentaux au pouvoir discrétionnaire de la Cour de justice et du Tribunal de première instance. Un des résultats les plus flagrants de la Charte réside dans le fait que son interprétation est amarrée à la CEDH. Il est vrai que les deux premiers alinéas de l'article 52 réaffirment les limites existantes, mais dorénavant ne pourra plus feindre d'ignorer la limite que l'article 52, 3e alinéa de la Charte impose à son pouvoir discrétionnaire en affirmant que « dans la mesure ou la présente Charte contient des droits correspondant à des droits garantis par la CEDH, leur sens et leur portée sont les mêmes que ceux que leur confère la dite Convention ». La CEDH est, sans aucun équivoque possible, érigée en standard minimum et la Cour ne pourra plus, comme par le passé restreindre la portée au moment de l'appliquer à l'ordre juridique communautaire. L'assimilation de valeurs

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[39] dans ce cas la croissance du secteur vinicole.

[40] A cet effet il faut appliquer deux paramètres : Les restrictions doivent être proportionnés aux objectifs poursuivis et elles ne doivent pas compromettre la substance du droit. Ce sont des critères jurisprudentiels que la cour européenne de Strasbourg a appliqués en matière de droit de la propriété.

[41] Lucia Serena Rossi, *op.cit.*, p. 46.

externes (étatiques les Constitutions internes ou internationales comme la CEDH) a toujours caractérisé le processus d'intégration de l'Union, par exemple la Charte sociale et les accords de Schengen ont été élaborés à l'extérieur, mais par la suite ils sont entrés à part entière dans les Traités constitutifs. La Charte est non seulement un inventaire précieux de droits, elle sensibilise à ces droits « souvent cachés dans les plis de la jurisprudence communautaire »[42]. La Charte peut jouer un rôle de premier plan en tant qu'instrument d'interprétation des traditions constitutionnelles des Etats membres, en tant que moteur de la transformation de la Cour de justice en véritable « juge constitutionnel », en tant que contribution à la constitutionnalisation de l'ordre juridique communautaire[43]. La clause de suspension des accords avec les PECO prévoit diverses mesures pouvant aller de la suspension des relations commerciales préférentielles en cas d'urgence particulière (violation d'un accord ou de ses éléments essentiels, s'agissant plus particulièrement des articles relatifs aux droits de l'Homme par une des parties contractantes) jusqu'à la dénonciation[44] de l'accord.

La construction de ce concept doit beaucoup à la doctrine aux réflexions de divers auteurs de droit ou de sciences politiques.

La construction du concept de conditionnalité politique dans la doctrine

Parmi les pistes de réflexion données dans la doctrine par les divers spécialistes en science politique ou droit communautaire on va s'arrêter à celles de Françoise de la Serre, Jean-Claude Gautron ou Jean Raux ou encore Edwige Tucny. Selon Françoise de la Serre : « Au nom de la conditionnalité la nature et l'intensité de la coopération proposée à chacun des PECO dépend de leur situation vis-à-vis à un certain nombre des critères : respect des engagements conclus dans le cadre de la CSCE, progrès vers une démocratie pluraliste et une économie de marché ». Elle ajoute que « la Communauté ne concevait pas sa politique à l'Est que dans un environnement de respect des droits de l'Homme et en référence

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[42] *Ibidem.*

[43] *Ibidem.*

[44] « Si une partie considère que l'autre n'a pas rempli une des obligations que lui impose le présent accord, elle peut prendre des mesures appropriées », article 119 du Titre IX (dispositions institutionnelles, générales et finales).

permanente au processus d'Helsinki »[45]. Pour Jean-Claude Gautron, la conditionnalité politique ne semble s'appliquer que dans le cadre du programme PHARE : « il s'agit d'un exercice en rupture avec la tradition des organisations internationales qui ne posaient jusqu'alors aucune exigence directe quant aux structures politiques et économiques des Etats bénéficiaires »[46] ou de la BERD.

Une autre interprétation de la conditionnalité politique montre que celle ci se manifeste dans les accords de la Communauté avec les pays tiers, qu'il s'agit des accords commerciaux traditionnels ou des accords européens d'association. Jean Raux estime que « l'adhésion à l'économie de marché semble même relever de cette exigence démocratique. Il ne semble pas qu'il puisse y avoir de démocratie véritable et durable sans marché, c'est-à-dire une conciliation de l'offre et de la demande, ou plus concrètement des opérateurs économiques et des consommateurs »[47], liant ainsi conditionnalité politique et économie de marché. Pour Edwige Tucny[48] la conditionnalité politique est étroitement liée à la question de la stabilité institutionnelle et politique d'un pays, condition sans laquelle s'écroule tout l'édifice démocratique, car sans le respect du principe de la séparation des pouvoirs, sans une opposition politique réelle et active, sans élections libres et sincères, l'Etat de droit est sérieusement compromis. Pour elle la conditionnalité politique peut être classifiée en plusieurs catégories. Ainsi la conditionnalité politique peut être, soit minimale ou déclaratoire (sans force obligatoire ou exécutoire), normale ou obligatoire (qui fait l'objet d'un contrôle mais sans sanction juridique prévue) et maximale et sanctionnée (il y a une procédure de sanction mise en place). Cette dernière interprétation très large de la conditionnalité politique nous fait penser qu'il ne s'agit là que de retracer l'émergence de cette notion et que les premières formes de conditionnalité politique, selon cette classification, ne sont que de stades intermédiaires, avant de se retrouver devant la conditionnalité politique qui n'est aboutie, que si elle est maximale et sanctionnée. L'auteur essaye de trouver une formule mathématique pour montrer le poids de la conditionnalité politique par rapport à

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[45] Françoise De la Serre, *op.cit.*, p. 134.
[46] Jean-Claude Gautron, *op.cit.*, p. 3.
[47] Jean Raux, *op.cit.*, p. 41.
[48] Edwige Tucny, *op.cit.* p. 145.

conditionnalité économique dans la prise de décision sur l'acceptabilité ou bien le rejet d'une candidature par les Etats membres de l'Union. Si la conditionnalité politique de l'adhérent est supérieure à la conditionnalité politique exigée par l'Union européenne, alors l'adhésion est envisageable. Si la conditionnalité politique de l'adhérent est inférieure à la conditionnalité politique exigée par l'Union européenne, il y aurait deux possibilités: soit la conditionnalité économique de l'adhérent est supérieure à la conditionnalité économique exigée par l'Union européenne, alors l'adhésion est envisageable; soit la conditionnalité économique de l'adhérent est inférieure à la conditionnalité économique exigée par l'Union européenne, alors l'adhésion est exclue.

D'autres auteurs traitent de la conditionnalité indirectement, du point de vue des sanctions. Schmitt von Sydow, par exemple, fait une analyse complexe des sanctions contre un Etat membre qui ne respecte pas les valeurs fondamentales – au cœur du principe de conditionnalité – tel qu'il a été forgé dans les relations de l'Union avec les Etats tiers[49]. Ses constatations relèvent encore une fois les racines de la conditionnalité politique - la pratique des relations avec les PECO, car jusqu'au présent élargissement de la CE « il n'a pas été jugé nécessaire de traiter le risque de manquement, par les futurs membres, aux principes de liberté, de démocratie, des droits fondamentaux, et de l'Etat de droit ». C'était, donc, seulement avec le Traité d'Amsterdam qu'on a ressenti ce besoin, car les futurs membres – les PECO - n'offraient pas « les mêmes certitudes » quant au respect de ces principes fondamentaux. La conséquence directe a été l'introduction dans le Traité d'Amsterdam des dispositions relatives à l'obligation de tout candidat à l'adhésion à l'UE de respecter les principes fondamentaux (article 49) et à l'établissement d'un mécanisme de sanction de tout manquement à ces principes par un Etat membre (article 7).

La complexité du concept de conditionnalité politique, de ses implications, le place toujours au centre des débats. La généralisation de l'emploi de la conditionnalité dans les relations de l'Union européenne

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[49] Helmut Schmitt von Sydow, « Liberté, démocratie, droits fondamentaux et Etat de droit: analyse de l'article 7 du traité UE », *Revue du Droit de l'Union Européenne*, no. 2/2001, Paris: Editions Clément Juglar, 2001, p. 25.

avec les pays tiers[50] témoigne de son succès. En même temps, on essaye de répondre aux questions liées à la manière dont la conditionnalité de l'Union européenne est compatible avec les conditionnalités des autres organisations internationales et de l'efficacité de ce principe quand il n'y a pas de promesse immédiate d'intégration[51]. Le débat est à son début, mais on observe une intensification des efforts des principaux acteurs internationaux pour une meilleure coordination de leur assistance et de leurs demandes, surtout vis-à-vis des pays des Balkans Occidentaux[52]. Quant à la question de l'efficacité de la conditionnalité dans les Etats sans une perspective immédiate d'intégration, la solution est sans doute l'adaptation de l'offre et de la demande communautaire aux spécificités et besoins de chaque pays. La nouvelle politique de l'Union élargie vers ses futurs voisins proposait à ces pays une coopération sectorielle renforcée et une assistance financière différenciée en échange de la mise en application des réformes démocratiques, économiques et sociales[53]. C'est de cette perspective qu'on parlera de l'importance de la différenciation, qui à coté de la conditionnalité, se retrouve maintenant à la base de la politique de l'Union vers tous les pays tiers.

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[50] Ce principe se retrouve à la base des démarches de l'Union européenne pour le renforcement de ses relations avec les pays des Balkans Occidentaux et les nouveaux voisins de l'Europe élargie (la Russie, la République de la Moldavie, l'Ukraine, la Biélorussie - à l'Est et les pays euro- méditerranéens au Sud).

[51] L'Université d'Oxford a organisé en novembre 2002 un séminaire sur la question de la conditionnalité de l'UE envers l'Europe de Sud-Est. On se pose des questions sur la mise en place, vers les pays des Balkans Occidentaux, d'une conditionnalité semblable à celle appliquée au cas des PECO. En effet, les participants ont essayé d'expliquer pourquoi il y avait « des voix remettant en cause l'opportunité et l'efficacité de l'emploi de la conditionnalité envers les pays des Balkans Occidentaux et critiquant le manque de considération des particularités et des priorités de ces pays ». St Anthony's College, University of Oxford, South East European Program's workshop, « EU Conditionality in the Balkans », Background Paper, le 22 novembre 2002.

[52] la Commission a organisé en 2003 des conférences de coordination et d'échanges d'information avec les autres acteurs internationaux qui contribuent au processus de reconstruction des pays des Balkans Occidentaux (l'OSCE, la Banque Mondiale, la BEI, la BERD, le Pacte de Stabilité pour l'Europe de Sud – Est, les Etats Unis, le Canada, etc.).

[53] Communication de la Commission au Conseil et au Parlement européen, « L'Europe élargie – voisinage : un nouveau cadre pour les relations avec nos voisins de l'Est et du Sud », Bruxelles, le 11.03.2003, COM(2003) 104 final.

Pour conclure ce passage en revue de la doctrine sur la conditionnalité politique, on fera appel de nouveau à l'ouvrage de Tucny. Dans les conclusions, elle avance une idée très intéressante pour le débat: « A trop vouloir en faire, l'Union européenne ne coure-t-elle pas le risque de devoir constater que trop de conditionnalité tue la conditionnalité? Si l'on attend trop, l'Europe ne risque-t-elle pas de ne jamais pouvoir s'élargir et progresser? ». L'auteur cite l'exemple du Conseil de l'Europe, qui a « peut-être adopté la bonne solution » en permettant l'adhésion immédiate des PECO - et de la Russie - avant même que les conditions indispensables de démocratie, d'Etat de droit, des droits de l'Homme et de multipartisme ne soient remplies. « Leur entrée dans cette organisation politique, que certains ont qualifié de prématurée, peut permettre la réalisation de progrès rapides dans le domaine de la conditionnalité politique »[54].

Forgée et développée dans le domaine des relations extérieures de l'Union européenne, la conditionnalité politique a transgressé graduellement dans le droit communautaire. Principe politique issu, à l'origine, de la pratique communautaire dans le domaine des relations extérieures, la conditionnalité politique se transforme en norme juridique. On la retrouve initialement dans les accords négociés et signés par la Communauté européenne avec les Etats tiers et par la suite par son intégration dans le système légal de la Communauté. La consécration juridique de ce principe politique est pleinement réalisée avec son intégration dans les traités communautaires d'Amsterdam et Nice et couronnée par l'inclusion de la Charte dans le Traité de Lisbonne. Une fois que le traité de Lisbonne sera entré en vigueur après sa ratification par tous les Etats membres, la Charte deviendra obligatoire.

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[54] Edwige Tucny, *op.cit.* p. 147.

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THE TEMPORARY MIGRATION FROM THE RURAL ENVIRONMENT ABROAD: SOCIO-DEMOGRAPHICAL PROFILE AND TERRITORIAL CHARACTERISTICS

Tiberiu Avrămescu*

Abstract:

The international migration represents an important part of present globalization, with major implications on the population's welfare and economic growth, both in the emitting countries and in the receiving ones. One can assess the fact that, in the present, the international migration has become an essential, inevitable and potential positive part of the social and economic life of each country and region. Nowadays, an important vector of the Romanians' migration is the migration from the rural environment abroad, the main reason for this being the low level of life quality in the rural environment. The present paper aims at identifying some essential aspects regarding the temporary migration of the rural population abroad after 1989, namely the variations on stages of migration, the socio-demographical profile of the persons that leave abroad, the territorial characteristics of the emitting areas.

Key words: temporary migration, rural communities, migration flows, migration experience

Introduction

Temporary migration is a quite new phenomenon, associated with globalization processes, with the development rationale of contemporary capitalism[1]. Emerging of certain life styles integrating values and resources from the origin or destination of flows and perpetuation of the migration movement among communities and regions from different countries require analyses and researches to make the new phenomenon scientifically understandable. Temporary migration refers to the alternative movement

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[1] A. Portes, "Global Villagers. The Rise of Transnational Communities", in *The American Prospect*, no. 1, March-April, 1996, p. 4.

between the country of origin and one or more of the countries of destination. Migrants leaving and working abroad for a period of time, return in own country and stay for a period of time (generally no more than three months), then leave again for work abroad[2].

This paper tries to answer the questions above by reference to a particular case - that of the migrants from Romanian villages to foreign countries. Temporary migration outside Romania, as a particular type of temporary migration is the objective. It is important the role played by the village, as local community - due to its location, resources and population - in conditioning the flows of transnational temporary migration.

In analyzing migration patterns, one can focus on describing or on explaining them. Both exercises could be done for their own sake, for prediction or for policy-input. Different combinations of description and pure knowledge are practiced and all are legitimate. It would be useful, however, if such analyses would clearly state the approach that is used and the purpose. In this paper I use mainly the descriptive approach.

This paper focuses the interest on three particular subtopics referring to community profiles, regional contexts, and types of emigration:
- what are the specific community profiles favoring/discouraging emigration?
- what are the emigration types that are mostly affected by characteristics?
- what are the regional contexts that make communities to be favoring or disfavoring factors for emigration?

Answering these questions has both theoretical and practical relevance. Migration policies could be more effective if they are sensitive to community and regional differences. Locality and regional borders are easier to locate than the contour of different social groups involved into or affected by the migration process. The tendency to think about migration policy as a separate tool from community and regional policies is a weakening factor for the positive social impact of all these policies. Community development practice could also profit from targeting some of its specific actions by types of communities that are relevant for migration and development.

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[2] O. Simina, "Next in Line – Romanian and the Gates of EU", in *SISEC Discussion Paper*, no. II/1, February 2005, p. 10.

Social-demographic structure of temporary migration

It is to be noted the fact that, as compared to the population living in other countries, Romania's population, in spite of some variations, has had a natural, relatively limited inclination towards migration[3]. Apart from this, for a long period, migration was almost inexistent in Romania- being allowed only in special cases, because of the communist regime which did not allow Romanian citizens to leave the country under no circumstance. Even after the collapse of the communist regime, in the first years of transition, because of the restrictions imposed by the western countries, migration was diminished. Only after the elimination of the visas by the E.U. countries, migration towards these countries has intensified. Under these circumstances, an important vector of migration is the migration from the rural environment abroad, the main reason for this being the low level of the life quality in the rural environment.

After 1989, the area of the migration flows from Romania's territory or originating in Romania, has been subjected to major changes[4]:

- from an internal migration, dominated by the village-town flow, to a domination of the reverse movement, from town to village;

- the commutation between the rural living place and the urban work place dramatically decreased, for about three times, in the period 1989-2000;

- although the final external migration still has a very low level, the circulatory migration among Romania and other countries, for traveling, working or business purposes, is continuously expanding.

As regards the temporary migration periods abroad, in the period 1990-1995, it was something of a primary exploration, the yearly emigration rates in this period not exceeding the level of 5%. The second stage of exploration of Europe by the Romanians after 1989 was 1996-2001, when the rate of temporary emigration amounts to 6-7%. After obtaining the access to Schengen area, January 2002, the process amplifies, working abroad becoming a mass phenomenon, with a rate of temporary emigration between 10-28%. At least 10% of living adult persons have been abroad for

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[3] S. Perț, V. Vasile, F.M. Pavelescu, L. Vasile, "Circulația forței de muncă. Scenarii. Posibile evoluții", in *Seria Probleme economice*, Bucureşti: CIDE, 2004, p. 17.

[4] Dumitru Sandu, "Migrația circulatorie ca strategie de viață", in *Sociologie Românească*, no . 2, Bucureşti, 2000, p. 9.

work. However, the real share of the persons working abroad may be higher[5].

Initially, in the period 1990-1995, the departures abroad with a working purpose were very selective. Men left rather than women, townsmen rather than village people, mature persons rather than youngsters. After 2001, the flows have balanced: the share of women leaving to work abroad gets near that of the men; the share of village people has almost equaled that of townsmen; the share of the people that graduated middle school has increased; the youngsters has tended to become dominant among the flows of emigration for working purposes.

The rate of emigration for working purposes characterizing the village environment differs, among other things, in accordance with the development level of the rural area. Thus, the highest migration rate for working purpose in the rural environment exists in the villages with a high development level. In the rural areas with a low development level, the rate of work migration is much more diminished[6].

There are villages without migration experience, with few experiences, well or very well structured. The very well structured ones can be considered, with the right arguments, villages with a high probability of integration in transnational migration systems[7]. The villages with a very high rate of migration have a specific profile generated by a high ethnic and religious variety, high stocks of education, high shares of persons came from towns and ex-commuters, central positioning of the respective village in the local area it belongs to[8]. So, there is the idea of a selectivity of circulatory migration depending on the type of the original community.

By 2000, the Romanian migrant had a well-determined socio-demographic profile: young male, relatively educated, not being a

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[5] Dumitru Sandu, *Locuirea temporară în străinătate. Migrația economică a românilor: 1990-2006*, Bucureşti: Fundaţia pentru o Societate Deschisă, 2006, p. 18.

[6] Dumitru Sandu, *Dezvoltare comunitară. Cercetare, practică, ideologie*, Ed. Polirom, Iaşi, 2005, p. 6.

[7] Dumitru Sandu, *Sociabilitatea în spaţiul dezvoltării. Încredere, toleranţă şi reţele sociale*, Iaşi: Editura Polirom, 2003, p. 214.

[8] D. Massey, J. Arango, G. Hugo, A. Kouaouci, A.T. Pellegrino, J. Edward, "An evaluation of international migration theory: The North American Case", in *Population and Development Review*, Vol. 20, 1994.

Christian-Orthodox, having the parents and children established there (table no. 1). At the same time, the possibility of temporary emigration is considerably differentiated depending on the territorial characteristics, on the residence place. Thus, the migratory circulation is favourized by the living in the rural environment, in developed districts. The ethnic profile of the community is important, too; in the places in which there are or there have been a significant share of Magyar population, the temporary migration abroad has been significantly larger than the one in the places that are homogenous from the ethnic point of view.

Table no. 1 The share of the persons that have traveled abroad in the period 1999-2000, on different social categories

- % -

		Rural sample	Urban sample	Total sample
Sex criterion	Female	6	21	14
	Male	13	35	25
Age criterion	Under 25 years	15	24	21
	25 – 69 years	14	31	24
	60 years and older	2	19	9
Educational level criterion	Elementary school	4	5	4
	Gymnasium	8	18	12
	Vocational school	14	17	16
	Secondary school	18	31	28
	Post secondary school	16	35	31
	University	26	50	47
Parents or children abroad criterion	Yes	9	26	18
	No	27	56	47
Ethnic criterion	Other ethnic group	33	49	40
	Romanian	6	25	17
Religious criterion	Non-orthodox	30	44	37
	Orthodox	6	25	17

Source: Dumitru Sandu, "The Circulatory Migration as Life Strategy", in *Romanian Sociology Review*, no. 2/2000, pp. 27 – 28.

Therefore, the temporary external migration is strongly influenced by positive selectivity, urban-rural differentiation and modification of the characteristics in accordance with the ''waves'' of the diffusion process

regarding the social innovation which consists in achieving the life goals by international circulatory migration. The communitarian social capital, having an ethnic or religious cause, plays an important part in the first stages of the migration process in a community.

The external circulatory migration from the rural environment is dominated by young men. In the case of the small towns, the share of men leaving abroad is, at the same time, high but smaller than the one in the rural environment (table no. 2).

Table no. 2 Indicators of the socio-demographic composition of the persons that have come back after living abroad

	Share of persons come back in town/village, from the total number of come back migrants	
	Villages	Towns
Men	71,0	61,2
Youngsters under 30 years	47,8	41,5
Protestants	6,1	2,5
Neo-protestants	6,8	6,8
Catholics	17,9	20,7
Gypsies	9,9	19,0
Magyars	17,9	20,0
Germans	0,4	2,8

Source: Dumitru Sandu, "Transnational Migration of Romanians from the Point of View of a Communitarian Census", in *Romanian Sociology Review*, no. 3-4/2000, p. 21.

The phenomenon of temporary migration is strongly selective and the said selectivity seems to be a dynamic one, different at the beginning of the 1990s as compared to the present. During initial stages of the process ethnic, religious or local selectivity were particularly strong. Hungarians, Germans and the Roma provided much more important contingents of migrants than it was expected based on the rates they have in the population of the country. Subsequently, there is a reduction of the ethnic-religious selectivity in favour of the one associated with social and human

capital resources. More particularly, the relational capital - own, family or community - plays an essential role in shaping migration behaviours.

The communitarian migration experience is strongly differentiated among states. Thus, in 2002, about 2200 villages concentrated about 70% of the total circulatory migration from the rural place abroad[9].

One can identify four types of rural communities from the point of view of the intensity of the external migration: without migration, low, medium and high migration level. The last three types correspond to the third stage of the process of forming the migration communitarian experience: beginner, intermediary and advanced.

The villages with high rates of temporary migration abroad have a distinct, well-defined profile. They are characterized by a large share of ethnic and religious   minorities, as well as a high stock of education at the beginning of 1990s. They are localized in areas with a high communication probability with the town or with the global society, in general (table no. 3).

Table no. 3. The profile of the villages with a high number of persons temporary gone abroad

ETHNIC MINORITY AND RELIGION	▪ with a high level of local diversity in 1992
EDUCATION	▪ high level in 1992 ▪ the present level of education is not very important
AGE	▪ high share of adult population of 30 – 60 years in the present
COMMUTATION	▪ low level in the present
VILLAGE LOCATON	▪ in an area of intense communication ▪ not in the field

Source: Dumitru Sandu, "Culture and Migration Experience in Romanian's Villages", in *Romanian Sociology Review*, no. 3-4/2000, p. 6.

The villages that have a higher share of Magyars, Catholics and Neo-protestants than the average at the national level, have a higher share

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[9] Dumitru Sandu, "Cultură si experienţă de migraţie în satele româneşti"*,* in *Revista Română de Sociologie*, no. 3-4/2000, p. 3.

of population aging between 30-59, have a central position and are near towns or European roads, supply a higher number of temporary departures abroad[10].

Community context of temporary migration

The present paper also presents a classification of villages from the cultural point of view. This criterion is relevant for the understanding the types of behaviors that choose a certain type of migration. Therefore, one can identify some cultural types of villages in Romania in the 1990s, classified in accordance with the ethnic-religious diversity, the education stock or human capital, the community's degree of isolation and the experience of migration[11].

Thus, there are six cultural types of villages: traditional, isolated, with religious minorities, with ethnic, modern and migratory minorities. There is a strong link between the cultural type of village and the type of temporary migration experience: the lack of migration experience characterizes the traditional an isolated types of village; the communities with maximum experience of temporary migration abroad characterize the villages with a large number of Magyars; the communities with a medium level of migratory experience are specific to the immigration villages (their population has come from other parts of the country): the communities that are only at the beginning from the point of view of the process of external circulatory migration are especially present in the modern countries, with a high stock of education.

The villages with very high rates of prevalence (over 30‰) have a very specific profile. They are not only the most heterogeneous form the ethnic and religious point of view. They are also defined by a larger proportion of young people, higher education stocks and large number of former village to city commuters and return migrants from cities. This is a demographic profile significant for high unemployment of rural youth. Such villages with highest migration experience, quite well integrated in transnational spaces, are mainly located close to cities and highly modernized roads.

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[10] *Ibidem*, p. 6.
[11] *Ibidem*, p. 8.

Table no. 4. Types of villages classified in accordance with the type of the cultural profile and with the type of international circulatory migration

Cultural villages	Type of village depending on the migration experience				Total
	Without migratory experience (sub 1‰)	Beginning stage (1‰-10‰)	Intermediary stage (10‰-30‰)	Advanced stage (over 30‰)	%
Traditional	36,5	29,5	22,8	11,1	100
Associated with the isolation	33,6	29,2	25,3	11,9	100
Religious minority	8,9	27,5	34,7	28,9	100
Ethnic minority	6,7	16,2	31,8	45,2	100
Modern	19,3	38,1	28,1	14,6	100
Immigrationist	13,6	28,6	36,0	21,8	100
Total villages	22,5	29,9	28,8	18,8	100

Sourse: Dumitru Sandu, "Culture and Migration Experience in Romanian's Villages", in *Romanian Sociology Review*, no. 3/2004, p. 14.

Although the available data are synchronic, recorded at a certain point in time, they may explain the temporary migration waves from villages abroad. The first wave, at the beginning of 1990, seems to have been that of the emigrations from the villages with a high share of ethnic minorities. The second wave came from the villages whose experience and necessary social capital have been ensured by religious diversity and by migratory experience within the country. The third wave seems to be that of the departures from the villages that are homogenous from the religious and ethnic points of view, without experience of inner migration but with a high stock of education.

The type of community and the historical regions are the elements that predict the emigration. The rate of temporary migration for working purposes varies in accordance with the types of communities and historical regions. The table below presents a profile of the rural communities with high rates of emigrations for working purposes (table no. 5).

Table no. 5. The profile of the rural communities with high rates of emigration for working purposes

EDUCATION	▪ high share of those who graduated gymnasium
MIGRATIONIST CULTURE	▪ high rates of coming-back migration in towns ▪ low commuting level towards town
ETHNY AND RELIGION	▪ high share of religious minorities ▪ low share of ethnic minorities;
AGE	▪ high share of young people
DEVELOPMENT LEVEL	▪ high, with a large number of inhabitants
LOCATION	▪ near urban communities ▪ especially in Moldova than in other historical regions

Source: adapted after Dumitru Sandu, *Patterns of temporary emigration: experiences and intentions at individual and community levels in Romania,* Prague, 2005, p. 8.

Therefore, the large rural communities - with a high share of returned migration from the urban areas, with inhabitants whose birth place is at the countryside, who lived and worked in towns and had to return in their villages because of the urban reorganization, with a high share of youngsters- have the highest rates of migration for working purposes. The presence of ethnic minorities do not influence to a large extent the temporary migration for working purposes, but it proves to be essential for other types of migration.

The tendency towards migration is strongly differentiated in the social world:

- the strongest impetus to want to migrate again is the previous working experience abroad;

- not only the individual experience but also the entire family's experience matters in encouraging emigration for working purposes;

- the young men between 18-29 years are more inclined towards migration. In the case of those above 40, the intention to migrate is almost inexistent.

- the number of men willing to migrate for working purposes abroad is almost double as compared to the number of women.

Finding a job, small business - more or less clear as to their legal status- became targets of a new life strategy for more and more persons. The stock of migration experience at community level - developed either by the former commuting to towns, by living permanently in towns or by relatively limited displacements for work abroad - has also influenced the dynamics of the new flows as to attitude by consolidating an orientation which is favorable to migration as life strategy. It is clear that when they had this possibility, people converted internal migration experience into external migration experience

Fields and regions of temporary migration

Romania is very strong regionally structured with regard to temporary migration behaviors of rural population. If the intensity regarding the intention to emigrate for working purposes is rather small in towns as compared to the one existing in the villages, within the same historical region there are considerable differences as regards the intention to emigrate for working purposes between towns and villages[12]:

- for example, in rural Moldova, the share of those who would want to leave temporary abroad to work is higher that the share of those living in towns who would want to leave temporary abroad to work; the respective villages and towns belong to the same historical regions;

- similarly, the people living in the villages of Banat want to emigrate to work more than the people living in the towns of Banat;

- there is a maximum discrepancy between the rural and the urban Dobrogea;

- in the case of the people living in Muntenia, the intensity of the intention to emigrate for work temporary is under the country average. At the level of this region, the intention to emigrate temporary of the people living in towns seems to be stronger than that of the people living in villages.

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[12] Dumitru Sandu, *Locuirea temporară în străinătate. Migraţia economică a românilor: 1990-2006*, Bucureşti: Fundaţia pentru o Societate Deschisă, 2006, pp. 21 – 22.

- Oltenia is similar to Muntenia, from this point of view, in the sense that the townsmen are more inclined to leave abroad for working purposes than the village men.

- there is a similar situation in Transilvania: the people living in towns are more willing to leave abroad for working purposes than those living in villages.

As concerns the dimension and the evolution tendencies of the phenomenon of migration for working purposes, one can conclude the following[13]:

- the strongest impetus for migration in the countryside is the lack of real opportunities for working;

- when this research was made, the highest rate of households having ''migration experience'' was in Moldova, followed by Dobrogea and Oltenia. The lowest rates of households with people still working abroad were in Bucureşti-Ilfov, Crişana-Maramureş and Transilvania;

- as regards the short-term evolution of this phenomenon, one can forsee the intensification of the migratory flows both in towns and in villages;

- regionally, on short term, the migratory flows from Bucureşti, Transilvania, Banat and Oltenia will intensify;

- the migration for working purposes is and will be in the near future the men's ''option '' , and especially the ''option'' of the men living in villages;

- the migration tendency is getting more and more severe in the case of the persons whose age ranges between 25-34 years, especially in the case of the persons living in the countryside and in the case of the people who graduated a university.

Migration plays an important part in the contemporary social transformations. It is not only a result of the global changes but also a force for the future changes both in the countries of origin and in the receiving ones. Migration has an immediate effect on both the economic and social levels. The consequences of emigration are many and complex, aiming at both the destination countries and of the emigrant labor force and at its

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[13] A. Zamfir, C. Mocanu, S. Pîrciog, "Migraţie şi muncă decentă în contextul flexisecurităţii", Bucureşti, 2008.

origin counties. One can talk about economic, social, cultural and political consequences.

Conclusion

The temporary migration proves to be a network phenomenon. Its development involves activating and expanding of certain complex social networks, localised or transnational, directly dependent on the social structure of the country and on migration history of the various categories of social communities and segments. The decline of rural-urban commuting and expansion of village-town return migration contributed decisively to the emergence of social pressure for first wave circular migration at the beginning of the 1990s. Subsequently, the secondary and tertiary of circular migration from villages to abroad were supported by the networks created through the migration of first wave and through the new transnational networks developed.

Temporary migration of Romanian rural population towards foreign countries during the 1990s was mainly characterized by certain constraints and opportunities of regional type. The phenomenon seems to have been determined to a greater extent at regional level rather than limited to the community. Constraints related to the decline of jobs in urban micro-regions, particularly, in areas nearby small and medium size towns, with direct consequences as to the decline of rural-urban commuting and to the expansion of return migration from towns to villages contributed directly to the structuring of the local rejection environment favorable to external migration and particularly to temporary migration. The tendency of rural population to undertake the circular form of external migration is more intense than in the case of urban population due to the limited human capital the former has.

The stock of migration experience at community level - developed either by the former commuting to towns, by living permanently in towns or by relatively limited displacements for work abroad - has influenced the dynamics of the new flows as to attitude by consolidating an orientation which is favorable to migration as life strategy. From accepting internal migration as life strategy, there was elaborated a new strategy for survival or success through external temporary migration.

After 1989, the temporary migration from Romanian villages developed by waves. The villages that gave migrants for the first wave were mainly those of high proportion of ethnic (Germans and Hungarians especially) and religious (protestant and neo-protestant) minorities. For the subsequent waves started to act more and more the social factors related to the high pressure of unemployment especially high for villages near small and medium towns and having a large number of former city commuters or return migrants.

Villages of high prevalence are at the same time probable transnational communities. They have a very specific profile marked by higher youth unemployment in the conditions of a quite high education stock and high community social capital given by the presence of ethnic or religious minorities. Villages of zero or very low prevalence are, very likely, the privileged locus for definitive emigration or for non-transnational temporary migration abroad. Villages of medium level prevalence are the locus for mixture between all the types of external migration – permanent, temporary-non-transnational and temporary transnational. Considering the snow-bass nature of the transnational migration, the category will very likely evolve in the direction of transnational villages.

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12. Zamfir, A., Mocanu, C., Pîrciog, S. (2008), *Migrație şi muncă decentă în contextul flexisecurității*, Bucureşti: INMPPS.

THE POLITICAL ECONOMY OF SOCIAL AND LABOUR MARKET POLICY COORDINATION IN THE EU: A HISTORICAL OVERVIEW

Nikos Koutsiaras*

Abstract:
Development of EU social policy has, since the early days of European integration, been systematically related to the efficiency – equity classification of social policy objectives, the equity objective being almost exclusively served by (democratically legitimised) national social and labour market policies. But it has also been shaped by national governments' demands for EU-provided legitimacy, especially with regard to various market confirming - and conforming - policy reforms. Those demands have, in turn, been driven by the domestic political economy of growth and redistribution and, therefore, have been tightly linked to the needs for rescuing the national welfare state. Thus, unsurprisingly, EU social and labour market policy has not developed in a simple evolutionary fashion, instead having followed an erratic course of uneven progress over time and across issue areas. Nevertheless, received accounts of EU social and employment policy have often failed to adequately address - and explain - the host of empirical issues associated with the role of the EU in the domain of employment and social affairs.
Key words: European Union, labour market, political economy, social policies, integration

INTRODUCTION

It has long been commonplace to argue that the social dimension of European integration is thin. However, accounting for this widespread view has stirred intense and, at times, passionate debate focused, especially, on assessing and explaining the alleged social deficit of European integration, predicting the future path(s) of EU social and

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employment policy and, in particular, reflecting on the prospects for advancement of (so-called) social Europe and, finally, identifying appropriate policy initiatives and institutional reforms. Yet, most of those accounts, whether in the institutionalist or structuralist tradition, have fallen short of systematically (and consistently) addressing a host of empirical irregularities associated with evolution of Community (or EU, as interchangeably and indiscriminately used in this paper) social policy, most notably unbalanced development across issue areas, uneven progression through time and, often, unpredictable - yet rational - behaviour on the part of policy actors and, therefore, largely unanticipated outcomes. What is more, most of those accounts have, almost unquestionably, adopted (changes in the degree of) centralisation of policy making - and supranationality - as the ultimate criterion of success or failure of decisions associated with social Europe. Besides, unsurprisingly, those very concepts routinely employed in academic writing and political discourse on EU social policy, such as social Europe and social dimension, have exclusively, if largely unjustifiably, meant to denote a larger EU role in employment and social affairs.

Having said that, a common empirical observation is that evolution of EU social policy has not been smooth and simple, instead having followed an erratic course whereby periods of intense activity have been succeeded by spells of immobility and neglect of (EU) social policy. Nevertheless, proponents of a stronger EU social dimension have often found in growth spurts of Community social policy reasons for being optimistic, in effect associating its fitful development with a (slowly and painfully shaped) learning curve, thereby mostly allowing for improvements in the social policy entrepreneurship of the European Commission. On the other hand, though, one might also have argued that lack of continuity and, even, periodic neglect of Community action in the area of social policy has effectively discouraged demands and devalued political capital allotted to social policy (primarily on the part of the European Commission), thus resulting in reduced supply and a lower level political equilibrium, at least in so far as the decision-making power of the EU and, consequently, the impact of its social policy are concerned. The jury is still out, or is it not?

This paper attempts an overview of the development of Community social policy (almost) throughout the 50 years of EU's lifetime, the latter being appropriately divided in four periods. This (short) historical inquiry has not been theoretically framed, hence, hopefully, steering clear of the (various sorts of) bias inherent in theories of (the process of) integration. Nevertheless, it aims at unfolding patterns and factors of change of EU social and employment policy and uncovering hidden regularities and long-lasting policy and political concerns, thereby also scrutinising (some) prevalent explanations and popular perceptions about social policy and European integration. For this purpose, the analysis draws insights from the fields of labour economics, the new political economics of public policy, as well as from the literature on European integration, particularly in relation to national preference formation and institutional choice. The conceptual background is briefly presented in the next section. Following that, four sections are devoted to the historical overview, each one covering a certain period of time. The last section concludes.

EUROPEAN INTEGRATION AND SOCIAL POLICY: A (CONCEPTUAL) PREAMBLE

Social policy comprises a wide range of collective actions seeking to protect individuals against unanticipated income losses resulting from social contingencies, to make sure that all citizens attain a socially acceptable standard of living, including material conditions and access to social entitlements, and to ensure a high level of social and cultural (or, normative) integration for all. The objectives of social policy are, thus, typically coneptualised by the terms 'efficiency', 'equity', 'social cohesion' and 'legitimacy'. Therefore, state interventions are economically justified with reference to various market failures, morally sanctioned because even efficient markets may well entail intolerably unequal distributions of income and wealth and politically demanded in order to preserve social stability and reinforce (the democratic) political order.[1]

It has been widely perceived that the European (economic and) social model has been founded on a shared appreciation of a mutually reinforcing relationship between economic objectives and moral

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[1] Nicholas Barr, *The Economics of the Welfare State* (fourth edition), New York and Oxford: Oxford University Press, 2004.

imperatives, efficiency and equity, economic growth and income redistribution. Reference has, hence, often been made to the social and political consensus underpinning post-war construction of the European welfare state. Furthermore, the case has convincingly been made of the role of welfare state institutions in shaping the 'social capability' required for rapid catch-up growth - as in the perspective of Moses Abramovitz [2] - and in facilitating other factors, including trade liberalisation, that further boosted growth, incomes and employment in post-war (western) Europe.[3]

Yet, the slowdown of growth after the early 1970s, which went beyond what was actually unavoidable, caused troubles to the post-war consensus, in some countries, most notably in the United Kingdom, even leading to its complete dismantling. Labour market institutions and social protection systems did a poor job of enabling European economies to adapt to changes in both the regional and the global context of growth and to the ensuing supply shocks, including adjustment to the oil shocks of the 1970s.[4] As a matter of fact, they heavily distorted (economic) incentives, thus delaying adjustment and prolonging and amplifying the effects of economic shocks, particularly unemployment, thereby being also part of the cause of increased social and total public expenditures, increased labour taxation, higher public borrowing requirements and swelling public debts.[5] Earlier (overly) optimistic perceptions were, therefore, set aside and, instead, the focus turned to the costly trade-offs associated with labour market regulation getting stricter and social provisions growing more generous, as well as to the financial sustainability of core welfare state programmes. Those issues were only going to be heightened amidst conditions of deeper European and global economic integration, rapidly

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[2] Moses Abramovitz , "Catching Up, Forging Ahead and Falling Behind", *Journal of Economic History,* 36, 1986, pp. 385-406.

[3] Barry Eichengreen, ''Institutions and economic growth: Europe after World War II'', in Nicholas Crafts and Gianni Toniolo (eds.), *Economic Growth in Europe since 1945*, Cambridge: Cambridge University Press, 1996, pp. 38-72; Nicholas Crafts and Gianni Toniolo, "European Economic Growth, 1950-2005: An Overview", Discussion Paper No 6863, CEPR, 2008.

[4] Barry Eichengreen, *The European Economy Since 1945: Coordinated Capitalism and Beyond,* Princeton and Oxford: Princeton University Press, 2006.

[5] Marco Buti and André Sapir, "Fiscal Policy in Europe: The Past and Future of EMU Rules from the Perspective of Musgrave and Buchanan", Discussion Paper No 5830, CEPR, 2006.

changing trade, work and employment patterns, modified family and social norms and structures and, of course, demographic ageing. No doubt, reform of the welfare state has made its way to the top of European political agenda(s) - and to the centre of academic politico-economic research - although during that course of events, especially from the late 1970s to the early 1990s, a 'crisis' debate had even taken place and, accordingly, the notions of cuts, retrenchment and roll-back of the state had commonly been used, albeit without much empirical justification.[6]

Nevertheless, as a result of divergent industrial structures and trajectories of economic growth, themselves coupled with differences in historically developed social norms and institutions and in political cultures and systems, social and welfare regimes, including labour market regulation, have differed considerably amongst European countries. Differences have, particularly, been about institutional and funding arrangements, the role of the state and the involvement of the social partners in shaping and administering labour market and social policy, the use made of the various forms of government intervention - that is, regulation, price subsidisation, public provision linked to in-kind benefits and cash transfers - and, consequently, the effort and scale of income redistribution entailed. Academic research has proposed - and, indeed, established - classification(s) of national experience in terms of models - or, varieties - of welfare capitalism though, sometimes, at the expense of valuable detail and dynamic analysis. [7] However, academic and political debate has frequently taken the form of a 'war of models', which has, inevitably, intensified as economic integration has gone deeper and competition sharper at regional and global level, yet it has not produced

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[6] Maurizio Ferrera, "The European Welfare State: Golden Achievements, Silver Prospects", *West European Politics,* 31 (1-2), 2008, pp. 82-107.

[7] Gosta Esping-Andersen, *The Three Worlds of Welfare Capitalism,* Cambridge: Polity Press, 1990; Maurizio Ferrera, ''The "Southern Model" of Welfare in Social Europe'', *Journal of European Social Policy,* 6 (1), 1996, pp. 17-37; Carsten Jensen, "Worlds of welfare services and transfers", *Journal of European Social Policy,* 18 (2), 2008, pp. 151-162; André Sapir, "Globalisation and the Reform of European Social Models", Policy brief, Issue 2005/01, November, Bruegel.

clear winners - only laggards, i.e. the Southern European regimes - and has not led to convergence of welfare regimes.[8]

European (economic) integration has obviously been factored in growth (and adjustment) strategies of member states - and of prospective member states too. That has certainly entailed policy coordination at the EU-level, though the scope and institutional (and legal) status of coordination have varied considerably across sectors (markets) and policy areas, in line with varied national preferences. National preferences have, in turn, been shaped by asymmetric economic interdependence, entailing cross-border externalities that differ in size and sign amongst member states, as well as by the domestic political economy of public policy. [9] Also, Community institution building largely responding to the (sector or area specific) needs of policy coordination, the role of EU institutions may often lack the autonomy - and own dynamics - envisaged by institutionalists. Therefore, sovereignty-conscious national governments may engage in Community institution building and, occasionally, may even seek to share sovereignty, in order to provide for credible policy coordination whenever national policy autonomy is effectively, for various reasons, weakened. But, they may also seek to institutionalize policy coordination in order to avail of the option – various options of different intensity and credibility - of two-level game politics, [10] thereby enhancing - in fact importing - political legitimacy, softening domestic policy constraints and improving the chances for policy adjustment. [11]

In the area of social policy, in particular, the asymmetric impact of economic interdependence on national welfare regimes has been often linked - and it has allegedly given rise - to social dumping and/or race-to-

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[8] Peter Starke, Herbert Obinger and Francis G. Castles, "Convergence towards where: in what ways, if any, are welfare states becoming more similar?", *Journal of European Public Policy*, 15 (7), 2008, pp. 975-1000.

[9] Andrew Moravcsik, ''Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach'', *Journal of Common Market Studies*, 31 (4), 1993, pp. 473-524; Andrew Moravcsik, *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht*, London: Cornell University Press, Ithaca/ UCL Press, 1998.

[10] Robert D. Putnam, ''Diplomacy and domestic politics: the logic of two- level games'', *International Organization*, 42 (3), 1988, pp. 427- 461.

[11] Anand Menon and Stephen Weatherill, "Transnational Legitimacy in Globalising World: How the European Union Rescues its States", *West European Politics,* 31 (3), 2008, pp. 397-416.

the-bottom scenarios of strategic (social) policy adjustment, whereby preferences for policy coordination have, obviously, diverged between member states with generous and those with less generous welfare regimes, thus making policy coordination harder to attain and/or allowing only for lowest-common-denominator type of arrangements. [12] As a matter of fact, it is widely held that EU social policy has been underdeveloped and that, despite the enthusiasm caused by earlier policy initiatives (e.g. the Social Charter) and institutional and constitutional 'innovations' (e.g. the Social Protocol in the Maastricht Treaty), progress has virtually been patchy and insignificant. Explanations have often focused on (widening) national diversities[13] and/or formal rules and informal norms of decision-making [14] and/or EU institutional and constitutional features largely biased against positive integration, in general, and EU-level coordination of social policy, in particular. [15] The political economy of European integration has also been thought of as running against labour interests and, consequently, hindering both the development of Community social policy and the viability of the welfare state - largely as a result of regime-shopping on the part of mobile business[16]. The view of a systematic and hardly reversible bias against EU social policy has also been argued in studies taking a

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[12] For a useful comparative perspective, Daniel P. Gitterman, "A Race to the Bottom, a Race to the Top or the March to a Minimum Floor? Economic Integration and Labor Standards in Comparative Perspective", University of California International and Area Studies Digital Collection, Edited Volume 1: Dynamics of Regulatory Change: How Globalization Affects National Regulatory Policies, Article 10, 2002.

[13] Hugh Mosley, "The Social Dimension of European Integration", *International Labour Review,* 129 (2), 1990, pp. 147-164; Fritz W. Sharpf, "The European Social Model: Coping with the Challenges of Diversity", *Journal of Common Market Studies,* 40 (4), 2002, pp. 645-670.

[14] Stephan Leibfried and Paul Pierson, "Semisovereign Welfare States: Social Policy in a Multitiered Europe", στο Stephan Leibfried and Paul Pierson (eds.) *European Social Policy: Between Fragmentation and Integration*, The Brookings Institution, Washington D.C., 1995.

[15] Robert Geyer, "Can European Union (EU) Social NGOs Co-operate to Promote EU Social Policy?", *Journal of Social Policy*, 30, 2001, pp. 477-493; Fritz W. Sharpf, *op. cit.* footnote 13; Martin Rhodes, "National 'Pacts' and EU Governance in Social Policy and the Labor Market", in Jonathan Zeitlin and David M. Trubek (eds.), *Governing Work and Welfare in a New Economy: European and American Experiments*, Oxford: Oxford University Press, 2003.

[16] Wolfgang Streeck, "From Market Making to State Building? Reflections on the Political Economy of European Social Policy", in Stephan Leibfried and Paul Pierson (eds.), *European Social Policy: Between Fragmentation and Integration*, Washington D.C.: The Brookings Institution, 1995.

'holistic' approach, whereby social, political and institutional relations are taken into account, yet in a structurally ordered fashion.[17]

Unsurprisingly, then, EU-level social policy has strongly been associated with the predominant market building/ market confirming dimension of European integration, as opposed to the state building/ market correcting dimension. Thus, it has mostly been confined within the area of labour market regulation, entailing setting of EU-wide minimum labour standards and, also, has partly been driven by the positive requirements (that is, in terms of positive rights) of free labour mobility, resulting in the coordination of national social protection systems with regard to the welfare entitlements of European migrant workers. Some authors have argued, rather optimistically, that following market integration and owing to the judicial review of the European Court of Justice too, redefinition of the boundaries of the welfare state has already been under way and a restructuring of welfare provision at the EU-level may be within reach. [18] Others have pinned the hopes for a stronger EU role in so-called new modes of governance and, in particular, the open method of coordination, which has been at the centre of a recent, post-2000, growth spurt of Community social policy and, allegedly, may better deal with and, gradually, lessen the impact of - and practically surpass - national diversities, thereby allowing for increased common action in the domain of social policy. [19]

However, for all their intuitiveness and solid theoretical grounding, those propositions may, only, partly claim empirical relevance. Thus, for example, whereas one may subscribe to the view that EU social policy has largely and, indeed, inevitably been confined to a market building/ market

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[17] David J. Bailey, "Explaining the underdevelopment of 'Social Europe': a critical realization", *Journal of European Social Policy,* 18 (3), 2008, pp. 232-245.

[18] Maurizio Ferrera, *The Boundaries of Welfare: European Integration and the New Spatial Politics of Social Protection*, Oxford: Oxford University Press, 2005.

[19] Jonathan Zeitlin, "Introduction: Governing Work and Welfare in a New Economy: European and American Experiments", in Jonathan Zeitlin and David M. Trubek (eds.), *Governing Work and Welfare in a New Economy: European and American Experiments*, Oxford: Oxford University Press, 2003. For a more qualified and cautious view, Mary, Daly, "Social Policy after Lisbon", *Journal of Common Market Studies,* 44 (3), 2006, pp. 461-481; Mary Daly, "Whither EU Social Policy? An Account and Assessment of Developments in the Lisbon Social Inclusion Process", *Journal of Social Policy*, 37 (1), 2007, pp. 1-19.

confirming role, associated with a policy focus on labour market regulation, one may still wonder whether EU legislative action has effectively fulfilled that role in each and every case - and issue area - it has taken place. One may, in particular, doubt that EU minimum labour standards, set at the level of the lowest common denominator and, therefore, most likely observed in member states prior to their introduction at the EU-level, have really had a noticeable bearing or played an appreciable market confirming role - complementary to the role played by national labour market regulation. Furthermore, despite the widely held view that national diversities have impeded the development of Community social policy, the fact remains that when those diversities widened, as a result of EU enlargements, EU social activism did not diminish and in some cases, most notably following the first two enlargements, it even increased, if mostly in quantitative terms.[20] What is more, stringent formal rules of decision making, associated with unanimity, have not hindered adoption of (some of the most) important pieces of EU social legislation (e.g. on gender equality and on protection of employees). Last, none of the received explanations (of the lack of a well developed EU social policy) has dealt with the uneven growth of Community social policy over time - other than acknowledging it - nor has there been any systematic explanation of the recent EU (careful or soft) involvement in core social affairs (social protection and social inclusion).

Most importantly, though, in spite of the absence of centralised provision of social policy - a complete absence of centralised provision of social insurance and redistribution and a minimal regulatory role in regard to labour markets - the viability of the welfare state has not been put at risk and, in particular, the incidence of social dumping has virtually been negligible.[21] And this a reason - in fact one of the reasons - that there is little, if any, justification for using concepts such as social Europe and social dimension to denote centralisation of social policy at the EU-level. Thus, European economic integration, in itself, has not undermined the ability, let alone willingness, of national governemnts to satisfy their citizens' demands for social protection. Europe has not been less social as a result of integration. As a matter of fact, should EU have a bigger role in the area of

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[20] Hugh Mosley, *op. cit.* footnote 13, pp. 147-164.
[21] Peter Starke, *op. cit.* footnote 8, pp. 975-1000.

social policy, social Europe might likely be at risk, in so far as centralisation of social policy implies - and it inevitably does - challenging (nationally varied) citizens' preferences for social protection. Therefore, a stronger and/or increasing EU dimension in the area of social policy may hardly be thought of as an unbiased and objective criterion for evaluating the state of social Europe and, on that basis, identifying pressures for change - not to mention predicting those changes.

The short historical inquiry developed in the following sections has, thus, been motivated by the failure of received theories to provide for a convincing and unbiased account of Community social policy. As said in the introductory section, it aims at unfolding systematic patterns and consistently influential factors of change of EU social and employment policy and uncovering hidden regularities and long-lasting policy and political concerns, thereby also scrutinising some widely held perceptions about social policy and European integration. For the purpose of this inquiry four chronological periods are delineated, namely 1957-1974, 1974/5-1986, 1986/7-1997 and 1997/8-2004. [22] Indeed, those periods are largely demarcated by turning points in European integration, identified with major episodes of geographical widening and/or institutional deepening of the EU, including, as it happens, major episodes in the development of Community social policy. Those episodes entail both institutional reforms and/or important political initiatives in regard to employment and social affairs.

1957-1974: THE REIGN OF THE (NATIONAL) WELFARE STATE

The first period of European integration (1957-1974) was marked by the 1969 Hague summit and the 1973 Northern enlargement round, which brought the UK, Ireland and Denmark into the EEC. Prior to the 1969 Hague summit, national governments had fervently defended their prerogatives in matters of social and labour market policy and furiously

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[22] Anne Faber, ''Wider Europe, Deeper Integration? Theoretical considerations for analyzing the ''lessons of the past'' and conceptualizing scenarios for the wider EU'', Background paper, WP II/III (Theories and Sets of Expectations), EU-CONSENT, 2006.

resisted Commission initiatives.[23] Although those initiatives had been anything but institutionally ambitious, partly owing to poor and weak Treaty provisions which, for the most part, limited the social role of the Community to delivering opinions, they had still been guided by the principle of upward harmonization, thus raising widespread opposition among and within the member states, even by those who were supposed to benefit. [24] Besides, encouraged by the success of the (newly embedded and expanding) welfare state, or its then perceived success, in delivering fast and uninterrupted economic growth, full employment and income redistribution, national governments could hardly have thought of compromising their management of a general welfare increasing *cum* vote winning mechanism.

Nevertheless, the 1969 Hague summit called for an increased Community focus on social policy, as part of a strategy aiming at reviving European integration and, particularly, entailing completion, widening and deepening of the integration process. One might reasonably associate those calls with concerns about competitiveness in the founding six member states. The prospective membership of countries with social protection systems and labour market policies which little relied on payroll taxes and labour market regulation would likely inflict a competitive disadvantage on the six member states featuring social protection systems and labour market policies which were much relied on social security contributions and labour market regulation and, therefore, led to increased labour costs. Containment of cross-border labour cost differentials within an enlarged Community would, thus, most likely come about by Community-level coordination of national social and labour market policies, entailing approximation, not to say harmonization, of national provisions.

However, it was only in 1974 that the Council adopted a social action programme, on the basis of a Commission proposal and, of course, the UK, Ireland and Denmark actively took part in Council deliberations.

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[23] Michael Gold, ''Overview of the social dimension'', in Michael Gold (ed.), *The Social Dimension, Employment Policy in the European Community*, London: MacMillan, 1993, pp. 10-40.

[24] For the position of German trade unions, Ernst B. Haas, *The Uniting of Europe: Political, Social and Economic Forces, 1950-1957*, Stanford/ California: Stanford University Press, 1958, p. 223.

Nothing had, thus, gone ahead prior to the formal accession of the UK, Ireland and Denmark, nothing that would have added to the social *acquis* and would have increased their cost of compliance and affected the development of their own welfare systems. Obviously, the six member states had felt little reason to moderate their welfare state optimism and, consequently, to think of their neglect of Community social policy as being no longer benign.[25] Summing up, during the first period of European integration, widening of the Community had virtually been unrelated with developments, or lack thereof, in regard to social policy.

1974/5-1986: THE HYPE OF SOCIAL ACTIVISM

The increased size and diversity of EEC membership, following the Northern enlargement, did not frustrate Community social policy making during the second period of European integration (1974/5-1986), not unjustifiably considered as a period of increased, albeit sometimes unproductive, social activism.[26] A reversal in the continent's economic outlook, associated with declining growth rates, rising unemployment and accelerating inflation rates, along with an increase in domestic social tensions, made national welfare state institutions look vulnerable and, no doubt, lent little support to national governments' former complacently uncompromising stance towards Commission social initiatives. Yet, a change, however minor, in national preferences for Community social policy, was also made possible by the Commission's abandonment of its former commitment to the principle of upward harmonization. The Commission's abandonment of the (*stricto sensu*) harmonization principle, though, was only partly, if at all, dictated by wider intra-Community diversities in regard to social protection systems and labour market institutions. In fact, it largely was a calculated response to the (recently noticed) deficiencies of the welfare state and, consequently, to the lack of a clear benchmark and it was also an embrace, however qualified, hesitant and undeclared, of the policy competition rationale – and of the spirit of subsidiarity.

In other words, it was, at any rate implicitly, recognized that social policy and the welfare state might likely be confronted with a growth vs.

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[25] Hugh Mosley, *op. cit.* footnote 13.

[26] *Ibidem*

equity trade-off, which could, certainly, only be settled at the national level, via the democratic political process. It, thus, was realized that Community social policy should almost exclusively aim at improving the terms of national trade-offs, while refraining from measures that would worsen the terms of those trade-offs, or, indeed, challenge national choices. Therefore, the fate of Community social policy initiatives was conditioned on their being justified on economic efficiency considerations, however substantiated, rather than equity concerns. No matter how much uninspired it might sound, Community social policy would be politically infeasible and institutionally unattainable, unless it enhanced economic efficiency. Only then could Community initiatives pass through the Council's needle eye - very much narrowed down by unanimity.

Increased social activism was, thus, confined to efficiency-related legislative measures. In particular, five directives in the area of gender equality were adopted during that period, all complementing and, occasionally, updating (e.g. when addressing indirect discrimination) existing national legislation, itself aiming at addressing labour market failures and tackling discrimination, thus allowing for increased female employment. In fact, despite their positive labour market effects, gender equality policies, including legislation, were, at least initially, met with misgivings, owing to socio-cultural tradition and, often, outright prejudice. Community legislation could, in such cases, substitute for politically expensive initiatives on the part of national governments.[27] Furthermore, seven directives were adopted in relation to health and safety at the workplace, all featuring improved specification of risks, also complementing national legislation. Indeed, the structure of Community law-making in the area of health and safety at work made sure that, at least from a technical point of view, Community directives were adding value to – increasing the relevance of – national regulatory schemes. That should primarily be attributed to the preparatory work of the Advisory Committee on Safety, Hygiene and Health Protection, established in 1974, within

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[27] Susan Cox, ''Equal Opportunities'', in Michael Gold (ed.), *The Social Dimension. Employment Policy in the European Community*, London: MacMillan, 1993, pp. 41-63; Ilona Ostner and Jane Lewis, ''Gender and the Evolution of European Social Policies'', in Stephan Leibfried and Paul Pierson (eds.), *European Social Policy: Between Fragmentation and Integration*, Washington D.C: The Brookings Institution, 1995, pp. 159-193.

which national scientific resources could productively be pooled. Besides, setting up health and safety standards by means of legislation is a (much needed) government response to the harmful labour market consequences of imperfect information, allowing for increased labour productivity, while reducing the burden on social security and health care systems.[28]

On the other hand, though, Community legislative initiatives in the area of labour law were hard to get through the Council. In fact, Community action in that area was bound to be controversial, lacking both a sufficient justification for its being imposed on national regulatory systems and an unequivocally expected positive impact on labour market efficiency – though it could, in principle, increase protection of workers and serve equity objectives. Thus, during that period only three directives were successfully negotiated, all dealing with collective displacements of employees – thus covering the cases of collective dismissals (75/129/EEC), transfer of undertakings (77/187/EEC) and insolvency of the employer (80/987/EEC) – and largely reflecting the contemporary political economy of domestic labour markets.[29] However, those directives little affected national regulatory preferences and levels of employee protection, merely establishing Community standards closely tied to the lowest common denominator and/or placing emphasis on procedural issues alone (e.g. information of employee representatives in cases of collective dismissals).

Interestingly, though, those directives were all adopted during the second half of the '70s, whilst during the first half of the '80s no Commission proposal in the domain of labour law was agreed upon in the Council. Arguably, increased unemployment, coupled with persistent inflationary pressures, as well as failure of Keynesian demand management policies, most notably in France, [30] made a turn towards supply-side policies almost inevitable, thereby also advancing the case for labour market deregulation. The newly (1979) elected UK conservative

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[28] Phil James, ''Occupational health and safety'', in Michael Gold (ed.), *The Social Dimension. Employment Policy in the European Community*, London: MacMillan, 1993, pp. 135-152.

[29] Giles Saint- Paul, ''The Rise and Persistence of Rigidities'', *American Economic Review*, 87 (1), 1997, pp. 290- 294.

[30] Jeffry Sachs, Charles Wyplosz , ''The Economic Consequences of President Mitterrand'', *Economic Policy,* 2 (April), 1986, pp. 261-(306) 322.

government expressed the most radical economically and most aggressive politically version of the supply-side *cum* labour market deregulation programme and fought hard - and successfully - against reinforcement of domestic constraints on labour supply by means of Community legislation. Owing to the unanimity rule, the other governments did not need to oppose Community social initiatives, nor did they have to risk confrontation with domestic labour interests in order to prevent Community-driven reinforcement of domestic labour market rigidities and supply constraints. All they had to do was simply to watch the UK conservative government blocking the Commission legislative proposals – whereas they might perhaps hypocritically accuse it of anti-social behaviour.

Hence, however increased, albeit unevenly distributed, social activism during the second half of the '70s and the first half of the '80s did not really make its own impact much felt. Social and labour market policy coordination was principally associated with economic purposes and efficiency considerations, thus squarely being grouped with other market-building *cum* market-improving policies rather than with state-building *cum* market-correcting ones.

No doubt, then, a closer coordination of social and labour market policy at the Community level was not going to be part of the internal market programme, nor would it be an important constituent of the Single European Act (SEA). And the southern enlargement(s) had almost nothing to do with that whatsoever. After all, Mrs. Thatcher was adamant that qualified majority voting, SEA's major reform, would not apply to workers' rights, the only exception being, unsurprisingly, health and safety at work. However, Greece, which had joined in 1981, and Spain and Portugal, which became formal members on January 1st 1986, had little reason to worry about the likely impact of future Community health and safety legislation, in view of their own regulatory deficits. Firstly, not only would (technically) refined health and safety legislation confer productivity gains at the firm level, but it would also ease cost pressures on their financially constrained, institutionally divergent and relatively less developed social protection systems.[31] Secondly, cost competitiveness of their numerous, and

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[31] On those systems, Maurizio Ferrera, ''The "Southern Model" of Welfare in Social Europe'', *Journal of European Social Policy*, 6 (1), 1996, pp. 17-37; Martin Rhodes, ''Southern European

in certain industries arithmetically predominant, small and medium-sized enterprises would not suffer as a result of Community health and safety directives. The new Treaty Article 118 A explicitly precluded imposition of disproportionate, Community legislation-induced financial and administrative burden on the small and medium-sized companies.

1986/7-1997: POLITICAL (TWO-LEVEL) GAMES AND THE PRIMACY OF ECONOMICS

However minor, SEA- driven relaxation of institutional constraints on Community social policy was going to be fully exploited by the Delors' Commission. As a matter of fact, Community social legislation was, still, thought of as an indispensable means towards establishing a social dimension. Besides, the social dimension objective had readily found its way to the top of the policy agenda of the Delors' Commission, along with regional policy, from the moment the SEA came into effect. It was also going to shape demands for deeper institutional reforms that were, subsequently, going to be somewhat met, initially, through the social protocol of the Maastricht Treaty and, later, with the social chapter of the Amsterdam Treaty. Indeed, during the third period of European integration (1986/87-1997), marked by the (Maastricht) Treaty on the European Union and the Treaty of Amsterdam and, also, by the EFTA enlargement of the EU, social and labour market policy was going to be well placed at the centre of the European debate, whilst causing controversies and giving rise to various legal and political disputes. Nevertheless, in spite of the renewed social activism of this (third) period of integration, Community social policy did not cease being heavy on symbolism, but light on substance. [32] That was not in any way brought about by increased intra-Community diversity, associated with its southern enlargement, and was certainly not going to influence the future enlargement of the European Union.

Welfare States: Identity, Problems and Prospects for Reform'', in Martin Rhodes (ed.), *Southern European Welfare States: Between Crisis and Reform,* London: Frank Cass, 1997, pp. 1-22.

[32] Lukas Tsoukalis, *The New European Economy: The Politics and Economics of Integration,* Oxford: Oxford University Press, 1993, pp. 157-164.

Thus, analytically, drawing on the idea of President Mitterrand for a European social space, originally introduced in 1981, the Delors' Commission put forward the concept of social dimension and even embraced it as a policy objective, having firstly attempted to specify its content and make it operationally relevant, though failing to effectively remove its ambiguity. [33] Hence, the social dimension would, following the Commission's approach, be realized, provided that a bundle of fundamental social rights was defined and accordingly enforced via Community legislation and dialogue amongst the social partners at both the national and the Community level acquired an instrumental role in social and employment policy making. Social dialogue, therefore, would support and at times substitute direct legislative action on the part of national governments and the Community, thereby allowing for better coordination of national social and labour market policies.[34] Besides, following the SEA, Treaty Article 118 B stipulated that Community level social dialogue could result in collective agreements, should the social partners have so wished. However ambitious it might, or, might not seem, the social dimension proposal was, nonetheless, much less interventionist and centralizing than the early period harmonization ideas.

It could certainly not be more ambitious. After all, despite a remarkable improvement in growth rates and a substantial reduction in rates of inflation in the member states, during the second half of the '80s, labour market performance was still marked by persistently high rates of unemployment. Thus, during 1986-90 average annual economic growth for the EC-12 reached 3.1% and the average annual rate of inflation fell to 4.4%, whilst the relative rates during 1980-85 had been 1.5% and 9.8% respectively. However, the average annual rate of unemployment in EC-12 was 8.4%, for the period 1980-85, but it rose to 9.1% during the second half of the '80s (OECD data). Hence, it was made evident that unemployment was largely structural in character and, also, that labour market rigidities made disinflation costlier to achieve – i.e. they increased the so-called sacrifice ratio. Therefore, instead of aiming at aligning their social and labour market policies, thereby leaving regulatory failures untouched and

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[33] Paul Teague, *The European Community: The Social Dimension - Labour Market Policies for 1992*, London: Kogan Page in association with the Cranfield School of Management, 1989.

[34] Juliet Lodge, ''Social Europe'', *Journal of European Integration*, 13 (2-3), 1990, pp. 135-150.

rigidities entrenched, national governments should rather have opted for policy reforms that would have allowed for speedier labour market adjustment to structural economic changes, the most pressing amongst the latter being European market liberalization and integration. Yet, policy reform was strongly opposed by trade unions mostly representing labour market insiders, whilst protectionist assurances were often sought by business, especially in richer member states where the impact of low cost competition from southern member states would likely be felt most. Hence, it should have caused little surprise that governments from richer member states lent their support to the Commission's social policy initiatives. Those governments were claiming that in the absence of Community-wide social and labour standards, their welfare systems would grievously be challenged by social dumping policies followed by the low cost southern member states and the UK in order to increase their own trade shares, investment and jobs.[35] And they were insisting on closer coordination of national social and labour market policies, associated with increased Community powers.

The social dumping thesis – firstly espoused by the French during negotiations for the Rome Treaty but with little effect - was largely dismissed by the southern member states and was even ridiculed in the UK for reasons that obviously went far beyond poor economic justification. In fact, economic analysis lends very little, if any, support to the race-to-the-bottom *cum* social dumping sort of pessimism. Instead, it praises the virtues of market integration and policy competition linked to specialization according to comparative advantage, efficient allocation of production factors and mitigation of (unemployment increasing) domestic social and labour market policy failures.[36] Furthermore, following its refutation of social dumping, economic analysis leaves no doubt as to the

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[35] On social dumping allegations in Germany, Volker Eichener, ''Social Dumping or Innovative Regulation? Processes and Outcomes of European Decision- Making in the Sector of Health and Safety at Work Harmonization'', SPS Working Paper No. 92/ 98, EUI, 1992.

[36] Charles Bean, Samuel Bentolila, Giuseppe Bertola and Juan Dolado, *Social Europe One for All?*, Monitoring European Integration 8, London: CEPR, 1998; David Begg, Jacques Cremer, Jean-Pierre Danthine, Jeremy Edwards, Vitorio Grilli, Damiane Neven, Paul Seabright, Hans-Werner Sinn, Anthony Venables, and Charles Wyplosz, *Making Sense of Subsidiarity: How Much Centralization for Europe,* London: CEPR, 1993.

harmful effects of harmonized social and labour market regulation on Community trade and welfare, in general, and on southern member states'' economic growth and jobs, in particular.

Nevertheless, southern member state governments, primarily the Greek and the Spanish socialist governments, did offer their (almost) unqualified support to the Commission social policy initiatives, effectively joining hands with richer member state governments, whilst the UK conservative government remained fiercely opposed to centralizing tendencies in the area of social and labour market policy. Thus, the Community Charter of Fundamental Social Rights of Workers was endorsed by the Strasbourg European Council (December 1989), having taken the form of a solemn political declaration from which the UK abstained. And a Commission action plan for implementing the Charter was subsequently put forward, but it gave rise to various controversies and made slow progress, the UK government having always been at the forefront of opposition to the Commission (legislative) proposals. Interestingly, governments from both richer and southern member states stood by the Commission and, even, gave their support to its imaginative – and at times arbitrary – legal strategy, the so-called Treaty-base game,[37] aiming at extending the effective reach of qualified majority voting in regard to social legislation and, thus, making the UK veto inoperative.

Furthermore, a few years later, at Maastricht, both richer and southern member state governments signed – more reluctantly than publicly acknowledged - to the "social agreement eleven", attached to the protocol on social policy which, in turn, was annexed to the Treaty on European Union (TEU). The agreement signatories availed of a twin-track social policy making,[38] whereby failure to legislate within existing Treaty arrangements – i.e. the Treaty's social chapter – did not need to cause stalemate, of course provided that the UK government was chiefly responsible for that failure. The social protocol excluded the UK and enabled the eleven governments to adopt Community legislation on the basis of the "social agreement eleven", whereby Community competences

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[37] Martin Rhodes, ''A Regulatory Conundrum: Industrial Relations and the Social dimension'', in Leibfried, Stephan and Pierson, Paul (eds.), *European Social Policy: Between Fragmentation and Integration*, Washington D. C: The Brookings Institution, 1995, pp. 78-122.
[38] *Ibidem*

in the area of social policy were increased, qualified majority voting, adjusted for eleven member states, applied over a wider range of issues and social dialogue was further institutionalized in regard to policy making, including so-called law by collective agreement, and implementation.

Yet, some issues do, at first sight, look puzzling, the least important probably being inconsistency in southern member state governments' behaviour, on the one hand dismissing the relevance of social dumping and on the other hand endorsing and, often, enthusiastically promoting its policy implications (for instance, the Greek Presidency of the Council, during the second half of 1988, put the issue of social space/social dimension to the top of its list of priorities). Indeed, it makes one wonder whether and how could richer member states' indirectly protectionist policy preferences, at any rate their declared policy preferences, be reconciled with southern member states' economic interests, which were, then, partly associated with low-cost production and trade specialization. Also, it certainly is puzzling that, in spite of their condemnation of UK social and labour market policies and, especially, in spite of their anxieties in regard to negative cross-border policy spillovers undermining their own welfare regimes, richer member state governments, along with their southern member state counterparts, formally acknowledged and upheld the UK government's right of (following a strategy aiming at) raising its rivals' costs.

Of course, neither did southern member state governments make their richer member state peers a favour, nor were the Maastricht social agreement eleven signatories eager to indirectly, to say the least, contribute to increased UK competitiveness. After all, both southern and richer member state governments had, in each and every occasion, good, institutionally sourced reasons to consider their choices *ex-ante* appropriate – in the sense of satisfying national preferences. Thus, following the SEA and prior to the TEU, southern member state governments could certainly count on the UK government's explicit opposition to the Commission social initiatives in order to avert social policy-induced competitiveness loses. In fact, the UK government's veto was all but sufficient to effectively neutralize the impact of Community measures on national welfare systems. However, it is far from clear that southern member state governments were

actually exposed to the risk of social policy-induced competitiveness losses. So long as Community social policy was largely confined to labour market regulation, the aforementioned risk was anything but considerable. Labour market regulation in southern member states had not been lighter than in the richer member states, even being stricter in relation to core issues. Thus, more importantly for the discussion at hand, diversities amongst national labour market regulatory regimes were, with the exception of the UK and to a lesser extent Ireland, not really sizeable. Hence, southern member state governments were not the only potential free riders on the UK government's back.

Furthermore, the eleven signatories to the Maastricht social agreement were careful to secure an institutionally balanced set of arrangements that would not unnecessarily challenge national welfare states, while being cost sensitive. Thus, besides inclusion of Treaty Article 3B on the principle of subsidiarity, the "social agreement eleven" stated explicitly (article 1) that both Community and national social and labour market policies should take into account, *inter alia,* the need to maintain competitiveness. In addition, further institutionalization of the social dialogue in regard to Community social policy making and implementation, including legislation by collective agreements, could hardly cause national anxieties.

As a matter of fact, social dialogue would likely become the dominant mode of Community social policy making, because European-level social partners were each faced with a threat. On the one hand, employers' organizations, especially UNICE, were threatened by direct legislative action which had been made easier following the "social agreement eleven". On the other hand, employees' organizations, especially the ETUC, were threatened by deliberate Council inaction. [39] Yet, substantive policy outcomes were unlikely to prove burdensome and costly for national regulatory systems. Social partners were not equally threatened, or, precisely put, were not faced with equally credible threats. Obviously, the eleven governments were unlikely to adopt legislation that would weaken their economies' competitiveness *vis-à-vis* the UK, economy, thereby increasing the likelihood of deliberate Council inaction. Thus, faced

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[39] Gerda Falkner, ''The Maastricht Protocol on Social Policy: Theory and Practice, *Journal of European Social Policy,* 6 (1), 1996, pp. 1-16.

with the credible threat of legislative inaction – at any rate more credible than the threat of direct legislative action faced by employers – workers' organizations would certainly prefer collective agreements, which, consequently, would most likely reflect (the effectively empowered) employers' demands, hence entailing little by way of market intervention and, also, little affecting national regulatory systems, if at all.

Being *ex-ante* conducive to national preferences' fulfillment, governments' choices were, unsurprisingly, going to be *ex-post* efficient too, as amply demonstrated by Community labour market legislation during the third period of European integration. Thus, leaving aside the relatively uncontroversial legislation in regard to health and safety at work and gender equality, as well as (legislative) acts updating and amending legislation already in force, six new directives in the area of labour law were adopted. Four were legally based on the Treaty social chapter, namely, Directive 91/533/EEC on the employer's obligation to inform employees of the conditions applicable to the contract of employment relationship, Directive 93/104/EC on the organization of working time, Directive 94/33/EC on the protection of young people at work and Directive 96/71/EC concerning the posting of workers in the framework of the provision of services. One was adopted via the direct legislative channel provided for by the "social agreement eleven", namely, Directive 94/45/EC on the establishment of a European Works Council and another one was produced via the social dialogue/collective agreement route to Community legislation, that is, Directive 97/81/EC concerning the framework agreement on part-time work concluded by the social partners. However, their impact on national regulations and regulatory systems, in general, was going to be rather negligible. As a matter of fact, minimum labour standards established by Community legislation seldom differed from the lowest common denominator and, even in cases they somewhat did, relatively long gestation periods, derogations and concessionary clauses (as, for instance, with the directive on the organization of working time) sufficed to offset the impact of (the relatively more ambitious) minimum standards. Therefore, in effect, national (un)employment - wage (in)equality trade-offs were virtually left untouched.

However dismal it might read the record of Community social and labour market policy was very much aligned with an equally dismal contemporary political economy. Following the rapid increase in European economic growth, during the second half of the '80s, albeit little impinging on persistently high rates of unemployment, the performance of European economies during the first half of the '90s was disappointing and unemployment rates, in particular, climbed to their highest post-war levels. Thus, Annual average growth in the EC-12 was 1.2% during 1991-94, compared to 3.1% during 1986-90, and the average annual rate of unemployment in the EC-12 climbed to 10.2% during 1991-95, compared to 9.1% during 1986-90 (OECD data). By that time, though, little doubt was left as to the structural causes of European economic malaise and the Commission forcefully made the case for reforming the European social model, including labour market institutional reform.[40] Hence, never before had the case for Community labour market regulation been weaker than in those adverse circumstances, particularly in regard to European labour markets. Genuine deepening of Community-level coordination of social and labour market policy was, thus, effectively deterred by domestic regulatory failures calling for institutional labour market reform, entailing *inter alia* revision of (un)employment – wage (in)equality trade-offs. It was certainly not hindered by intra-Community regulatory diversity, the latter actually being lesser than commonly perceived. Neither, of course, was deeper Community-level coordination of social and labour market policy compelled by regulatory diversity, as earlier argued.

Being largely symbolic, Community-level coordination of social and labour market policy did, nonetheless, assist national governments – with the exception of the UK conservative government – in carrying forward their plans, initially, for liberalized market integration and, subsequently, for monetary union. Thus, southern member state governments, especially the socialist governments in Spain and Greece, could politically legitimize their Europe-led *cum* liberalization-driven development strategies via their constant support, let alone active promotion of a stronger Community role

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[40] Commission EC, *Growth, Competitiveness, Employment: The Challenges and Ways Forward into the 21st Century*, Brussels-Luxembourg: Office for Official Publications of the European Communities, 1993.

in social affairs, thereby also diluting left-wing opposition to European integration. For richer member state governments, though, failure to successfully negotiate deep(er) institutional reforms and enact ambitious Community social legislation could often be conveniently blamed on social dumping intentions of southern member state governments and, of course, the UK government. The need for domestic welfare and labour market reform would, then, appear both exogenously dictated and inescapable. However inescapable it might appear, though, labour market reform was confronted with uncertain and/or politically unfavourable redistributive implications,[41] thereby being often confined to piecemeal measures and changes at the margin and, occasionally, comprising contradictory policies.[42]

Community social policy was, in any case, not going to have any effect on the 1995 EFTA enlargement. Enjoying high living standards and combining liberal trade preferences, generous welfare systems and well endowed active labour market policies, Sweden, Finland and, to a lesser extent, Austria had no obvious reason to feel the social dumping sort of anxieties. And they, certainly, could cause no such anxieties in incumbent member states. Yet, following severe, partly permanent, economic shocks, labour market performance in Sweden and Finland had, at the time of their accession, markedly deteriorated and unemployment rates reached formerly unknown levels (in 1994, the unemployment rate was 17.4% in Finland and 9.8% in Sweden, OECD data). Economic research brought to the fore welfare and labour market institutional failures [43] and reforms did find their way to the top of governments' policy agendas. If anything, then, the recently agreed, at the 1994 Essen European Council, European employment strategy, placing emphasis *inter alia* on active labour market

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[41] Raquel Fernandez and Dany Rodrik "Resistance to Reform: Status Quo Bias in the Presence of Individual Specific Uncertainty'', *American Economic Review*, 81 (5), 1991, pp, 1146- 1155.

[42] Tito Boeri, ''Social Europe: Dramatic Visions and Real Complexity'', CEPR Discussion Paper No. 2371, 2000; OECD, Implementing the OECD Jobs Strategy: Members Countries' Experience, Paris: OECD, 1997.

[43] Sherwin Rosen, ''Public Employment and the Welfare State in Sweden'', *Journal of Economic Literature*, 34 (2), 1996, pp. 729- 740; Assar Lindbeck, "The Swedish Experiment", *Journal of Economic Literature*, 35, 1997, pp. 1273-1319.

policies, would all but enthusiastically be endorsed by the acceding former EFTA member states.

As a matter of fact, coordination of member states' employment policies, albeit of the soft type, thus fully respecting the member states' competencies and, therefore, entailing no binding rules or sanctions, was formally institutionalized via incorporation in the Treaty, following the latter's revision by the 1997 Amsterdam European Council. In addition to inserting a separate employment chapter, including establishment of the Employment Committee, the revised Treaty also put an end to the twin-track mode of Community social policy making, by abolishing the Maastricht social protocol and incorporating the social agreement into the revised Treaty's (unremarkably amended) social chapter. Abolition of the social protocol was obviously made possible following the 1997 change of government in the UK. Having endorsed a model of industrial relations based on social partnership and fairness at work, including establishment of workplace rights by law, the new Labour government had gone some, though little way towards convergence with the continental model, arguably on efficiency grounds. Yet, had there been uncertainty about the future direction of Community social policy and a risk of Community legislation preventing (UK) labour market flexibility, the new Labour government would certainly not have contemplated an end to the UK social opt-out.

1997/8-2004: THE WINDS OF CHANGE?

Legislation was soon going to lose importance relative to other EU social policy instruments. That was readily made evident during the last period of European integration, marked by the Nice Treaty, the Eastern enlargement and negotiations on a Constitutional Treaty. So, leaving aside, again, the relatively uncontroversial legislation in regard to health and safety at work, gender equality and fight against other forms of discrimination, as well as legislative acts amending and extending the scope of legislation already in force (Directives 99/63/EC, 2000/34/EC and 2000/79/EC brought into the scope of the working time directive (93/104/EC) sectors that had hitherto been excluded), four new directives were adopted in the area of labour law. One of them simply put in force the framework agreement on fixed-term work concluded by the social partners

and would, conceivably, spell little cost – of any sort - for national regulatory systems (Directive 99/70/EC). The rest dealt with the issue of employee involvement in decision making within companies and their adoption brought a long period of acrimony – nearly thirty years – to an end (Directive 2001/86/EC supplementing the Statute for a European Company with regard to the involvement of employees, Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community, and Directive 2003/72/EC supplementing the Statute for a European Cooperative Society with regard to the involvement of employees).

Unsurprisingly, though, adoption of the three directives concerning information, consultation and, occasionally, participation of employees was only made possible after the maximum degree of flexibility had been secured in regard to their provisions. Thus, building upon the precedent set by the European Works Council directive, it was stipulated that the mode and details of employee involvement could, in each case, voluntarily be agreed by the company management and employee representatives, often, albeit not always, provided that certain minimum standards were met. In the absence of voluntarily agreed arrangements, the three directives provided, accordingly, for the introduction of so-called subsidiary requirements, which little differed from the aforementioned minimum standards. Needless to say, the impact of the three directives on national legislation and practices in the area of industrial relations was practically going to be minimal.[44]

Abandonment of the regulatory approach, associated with the Community method, was undoubtedly justified, both on consequentialist – lack of real impact - and normative – labour market flexibility - grounds. Thus, formally beginning with the Treaty of Amsterdam, the regulatory approach gradually gave way to a new approach which was first (formally, because it had informally been going on since 1994, as earlier noted) applied in the area of employment policy, following the refinement of norms, procedures, means and instruments of application by the extraordinary European Council of Luxembourg, in November 1997 –

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[44] For an opposing view, Wolfgang Streeck, *op. cit*. footnote 16.

though neglect of the macroeconomic policy aspect left the focus concentrated, almost entirely, on labour market policy issues.[45]

The European Council of Lisbon, in March 2000, placed modernization of the European social model, including increased investment in human capital, at the top of EU policy priorities, thereby providing for reinforcing the role of social policy as a productive factor and, consequently, improving economic performance and preserving the European values of solidarity, justice and social cohesion. As a matter of fact, European (EU-15) long-term productivity, employment and growth trends had, on average, since the mid-90s, been failing to keep pace with U.S. trends, largely reflecting poor economic performance in large continental (old) member states and, in any case, raising serious doubts about the sustainability of the European welfare state. Success of the Lisbon strategy was, of course, strongly dependent on adequately reforming social protection systems and labour market institutions, so that they could adjust to (adverse) demographic developments, increased competitive pressures, post-industrial employment patterns and new social preferences.

So, although the European employment strategy remained its institutionally thickest version, the open method of coordination, as the new approach was now called, was, also, applied in the area of social protection, though separately for each of the main sub-areas (social exclusion, pensions, health care). And the strategy's inherent optimism was very much reliant on the effectiveness of the open method of coordination in stimulating national reforms, by enriching their content, increasing their relevance and accelerating their pace. However, neither on normative and, certainly, not on consequentialist grounds, were the open method of coordination and the Lisbon strategy, at any rate the latter's procedural facet, uniformly conceived, let alone solidly justified – and, despite accumulation of experience and facts and data, they still are not.[46]

Meanwhile, the Eastern enlargement of the European Union had already been set in process and, by the sheer (expected) increase in the size

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[45] Nikos Koutsiaras, "Social and Employment Policy", in Ronald Hall, Alasdair Smith and Lukas Tsoukalis (eds.), *Competitiveness and Cohesion in EU Policies*, Oxford: Oxford University Press, 2001, pp. 277-313.

[46] Kenneth Armstrong (ed.), "The Open Method of Coordination: Governance after Lisbon", special issue, *Journal of Contemporary European Research*, 2 (1), 2006.

and diversity of EU membership, an overhaul of the Union's institutions was all but functionally required. The Treaty of Nice, concluded by the intergovernmental conference in December 2000, provided for the institutional changes necessary for the accession of new member states. At least, it was thus stated in the declaration on the future of the Union, which was annexed to the Treaty. The same declaration was also calling for the continuation of the process of institutional reform, albeit explicitly disassociating the enlargement process from that of further reform of Union institutions. Interestingly, in the area of social and labour market policy, the Treaty of Nice failed to make any remarkable changes, the most important being institutionalization of the (soft/open) process of coordinating member states' social protection policies, including (formal) establishment of the Social Protection Committee. Obviously, insertion of the so-called bridge clause, whereby the Council might unanimously decide to extend the scope of qualified majority voting to one or more issues hitherto subject to unanimity, was unlikely to have any bearing on Community social policy making, in particular labour law making.

However, any attempt to causally relate developments in Community social policy, including Treaty-incorporated institutional reforms, to the prospective Eastern enlargement could hardly be empirically validated. Thus, the Baltic and Central and Eastern European countries as well as Cyprus and Malta had to comply with the Community social *acquis* and, despite its being a gradual process, compliance would still imply costly adjustment of their own regulatory systems. Being so, the ten prospective member states would apparently have less – at any rate no immediate - reason to worry about future EU social legislation, so long as, eventually, they would also take part in decision making processes setting the pace and shaping the content of Community law. Besides, EU social legislation was clearly being subject to the law of diminishing returns – and diminishing cost of national adjustment – thus giving rise to rationally diminishing national concerns. Thus, the reason the Treaty of Nice did not increase the scope of qualified majority voting had little to do with (altruistically inspired) anticipation of the impact of likely Community legislation on would-be member states' economies. Nor did formal institutionalization and actual implementation of social and employment policy coordination processes solely respond to would-be member states'

reform needs and priorities. And the gradual abandonment of the regulatory approach was compatible with appropriate labour market policies and requirements for growth in both incumbent and would-be member states.[47] Besides, open coordination of employment and social protection policies might, by definition, accommodate divergent needs and preferences for policy and institutional reform. Summing up, developments in EU social and labour market policy had little, if at all, been shaped by would-be member states' demands. Yet, they had not defied those demands either.

On the other hand, the Eastern enlargement was not going to disrupt domestic politico-economic equilibria in incumbent member states and was, therefore, not going to challenge the effectiveness of their social and labour market policies, on the *ex-ante* plausible and *ex-post* corroborated assumption that East-West labour migration would not be massive in scale, nor would it be induced by differentials in welfare benefits.[48] Accession of the prospective member states would hardly set in motion a race-to-the-bottom in regard to social regulation, nor would it give rise to social dumping policies on the part of Central and Eastern European countries. After all, not only was the economic desirability of social dumping questioned in this case, [49] but its political feasibility could also be gravely disputed.

As a matter of fact, preferences for social protection and redistribution in ex-socialist countries were often deeply rooted and hard to change.[50] No wonder, then, that both quantitatively and

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[47] On the latter, Jeffrey Sachs and Andrew Warner, ''Achieving Rapid Growth in the Transition Economies of Central Europe'', Working Paper No 116, Stockholm Institute of East European Economies, 1996; Dennis Snower, ''The Caring Hand that Cripples: The East German Labor Market after Reunification'', *American Economic Review,* 96 (2), 2006, pp. 375-382.

[48] Jon Kvist, "Does EU enlargement start a race to the bottom? Strategic interactions among EU member states in social policy", *Journal of European Social Policy,* 14 (3), 2004, pp. 301-18; Commission EC, ''Report on the Functioning of the Transitional Arrangements set out in the 2003 Accession treaty (period 1 May 2004 - 30 April 2006)'', COM (2006).

[49] Katinka Barysch, *East versus West? The European economic and social model after enlargement*, Essay, Centre for Economic Reform, 2005 , [http://www.cer.org.uk].

[50] Alberto Alesina and Nicola, Fuchs-Schuendeln, *Good bye Lenin (or not?): The effect of communism on people's preferences*, 2005,

qualitatively/institutionally social protection and labour market policies in certain Central and Eastern European countries – but much less so in the Baltic states – were closely anchored to the so-called European social model, often at the cost of jobless growth and unemployment.[51] Hence, unsurprisingly, despite a general rising trend in income inequality in ex-socialist countries, following the collapse of socialist regimes, some Central and Eastern European countries managed to maintain comparatively low levels of inequality, thereby resembling Scandinavian countries.[52]

Hence, the effectiveness and long-term viability of social policies in the incumbent member states was certainly not threatened by policy competition from would-be member states. However increased, diversities amongst incumbent and would-be member states' social policy preferences were arguably sustainable and would, thus, not ask for any sort of policy-induced containment. The open method of coordination, on the other hand, did fully respect national policy preferences, whilst providing for their adjustment to the real threats facing national welfare states, primarily via stimulating domestic social and labour market institutional reform. Regardless of the academic opinion, the effectiveness of the open method of coordination had practically been associated with peer pressure. It had, consequently, been related to national governments' sufficient use of two-level games, particularly via public acknowledgement of external constraints impinging on national policy making and, hence, relaxation of domestic constraints. Nevertheless, lack of formal (external) sanctions, desirable though as it might be, inevitably allowed national governments to play the simple politics of blame avoidance, albeit leaving domestic

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[http://post.economics.harvard.edu/faculty/alesina/alesina.html]. For a qualified view, Alberto Chong and Mark Gradstein, ''Imposed Institutions and Preferences for Redistribution'', Discussion Paper No. 5922, CEPR, 2006.

[51] Willem Adema, ''Social Assistance Policy Development and the Provision of a Decent Level of Income in Selected OECD Countries'', OECD Social, Employment and Migration Working Paper No. 38, 2006; Tito Boeri and Katherine Terrell, ''Institutional Determinants of Labor Reallocation in Transition'', *Journal of Economic Perspectives,* 16 (1), 2002, pp. 51-76; Marek Mora, ''Social cohesion in the Czech Republic: a blessing or a trap?'', ECOFIN Country Focus, Vol. III, Issue 10, 2006.

[52] Nina Bandelj, Matthew, C. Mahutga, ''Social Foundations of Income Inequality in Postsocialist Europe'', Working Paper No. 34, EUI, RSCAS, 2006.

constraints almost intact and, therefore, often opting for politically convenient, yet socially inadequate reforms.[53]

Negotiation of the Constitutional Treaty, concluded in October 2004, a few months after the new member states had formally entered the club, produced no changes in regard to the allocation of social and labour market policy competencies between the EU and its member states. Unsurprisingly and, indeed, wisely it might be added on normative and consequentialist grounds alike. Nevertheless, despite their being long underrated in the context of the European political debate, fears of social dumping resurfaced. Interestingly, though, this time they were not associated with (presumably weak) Community social policy but were, instead, directly linked to market integration, especially in regard to the proposed directive on services in the internal market.

Yet, this might readily be predictable, as it simply reflected the way domestic politics responds to EU-level constraints and opportunities and shapes national European integration preferences. And it also made evident that reform, or lack thereof, of Community institutions was similarly motivated rather than being mechanistically driven by other EU-level developments. Thus, powerful interest groups, for instance labour market insiders, opposing labour market reform had certainly realized that Community social policy could neither shelter, nor threaten them. They had appreciated that Community labour law could hardly increase their level of protection, whilst the open method of coordination did little to effectively empower national governments and lessen their own influence on policy making. They also were probably aware that increased competition in product and service markets might reduce rents, thereby also reducing resistance to labour market reform.[54] Thus, instead of demanding reform of the EU social regime, powerful interest groups urged national governments to push for directly protectionist policies, thus holding back market integration and stifling competition. And those demands, efficiently articulated and successfully negotiated by certain national governments, were indeed satisfied, as amply demonstrated in the

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[53] Xavier Debrun and Jean Pisani-Ferry, ''Economic Reforms in the Euro Area: Is There a Common Agenda?'', BRUEGEL Policy Contribution, Issue 5, 2006.

[54] Olivier Blanchard, ''The Economic Future of Europe'', NBER Working Paper No. 10310, 2004.

case of the directive on services and, earlier, in the case of temporary restrictions on the free movement of workers. As for the unintended consequences, they were hardly imaginable, or were they?

CONCLUDING REMARKS

Institutional reform in the area of EU social policy has historically been hesitant and almost fully shaped by national preferences for (social) policy coordination, brought forward by national governments. Furthermore, allocation of powers and competencies between the Community and its member states in regard to welfare and employment issues has, since the early days of European integration, been systematically related to the efficiency – equity classification of social policy objectives, the (vertical) equity objective being almost exclusively served by (democratically legitimised) national social and labour market policies. Yet, the role of the EU in the area of social policy has also been shaped by national governments' demands for EU-provided legitimacy, particularly with regard to their policies of (regional and global) market and economic integration. Besides, sustainability of national social policy diversities, however wide those diversities might have been, has barely been threatened by economic integration, for economic and political reasons alike, political agitation notwithstanding.

Hence, in spite of widely held perceptions, Community enlargements, presumably associated with widening diversities, have not had a discernible, positive or negative impact on EU social policy, either in terms of Treaty reform, or with respect to everyday decision-making. - Likewise, being largely ascribed to divergent and, of course, fully respectable equity preferences, diversities amongst national social and labour market policies have had virtually no bearing on Community enlargements. - Nevertheless, realization of the equity objective has, since the mid-70s, been getting increasingly costlier in terms of jobs and growth and its prevailing conceptualization has, even, been cast in doubt. Reform of national welfare policies and institutions has, thus, been rendered inevitable. In the face of reform, governments - and domestic interest groups too - have eagerly been investing in Community institutions, including social and labour market policy ones, in order to effectively increase their influence on domestic policy making.

The role of the EU in the area of social policy has certainly not developed in a simple evolutionary fashion, instead having followed a largely erratic course of uneven growth over time and across issue areas. That has mostly been driven by national governments' demands, themselves related to the domestic politics of social policy making and institutional reform and, therefore, strongly associated with the performance, including affordability and sustainability of the welfare state. To put it otherwise, development of EU social policy has firmly been linked to needs and demands for rescuing the national welfare state.

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THE EUROPEAN INTEGRATION OF THE GERMANS, BETWEEN PRIDE AND TRUST

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Abstract:

The European integration is a process approached in terms of cooperation and conflict. Starting from the premise that trust is the element on which cooperation is based, while pride leads to conflict, we discuss European integration between these two extremes, for whose relationship Germany provides a relevant study case. We evaluate citizens' position in respect to national pride, and their trust in the European institutions, in two samples representative, on the one hand, for the general population and, on the other, for the intellectual elite of the university graduates, based on the data provided by the ALLBUS Compact, 1980-2006 study, conducted on the German population. The study comprises 15 surveys, with 47,947 respondents and 1,250 variables. The methods we have used are correspondence analysis and cluster analysis, by which we have outlined the relationship between national pride, trust in the European institutions, and identification with the European Union. The conclusions of this study can constitute the premises of a comparative analysis, which groups European countries depending on the relationship between national identity and the pace of European integration.

Key words: European integration, Germany, Allbus data, pride, trust

Introduction

The relationship between ethnicity and multiculturalism[1], between

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[1] W. Kymlicka, *Multicultural Citizenship*, Oxford, Clarendon Press, 1995.

nationality and post-nationality[2] represents the background of the diversity of opinions held by the citizens of the various states, in respect to European integration. Considering an equilibrium of the type „privileges lost, responsibilities gained", the relationship between the individuals and their state, in terms of cultural belonging, which implies a mixture of ethnicity (the ethnic model, associated with pride), vassalage (the imperial model, associated with obedience), tolerance and peaceful cohabitation (the multicultural model, associated with trust), influence the way they refer to Europe, regarded as mental construct and concrete institutional architecture, at the same time.

In the classification by Castle and Miller[3], Germany corresponds to the ethnic model, in a quaternary system which also includes the multicultural, semi-multicultural (republican) and imperial models. The national identity is defined as the level of attachment towards the nation, in relation to other entities[4], as intensity and type of relationship with the nation[5]. According to Tajfel[6], the national identity is built starting from the sense of belonging to a particular group, which gives rise to feelings of attachment, combined with a sense of the role you fulfil. This role makes you feel at home in the space of that specific group[7]. The configuring of national identity, as affective involvement in a certain group[8],[9],[10],[11] implies

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[2] E. Terrén, Opinión pública visibilidad: las encuestas sobre racismo y xenofobia", In López Garcia, B. & M. Berriane, *Atlas de la inmigración marroquí en* España, Madrid, Taller de Estudios Internationales Mediterráneos (TEIM), Universidad Autonóma de Madrid, 2004, pp. 439-441.

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[8] J.P. Van Oudenhoven, K.S. Prins, W. Bakker, M. Schipper, & N. Tromp, "Organizational Culture in Terms of Personality: A big five-based questionnaire", *Gedrag & Organisatie*, 16, 2003, pp. 355–369.

the existence of inclusion and exclusion norms, customized starting from the concepts of „us" and „the others" which generate the pair of opposites „ingroup love"/ „outgroup hate"[12], through which those sharing the same attachment to the nation are accepted, while those elements which, practically or potentially, threaten the symbolic authority of the nation state are excluded[13].

Renan[14] considers that the nation is made up of all those individuals sharing the same past, which they selectively forget in order to jointly build their future. The imagined community, theorized by Anderson[15], is defined by its continuously evolving symbols which make people be proud of their country and feel they belong to it. The daily plebiscite[16] builds the nation by confronting and conciliating the interests of a group of people, in the frame of social and cultural norms. According to Hall[17], these events to which the members of the group co-participate are endowed with meaning by the so-called „nation narratives", which can be put in relation with the acts of identity of LePage and Tabouret-Keller[18], with the identity narratives, by which the individual gets consistency inside the group. In other words, there are not only *ethnoscapes*[19], but also *semioscapes*, the creation of ties by common symbols and significances.

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[9] M. Wenzel, "What is social about justice? Inclusive identity and group values as the basis of the justice motive", *Journal of Experimental Social Psychology*, 38, 2002, pp. 205-218.

[10] R. Brown, *op. cit.*

[11] N. Mercer, *The Guided Construction of Knowledge: Talk amongst teachers and learners*, Clevedon: Multilingual Matters Ltd., 1995.

[12] R. Brown, *Group Processes*, Second Ed., Oxford, Blackwell, 2000.

[13] L. McLaren, "Public Support for the European Union: Cost/Benefit Analysis or Perceived Cultural Threat?", *The Journal of Politics*, 64, 2000, pp. 551-566.

[14] E. Renan, "What is a nation?", in *Nation and Narration*. Ed. H. Bhabha, London, Routledge, 1990, pp. 8-22.

[15] B. Anderson, *Imagined communities: Reflections on the origin and spread of nationalism*, (Rev. ed.). London, Verso, 1991.

[16] Renan, E, *op.cit.*

[17] S. Hall, "The Question of Cultural Identity" in S. Hall, D. Held & T. McGrew (eds.) *Modernity and Its Futures*. Cambridge: Polity Press in association with the Open University, 1992, pp. 273-326.

[18] R.B. LePage, A. Tabouret-Keller, *Acts of identity: Creole-based approaches to language and ethnicity*. Cambridge: Cambridge University Press, 1985.

[19] A. Appadurai, *Modernity at Large: Cultural Dimensions of Globalization*, Minneapolis, University of Minnesota, 1996.

The correlations between individual identity and the status generating admiration and pride can be extended to the level of the relationship between national identity and national pride. Simons wrote back in 1901[20] that "with the extinction of national pride it is certain that national life, in the true sense of the word, must sooner or later cease to exist." National pride involves a feeling of loyalty towards the state, which is interdependent with the sense of belonging. Loyalty is built on trust, more precisely on what McKnight et al.[21] name the *institutional trust*, the certainty that the state works well because its laws are well done and well respected.

The European integration, far from threatening, as eurosceptics[22] believe, the foundations of the nation-state, brings what Milward[23] calls "the European rescue of the nation state". The feelings of trust which state, in its institutional acceptation, inspires, are projected upon the European Union and its institutions.

There appears, at this point, a line of cleavage, in the sense that the trust in the European institutions is not necessarily correlated with the pride of being a citizen of Europe, namely with the identification with Europe, but rather relates to the pride of being a citizen of your country. Thus, the cooperation between nations, in order to achieve the economic and cultural ideal of a unified Europe can take the Euro-phobic form of a *Europa der Völker*[24] (Mudde, 2000), whose nation-states cooperate, but without allowing for a dissolution of the idea of ethnicity in the favour of a European citizenship.

We have analyzed, on the data provided by the Allbus study, from 1980 to 2006, the forms this cleavage takes in the mentality of German citizens, with the intention of determining clusters of attitudes which can

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[20] S.E. Simons, "Social Assimilation", *American Journal of Sociology*, 6, 1901, pp. 790-822

[21] D. H. McKnight, V. Choudhury, & C. Kacmar, "Developing and Validating Trust Measures for e-Commerce: An Integrative Typology", *Information Systems Research*, 13 (3), 2002, pp. 334-359.

[22] P. Taggard, "A Touchstone of Dissent: Euroscepticism in Contemporary Western European Party Systems", *European Journal of Political Research*, 33, 1998, pp. 363-388.

[23] A. Milward, *The European Rescue of the Nation-State*, London, Routledge, 2000.

[24] C. Mudde, *The Ideology of the Extreme Right*, Manchester, Manchester University Press, 2000.

be compared with the four categories proposed by Kopecky and Mudde[25]: euroenthusiasts, europragmatics, eurosceptics, eurorejects.

Methodology

The data used were extracted from the Allbus compact, a multi-annual survey covering the 1980 – 2006 period, conducted on a sample of 47,947 German citizens. The variables we have selected, from the total of 1250, were: *trust in the European Commission*, *trust in the European Parliament*, *trust in the European Court of Justice*, *pride in being a German*, *identification with the European Union*. These variables were first analyzed in the general population, and then on the sub-sample of 2946 university graduates included in the sample. As supplementary variables, we included the positioning of the respondent on the left-right continuum, the age, sex, civil status and personal financial status, as appreciated by the respondent. Each variable was assessed on a 1 to 7 Likert scale, expressing the level of agreement of each of the respondents to that particular variable.

We used the database provided by the Allbus survey, which was statistically processed using SPSS 16. Using the aforementioned variables, we performed cross-tabulation, correlation analysis, preliminary to the cluster analysis and correspondence analysis, by which we split the subjects in well-defined groups, characterized from the demographic point of view, as well as from the ideological options point of view. Correspondence analysis, similar to factor analysis, was used in order to outline the structure of the data, by extracting two dimensions, or axes, which were figuratively plotted on a two-dimensional scatter plot. These two dimensions are independent one from the other, and they were extracted such as to maximize distances between the points to be represented on the plot. Thus, points which are close to each other on the resulting plot represent states which are similar in their behaviour.

Cluster analysis[26] was used in order to group persons with similar attitudes into the same category, thus splitting the general population included in the survey into more specific sub-groups. These groups can constitute the starting point of comparative analyses, by which the

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[25] P. Kopecky, C. Mudde, "The Two Sides of Euroscepticism: Party Positions on European Integration in East Central Europe", *European Union Politics*, 3(3), 2002, pp. 297-326.
[26] R.C. Tryon, *Cluster Analysis*, Edwards Brothers, 1939.

population of a country with an ethnic model can be contrasted with that of a country with a multicultural or semi-multicultural/ republican model[27]. Our contribution, starting from the Allbus compact dataset, is represented by this outlining of the similarities between several states of mind, in the correspondence analysis, pointing to specific values configurations, and, on the other hand, by the clustering of respondents in sub-groups which can be demographically characterized, so that it is easier to predict which would be the political options of people with certain economic and social characteristics.

Results

The results of the cluster analysis, generated in SPSS 16, for the general population are illustrated in **Table 1**:

Four clusters are identified: the first one, of the moderates, composed of men, aged 45 to 59, living apart together, with a good financial situation and centre-right options. They are at half the distance between national pride and trust in the European Union.

The second cluster, of the undecided, is formed of men aged 45 to 59, living apart together, having a financial situation which is neither too good, nor too bad, and ideologically placed to centre-left. They are concerned about settling other matters (financial matters, for example), more important to them then the positioning towards the European Union of towards their own country. It can be seen that a change in the financial situation of the respondent (which is to be held partly responsible from the migration from centre-right to centre-left) can alter the first cluster, superposing it over the second cluster. The third cluster includes divorced women, with left-wing preferences and good financial situation, who are very trustful in the European institutions, without necessarily identifying themselves with the European Union. It is the cluster we have termed pragmatic. The fourth cluster, of the nationalists, is composed of men aged 45 to 59, living apart together, with a good financial situation and right-wing preferences.

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[27] G.Van Oenen, "Turning on the Citizen: Modern Citizenship and its Cultural Hazards", *Citizenship Studies*, 6 (2), 2002, pp. 109-125

Table 1 Final clusters

	Cluster			
	1	2	3	4
TRUST: EUROPEAN COMMISSION	4	3	5	2
TRUST: EUROPEAN PARLIAMENT	4	3	5	2
TRUST: EUROPEAN COURT OF JUSTICE	5	3	6	2
PROUD TO BE A GERMAN	2	2	2	2
IDENTIFICATION WITH THE EUROPEAN UNION	3	3	2	3
RESPONDENT: MARITAL STATUS	2	2	4	2
RESP. OWN CURRENT FINANCIAL SITUATION	2	3	2	2
SELF-PLACEMENT ON LEFT-RIGHT CONTINUUM	6	4	3	7
RESPONDENT: AGE, CATEGORIZED	3	3	2	3
RESPONDENT: SEX	1	1	2	1

The correspondence analysis, on components of the variables system, is presented in figures 1-4:

It can be noticed that, in the general population, there is a significant correlation between a moderate identification with the European Union (PSI – pretty strong identification) and a high degree of national pride (VP – very proud).
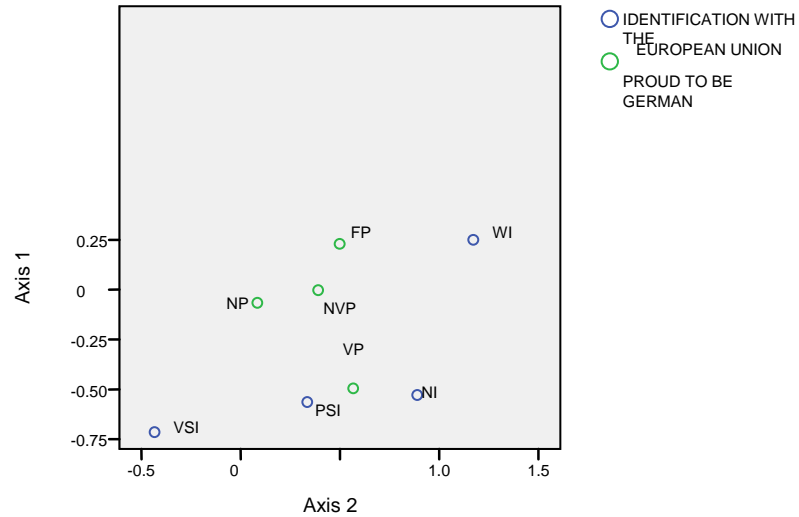
Figure 1. The correspondence between national pride and identification with the European Union

The trust in the European Commission is a fair predictor of the identification with the European Union, the correspondence map showing that those respondents who have no trust in the European Commission do not identify with the European Union, while high degrees of confidence correspond to a strong identification with the European Union.

We have performed this type of analysis in order to outline the correspondence between the identification with the European Union and the trust shown to the European Parliament and to the European Court of Justice.
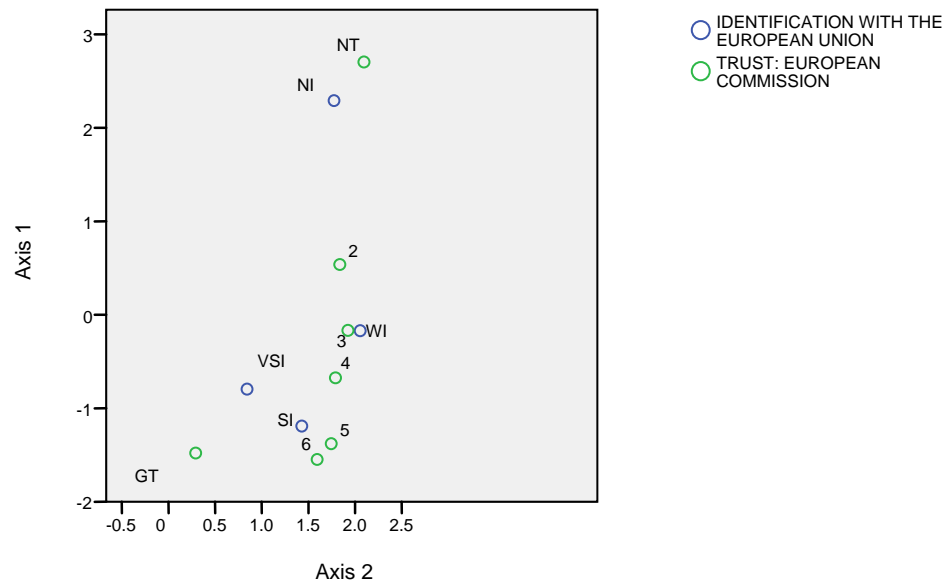
Figure 2. The correspondence between the identification with the European Union and the trust in the European Commission

Figure 3 presents the correspondence between the trust in the European Parliament and the identification with the European Union:
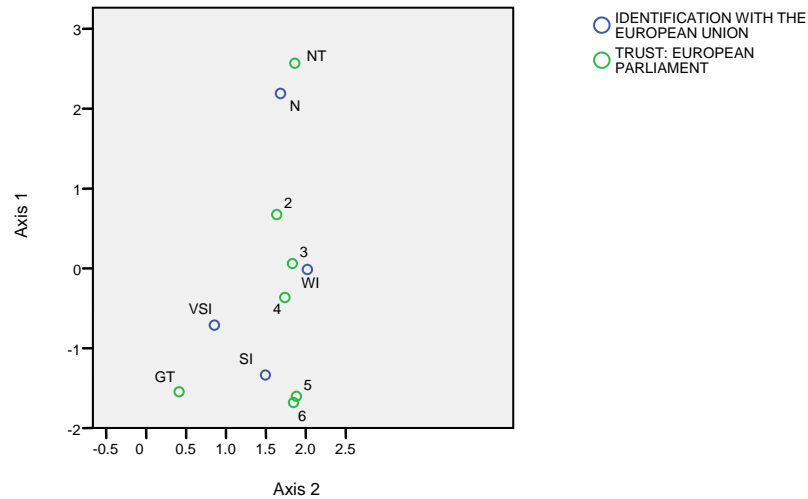
Figure 3. The correspondence between the identification with the European Union and the trust in the European Parliament

We notice a similar distribution, in which high levels of trust correspond to high levels of identification to the EU. The relationship between identification and trust, in the case of the European Court of Justice, can be seen in **Figure 4**:
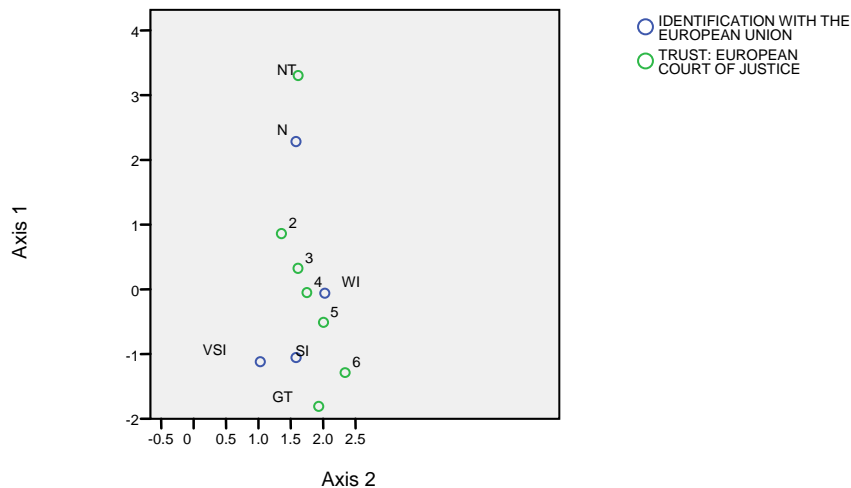

Figure 4. The correspondence between the identification with the EU and the trust in the ECJ

On the subsample of university graduates we have performed a multiple correspondence analysis, presented in **Figure 5**:
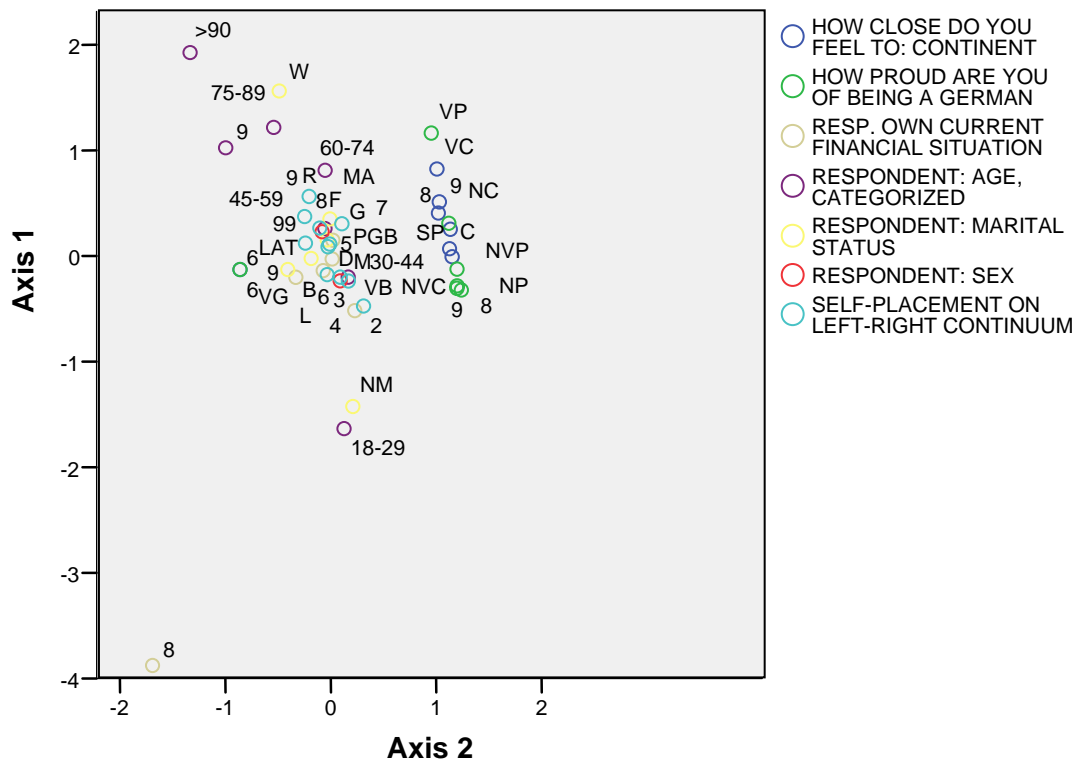

Figure 5. The representation of the options of university graduates, depending on their demographic characteristics

After conducting multiple correspondence analyses we notice a variety of situations: on the one hand, the ones very young and the ones very old, who are excluded from the field of options. A well individualized group is formed of women between 45 and 59, divorced, opting for the centre-left, with a good financial situation, who are neither too close, nor

too far from Europe, and are somewhat proud of their country. This group corresponds to the EU-pragmatists cluster identified in the general population.

Another distinct group is that of divorced men, between 30 and 44, with a rather unsatisfactory financial situation, oriented to the left, who are neither close to Europe nor proud of their country. This group corresponds to the undecided clusters, who consider they have other, more important preoccupations than assuming some values regarding national identity and European integration.

The respondents aged between 45 and 59, married, with a very good financial situation, round up this cluster, by not answering to the questions regarding their position towards Europe and their country.

It can be, then, noticed that, although, according to Scheve (2000), there are differences in the way European integration is perceived by the educated and uneducated people, the uneducated being more euro-sceptical (which is explainable, if we think that they regard the European labour market as a threat, in the long run), the clusters identified in general population are very much the same with the groups in the university graduates population.

Conclusions

In a model which starts from the idea that national pride entails exclusion and conflict, and European integration multiculturalism and tolerance, the two may be regarded as opposite. The analysis we have conducted, on data from the ALLBUS survey, systematically applied to the German population in the 1980-2006 period, reveals that the willingness to identify with the European Union is not excluded but, at most, tempered by a strong sense of national pride. Also, there is an abstract benevolence, a generic trust in the idea of Europe, and an institutional trust, for whose quantifying we have "decomposed" the European Union in the European Commission, the European Parliament and the European Court of Justice, as symbol-institutions of Europe.

We have noticed that the trust in the European Commission is a good predictor of the identification with the European Union, a correlation which is valid also in the case of the European Parliament and of the European Court of Justice.

Thus, a pragmatic group is configured, for which a Europe to identify yourself with is a Europe whose institutions function properly. The cluster analysis of the general population revealed, indeed, the presence of a pragmatic group, who don't identify themselves excessively with Europe, but trust the well functioning of its institutions. The moderates are at half the distance between national pride and trust in Europe, while the nationalists exhibit a clear right-wing deviation. The fourth cluster is made up of undecided, which have other problems than the ones concerning identity.

The multiple correspondence analyses, on a selected sub-population, of the university graduates, proved the stability of these clusters, provided for some slight modifications, which shows that there exists a cross-educational consistency of the identity options.

The dynamics of these clusters, tested on some other populations, as well, and put in relation with phenomena which influence the trust in nation and/ or the trust in Europe is a study direction which can anticipate the countries' repositioning on the world cultural map.

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BOOK REVIEW

Barbara J. Falk: *The Dilemmas of Dissidence. Citizen Intellectuals and Philosopher Kings*, CEU Press, Budapest, 2003

Paul Terec[*]

Printed in 2003 at the Central European University's publishing house, *The Dilemmas of Dissidence* can be received as an instrumental contribution to the study of the way intellectual oppositionist to the regimes of "real socialism" thought theirs status and actions within such peculiar predicaments. The research focuses upon the situation intellectuals had to face in three of the countries of the former Socialist Block, Poland, Czechoslovakia and Hungary. Yet the scope of this approach is more than a historical briefing and assessment, having as unavoidable end the depiction of three exceptional cases of bold heroism, each with its own development. The author endeavors as main methodological take on her material to take on seriously the *œuvre* the dissident intellectuals had produced, and to study it *qua* political theory (p.xvii). As such, the approach may be assessed as significantly contributing at the level of a history of ideas, offering as well a methodological and conceptual framework that can be useful for comparative interests, and even to be arguably transposed in other contexts. A remark has to be made: the book shares its title with a noted and ample article[1] Tony Judt had published in 1988, and dedicated mainly to the same issue. This seems to be no accident. At the end of his appraisal Judt expresses skepticism about considering the reflexive texts produced by Eastern intellectuals as political theory. He mentions thereof mainly the very successful writings of Vaclav Havel, where the reprisal of Marxism is not clearly separated from an anti-Enlightenment impetus, which indicates a lack of positive adherence to the cornerstone values of the democratic

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[1] Tony Judt, "The Dilemmas of Dissidence: The Politics of Opposition in East-Central-Europe", *Eastern European Politics and Societies*, Vol. 2, No. 2., 1988.

tradition of politics. Of course Judt's argument has been made before the watershed of 1989, when fearing a lapse in one or another form of authoritarianism – as it was in fact a constant temptation for the political regimes in East-Central Europe – was not at all unreasonable. For Judt, thinking the dissident intellectuals' action and stance in the terms of an enlightened *Realpolitik* was mandatory. For Falk, reassessing the legacy of intellectual dissidence as political theory means, on the one hand, resituating it inside the objective conditions of its production, that is, a history of the group gatherings, organizations and actions, being more or less institutionalized civil initiatives. Such a history can be summarized as well as being one of intellectual, literary, even religious groups trying to enter a dialogue with the Party-State, reclaiming shared allegiance to the principles of democracy, often to find out that politics is about real power, not debating. On the other hand, Falk's assessment locates the dissidents' political theory in the tradition of philosophical and political thinking as expressed by central-European authors as Adorno, Horkheimer, Arendt and Habermas (p.xviii), searching to isolate a specific trait, which could be received as an original contribution to the political theory: "an alternative non-institutional form of politics" (p.324). As already problematized, this is about a kind of insurgent politics, rooted in civil society, that would invigorate rather than replace mass democratic politics[2]. One must keep in mind as being of great significance this double methodological aspect. It does not only structure the approach, but opens up a vast research field. "By the catch-all term «dissident political theory» I refer not only to such impressive works as Havel's landmark essay «The Power of the Powerless» but also to the novels, plays, poetry, *feuilletons*, unofficial or «flying university» seminars, samizdat newspaper articles, and even **various forms of performance art and cultural expression** that made the opposition so distinctive, creative and frankly, difficult to penetrate and stop effectively"(p.xxii)(highlighted by me). Even if Falk does not systematically follow the aspects of various cultural expression, the question remains open as to other possible forms of political thinking, never expressed properly, as could be the case in Romania, where social movement as

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[2] Jeffrey C. Isaac, "Oases in the Desert: Hannah Arendt on Democratic Politics", in *American Political Science Review*, Vol. 88, No. 1, 1994.

Solidarity or *Charta 77*, were being made impossible by a tradition of fierce repression.

Even if the inner scientific scope the book has been already highlighted this does not mean the complete absence of a polemic stance. In fact, as the author explicitly points out, a great deal of Western scholarship on East-Central Europe has often assumed a lack of historical knowledge and cultivated interests for political issues from the part of the intellectual elites of these regions. This meant that no approach on the issue made by someone outside the region should try grasping its object by an appeal to the local knowledge (p.3). To such a gross ignorance concurred a concentrated questioning revolving around exceptional events such as the Hungarian revolt of 1956, the Prague Spring of 1968 and the like, but also too rigid of a link which, concerning East-central Europe, holds Revolution to be politics *par excellence*. Accordingly, between these highly noted upsurges there seems nothing relevant to have happened. Precisely by anchoring the approach on the texts the intellectuals produced, and regarding them as political theory, the author succeeds in offering a narration able to grasp what could be called, following Falk, "the path grand historically-oriented gestures that on the surface did little to change the present"(p.6). To limit oneself on writing, publishing, in *samizdat* or not, reading, making books circulate, commenting, that is, articulating as such what has been acknowledged, quoting a Tocquevillian remark, as a "literary politics"[3], do not necessarily mean neutralize any political meaning. Of course, there is little reason in trying to assess the activities revolving around the dissident way of treating literature in the sociological terms of a professionalized field, whose development in the public sphere and potentially politic role are being unhindered. Instead, what Falk strives to demonstrate is that starting from the significant amount of texts produced by the dissident intellectuals and from their ever pervading circulation, one may still uncover the specific condition of production and peculiar reception of such literature, that is, something as a literary dissemination and a public reception which despite being highly peculiar, given the impossibility of a straightforward market framework, are not altogether exceptional.

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[3] Sorin Antohi, "O «politică abstractă şi literară»: intelighenţia şi democraţia", in *Exerciţiul distanţei*, Iaşi, Polirom, 1997, pp. 114-124.

The book is divided in three sections. The first is concerned with delineating the activities of groups, organizations, editing houses, and other institution that structured the opposition's stance, what we called above, the historical or objective condition of intellectual dissidence. The second deals with most noted and influential writings, which one must consider as hinging opposition on a same footing with the institutions whose activities have been evaluated in the first section. The last section is concerned with uttering the main assumptions and arguments that pattern the political theory of the dissident intellectuals. In the pages following I will delineate Falk's approach by extracting some of the arguments, aiming to make a point about the solidity of the problematic this book admirably addresses.

In Poland's case what is probably most striking is the role played by the Catholic Church in the inception and the structuring of an alternative intellectual field. The Polish Catholic Church has constantly been a central agent in the history of Poland, mixing ethical conservatism and nationalist politics, conveying a message of utmost influence, informing Polish society and culture. Catholic organizations, publishing houses and journals served as independent models, creating a base for an independent culture separate from officially sanctioned organizations. The Church was arguably a proto-oppositional organization simply by virtue of its independent existence. Without intentionally adopting an activist stance, it absorbed societal discontent and was a site for "truthful" discussion and criticism, fostering what Michnik describes as "ersatz political pluralism" (dependent as it was on the limited tolerance capacities of the party-state) (p.21). Even a bit surprising may appear the way catholic intellectuals as Tadeusz Mazowiecki and Anna Morawska combined nationalism, activism, realism and a stance for religious independence, with leftist revisionism. The same conservative ethos, rather religious than political, chaired the institutionalization of K.O.R. (The Workers' Defense Committee) in 1976, this time being added on a sheer sense of openness and transparency, as long as they were hold as instrumental to any authentic democracy. This point has to be underscored by mentioning the author's emphasizing of a specific and often forgotten aspect of the oppositional thinking: the general critique of the socialist regime grew from "disappointed revisionism and the prewar traditions of Polish socialism. Revisionism itself was based on a

more radical and democratic reading of Marx and Lenin. (..) Later many journalists, academics, and foreign policy advisors in the West were keen to present the Polish opposition (especially Solidarity) in a light that suited their own interests—and in a proper «anti-communist» context"(p.25). In fact, this is a point which has to be made in all three cases in discussion: there is a socialist penchant which upheld and triggered in a way or another dissident activities. In Czechoslovakia communist enjoyed an enormous legitimacy, given the people had perceived the USSR as being their liberator from the German foreign rule. In 1948 the communists were elected to form the government by almost half of the population, as Milan Kundera put it, by the "good half", the one comprehending the majority of intellectuals. Only the failed economic reforms of the 1960's will precipitate the Socialist regime lose its prestige. The same point could be made of the Hungarian Revolution of 1956, which was firstly an anti-Soviet revolt, and not anti-communist. Afterwards, the normalization brought about by the János Kádár government meant establishing many middle grounds with the opponent stances, keeping the dialogue over most of the push toward reforms in socialist terms. This peculiar situation finds itself reflected as being somehow paradigmatic for the socialist regimes in the well-known work of Iván Szélenyi şi György Konrád, *Intellectuals on the Road to Class-Power* (1979): the authors' thesis states that in East-Central Europe *intelligentsia* is in fact the only social class able to detain the political power in a party-state socialist regime. – The unfolding of the book's first section holds as central the following argument: it's about rendering explicit the flimsiness of the picture focusing dramatically on the misguided communist supporter slowly awakening to the reality of the regime, and moving from anti-democratic hypocrisy to self-correction, democratic support, and anti-communism. "The problem with this simplistic political trajectory is that it assumes, and in fact the argument is dependent upon, ideological movement along a left–right axis. (..) If more radically democratic and participatory forms of politics are on the Left even within a socialist dialogue (contrasting, for example, the politics of Rosa Luxemburg with that of V. I. Lenin), then communist intellectuals did not move to the right but rather further *to the Left*" (p.60). It is important to underline again that this movement to the left takes place simultaneously with the abandon of the right-left polarization, that is, the "normal" way of defining the

political field. The construal of the socialist revolution as being firstly an inner transformation of the workers' class, a problem rather of say pedagogical nature than political, stemming more directly from the broad Enlightenment project, as it is the case in Luxemburg's writings, may be acknowledged as more appropriate for grasping the common trait of the intellectual dissidence. In this peculiar context seems that both the terms "revolution" and "socialism" lose their usual meaning. The revolution has nothing to do with a political overthrowing, where gaining power constitutes the goal. And socialism may be understood as emphasizing the social as separated from the institutions embodying political power. What emerges, as the book's second section documents it, is a transmogrification of all political issues in the sole concern of the civil society. Civil society receives in East-Central Europe a "Lockean" construal, to use Charles Taylor's distinction and terms[4]: within this perspective society is already hinged and functional before the emergence of an institutionalized political power. This interpretation can be seen as opposed to the one identified as "Montesquieuian", wherein society cannot by conceived as such without the political institution.

The second section focuses on the most influential writings of dissident intellectuals, offering some detailed presentations of paramount works by Adam Michnik, Leszek Kołakowski, Jacek Kuroń, Václav Havel, Václav Benda, János Kis, György Bence, Miklós Haraszti and György Konrád. These writings are being considered here in accordance with the methodological stance of this research as crucial events of the opposition activity. And it is important to keep in mind the fact that they receive this status only after the moment – which one can pinpoint it as being the Prague Spring 1968 – when it becomes obvious that no reformation of the party-state system is conceivable: the party-state systems are instruments for administrating effective power, and only secondly for governing.

In 1968 and 1971, after his expulsion from Warsaw University, Leszek Kołakowski – professor of philosophy who began his career as a Marxist, but to change to a Christian turn in the latter works – publishes two essays of great influence, "The Priest and the Jester" and "On Hope and Hopelessness". As Falk points out (pp.158-165), two are the main points pushed forward: first, it is the distinction between two types of

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[4] Charles Taylor, "Modes of Civil Society", in *Public Culture*, Vol. 3, No. 1, 1990.

intellectual culture, one chaired by the priest, the guardian of the absolute, the one who sustains the cult of the final and the obvious as acknowledged by and contained in tradition and the other, revolving around the jester, who moves in society without belonging to it, and treats it with impertinence, and the one who doubts all that appears self-evident. Secondly, in "On Hope and Hopelessness", the philosopher pleads for a shifting of the focus of reform away from revisionism and toward resistance, and from the party-state to civil society. It signals a paradigm shift in oppositional thinking: Kołakowski does not theorize how societal democratization and resistance might occur, but he does reject dramatic overthrow or revolution as both nonsensical and highly improbable. These two arguments may be acknowledged as structuring the way dissident intellectuals conceived their status and action. The jester becomes a political figure but only by a self-limitation of its role to the realm of civil society. Resistance gets to be the synonym of an acquiesced marginality. Yet this marginality must be understood only in relation to the official realm of political institutions, and not as the anthropologically more substantive marginality of the jester, one of sheer bantering; one can even wonder if the figure of, as it were, jester-priest isn't more appropriate to describe this marginality. – In Poland, where the Catholic Church assumed an important role, even if more symbolic than effective, this acknowledged marginality has to be seen through the appeal it made to an interpretation of the Christian worldview. First, ethics have primacy over politics; a moral order must exist before the founding of a social order. Second, any social order must recognize individual human dignity—people are equal moral subjects and can equally receive salvation. Embodied in human dignity are natural freedom, reason, and right to bear witness to truth—none of which can be deprived by any ideology or political system, or reduced merely to a catalogue of human rights and obligations. Third, religious faith is grounded in hope—as the source of spirituality. Hope finds its human referent in the concept of trust—the placing of one's hopes with another, which is a founding principle of social order. Other founding principles are social love (which precedes justice in the hierarchy of virtues) and solidarity. Love of God and one another together with solidarity are able to overcome the societal hatreds and hardened passions that can accompany the struggle for pure justice without love. Love is fundamentally other-

regarding rather than self-regarding, and therefore can absorb social conflict rather than be a source of tension. Another writing of major importance, *Church and the Left* (written between years 1974-1976, published first in 1979, in France) by Adam Michnik, proceeds to a pleading for the adherence by the intellectuals to the ethos the Church preached. Michnik argues that opposition has to be conceived only by coming to terms with the "marginal" values structuring the message Church. In the essay "The New Evolutionism", written in 1976, one may find the remaining elements of a more comprehensive picture: being in resistance against the intrusive party-state's politics means finding the interstices of the system where life can be lived in dignity. This would never comprehend an open fight with the system. The Christian ethos hailed as the only feasible pattern of dissident behavior is meant precisely to articulate this alternative intellectual life that never proposes as an explicit goal address and collaborate in reforming the politics of the socialist party-state. In Michnik's words, quoted by Falk (p.180): "In searching for truth, or, to quote Leszek Kołakowski, «by living in dignity», opposition intellectuals are striving not so much for a better tomorrow as a better today. Every act of defiance helps us build the framework of democratic socialism, which should not be merely or primarily a legal institutional structure but a real, day-to-day community of free people". Again, the democratic socialism of the intellectual dissidence receives a non-canonical mark, that of a sort of existentialism, holding as central an emphasizing on the present, real, daily life.

Reflecting on this "fostering a better today", an exigency yielding simultaneously religious and existential significations, one cannot pass over without mandatory evoking Václav Havel's momentous work, both dramaturgic and theoretical. Falk delineates (p.204) the main themes touched by Havel in his essays, most notably in "The Power of the Powerless". "First is his generalized emphasis on truth, explained as honest and direct communication, not muddied by ideologically laden and ritualized obfuscation. Second, truth is linked to self-actualization, the ability of one to live one's life or pursue one's profession authentically, to gain recognition or criticism based on one's owns efforts or outputs, regardless of prevailing political winds. Finally, Havel's own stance serves as an example of a life consistently lived. «Walking the talk» becomes a

behavioral standard for dissidents across the region, which Havel will describe more philosophically as living «as if»". As well as his colleagues from Poland he abandoned any hope in trying to get in terms with the political system. One should better ignore it, and live as if normal life would flow unhindered. Moreover, by underscoring the truth as directedness in communication and as self-actualization Havel situates his reflection in the philosophical tradition, precisely in the one of the phenomenological way of thinking opened by Husserl, developed by Heidegger, and receiving an original construal in the work of the Czech philosopher Jan Patočka. In Havel's writings the legacy of the phenomenological tradition is transposed as a source of conceiving the good life as an alternative to the living in collaboration with the political regime. What Polish dissidence found in the preaching conveyed by the Catholic Church, the Czech dissident finds in philosophy. Distinctive of his way of thinking is the way he employs the notion of responsibility, as standing at the basis of any politics; as Havel puts it: "Politics not as the technology of power and manipulation, of cybernetic rule over humans or as the art of the utilitarian, but politics as one of the ways of seeking and achieving meaningful lives, of protecting them and serving them. I favor politics as practical morality, as service to the truth, as essentially human and humanly measured care for our fellow humans"(p.229). Serving the truth, or "living in truth" – the famous wording epitomizing Havel's thought – is couching enormous exigencies regarding one's own behavior. As Falk remarks it, we are dealing with a notion of a "thick responsibility"(p.229). In *Letters to Olga*, a book assessed here as giving access to the core of Havel's way of thinking, responsibility is understood only when we can express it not only as relativity (in terms of relationships to self and other) but going beyond this relativity to a recognition of what he calls «an omnipresent, absolute horizon» which is a measure and a framework which qualifies and defines us and our actions. Related to this, one may read the paragraphs § 26 and § 27 of Heidegger's *Sein und Zeit*, in order to find out a most probable inspiration of such a rigorous notion of responsability, one which by itself already annules the usual political realm. Especially in § 27 Heidegger describes the institution constituting public space as a realm of the impersonal, where the other cannot be reached without uncovering an authentic existence. Unfortunately Falk

does not address in critical manner the political theory produced by dissident intellectuals. In Havel's case one cannot go further without questioning the peculiar exacerbating of responsibility in the absence of a systematic debating over a form or another of mediation.

In the final section of the book Falk summarizes and synthesizes the approach so far by pointing out the common traits which constitute the writings of the intellectual dissidents a political theory *per se*. "*Contra* Marx, in definite opposition to the Soviet model, yet in sympathy with twentieth century socialist theorists such as Gramsci and Lukács, the dissidents in East-Central Europe *intentionally* and *self-consciously* situated their thought within this European tradition of theorizing about civil society" (p.321). Yet, in the Western tradition political theory is never quite separated from a constitutionalist stance. Institution and their assigned functioning are part of any political theorizing, whereas for the dissident intellectuals the point was exactly to try thinking without appealing to the institutional forms of politics. These remarks do nothing else than underline again the ambitious scope of Falk's approach: an enormous field of political invention is being brought to light, one that can be approached both by the political theory and political anthropology. But in Falk's advance the emphasis does not stand here. It is more meaningful to indicate that, when confronted with the problematic of civil society, the political theory finds itself much closer to deep philosophical issues, usually constituting the object of technical and narrow phenomenological or analytical approaches. "A major part of the civil society project was the re-publicization of what had been pushed into the zone of the private, in not just an effort to recover authentic politics, but also to recapture subjectivity on a profound level"(p.325). And it is important to remark that subjectivity is being addressed here not necessarily as part of an ontological inquiry, but starting from the shifting boundary between public and private.

Sergiu Mişcoiu, Oana Crăciun, Nicoleta Colopelnic, *Radicalism, Populism, Interventionism. Three Approaches Based on Discourse Theory*, Cluj-Napoca: Editura Fundaţiei de Studii Europene, 2008

Iolanda Mărculescu[*]

In the context of the emergence within the political spectre of some controversial phenomena (such as anti-system rebel movements, populist parties, racism, interventionism), which, in fact, are very typical for the end of the 20th century and the begining of the 21st, positivist theories (Realism, Liberalism) fail in offering an overall pertinent explanation for them. Therefore, the framing of these events in a particular methodological field is more than compulsory, taking into account the fact that their relevance requires an objective pespective.

Without any claim of offering an ultimate theory for explaining these phenomena, this book "*Radicalism, Populism, Interventionism. Three Approaches Based on Discourse Theory"*, written by Sergiu Mişcoiu, Oana Crăciun and Nicoleta Colopelnic provides compelling explanations for them, which are revealed through analysis by means of Discourse Theory.

The coherence of this publication isn't determined only by the use of the same   methodological framework throughout it, but also by the logical sequence of the arguments present in each part, with the purpose of supporting the final conclusions.

Sergiu Mişcoiu's study, *" Discourse Theory and Political Contestation. An Inquiry Based on an International Research Project"*, represents the starting point of this work. As the title shows, this is a part of an international research project *L'Europe Rebelle* , organised in three countries: France, Poland and Romania. This project seeks to explain the manner in which anti-system rebel movements participants try to legitimize their actions.

In order to demonstrate that some reasons behind the decision to join an anti-system movement, whatever it may be, can be justified through Discourse Theory, Sergiu Mişcoiu chooses as theoretical background, the five principles of Jacob Torffing(*discursive environment, hegemonic struggles, social antagonism, dismantlement of discursive orders and split subject*),

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principles that are considered the main criteria of this alternative theory. What it has to be asserted here is the fact that these aspects are interdependent and each round pretended analyse has to use all of these five criteria in order to fulfill its purpose.

By applying each of these aspects on the interviewees, the author offers reliable interdisciplinary explanations for the reasons that are invoked by the anti-system movements participants (a neo-fascist militant, a lesbian minoritarian identity, a former Communist Party member, a member of the Anarchist movement, an ultra-orthodox activist), when they motivate their actions. What it has to be kept in mind is the fact that most of these subjects don't have a very well defined identity and, due to the condition offered by *social antagonism*, they become *split subjects*. This process, *the social antagonism*, which gives the opportunity for the consolidation of the so called *alterity*, is a complementary process to the *hegemonic struggles*, through which the articulations of meanings and identities are possible by structuring the discourse in different nodal points.

We can conclude that, despite having certain weaknesses, Discourse Theory offers in the same time a proper multidisciplinary methodological framework, that helps understand certain controversial phenomena. Notwithstanding, we must remember that reading this book requires a good understanding of Jacob Torffing's principles on the Discourse Theory. That's why attention is compulsory. Furthermore, in order to better understand this book, it might be useful to first read Chantal Mouffe and Ernesto Laclau's works related to Discourse Theory.

The second chapter of this book is Oana Crăciun's study, *"The New Populism. An analysis of the Political Discourse of Front National and Lijst Pim Fortuyn"*. The theoretical framework she refers to has two main parts: first, Ernesto Laclau and Chantal Mouffe's theory about the process of identity formation through discourse and second, Critical Discourse Analysis, which focuses on the manner in which political and social powers manifest themselves through discourse.

The purpose of her study is to proove the way in which these two parties, whose main similitude is given by their opposition to Muslim and immigrant community, manage to build their radical populist identity through a discursive process , which follows a populist logic.

Which is very obvious from the first view is the fact that her argumentation is based on an extensive bibliography. I want to bring to attention something that is a quality as well as a flaw in the text. While the author shows a good knwoledge of the theoretical concepts employed, she explains them in a complex manner, which may be hard to follow by a reader who is not accostumed with this particular field. At the same time, it represents makes for an interesting and challenging reading process, which justifies, once again, the fact that alternative theories can offer, to a certain extent, broad explanations.

"The Discursive Road from 9/11 to Operation Iraqi Freedom" written by Nicoleta Colopelnic constitutes the last chapter of this work. Using the theoretical elements offered by Postmodernist theorists (Foucault, Lyotard and Derrida) and, implicitly, the Discourse Theory's main criteria, she succeedes in proving the discursive process through which the 9/11 operation and its consequences are built. Within this process, a very important role is played by the way Islam is perceived over time in Western Europe as a reference point for defining western values and non-values.

She conceives her argumentation step by step, taking into account all the criteria that can affect her thesis: the evolution of the American politicians and media's discourse about the *"axis of evil"*, which takes place in a geopolitical area, where the old principles of deterrence and containment that no longer have any relevance. In the new context which can't provide a coherent definition, terrorism changes its status in the official american discourse from a *"criminal act"* to *an "act of war"*. This vacuum of security, generated by terrorism and the proliferation of weapons of mass destruction, are the reasons which are invoked by Americans when they justify the interventionism through *Operation Iraqi Freedom.*

Perhaps the best part of this last study is the meticulous and logical manner of the argumentation, not to mention the critical way in which the discourse analysis is constructed. Another striking feature of the study is the manner in which an extremely exposed issue, invariably presented in the media in the most subjective of manners, is analysed through an objective perspective.

As a conclusion, I believe the most important feature of this collection of studies is the fact that it demonstrates the way in which the theoretical framework, offered by Discourse Theory, can offer pertinent broad explanations for very different situations manifested in politics.

Ruxandra Ivan, *România şi procesul constituţional al Uniunii Europene. Participarea la Convenţia privind viitorul Europei,* Bucureşti: Editura Universităţii din Bucuresti, 2008

Claudia Trifan[∗]

After the 2001-2005 "constitutional euphoria" (p. 9), the public debates, political analyses and scientific researches on the constitutional process of the European Union have continued with a rather more temperate discourse. The Convention regarding the future of Europe was indeed a historically symbolic moment in the European construction process that was not sufficiently valued nor fully understood at the time. For Romania, the Convention marked its first consultation on the future architecture of the European Union to which our country so full of hope wanted to accede. It is from this perspective that Ruxandra Ivan's academic work sets out to analyze Romania's role and effort to participate and contribute to an essential reflection on the European Union's future, which led to the elaboration of the Constitutional Treaty of 2004. The author attempts to answer two questions – "What is europeanness?" and "How European is Romania?" – by approaching the constitutional process of the Union, the European common identity, the core values of the European construction and Romania's (irrationally) unconditioned support for the EU accession (p. 11).

Ruxandra Ivan argues that the European construction process required an intellectual project that afterwards became political, elites who proved to have the will to apply it and historic conditions that kept it together (p. 17). Unfortunately, the author assumes that these conditions are no longer filled nowadays. In the case of Romania, the late "discovery "of Europe ultimately led to the positive valorization of Europe as a model of civilization (p. 21). Although Romania has acceded to the European Union and apparently the historic debate has been won by the Europeanists, Ruxandra Ivan astutely raises the question of how European Romania genuinely is regarding its values and compatibilities with the European Union (p. 27) to which she will try to answer in the third and last

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chapter by analyzing Romania's contribution and participation to the Convention.

Referring to the evolution of the European Union, Ruxandra Ivan's argument is that, on the one hand, today the European debates concentrate more on the technical side of the European construction, which makes the possibility of creating a European conscience at the level of citizens very difficult; on the other hand, Romania has adapted to this type of debate, and thus, its discourse refers mainly to the technical aspects of the integration process, than to commonly-shared values (p. 31). In this context, a European Constitution would be the first step towards the creation of a European polity (*politeia*) as perceived by the citizens, a republic of the citizens in the attempt to create a "we-feeling" of a European people (p. 30). Consequently, an appropriate analysis on the evolution of the European Union should focus on the level of efficiency (a body of judicial aspects) and on the socio-political level (the creation of a collective imagery and the political will of the citizens and governments to build a political entity) (p. 32). For the future, a Union without common values that go beyond economic welfare is not possible – nor conceivable – because it cannot create organic bonds between people. The author argues that the failure of the constitutional Treaty is perhaps the result of this favoring of technicalities to a long-term vision of the European project based on the fundamental common values (pp. 35-36).

The author offers a surprising perspective when arguing that the European Communities' Court of Justice set up the base for the European constitutionalism – without intending to – by interpreting the four constitutive Treaties as much more than simple international treaties but as a constitutional charter, creating thus a unique legal system for the institutions of the Communities (pp. 46-47). But if so, this raises another question: doesn't the European Union already have a Constitution formed by the four Treaties? Unlike Jean-Claude Piris, Ruxandra Ivan argues that it does not because the EU still derives its authority from the member states and, moreover, it does not have the classic required means to ensure its own system of governing (such as an army).

The lack of legitimacy of the European institutions in the eyes of citizens and the urgent need to reform the European system were the main reasons for assembling the Convention regarding the future of Europe

which faced several controversies. The most interesting upon which Ruxandra Ivan draws attention is the "constitutional denial", that is the avoidance of using the term "constitution" to designate a comprehensive European document. Thus, the intergovernmentalists favored the term "constitutional treaty" which would designate another judicial instrument among governments and maintain the essential role of the states as primary subjects of such a document, while the federalists favored a "Constitution" which would become the fundamental law of the EU and assume a direct legitimacy given by the citizens.

Romania's position towards the European project has considerably shifted from anti-federalist in 2000 to sustaining a federation of states in 2003. The author succeeds in offering an insightful analysis on the official position of Romania throughout 2000, 2001, 2002 and 2003 using the prime-minister's statements which, according to the author, have an exaggerated social-democratic accent. Nevertheless, Ruxandra Ivan's conclusion that Romania was keen on acceding to the European Union only because it perceived it as a prosperous economic club, proving once again a "historic opportunism" (p. 136), might appear as radical to some.

Referring to Romania's participation in the Convention, the author exposes two possibilities of examining the representatives' positions: firstly, as representatives of their primary affiliation (political parties); secondly, as representatives of Romania's unitary position. Overall, the representatives' interventions and propositions marked a common agreement upon the Romanian national interest and how it should be promoted. Nonetheless, Ruxandra Ivan makes notice of some differences of approach on behalf of the representatives, differences that were determined by their belonging (and probably primary loyalty) to specific groups, political parties, minorities and institutions of the Romanian state.

After observing the fate of the constitutional Treaty up to date, Ruxandra Ivan concludes that Romania's and the member states' vision at the time proves a lack of historic perspective and continues to be mainly focused on the economic Union and less on the construction of a genuine political community.

Using an appropriate methodological approach, Ruxandra Ivan succeeds in offering a comprehensive perspective on the constitutional process of the European Union and Romania's participation - as a

candidate - at the Convention regarding the future of Europe. Nevertheless, the language of the book is rather technical - given the subject envisaged – and the work is, thus, more suitable for readers more familiar with or specialized in European studies than cultural studies. Still, we would not hesitate to recommend it also to those simply interested in the institutional mechanisms of the EU, with a relevant insight from a Romanian perspective.

Joseph Cirincione, *Bomb Scare. The History and Future of Nuclear Weapons* (With A New Afterword); New York, Columbia University Press, 2008

Beniamin Benea[*]

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The book was edited for the first time in 2007, but the international context and the internal evolution of American politics determined the author to add a new part in the book in 2008. This new part is the afterword, which presents the future possibilities of nuclear disarmament. The prospect for future development was influenced by US domestic political landscape's changing – which was forecasted by Dominique Moisi from the French Institute of International Relations (IFRI), which had written an article regarding the possible election of a candidate of hope instead of a candidate of fear.[1] The same prestigious publication presented a possible path to follow in order to arrive to a world without nuclear weapons.[2] But already in January 2007 a bipartisan appeal was made in US regarding possible elimination of nuclear weapons: Republicans George Schultz and Henry Kissinger and Democrats William Perry and Sam Nunn wrote an article for *Wall Street Journal*, with the title "A World Free of Nuclear Weapons"; again, in January 15, 2008 the four published a new article announcing that their initiative had garnered support of the former secretaries of state, secretaries of defense and national security advisers. As we can observe, the Cirincione's book appear in this optimistic landscape.

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[1] Dominique Moisi, "The Land of Hope Again? An Old Dream for a New America", in *Foreign Affairs*, Vol. 87, No. 5, 2008, pp. 140-146.

[2] Ivo Daalder and Jan Lodal, "The Logic of Zero. Toward a World Without Nuclear Weapons", in *Foreign Affairs*, Vol. 87, No. 6, 2008, pp. 80-95.

The book has eight chapters, and at the end of the book, there is the afterword, focalized upon the possible shaping of things to come in the nuclear era. As the first three chapters are focalized upon the history of nuclear weapon's development, and upon evolution of nuclear armaments, chapter five presents today's nuclear world. After that there is presented the new US policy regarding nuclear arsenals, with some optimistic views about proliferation and solution for this ardent problem in world politics. Of course, there are presented the drivers and the barriers for the states' arming with nuclear capabilities, as part of the fourth chapter.

Today many of us could ask themselves which are the benefits and utility of A-bombs or H-bombs' possession, but in order to find a plausible answer we should try to find the drivers for this situation, and put ourselves in the shoes of political and military leaders during World War II, when it was decided that there was important to develop weapons with high destructive power. The book in the first part focalizes upon the way the bomb was developed and which was the motivation for its construction and using. It is mentioned about the famous letter, written by Einstein, through which he warned President Roosevelt about huge amount of energy which could be released through a chain reaction in a large mass of uranium, and this could lead to the construction of "extremely powerful bombs of a new type." He mentioned German stopping of uranium selling from Czechoslovakian mines and counseled Roosevelt to speed the American experimental work. The Churchill's role is noteworthy to be mentioned, because he sent to Roosevelt a study made by English scientist, and opened the way to USA of the memorandum of two German scientists living in England, which mentioned Fuhrer's intentions regarding development of A-bomb. Their memo concluded that if Germany would be in the possession of such a weapon, the most effective reply can be a counter-threat with a similar bomb. As we can see, the bomb was seen as a *mean of deterrence* for use of such a weapon by Germany.

As a matter of fact, Cirincione points to the *vast effort* needed to develop such a project. During the project's development some scientist concluded that the material needed to produce an atomic bomb couldn't be successfully attained, but others mentioned that the US was in a very special position: it wasn't the superior scientific experience, but the *industrial capacity* to make the right materials. There was build, by the end

of the war, the manufacturing equivalent of the American automobile industry, an entirely new industry focused on creating only one product – the atomic bomb.

But what was the reason behind the decision of A-bomb dropping on Japan? The author presents more positions affirmed by different historians; it is impressing to try to see which were the reasons behind Roosevelt's decision, and see how difficult choice he faced: use the bomb, or expose US soldiers to a costly land invasion in Japan. But in 1965 Gar Alperowitz argued that the bomb was dropped primarily for *political* rather military reasons, Truman wishing to impress and intimidate the Soviet Union and gain advantage in the postwar situation. Other historians disagreed with Alperowitz regarding the Soviet factor in the decision A-bomb throwing, but accepted the idea that the bomb was seen by policy makers as a weapon with *diplomatic leverage*. But what is noteworthy to be mentioned is the fact that after the bombing, the public and the political leaders fully comprehended the great danger the Manhattan Project had unleashed and began to draw a *distinction between conventional weapons and the nuclear ones*.

Suggestively entitled "Controlling the bomb" the second chapter begins with the presentation of H. Truman efforts regarding the control of the future development of nuclear energy. In October 1945 he presented a message in US Congress saying that "[T]he hope of civilization lies in international agreements looking, if possible, to the renunciation of the use and development of the atomic bomb." By his name is connected the first effort regarding the first nonproliferation plan, proposing to the new UN that all atomic weapons be eliminated and that nuclear technology for peaceful purposes be shared under strict international controls, implemented by a UN Atomic Energy Commission; he even developed a plan that included many of the nuclear nonproliferation proposals still debated today. But these aspects were debated by scientific community even in the closing days of the war. The scientists warned that US couldn't rely permanently on its current advantage in atomic weaponry; nuclear research wouldn't be for long an American monopoly. They argued that if no *international agreement* were developed immediately after the first detonation of the bomb, there would be a "flying start of an unlimited armaments race" and in the same time they believed that the rationing of

uranium ores could be the simplest way to control nuclear technology. If we take a look back in history, we could easy observe they were right.

They move even to the core truth: preventing proliferation had to be a universally accepted *political solution*. Stalin saw the bomb as more than a weapon; it was perceived by him as a symbol of industrial might, scientific accomplishment, and national prestige. As the American monopoly on A-bomb was over, it could be mentioned that Stalin saw the bomb not as a threat to all of humanity, but rather as a source of security and power. Truman saw it as a tool to contain Stalin and preserve American security, and as a consequence, he ordered an increase in then small US atomic arsenal. But the American shift to more and bigger bombs didn't convince the Soviets – as the Americans expected – to forgo their own arsenal, and pushed Moscow to respond in a similar way. In this moment *atomic weapons became the currency for power, and policy was influenced by the strong belief in the diplomatic utility of these new destructive weapons*. Now the world was facing a spiral of arms race, a race with a strong hysterical character.

Chapter three regards the rising of atomic arsenals (qualitatively and quantitatively), and some measures taken to control this dangerous evolution. After the Soviets tested their first fission bomb in November 1949, Truman raised the stakes, accelerating a program to build the H-bomb, a bomb with enormous power. There started a period when both superpowers engaged in developing strategies for fighting and winning a nuclear war, when there were created vast nuclear complexes, and were deployed intercontinental ballistic missiles and fleets of ballistic missiles submarines. The abandonment of international control efforts leaded to American nuclear arsenal's mushrooming (from 400 weapons in 1950 to over 20000 in 1960); the Soviet arsenal jumped from 5 to 1600 in the same period. But what was the most important thing was the fact that numerical superiority didn't mean greater security, while the whole world could be destroyed for the first time in history by a contest between the two superpowers. Moreover, in sixties the threat no longer came from two states (UK joined the nuclear club in 1952, France in 1960 and China in 1964).

There are presented the Kennedy's efforts regarding the proliferation problem, and LB Johnson's, and Nixon's actions, too, following with Reagan program for arms development in his first term, and

a reversal of his policies in his second presidential term. It then follows G.H.W. Bush, which announced in 1991 that the US would unilaterally withdraw all of its land and sea launched tactical nuclear weapons and would dismantle all of its land and many of its sea-based systems. Two weeks later President Gorbacev reciprocated with similar tactical weapon withdrawals and the de-alerting of 503 Soviet intercontinental ballistic missiles. Even if the book presents especially the American efforts and initiatives regarding non-proliferation, with Russian moves as results of these initiatives, the reader could familiarize with these parallel efforts.

Put in a short way, we can see that process started by Eisenhower, inspired by Kennedy, and pushed foreword by Johnson found its fruits harvested by Nixon, Reagan and Bush, who either negotiated or brought into force almost all the instruments that make up the interlocking network of treaties and arrangements we refer today as the *non-proliferation regime*. In 1990s Clinton won Senate ratification of Bush's START II treaty, help denuclearize Belarus, Kazakhstan, and Ukraine, won the permanent extension of NPT in 1995, negotiated and signed the long sought Comprehensive Nuclear Test-Ban Treaty (CTBT), and implemented the Nunn-Lugar initiative regarding the cooperation for nuclear threat reduction (the elimination of Russian nuclear weapons and materials).

In 2002 George W. Bush signed the Strategic Offensive Reductions Treaty, ratified by Senate and Duma next year, committing the two nations to reduce their "operational deployed" strategic warheads to 1700 – 2200 by December 2012. As we can see, the NPT has worked: the nuclear threat is less acute today than in 1970, when it entered into force; the nuclear weapons in the world has declined from 65000 in 1986 to 27000 today.

Chapter four exposes the *five* reasons for pursuing a nuclear weapons arsenal, and *five* barriers to reach this aim, with examples.

The drivers are: *Security* – (for example China pointed to US threat for its decision to built the bomb; and this pull India, and after it Pakistan to built nuclear capabilities). Nuclear deterrence of a conventional force was an option which made South Africa and Israel states with nuclear capabilities; *Nuclear prestige* – states acquire nuclear weapons to fulfill perceptions of national destiny or to be viewed as a "great power" in international affairs (France and United Kingdom); *Domestic politics* – states acquire nuclear weapons when a set of well-placed bureaucratic actors

convince political leaders of the need for the bomb. Three sets of actors have great impact in nuclear decisions: scientists, soldiers, and leaders (which are the final and most important decisional forum); *Technology* – states acquire nuclear weapons because they have technological capabilities (UK); *Economic factor* – nuclear weapons' advocates argue that a nuclear defense is cheaper than a conventional one, and this could be a reason which brings political actions for nuclear capabilities; but a nuclear program is in fact very expensive, and one reason which impedes states to develop nuclear capabilities is the high cost of such arsenal (USA spent $7,5 trillion developing, producing, deploying, and maintaining its nuclear weapons from 1940 to 2005).

The barriers to proliferation are the same as in the case of drives, but in an opposite direction: *Security* – other states forgo nuclear weapons when it is in their security interests to do so (Switzerland, Sweden); *Prestige* – most countries do not believe that nuclear weapons are essential to their national identity or place in the world (Mexico, Sweden); *Domestic politics* – significant public opposition to nuclear weapons can reverse an arms race and states can forgo nuclear weapons (Japan); *Technology* – states forgo nuclear weapons when they can't develop or acquire the technology or technical know-how necessary to make fissile material and built a bomb (in part in the cases of Argentina, Brazil); *Economics* – nuclear weapon programs are very costly and this could be a great barrier for such an action, but economic sanctions that result from a nuclear program, or economic benefits which result from the abandonment of such a program are important incentives, too (Libya).

Chapter five presents today's nuclear world. It begins in an optimistic tone, the current dangers being smaller in comparison with that we faced during Cold War. Between 1986 and 2006 US and Russian missiles and bombers decreased by 61 %, and these reduction are likely to continue during the current decade. But today, the most dangerous things we are facing are: nuclear terrorism; existing nuclear arsenals (especially in Russia and Pakistan); the possibility of new nuclear weapons states (especially in the Middle East); and the risk that entire nonproliferation regime could collapse, leading many nations to reconsider their nuclear options.

Regarding today's nuclear weapons states, there are nine states which posses such weapons (Russia – 16000; USA – 10100; France – 348; UK

– 200; China – 200; Israel – cca. 135; India – cca. 100; Pakistan – cca. 85; North Korea – 5).

Chapter six regards US policy to a Middle East state – Iraq. Most of the thinking preceding Iraq's invasion was associated with the members of neoconservative school; they believed that rather simply manage the world, US should use military as a tool to transform it. And they did this through the elimination of regimes, but not arsenals. "The gravest danger facing America and the world is outlaw *regimes* that seek and possess nuclear, chemical, and biological weapons", said G.W. Bush, changing the focus from "what" to "whom". And this strategy sought the elimination of regimes rather than weapons, in the belief that the US could determine which countries were responsible enough to have nuclear weapons and which ones are not. But as we could simply observe today, this policy hasn't brought the expected results.

The good news about proliferation is the focal point of the seventh chapter in the book. There are presented the paths to be followed by American leaders: one regards the most serious threats which world is facing; the other one regards the policies which should minimize the proliferation drivers, while maximizing the proliferation barriers. As a positive aspect, the number of nuclear weapons in the world has been cut in half over the past twenty years (from 65000 during the Cold War to 27000 today); the NPT is widely considered one of the most successful security pacts in history, with every nation of the world as member, except for Israel, India, Pakistan, and North Korea.

Only 33% of the number of long-range ballistic missiles were deployed in 2006, in comparison with 1987; only China has 12 intermediate-range ballistic missiles, the other countries renouncing totally at this arms (a decrease of 98%); and there are fewer biological and chemical weapons in the world.

What is a significant thing regarding the proliferation policy is the changes in US policy indeed; such a change may be the prerequisite to implement a *global transformation*. It is presented the best strategy which would prevent new nuclear weapon states' appearing on world stage, by increasing penalties for withdrawal from the NPT, by enforcing compliance with strengthened treaties, and by radically reforming the nuclear fuel

cycle to prevent states from acquiring dual-use technologies for uranium enrichment or plutonium reprocessing.

Last chapter regards the nuclear solutions. For three problems there must be found an answer; the three problems are: preventing nuclear terrorism; preventing nuclear fuel rods from becoming nuclear bombs; preventing new states to enter the club of nuclear weapons states. The most urgent threat is a terrorist attack, and the number one goal should be to ensure that any such attack in non-nuclear; and the most effective, least expensive way to prevent nuclear terrorism, is to secure nuclear weapons and materials at *the source*. Acquiring weapons and materials is the hardest step for the terrorists to take; any subsequent step in the process is easier for the terrorists to take, and harder to stop.

Today the fuel problem is growing seriously as several nations seek fuel production capabilities. Iran is the most urgent example of this problem. There exist a broad agreement that a comprehensive nonproliferation solution must include the reform of the ownership and control of the means of producing fuel for nuclear reactors. Anyway, preventing new nations to enter the uranium enrichment business would require more than a country-specific approach. And the problem regarding the preventing new states to become nuclear must be resolved through a comprehensive, multidimensional approach.

The last part of the book is the afterword, entitled "*The Shape of Things to Come*". The description begins with the perils of proliferation; the greatest danger for US and the world comes not from Iraq, Iran or North Korea, but from Pakistan – the most dangerous country on earth. The second part of the afterword regards the proliferation in North Korea and the actions taken during Bush administration to resolve this problem.

In order to achieve maximum benefit in the future there is needed a comprehensive approach regarding the spread of nuclear weapons. Terrorists and hostile regimes attempting to acquire nuclear weapons ca be stopped only by *coordinated international* efforts to strengthen and enforce rules, but to obtain this result, the states which retain nuclear capabilities for status or security must provide much greater equity to those that do not. Nations that sell nuclear technology should be as energetic in promoting the resolution of regional conflicts as they are in promoting their products – and this require building the unity of the US, western European,

Russia, and the regional states to contain the Iranian program; engaging with Tehran is more crucial to halt not only the Iranian nuclear program, and proliferation in the Middle East, but even the elimination of Israel's nuclear arsenal.

In this crucial moment in human history, the new elected President Barak Obama brings with him a very optimistic view and a fresh air; he had promised to *lead efforts not just to reduce but to eliminate nuclear weapons*. But before his election, the year 2007 ended with *bipartisan* congressional actions that generally had the effect of blocking the production of new types of nuclear weapons and the construction of antimissile bases in Europe, reducing founding for these anti-missile programs overall, mandating a new nuclear policy review, and providing funding for an international fuel bank, giving him a framework which could assure a possible path to complete nuclear disarmament.

As a conclusion, for the first time since initial efforts led by Truman and Kennedy, a serious movement to *eliminate* nuclear weapons has developed not from the political left but from the bipartisan, moderate middle – and this promises to give the movement greater political importance and policy relevance than previous efforts.

John Morrow, *History of Western Political Thought. A Thematic Introduction*, Second Edition, Palgrave Macmillan, 2005

Teodora Sas[*]

John Morrow's approach provides a comprehensive treatment of a range of thinkers, issues and debates of central importance in the Western tradition of political thought, and allows for a consideration of the biographical and historical background in which their works were produced.

The book is organized around themes that extend across wide tracts of European history: it opens with a consideration of the *ends* of politics, examining a range of responses to the question "what is the primary goal of political institutions and particularly of the state?"; it examines theories that specify the particular values that are to be realized by political institutions; it deals with arguments about the *location* of political power and addresses a range of answers to the question "who should rule?" (claims about *who* rules are conceptually distinct from those that specify the *ways* in which political power should be exercised; the question that arises here is: how should power be exercised if it is to promote the ends of politics?); and finally, the book examines a number of theories that deal with responses to the persistent misuse of political power by rulers: medieval and early modern theories of resistance, various important statements of revolutionary political theory, particularly those produced by 19th and 20th century socialists and anarchists, and theories of civil disobedience and non-violent resistance developed by a range of 19th and 20th century thinkers.

The first part, **the Ends of Politics,** comprises four chapters that deal with the goals of politics: 1) *Politics and Order*, 2) *Politics and Virtue*, 3) *Politics and Freedom*, and 4) *Politics, Happiness and Welfare*. Democritus, Protagoras, Plato, Aristotle and Cicero advanced the idea that a properly regulated *polis* formed an order that was directed towards the common good of its members, an order that enabled them to cooperate in the pursuit of ideals that were fundamental to humanity. Aquinas showed how aspects

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of Greek and Roman political thought could be incorporated within a Christian framework. Augustine insisted that political authority is legitimate and that Christians have a moral obligation to obey their political superiors. (p.27) Jean Bodin, Hugo Grotius and Thomas Hobbes advanced a theory of sovereignty that gave a distinctive expression to a conception of politics that emphasized the state's repressive role.

Redefinition of the relationship between the state and its members was central to the vision of Gentile and Mussolini: they both rejected any idea that the state is an instrument that merely serves the interests of individuals or groups. Jean Jacques Rousseau[1] rejected accounts of government that explained order and obedience by reference to fear. Rousseau's German successor, the late 18th century philosopher Immanuel Kant believed that, although human beings have natural inclinations which make it impossible for them to co-exist for long in a state of wild freedom, their natural inclinations have the most beneficial effects when humans are enclosed within civil union[2].

Rousseau, Kant, Hegel and Green ascribed a central role to the state in maintaining an order that would enable human beings to realize their potentialities for cooperation (fundamental to well-being). Unlike the thinkers who focused on the repressive, regulatory role of the state, these writers related order to the necessarily social dimension of human life: '*will not force is the basis of the state*'[3]. The social conceptions of freedom advanced by these writers are similar to some extent to those underwritten by social Anarchism and Marxism.

While freedom is central to Kant's conception of right action, he did not regard it as a sufficient condition for morality and for the pursuit of perfection. (p.46) Mill did not regard forms of freedom as products of social membership. The contrast between Mill's conception of freedom and that

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[1] Jean–Jacques Rousseau, *The Basic Political Writings,* trans. Donald A. Cress, Indianapolis, I.A.: Hackett, 1987, p. 148.

[2] Immanuel Kant, *Political Writings,* trans. H. B. Nisbet, Cambridge: Cambridge University Press, 1971, p. 46.

[3] Thomas Hill Green, *Lectures on the Principles of Political Obligation and Other Political Writings,* Cambridge: Cambridge University Press, 1986, p. 89.

of Rousseau, Kant, Hegel and Green is presented in terms of a distinction between 'negative' and 'positive' liberty[4]. (p.105)

The second part of this book, **the Location of Political Authority: Who Should Rule?,** reflects the ideas of the proponents of the single person rule (Bodin, Hobbes, Filmer, Bossuet), of the rule of the few (Plato, Aristotle, Mill, Nietzsche, Lenin), and of the rule of the many (Protagoras, Democritus, Aristotle, Madison, Paine, Constant, Tocqueville, Green, Hobhouse). Democracy is a feature of the modern world. Protagoras' conception of democracy also rests on the idea that this form of government is intrinsically beneficial to human beings[5]. The most significant 17th century developments in democratic political thought took place in the late 1640s, during the English Revolution, within the "Leveller" circles[6].

Britain's North American colonies rejected hereditary monarchy and aristocracy and established republican forms of government. James Madison, a leading 'federalist', argued for the necessity to 'filter' the narrow interests of local communities and interest groups through a more extensive electoral process, so that the better educated will tend to be elected to federal offices, as these people have the 'knowledge of the interests and feelings of the people'[7]. Madison's position echoed earlier ideas concerning 'natural aristocracy' within a system of popular government[8].

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[4] the terminology appears in Green's writings: negative liberty focuses on 'freedom from' constraints, giving primacy to protection of individuals from interference by others. Positive liberty draws attention to the idea that liberty may be constrained by a broader range of impediments than those embraced by the negative conception of freedom, which means that the individual's capacity to act freely is purely formal.

[5] Plato, *Protagoras,* trans. C. C. W. Taylor, revised edn Oxford: Clarendon Press, 1991, p. 15: Protagoras argued that *all* human beings (all male adults) are endowed with 'respect' and a sense of justice, and this entitles them to play a role in the *polis.*

[6] a group of publicists and activists who were connected with elements within the victorious parliamentary army.

[7] Alexander Hamilton, John Jay and James Madison, *The Federalist*, London: J. M. Dent, 1942, pp. 45-46, 169.

[8] St. Thomas Aquinas, *Selected Political Writings*, trans. J. G. Dawson, Oxford: Basil Blackwell, 1959, p. 149: "*the best form of constitution…results from a judicious admixture of the kingdom, in that there is one person at the head of it; of aristocracy in that many participate in government*

Thomas Paine regarded the American Revolution as an example of non-destructive but radical political change. According to Tocqueville[9], the adoption of popular forms of government was a necessary consequence of the growing democratization of modern societies. Democratic government promotes the welfare of the mass of the population, engendering a spirit of self-reliance, and respect for self-made, self-imposed laws. In *On Liberty*, Mill warned his American readers that the end of aristocracy does not necessarily mean the end of tyranny[10].

Democracy also formed a key aspect of the socialist political theory in the same period. The themes of the 19th century socialism – *liberty*, *the end of class government* and *the revival of a true sense of community* - were similar to the advanced liberal ideas, but socialists used the term 'democracy' to refer to a system of general equality and to regard popular government as an instrument for reconstituting social and economic relationships. "People's democracy" - a direct consequence of Lenin's understanding of what was necessary to further the revolutionary process after the collapse of the Tsarist autocracy[11] - facilitated elite manipulation and the most oppressive tyranny. It was incompatible with the values enshrined in liberal democracy, as it took a strongly collectivist rather than an individualistic focus.

Part III – **The Exercise of Political Authority** – opens with a chapter examining theories of natural law and natural rights. (p.199) The second chapter examines a number of theories of 'mixed government': these theories stipulate that power should be distributed between a number of institutions in order to ensure that rulers do not abuse their position and that they act in the interests of the community as a whole. This part concludes with an examination of claims about the need for those who hold political power to be subject to legal constraints.

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according to virtue; and of democracy or popular rule, in that rulers may be elected from the people and the whole population has the right of electing its rulers".

[9] Alexis de Tocqueville, *Democracy in America*, vol.1, trans. Henry Reeve, New York: Vintage Books, 1945, pp. 48-56.

[10] John Stuart Mill, *On Liberty, with the Subjection of Women and Chapters on Socialism*, Cambridge: Cambridge University Press, 1989, pp. 67-68.

[11] Neil Harding, "The Marxist Leninist Detour", in John Dunn (ed.), *Democracy. The Unfinished Journey, 508 BC to AD 1993*, Oxford: Oxford University Press, 1992, pp. 155-88.

Part IV – **Challenging Political Authority** – examines arguments that justify resistance to unjust rulers, but do not challenge the general validity of a particular form of government (p.297). Theories of *revolution* differ from theories of *resistance* because they promote the overthrow of a *system* of government, rather than seeking to regulate rulers' conduct. Early modern theories of resistance may imply revolutionary conclusions, but developed theories of revolution are a feature of the modern world (they played a prominent role in the 19th and early 20th century conceptions of Anarchism and Socialism, and in anticolonial movements in Africa and Asia). The final challenge to authority discussed in this final part involves various forms of 'civil disobedience': some of these theories were developed by revolutionary movements for national independence, but they differ from more conventional theories of revolution because they promote   non-violent   processes   of   radical   change.   (p.297)

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