

S T U D I A
UNIVERSITATIS BABEȘ-BOLYAI

STUDIA EUROPAEA

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EDITORIAL OFFICE: Republicii no. 24, 400015 Cluj-Napoca ♦ Phone 0264-40.53.52

SUMAR – CONTENTS – SOMMAIRE – INHALT

DOCTOR HONORIS CAUSA

Marius Jucan

Laudatio Professor Zoltán Abády-Nagy 5

Zoltán Abádi-Nagy

Higher Education Culture. Inaugural Speech 11

INTERNATIONAL RELATIONS AND POLITICAL SCIENCE

Anamaria Stroia

The Kyoto Protocol in a Global, European and Romanian perspective 25

Zoltán Búzás

Another Happy Marriage: Constructivism and European Multi-Level
Governance 43

Ioana Andreea Tiriteu

“Power As Influence” Or “Power As Capabilities”? The EU’s Political
Division During The Iraq Crisis Of 2001-2003 Into “Old” Versus “New”
According To American Criteria 61

Loredana Mihaela Nabăr

La philosophie pratique des relations internationales. Habermas et la réforme de l'ONU 75

HISTORY

Lucian Butaru

De L'Âme Du Professeur Dr. Nicolae C. Paulescu..... 91

Silviu Miloiu

Finnish Views and Political Attitudes Concerning the Romanian-Hungarian Clash over Transylvania (1941-1942) 105

Horațiu Damian

A Public Relations Campaign in the XVIIIth Century.The Federalist Papers 121

**EUROPEAN ECONOMY,
EUROPEAN INFORMATION SOCIETY**

Virginie Delsart, Nicolas Vaneecloo

Une interprétation du développement de la flexibilité de l'emploi en Europe..... 135

Philippe Maitre, Radu Nechita

La garantie française des dépôts : Une analyse en terme d'aléa moral.. 153

Roxana Nanu

E-Banking in Candidate Countries and New Member States 177

LAW AND PUBLIC ADMINISTRATION

Sébastien Jakubowski

Les effets des changements organisationnels sur les représentations professionnelles : le cas de la gendarmerie nationale française 193

Alexandra Mihai

Romanian Central Public Administration – Ready for The EU? Assessment of the Pre-Accession Period 217

Alina-Ștefania Ujupan

Multi-Level Governance or Multi-Level Participation: Assessment of the Implementation of European Structural Funds in England 233

EUROPEAN CULTURE, PHILOSOPHY, AND ANTHROPOLOGY

Bianca Bican

Arbeit und moderne Gesellschaft. Eine kritische Erkundung mit Hannah Arendt..... 255

Sarolta Simigné Fenyő

The Relationship Between Translation and Gender 273

FORUM

Roxana Bianca Bobîrcă

Business, a Game of Strategy. Game Theory in Practice..... 285

Lucian Bogdan

An Overview of Benjamin Franklin's Moral and Ethical Thought. From Religious to Civil Virtues 297

BOOK REVIEW

Vasile Muscă

Andrei Marga, *Die kulturelle Wende. Philosophische Konsequenzen der Transformation. Cotitura culturală. Consecințe filosofice ale tranziției.* (Cluj University Press, 2004)..... 317

Laura Herța Gongola

Sergiu Mișcoiu, Le Front national et ses répercussions sur l'échiquier politique français (Cluj-Napoca, Efes, 2005, 135 p. 323

Val Codrin Tăut

Yves-Charles Zarka, *Faut-il réviser la loi de 1905 ?*, Presses Universitaires de France, 2005, 207 p. 327

Veronica Mateescu

Charles Hampden-Turner, Fons Trompenaars, *Au-delà du choc des cultures. Dépasser les oppositions pour mieux travailler ensemble*, Editions d'Organisation, 2003..... 335

Loredana Baba

Donatella Schmidt, *Antropologia del grigio. L'altro visto dall'altro (The grey of our days or the way we perceive the other)*, Unipress Publishing House, Padova, 2001 339

LAUDATIO
PROFESSOR ZOLTÁN ABÁDY-NAGY
DEBRECEN UNIVERSITY, HUNGARY

Marius Jucan*

Professor Andrei Marga, President of the Babeș-Bolyai University,
Professor Nicolae Bocsan, Rector of the Babeș-Bolyai University,
Distinguished guests,
Ladies and Gentlemen,
Dear students,

According to the Babeș-Bolyai University Chart, at the proposal of the Academic Council and the faculty of European Studies, we have convened today to honor the presence of professor Zoltán Abády-Nagy from the University of Debrecen, Hungary, to rejoice attending the solemn occasion of his being awarded the title of the Doctor Honoris Causa of our University in praise to eminent achievements in scientific research, scholar excellence, outstanding authorship and effective partnership in the development of academic ties between the University of Debrecen and the Babeș-Bolyai University, Cluj.

It is with unreserved contentment and genuine esteem that we inscribe today the name of professor Zoltán Abády-Nagy in our University's hall of fame, appraising his profound dedication to academic life, which granted a scholar's career with the import of a hermeneutical pattern, scientific scrutiny and moral inspiration. Under the guidance of his mentor, professor Orzsagh Laszlo, the reputed founder of American Studies in Hungary, Zoltán Abády-Nagy has commenced decades ago his interpretive journey to decipher the perennial significance of literary fiction in an age when the scales of values tilted from ideologization to legitimizing

* Marius Jucan, Ph.D., is Associate Professor and Vice-Dean of the Faculty of European Studies, Director of the American Studies Program

narratives, from de-canonization to cultural nihilism. Whether unsettling times appeared so often dispiriting, shattering the aesthetic and ethical foundations to towering, restless gainsaying, it is within the sound and fury of positivistic and /or ideological choruses that true compelling voices will resound even more convincingly for a timely and restoring judgment. It is within this light that the teaching of literature may count as an unfailing resource for education. Interpreting newness in modern American fiction meant for professor Abády-Nagy the beckoning opportunity to recall that the spirit and the letter of the modern age eventually tailor the picture of the untold, yet possible quest for a renewed philosophy of humanism. The challenging allegory of fiction binding utopia and hope under the glory and agony of individualism has been a unique stance for the study of man in changing times, for certain one of the most dependable one. It is not by any chance that in the age of disenchantment, irony, has become the litmus of newness in writing fiction, and that conversely the study of irony and its rhetorical masks has caused the birth of archetypal criticism. Finding new angles to approach modern fiction and being keenly aware of the need of academic reform yielded in an insightful strategy, which for professor Abády-Nagy stood the test of time, mirroring his honored achievements.

Ladies and Gentlemen,
Dear guests,

Professor Zoltán Abády-Nagy has been since 1993 a full professor at the University of Debrecen. He was awarded a University doctorate in English by the Kossuth University, in 1970 for the dissertation *Jonathan Swift; the Satirist and the Projector* directed by Laszlo Orsagh in Hungary and advised by A.N. Jeffares at the University of Leeds, Great Britan, where the dissertation was actually written. The Ph.D. equivalent was awarded to him in 1979 as well as a post-doctorate degree by the Hungarian Academy of Sciences for the dissertation *Crisis and Comedy: The American Novel of the Nineteen-Sixties*, a research directed by professors Airlin Turner and Louis J. Budd at Duke University. In 1993, professor Zoltán Abády-Nagy was awarded the title of Doctor of the Academy, the Hungarian Academy of Science for the dissertation *American Minimalist Fiction*, researched and written at the University of Minnesota and University of Oklahoma, 1990.

The academic positions held by our distinguished guest at the University of Debrecen during the period comprised between 1965 until now acknowledge the growth of a researcher's mind and a educator's accomplishment. Professor Zoltán Abády-Nagy was head of the Institute of English and American Studies, dean of the Faculty of Humanities and Social Sciences, President of the Debrecen Lajos Kossuth University, distinguished Visiting Lecturer at the Texan Christian University, Forth Worth, Texas, Vice-rector for international relations and University advancement between. At present he is Vice Rector as Chair for the School of Independent Faculties at the University of Debrecen.

Professor Abády-Nagy supervised a number of Ph.D. programs, being the Director of Hungary first and for a decade *only* American Studies, later accredited to be North American Studies, Director of North American and British Studies as well as North American Studies subprogram. Since 2002 he is Director of North American and British Studies Program of the Doctoral School of Literature.

Professor Abády-Nagy taught in European and North American universities distinguishing himself as a visiting professor in Finland at the Joensuu University, in Austria, in Salzburg, in the US, at the University of Minnesota, Minneapolis, University of Oklahoma, at the University of California Irvine, Texas Christian University, Fort Worth. He occasionally lectured at the State University of New York Buffalo, University of Arkansas, Indiana University, Central Missouri State University, St. Louis University, University of Oklahoma. He was a keynote speaker at various international reunions on modern fiction in Hungary, Budapest, Debrecen, Szeged and Miskolc, as well as at the Central Missouri State University. Professor Abády-Nagy was a speaker at reunions on modern and postmodern fiction in Bloomington, Indiana, Paris, Lisbon, Cluj, Washington, Berlin and naturally Debrecen. He was a speaker and /or moderator in various conferences symposia or educational courses, in either Hungarian University cities, Debrecen, Szeged, Pecs, Miskolc, or other than Hungarian, Turin, Poznan, Atlanta, Tartu, and again Cluj. He was the organizer or co-organizer of international meeting as Biennale Conference of the EAAS, Budapest, 1986, American Studies Symposium,

Debrecen 1987, Australian Studies Symposium, 1992, ESSE, Biennale Conference, Debrecen 1994.

A cluster of celebrated scholarly organizations as the Hungarian James Joyce Cultural Association, Society for the Study of the Narrative, HUSSE, (Hungarian Society for the Study of English), ESSE (European Society for the Study of English), HAAS, (Hungarian Association for American Studies, 1994, and EAAS (European Association for American Studies), the Committee for Literary Studies, the Committee Modern Philology hold professor Abády-Nagy as a member. Since 2004 professor Abády-Nagy is doctor of the Hungarian Academy of Sciences. He also sits on the editorial board number of important scholar publications as the Hungarian Journal of English and American Studies, Hungarian Studies in English. Professor Abády-Nagy's contribution to the study of modern fiction and literary criticism was rewarded by the Laszlo Orszagh Prize, 2001, Szent-Gyorgyi Albert Prize, 1997, awarded by the ministry of Culture and Education, as well as the Decoration for Excellence awarded by the ministry of Culture and Education in 1985. Professor Abády-Nagy's translations were awarded the Publishers prize for excellence by the Europa Publishing House, in 1985-86, and the Publishing House of the Hungarian Academy of Sciences, for criticism, 1985.

International recognition has rewarded the activity of our distinguished guest of the University of Debrecen, Hungary. He is an honorary member of the Royal Historical Society, Great Britain. Professor Abády-Nagy's scholar career is mentioned in internationally reputed lexicon's entries in Hungary and in the world.

Ladies and Gentlemen,

Professor Abády-Nagy's significant part to the study of modern Anglo-Saxon fiction consists in nine books, seventeen book chapters, twenty-six essays published in academic and professional journals, sixty two books reviews, thirty one encyclopedia entries, twenty one translations, eight interviews with American writers. Were I to define the main focus of our author I would remark on the pervasive study of irony and its anti-mimetic repercussions. In *Swift, the Satirist and the Projector* (*Swift, a szatirikus es tervezo*), the author regards Swift's "the first modern writer to use to ironic mask of the projector, as to create the genre of the mock-project and mock-

proposal". A line of continuity could be noted in the following volume *Crisis and Comedy; The American Novel of the 1960's (Valság és komikum)*, in that the author resumes the study of irony under its entropic masks from ironic messianism to ironic apocalypse in the fiction of contemporary American writers in respect to such authors as John Barth, Donald Barthelme, Richard Brautigan, Robert Coover, William Gaddis, John Hawkes, Ken Kesey, Walker Percy, Thomas Pynchon and Kurt Vonnegut. *The American Minimalist Fiction (Az amerikai minimalista próza)* is a compelling monograph about sixteen representatives of 'minimalist' writing as well as a well-documented study of the aesthetics and the poetics of the American contemporary fiction. No systematic book on this subject and combination of authors is available in America.

Other two important volumes succeeded in completion of the before mentioned works, namely *The Guide to Contemporary American fiction, 1970-1990, (Mai amerikai regénykalauz)* introducing fifty authors and *Fictional Worlds-Worlds of Fiction (Világregény-regényvilág)* a collection of in-depth interviews the author conducted with American writers, E.L. Doctorow, Walker Percy, Kurt Vonnegut among others, the English versions of which have been also published in *The Paris Review*, and *Modern Fiction Studies*.

Sketching professor Zoltán Abády-Nagy's encompassing activity would be definitely incomplete without bringing into focus his dynamic role in strengthening relations between our Universities. In his capacity of Vice-rector of the University of Debrecen, professor Abády-Nagy attended the Danube Rectors' Conference, propounded the Babes-Bolyai University to be eligible the Maastricht Center for Transatlantic Studies, worked to develop the Cluj-Novi Sad-Debrecen academic triangle and actively inspired the development of the American Studies Section at the University of Cluj.

Ladies and Gentlemen,

Let me convey my sincerest congratulations to professor Zoltán Abády-Nagy in token of true appreciation and respect!

Marius Jucan, Ph.D., Associate Professor,
Director of the American Studies Program

HIGHER EDUCATION CULTURE

Zoltán Abádi-Nagy*

Magnifice President, Magnifice Rektor, Distinguished Members of the Senate, Ladies and Gentlemen:

It seems to me that on an occasion when such a distinguished honour is being conferred upon me, it would be more beneficial if, instead of addressing a specialized topic of my field of research (American Studies), I devote my inaugural presentation to a subject to which we can all more universally relate, irrespective of our individual disciplinary interests. This subject is: Higher Education culture. Not Higher Education *and* culture, but the culture *of* Higher Education. What I am going to talk about revolves around a good number of issues—ones that we all have to deal with, every day of our higher educational existence, and, thus, ones we all are, undoubtedly, thoroughly familiar with. But the approach may have the appeal of novelty, since it barely ever happens, if it does at all, that Higher Education rates systematic attention in the present context, i.e., *as culture*.

Where do we turn for definition? Does Higher Education offer one?

We are people with a life-time commitment to Higher Education, and, in recent years, have been hearing about the European Higher Education Area, the Bologna Process, the megatrends of Higher Education, globalization and modernization, even about the *cultural* requirements, limits, and stimuli of the processes of Higher Education, but never about all of these *as culture*, perhaps subculture, or about how these trends and tendencies impact *the culture of Higher Education*—not one Higher Education management specialist discourses on this particular issue in the professional literature I could cover.

* Dr. Zoltán Abádi-Nagy, Professor at the North American Department, University of Debrecen, Hungary, (Inaugural speech, Doctor Honoris Causa awarding ceremony, Babeș-Bolyai University, Cluj/Kolozsvár, Romania, December 14, 2005, originally presented in Hungarian, English translation by Zoltán Abádi-Nagy)

Where do we turn for definition? Culture Theory?

Culture theory opposes a broader (Roy Wagner's *The Invention of Culture* would say "unmarked") definition to the narrower ("marked") one. Whereas marked (high) culture signifies "an ideal of human refinement" (Wagner 23), culture in the broadest sense incorporates "science, art, technology, the sum total of achievements, inventions and discoveries that define our idea of 'civilization'" (22). Although the latter could imply Higher Education, it is never actually included in the discussions. To mention three examples only: John Dewey regards culture as a determining influence (cf. *Freedom and Culture* 18); for Michel Foucault, culture is the codifier of "empirical orders," "governing its [culture's] language, its schemas of perception, its exchanges, its techniques, its values, the hierarchy of its practices" (*The Order of Things* xx); or, culture is, after all, "what we live by," Terry Eagleton maintains, and "in great measure, what we live for" (*The Idea of Culture* 131). However, when these and other thinkers, moving beyond arts and refinement, go into details concerning science, technology, and the regulatory systems of human coexistence, Higher Education is nowhere to be found in this non-restricted (unmarked) sense of culture. Two further examples: Higher Education is absent from the six different uses of "culture" designated by Michel de Certeau, where culture is regarded as "collective ways or *manners* of thinking and doing" (*Culture in the Plural* 103-104 and Tom Conley's "Afterword," *ibid.* 151); as it is from Vincent B. Leitch's itemized polysemy of the concept of culture, where culture "names intellectual and artistic practices, especially literature, music, painting, sculpture, theater, philosophy, and criticism; it describes processes of intellectual, spiritual, aesthetic, and ethical development; it indicates the distinctive way of life of a people or period of humanity as a whole; it signals refinement of taste, judgment, and intellect; and it includes manners, conventions, customs, myths, institutions, and patterns of thought" (*Cultural Criticism, Literary Theory, Poststructuralism* x). Among the very few exceptions is Pierre Bourdieu, who formulates his view of the unequal distribution of "cultural capital" in terms of Higher Education (Swartz 197-202).

What, then, do we mean by Higher Education Culture?

If we do not go for the *idem per idem* solution (i.e., Higher Education culture is the culture of Higher Education), and who in their right mind would, we must reconcile ourselves to the idea that there is no way of arriving at any relevant definition of Higher Education culture other than through the very complexity of the phenomenon as well as through the multiplicity of its manifestations.

Shape and form: the existential-functional level of Higher Education—the system formation aspect

These are the basic forms of being as well as function and operation, through which Higher Education prevails. They are a centripetal force, directed toward its own center, thereby both *constituting* the system and *holding it together*—a system which does not exist for its own sake (so much so that its very external relations are among the determining factors of its inner essence), yet, even as it appears to the outside world, even as the condition that makes it possible for the system to function in society, the system is actualized/revealed through a synergy produced by centripetality. Without synergetic cohesion there is no system, there is falling apart only.

What are we talking about when we talk about system-holding centripetality? Higher Education is also a *discourse*, one of the “grand narratives,” whose function is the “legitimation of knowledge,” as Jean-François Lyotard would say (even if he does not) (27-31). The centripetal pull sitting at the center is *mission*. The system as a whole (or any Higher Education institution as an entity) provides a terse and clear definition of its mission (its basic social function), and its activity is geared toward fulfilling that mission. Constitutive to function and operation is that Higher Education also has a *structure*, and that, in turn, has its own culture, as Higher Education discourse and missions do. Add all the players/agents—academics, researchers, students, staff—through whom the system-functions are performed, and who, taken all together, make up the *agent culture* of a nation’s or an institution’s Higher Education sector. And a determining force underlying also internal existence (composition and

function) is the environment, itself in multiple form, as Higher Education does have, among others, its own *economic environment* and *legal environment*. These can be looked upon as *conditional aspects* since they set the conditions, functional and operational, for Higher Education in general and for any institution in particular. Last but not least, Higher Education is embedded, with its culture of existence and function (i.e., with its culture of discourse, mission, structure, agency, economic and legal environment) into general culture. A special interactivity obtains between the two, and no wonder: general or surrounding culture is itself one of the regulating factors of Higher Education, while, on the other hand, Higher Education culture does itself provide a terrain for developments and (trans)formations of general culture and is the most essential tool for perpetuating and institutionalizing general culture.

The relational dimension—the mode of existence and operation

All forms of existence and operation are pervaded by the relational feature—displaying Higher Education in its interrelatedness. As opposed to the *forms* of existence and operation, it is the *mode* of these; instead of system make-up and regulation, it means system-interconnectedness, manifested in function; and, to simplify somewhat: it is the centrifugal pull which is stronger in this case. The relational dimension of the mode of operation is, in fact, a good number of linkage-, bondage-, interrelationship-factors: governmental, local governmental, regional, service-supply-recruiting-and-stakeholder-related, as well as public relations. All of these are external relations—with internal factors like system-rapport with faculty, students, and staff also belonging here (do not be mistaken: I mean the rapport between the system and its own agents), also the way these relate to each other in all combinations. And we can put further and further and further refinements on the overall picture. If we take the students, for example, student financing, student support services, mentoring, gifted education, and the rest should all be factored in here.

If *form* and *mode* of existence and operation appear to be one dense, complicated and confused tangle in real life, it only goes to show that nothing can be separated from anything else, not even for the purposes of analysis. What is safe to state, however, based on the above, and by

correlating forms and modes of existence and function/operation, is that the economic environment, the legal environment, the academic mission, the research mission, the whole educational discourse, as well as agent force of the existential, structural and functional/operational levels *all have* their own—individual, overarching and interpenetrating, as well as transmissional—governmental, regional, PR, etcetera relational system. And this is still the relational dimension of the mode of operation only. But there also exists, among other things, a *quality assurance* dimension (internal and external accreditation systems included) and we can talk about *modes of governance* (that is, the mode of operation, in any above respect, can be democratic, pseudodemocratic, dictatorial, autonomous, centrally controlled, or under manual or any other kind of control).

Once again, where is culture in all of this, then?

Everywhere. What I have been talking about so far is *nothing but* culture.

General culture itself floods the Higher Education scene with all its definitions: culture in the broadest (from material culture through the arts and refinements) sense permeates Higher Education in all combinations (material and economic culture; culture as system-regulation and legal environment; culture as creation and education in the realms of the spiritual, of arts, and sciences); and Higher Education also incorporates, as has been shown, the totality of general/surrounding culture, which Higher Education cultivates, perpetrates, and passes on from generation to generation.

And when I contend that there *is* such a thing as the culture of the Higher Education system, of system synergy, of the relational system, of mission fulfillment, of the (say, democratic) mode of operation, or the culture of any of these in any combination, or of national Higher Education system as a whole, that contention evokes one more dictionary meaning of “culture,” one which we are all culturally trained to be aware of: “culture,” in and by itself, is *quality*, in the sense of “what-kind”-ness, *manner* of execution or refinement (but refinement of *conduct*, as opposed to *nature* of a [refined] preoccupation)—and it can have a positive or negative ring to it, depending on the actual (“cultured” or “uncultured”) way in which Higher Education

culture conducts itself. In other words: layered on top of the culture (i.e., what-ness: content, the system per se as determined by its regulatedness and relatedness) of whichever partial or total component of Higher Education is the “cultured” or “uncultured” conduct of that culture (the “what-kindness” of the “what”), the cultured or uncultured way culture conducts its business. It is only such a university that can best fulfill its knowledge-center function (through cultured knowledge transfer): a culture that can *communicate* its business and can go about its business in a cultured—refined and commendable—manner. The same applies to economic, legal, structural culture, social embeddedness, the embeddedness in general culture, the relational dimension, academic, research, student support services, and quality culture.

And it can be broken down further inside the individual categories. It makes sense —if we subdivide economic environment—to talk about infrastructural culture, the culture of financing, both about their what-ness and what-kindness, concerning both the Higher Education system as a whole and inside a particular institution.

What is the point of discussing (is it not tautological to treat) these components of Higher Education as culture?

An *exhaustive* answer to the question would mean drifting in intricate directions that would be unmanageable in the framework of this acceptance speech. However, I can venture a tentative, short answer: far from being pointless, it has indeed become *meaningful* in our day to talk about it, and its timeliness increases as we speak. Let me indicate this by proposing that Higher Education culture becomes really exciting when viewed comparatively. Higher Education culture, or any of its components differs from country to country, culture to culture, region to region, political system to political system, institution to institution inside the same country. And it is now, inside the European Union, when the EU strives to create the European Higher Education Area, that Higher Education cultures are subject to comparison on a daily level, in ways that enforce academic and research-related decisions. The European Higher Education Area is predicated upon the assumption, *per definitionem* by the way, of comparable structures.

Let me quote the most timely of our Higher Education watchwords: Bologna. And let me oppose only *some* arguments and counterarguments for and against the Bologna Process, in a reductive and essentialistic fashion: it is an argument *for* the Bologna Process that the mobility ensuing from it could be a splendid opportunity for participating individuals, institutions, and nations, with a multiplying effect added to it (participants will share their experience widely with their environment). But the transferability and accumulability of the European Credit Transfer and Accumulation System is really there if credit packages are uniform and standardized, as it were, so as to be mutually acceptable. But, if in a given degree program, students have the same offerings, why should they go to study somewhere else? This consideration is an argument *against* mobility and thus against the Bologna Process. It is at this point that we can take one more step, advancing one more argument *for* Bologna: the *otherness* of another country's culture and Higher Education culture will, indeed, make mobility worthwhile.

And the latter *should be* a much more deliberately and intensively applied factor in recruiting students from abroad *today*. I have the SOCRATES/ERASMUS program in mind. Sending much higher numbers of students to Western European countries than incoming numbers from that direction cannot go on much longer: soon after EU accession, these programs will be at par, and we can send exactly as many students to other countries with these programs as many we can attract into our own country. If this is the case, it may already be too late to apply ourselves to the task of forging and improving the techniques of offering training opportunities (full-degree programs in English and soon!) for West and East. In order to qualify for this, we should be up to the world academic and research standards. But, again, if world standard is the same everywhere, it really does not make sense to go study somewhere else, the student would figure. In other words, even world-level output needs to be coupled with the *plus* which is culture in general and Higher Education culture in particular. This takes a student-friendly and innovative learning environment, well-developed mentoring and gifted education, student support service system, a good internal quality assurance system—from departmental course accreditation through a good syllabus system to

systematic and regular student teacher evaluation. A part and parcel of this is the well-organized support culture that makes international students feel welcome, providing them with the feeling that the host institution *cares*, they are being systematically looked after. If you object that students are ready to study abroad, under the influence exerted on them by renowned academics and great research professors alone, I reply that the presence of such teaching and research is itself a plus that can (also) be regarded as Higher Education culture.

Higher Education culture and the EU: contradictions

The Bologna Process and the European Higher Education Area entail developments that incite the clash of Higher Education cultures. The EU directive of the massification of Higher Education (in Hungary, for example) was right, on the one hand (in that it was fair to many talented students who were left in the street by the earlier Higher Education system, which was too selective). On the other hand, to attain the infrastructure that could handle exploding student numbers, while maintaining academic standards (in times when the needs of the economy required drastic budget cuts and dismissals) was a slow and gradual process. But, to cite a totally different example, another contradiction between West European and, say, Hungarian Higher Education culture must be reconciled somehow when a full professorial job search must be open to the whole European Union. The point being that while only faculty with the post-Ph.D. degree of Doctor of the Academy (or somebody with an equivalent academic and research performance) is eligible to apply in Hungary, the post-Ph.D. degree of any kind is an unknown entity in the English-speaking world.

The East European special story: confusion in Higher Education culture after 1989

The most important change that 1989 brought in our Higher Education was that it put an end to central control, to what Chris Argyris would call “single-loop” responses and mentality. We found ourselves in a world in which there were no ready-made, mechanical (single-loop) responses any more; rather, we needed to develop the habit of considering alternative scenarios, testing promising ideas, adopting strategies of adaptive

adjustment—to switch to what Argyris would call “double loop” change management

These two—single loop and double loop—are diametrically opposed Higher Education cultures: what for simplicity’s sake can be called mechanical outer-directedness was replaced by university autonomy that required a double-loop strategic approach. While the transition was exhilarating, the confusion that ensued was an experience that harrowed East European Higher Education really hard. The confusion itself was that of Higher Education culture. A case in point could be how often single-loop (masked as double-loop) economic reflex crashes into reflection-directed Higher Education building. This is done by fiscal culture, when it has not the slightest intention of attending to otherwise justified needs of the economy *in a task-oriented fashion* (see the 1995 faculty and staff cuts in Hungary); and when it creates a situation that turns institutional deficit-management against national accreditation requirements (see the 2005 wage-increase bargain in Hungary).

Another manifestation of post-1989 Higher-Education-culture confusion may be seen in one freedom obstructing even frustrating the other. For example, when the entrepreneurial sector takes wing, to take a much freer flight of growth and progress, it syphons off expert workforce from a Higher Education that has also freshly regained its own freedom, but where, with the noncompetitive Higher Education salaries left behind by those who left for the entrepreneurial sector, it proved impossible to recruit and make up for the loss at the same level of qualification and experience.

The matter of national distribution and redistribution of resources should also be regarded as an aspect of Higher Education culture. Hungarian Higher Education administrations, government after government since 1989, *refused to assume responsibility to stop a tendency* (because the ministers cannot shake off the huge political lobby whose interest is *not to stop it*) by redistributing resources from academic programs that are either no longer (or much less) in social demand or weak, to programs of academic excellence and very much in social demand. What results is the birth and gradual aggravation of the phenomenon of “the flying professor,” Higher Education breaking into smaller and smaller pieces even further (although

the official rhetoric is “integration” and reducing the number of degree programs nationally); and it is the strong academic programs that find themselves in a more and more difficult situation. The Bologna-driven national reaccreditation could have eased the situation somewhat, but the attempt was thwarted to a great extent by those very people in high offices who keep charging Hungarian Higher Education with being too fragmented, thereby fragmenting available national budgetary support too much; and these very administrators do indeed advocate restrictive measures on end (one instance being reducing state-financed student numbers per institution).

The increasing degree of social contextualization, the more direct social and market demand for knowledge transfer, the transformation of an information-based society into a knowledge-based society, but also the knowledge-center function of the university in its region—these contemporary developments all automatically involve culture, Higher Education’s embeddedness in culture. But cultural embeddedness itself can be a source of trouble, can spread confusion. Let us remind ourselves of how many notions became distrusted by the post-1989 East-European citizen, since they had been discredited before 1989. One such idea is “internationalism,” which had been strictly allowed to mean unwavering commitment to international Communism (in rhetoric) and to the Soviet Union (in fact). Many regard human resource management policy with suspicion even today because of what the secret cadre-policy dossiers of Personnel Offices had meant. Many Hungarian universities, in the course of the debates related to the new Higher Education Bill, opposed the imposition of a Governing Board of external members above the Senate, because they had the presentiment of the party commissar of the bad old days behind it all—the commissioner that used to be the governmental agent that made sure that no deviation from party lines would occur (although such a governing function for the Board was not likely the ministerial intention today). So that became a much milder item by the time the bill became law: an Economic Council that the Rector himself or herself would now be allowed to chair. The principle resisting universities resorted to was an otherwise, in itself, really sacred one, the autonomy of Higher Education, something provided in the 1993 Higher Education Act already.

And with this we have reached another manifestation of a typically East-European post-1989 confusion in Higher Education culture. After 1989 we had to reintegrate Higher Education that had been split into small, specialized universities and colleges between 1949-51. This meant that we literally had to reinvent the multifaculty, single university, to change almost everything, to reprogram almost all of our Higher Education reflexes—and, to make it worse, *everything was happening at the same time*. (We cannot afford the luxury of western universities where change occurs at only one or two points in the system, and in a well-designed and well-prepared fashion.)

Amidst all of this we had to struggle with the left-over conditioning of inherited (broader) culture on a daily basis. Let us consider a factor pertaining to the mode of existence and operation: democracy. It was only after 1989 that democracy really came to mean social and political equality, Higher Education autonomy, democracy of spirit and governing bodies, social control and accountability, adaptability, and change-management. But it often reversed into something else: into pseudodemocratic and manipulative rhetoric; the Pilate-like “we-are-living-in-a-democracy-now-so-I-wash-my-hands” kind of response; dodging responsibility and refusing to take ownership; entrenchment behind the lines of status quo; democracy as an excuse for untouchability; and casting yet-to-be-transformed systems into concrete (thereby securing their immunity to reform); and, not infrequently, *horribile dictu!*, corrupting democracy into demagoguery (take the mechanical “nay”-s in senates, because, so the argument goes, “we are now living in a democracy, and *everybody* must be consulted in the matter, it cannot be decided by the few of us” —which is nothing if not an intentional or ignorant confusion of representational democracy with participatory democracy).

Adaptability--a new phenomenon in the culture of Higher Education

In the feverish condition arising from constant change—or, in spite of the change-fatigue that incessant change-management culminated in, if you like—we must also try to strengthen the defense-strategies of Higher Education, to introduce new elements into this culture. To illustrate, the

University of Debrecen banned all kinds of political activity on campus (from political rallies through disseminating posters and giving out handbills to campaigning) so that party politics should not disrupt the university. To adhere to such a decision can itself often create a hard time for a university, and draw it into conflict with uncomprehending representatives of political culture, but especially with politicians lacking political culture. Another Debrecen example of adaptability demanded by the tasks and transformations of our days is that for the first four years following the integration of the Debrecen Higher Education institutions we decided on one-year rectorial mandates, four rectors in four years, a rotational system that was meant to generate trust in the freshly integrated predecessor universities and their faculties towards each other as well as to ease existential fears, loyalty conflicts and to check the aggression evoked by integration-fear, while it also meant a closely coordinated teamwork of those four rectors, who were continuously in the system, irrespective of whether they were or were not rectors in a given year.

Obvious aspects of Higher Education culture

There is no need, nor time, for what is evident about Higher Education culture. It is all too clear to all of us, for example, how badly the second half of the twentieth century tugged and twisted leadership culture, external and internal relational/communicative skills, but there is hope that we will recover from it—not very soon, though, as things stand. Nor do I need to go into details and explanations concerning those concomitants of the Bologna Process and the European Higher Education Area, whose culture we either have never been in the position to develop, or whose culture was crumbled by the nearly half-century preceding 1989.

Finally . . .

I hope I have succeeded in convincing my distinguished audience of how exciting, timely, and important the question of Higher Education culture is, and why I thought that on this fine occasion I should call your attention—and mine—to this subject.

*Magnifice President, Magnifice Rektor, Distinguished Members of the Senate,
Ladies and Gentlemen:*

The University of Debrecen joins me in considering it a privilege and distinction that Babeş-Bolyai University receives me today as one of its honorary doctors. I thank you for according such distinct recognition to our university relations through this gesture. I find it most reasonable for two great universities located so close to each other to regard each others as sister institutions, find reinforcement and support in each other, while life is also gradually transforming the nature of this relationship: after all, instead of, or besides, mutual assistance based on mutual advantages, cooperative emphasis is shifting toward the realization that we will have tasks in common as Higher Education institutions of the European Union, in elevating our European region and making it thrive; we must cooperate in reaching the same goal, since the results achieved through joining forces can be more substantial.

* * *

Doresc să mulțumesc din nou Universității Babeş-Bolyai pentru deosebita onoare. Voi face și pe mai departe tot ceea ce îmi stă în putere pentru a sprijini această universitate și relațiile dintre universitățile noastre.

Doresc, de asemenea, noi succese pe viitor acestei prestigioase instituții de învățământ superior și permiteți-mi, în încheiere, să urez tuturor un Crăciun Fericit și tradiționalul "La mulți ani !"

Mulțumesc pentru atenție.¹

¹ "Once again, I express my thanks to Babeş-Bolyai University for the great honor. My intention is to continue lending help to this University and our university relations, as best as I can. I wish this highly prestigious Higher Education Institution continued success, as well as Merry Christmas and a Happy New Year to all of you. Thank you for the honor of your attention."

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(North American Department, University of Debrecen)
Cluj/Kolozsvár, Babeş-Bolyai University, December 15, 2005.

THE KYOTO PROTOCOL IN A GLOBAL, EUROPEAN AND ROMANIAN PERSPECTIVE

Anamaria Stroia*

Abstract

The paper focuses on the issue of climate change and on the policy designed to solve the climatic disturbances that the world confronts with. The article presents in brief the Kyoto Protocol, describing its innovative flexible mechanisms: the Emission Trading Scheme, the Joint Implementation and the Clean Development Mechanism. A further look is being paid at the implementation process of the Protocol: at the European level, the implementation already began, the European Union being the forefront actor in the climate policy. In Romania, the implementation process is just at the beginning. Having an inside look at the process shows a challenging picture in regard to the implementation and the enforcement of the Protocol.

1. Introduction

This paper covers a topic very much debated in the international environmental community: the Kyoto Protocol. Its purpose is to present the Protocol to the Romanian public but also to raise awareness about the possible consequences that the implementation of the Kyoto Protocol in Romania will create in the near future.

The paper is structured as follows: the first part presents in short the Protocol, stressing on its innovative flexible mechanisms: joint implementation, clean development mechanisms and the emissions trading scheme. Further, an analysis of the way in which Kyoto Protocol was put in place in the EU is done, emphasising the successes but also the flaws of this operation. In the end, the article concentrates on the steps made by Romania for the implementation of the Kyoto Protocol, analysing the main

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challenges it meets. Based on this analysis, some recommendations for a better implementation are formulated.

2. The scientific facts

Climate change is one of the greatest environmental, social and economic threats facing the planet.

During the last century, the Earth's average surface temperature rose by around 0.6°C. Evidence is getting stronger that most of the global warming that has occurred over the last 50 years is attributable to human activities¹. The scientists project that global average surface temperatures will raise by a further 1.4 to 5.8°C by the end of this century². This global temperature increase is likely to trigger serious consequences for humanity and other life forms alike, including a rise in sea levels of an estimated 9 to 88 cm by the end of this century, which will endanger coastal areas and small islands, and a greater frequency and severity of extreme weather events.

Human activities that contribute to climate change include in particular the burning of fossil fuels and deforestation, both of which cause emissions of carbon dioxide (CO₂), the main gas responsible for climate change, as well as other 'greenhouse' gases. In order to bring climate change to a halt, global greenhouse gas emissions must be reduced significantly.

3. The Kyoto protocol – An overview

The Kyoto Protocol to the United Nations Framework Convention on Climate Change strengthens the international response to climate change.³ Adopted by consensus in December 1997, the Protocol was opened for signature for one year starting 16 March 1998 and it was ratified on the 16th of February 2005. It contains legally binding emissions targets for developed countries for the post-2000 period.

The developed countries commit themselves to reducing their collective emissions of six key greenhouse gases by at least 5%. This group target will

¹ Intergovernmental Panel on Climate Change (2001) - Climate Change: Synthesis Report on <http://www.ipcc.ch/pub/un/syrceng/spm.pdf> consulted on the 22nd of May 2006

² Climate Change on http://europa.eu.int/comm/environment/climat/home_en.htm, consulted on the 9th of March 2006

³The United Nations Framework Convention on Climate Change on http://unfccc.int/essential_background/convention/background/items/1349.php, consulted on the 23rd of May 2006

be achieved through cuts of 8% by Switzerland, most Central and East European states, and the European Union (the EU will meet its target by distributing different rates among its member states); 7% by the US; and 6% by Canada, Hungary, Japan, and Poland. Russia, New Zealand, and Ukraine are to stabilize their emissions, while Norway may increase emissions by up to 1%, Australia by up to 8%, and Iceland 10%.

Each country's emissions target must be achieved by the period 2008-2012. Cuts in the three most important gases will be measured against a base year of 1990 (with exceptions for some countries with economies in transition).

Actual emission reductions will be much larger than 5%. Compared with emissions levels projected for the year 2000, the richest industrialized countries (OECD members) will need to reduce their collective output by about 10%. This is because many of these countries will not succeed in meeting their earlier non-binding aim of returning emissions to 1990 levels by the year 2000; their emissions have in fact risen since 1990. While the countries with economies in transition have experienced falling emissions since 1990, this trend is now reversing⁴.

Therefore, for the developed countries as a whole, the 5% Protocol target represents an actual cut of around 20% when compared with the emissions levels that are projected for 2010 if no emissions-control measures are adopted.

Among the most innovative features of the Kyoto Protocol are the so-called 'flexible mechanisms' Countries will have a certain degree of flexibility in how they make and measure their emissions reductions. In particular, an international "emissions trading" regime will be established allowing industrialized countries to buy and sell emissions credits amongst themselves. The Parties may also achieve some portion of the required emission reductions beyond their own borders through the use of a variety of economic instruments. They will be able to acquire "emission reduction units" by financing certain kinds of projects in other developed countries through a mechanism known as Joint Implementation (JI). In addition, a "Clean Development Mechanism (CDM)" for promoting sustainable

⁴ *Kyoto Protocol* on <http://europa.eu.int/comm/environment/climat/kyoto.htm>, consulted on the 9th of March 2006

development will enable industrialized countries to finance emissions-reduction projects in developing countries and receive credit for doing so.

As the global climate system benefits from reductions in greenhouse gas emissions wherever they occur, making reductions in developing countries and countries with economies in transition as part of a national strategy of industrialized countries (which of course also includes the implementation of national mitigation policies) will make the costs of reaching emission reductions targets cheaper.

The countries will pursue emissions cuts in a wide range of economic sectors. The Protocol encourages governments to cooperate with one another, improve energy efficiency, reform the energy and transportation sectors, promote renewable forms of energy, phase out inappropriate fiscal measures and market imperfections, limit methane emissions from waste management and energy systems, and protect forests and other carbon "sinks".

The Protocol will advance the implementation of existing commitments by all countries. Under the Convention, both developed and developing countries agree to take measures to limit emissions and promote adaptation to future climate change impacts; submit information on their national climate change programmes and inventories; promote technology transfer; cooperate on scientific and technical research; and promote public awareness, education, and training. The Protocol also reiterates the need to provide "new and additional" financial resources to meet the "agreed full costs" incurred by developing countries in carrying out these commitments⁵.

By arresting and reversing the upward trend in greenhouse gas emissions that started in these countries 150 years ago, the Protocol promises to move the international community one step closer to achieving the Convention's ultimate objective of preventing "dangerous anthropogenic interference with the climate system"⁶.

Whether through international inventories, registries or the design of an international emission-trading scheme, the Kyoto Protocol is crucial not

⁵ *Kyoto Protocol* on <http://europa.eu.int/comm/environment/climat/kyoto.htm>, consulted on the 9th of March 2006

⁶ The United Nations Framework Convention on Climate Change on http://unfccc.int/essential_background/convention/background/items/1349.php, consulted on the 23rd of May 2006

only for achieving emission reductions but for setting the scene of any other future climate treaty. The flexible mechanisms play an important role in this process, forging partnerships between developing and industrialized countries, the private and the public sector.

4. The mechanisms of the Kyoto Protocol explained

Emission trading programs (also referred to as transferable or tradable pollution rights and cap-and-trade policies) are an innovative approach to controlling pollution that continues to gather support from policy makers and members of the regulated community. Conceptually, emissions trading programs are quite simple, yet have very powerful implications. The typical design of a market-based system requires first that an environmental authority decide upon an acceptable level of overall emissions. Permits consistent with that target, each of which confer the right to release a certain amount of pollution over some period of time, are then issued to polluting firms. Facilities may apply these permits to their own emissions, sell excess permits to other pollution sources, or purchase permits from other firms if their emissions exceed their permit holdings. If the coverage of the system is extensive enough and there are no serious institutional barriers to trading, an active market in emissions permits is established. By exploiting the power of a market to allocate pollution control responsibilities, and by freeing facilities to choose the cheapest way to reduce their emissions, well-designed trading programs promise to achieve environmental quality goals more cheaply than traditional command-and-control regulations.

A particularly attractive feature of competitive emissions trading programs is that they are expected to adjust more easily to a variety of changes than other emissions-control policies⁷. Technological advance, industrial growth and decline, and inflationary pressures are accommodated automatically by an emissions trading program through changes in the permit price.

The **CDM** and the **JI** are project based mechanisms, in other words, they are meant to promote projects in another country which lead to reduced emissions of greenhouse gases, compared to what would have happened in

⁷STRANLUND, John K. (2002) - Enforcing emissions trading programs: theory, practice, and performance. Policy Studies Journal, September 2002

the absence of the project. In case of the JI projects, both countries must have a reduction commitment under the Kyoto Protocol. The CDM projects happen in countries without a reduction commitment (“non-Annex-I”).

These virtual reductions become a certified product of the project and can be bought and used by industrialised countries (“Annex-I”) to fulfil their targets under the Kyoto Protocol. A share of the proceeds will go into a fund that will pay for measures to alleviate climate change impacts in developing countries.

The purpose⁸ of the clean development mechanism and Joint Implementation is to assist Parties not included in Annex I in achieving sustainable development and in contributing to the ultimate objective of the Convention, and to assist Parties included in Annex I in achieving compliance with their quantified emission limitation and reduction commitments under the Kyoto Protocol.

5. The Kyoto Protocol and the involvement of the European Union

The European Union is at the forefront of international efforts to combat climate change and has played a key role in the development of the two major treaties addressing the issue, the United Nations Framework Convention on Climate Change and its Kyoto Protocol.

The Kyoto Protocol entered into force on February 16, 2005. If much energy has been used to come to this point, even more is needed to comply with the Protocol’s obligations and commitments. While the US is unlikely to actively assume a leadership role in the next years, it is the EU which has to show whether it can live up to the challenge to help formulating a sustainable, fair and effective international climate change policy.

The European Community (EC) and its Member States have adopted an impressive set of policy instruments designed to curb greenhouse gas (GHG) emissions in the territory of the EU. The creation of a community wide emission allowance-trading scheme is one of the most innovative of such instruments⁹. In March 2000 the Commission launched the European

⁸ *Clean Development Mechanism & Joint Implementation Mechanism* on <http://www.climnet.org/EUenergy/CDM.htm>, consulted on the 10th of March 2006

⁹ European Union (2003). Directive 2003/87/EC of the European Parliament and the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC.

Climate Change Programme (ECCP)¹⁰. The ECCP led to the adoption of a range of new policies and measures, among which the EU's emissions trading scheme, which started its operation on 1 January 2005, will play a key role.

However, while a few Member States (notably the UK and Germany) have a fair chance to meet their emission reduction targets, set both under the Kyoto Protocol and the EU Burden Sharing Agreement, most are behind schedule and a number (such as the Netherlands, Spain, and Italy) are a long way behind. Progress in the implementation of national policy measures is slow; emissions of certain sectors, such as transport, are steadily increasing throughout the Community, and energy supply and generation still largely relies on the, often inefficient, use of fossil fuels.

6. The EU Emission Trading Scheme

The Community has developed a broad suite of domestic "policies and measures" to meet its Kyoto target. In 2001, the EC formulated a package of twelve priority measures, including the establishment of an emission trading scheme, a combined heat and power directive, a regulatory framework for fluorinated gases, and an action plan for the implementation of these measures. Since then, the EC has developed a number of measures, which include the adoption of a Directive promoting CHP of an indicative target for the share of renewables in the generation of power is 22% or of a Directive establishing a community wide European Emission Allowance Trading Scheme (EU ETS).

The objective of this scheme is to reduce the emissions of greenhouse gases in an efficient and cost-effective manner. As the EU ETS has been adopted in the legal format of a Directive, each member state has to transpose the Directive into national law. The EU ETS therefore consists of 25 emission allowance trading schemes, which are linked to each other. Allowances are tradable and fungible among the member states.

The EU ETS is mandatory for all sectors listed in the annex of the Directive: combustion installations with a rated thermal input exceeding 20MW, mineral oil refineries, coke ovens, production and processing of ferrous metals, mineral industry (cement clinker, glass and ceramic bricks) and pulp, paper and board activities.

¹⁰ For more information on ECCP: European Commission - European Climate Change Programme. EU Action against Climate Change, 2006

Starting 2005 all operators of covered installations had to hold a national EU ETS permit, which establishes the quantity of emission each installation is allowed to emit.

Permit holders received a matching amount of allocations each year. They will have to surrender each year the national regulator a number of Allowances equal to the total emissions from their installations during the preceding calendar year.

Allowances can be traded in the marketplace and transferred between accounts via an internet based registry system with electronic accounts.

The objective of the EU ETS is to give flexibility to industry to identify the most cost-efficient GHG abatement possibilities. The effectiveness of the scheme depends largely on the allocation of allowances from the national governments to the covered installations. The scheme is based on 5-years periods with a pilot period covering the years 2005-2007. An analysis shows that the national allocation plans of the pilot period were generally very generous which will limit the emission reductions achieve through the scheme.

It will be interesting to see whether governments and operators have learned to get used to the scheme, that the second allocation of allowances will be more stringent, thereby bringing the EC closer to its Kyoto target.

The scope of the Directive initially did not link the EU ETS to emission credits under the Kyoto Protocol. It therefore did not allow Emission Reductions Units or Certified Emission Reductions generated by JI or CDM projects respectively imported into the EU to be converted into EU Allowances. To remedy this, the EU has adopted a Directive to amend the EU ETS to link the scheme to emission reduction units that comply with the Kyoto Protocol.

7. Experiences with the EU ETS in Operation

Despite some flaws in the design, the EU ETS can be regarded as a success: Studies show that the scheme leads to the pricing of GHG emissions in the production of energy and goods¹¹. It also influences investment decisions and has created an internationally used reference price of GHG emissions.

¹¹ CAPROS, P. and L. MANTZOS (2000). The Economic Effects of Industry-Level Emission Trading to Reduce Greenhouse Gases. Report to DG Environment; TREXLER Mark (2005) - Carbon defies commodity pricing, Environmental Finance Magazine, London, February 2005

It has also created an unprecedented public awareness of the subject of global climate change.

Concerns with respect to the scheme relate to the short allocation periods and the missing investment security, distortions in competition, the need for harmonization of the allocation, and windfall profits of the power sector.

The EU ETS has boosted the demand for CDM and JI credits. Prices for credits from CDM and JI projects have more than doubled since the establishment of the scheme¹². The private sector is pushing in the CDM markets, which actively involve developing countries in the compliance mechanisms of the Kyoto Protocol. The Kyoto mechanisms are set to channel billions of Euros in emissions limiting projects in developing countries and those with economies in transition.

8. Kyoto Protocol in Romania

Similar to other environmental problems, the issue of climate change did not receive too much attention in the Romanian society. Except for the scientific community, the citizens were unaware of the problems that the increase of greenhouse gases emissions poses. This is partially justified by the fact that since 1989 Romania experienced a decrease in the amount of industrial activities, this leading to a decrease in the amount of GHG emissions.

It is understandable then that the issue of cutting down GHG emissions was not a home-bread problem. This issue came strongly into the agenda only in the moment when Romania started to prepare for its integration in the European Union.

Nevertheless, putting into place the Kyoto protocol may be a profitable business for Romania. Because of the industrial breakdown, Romania is in the position to have the right to emit more permits than it can consume. That means that Romania will participate in the emissions trading market as a seller and it will obtain money from the permits that it will sell.

This situation leads also to another aspect: Romania is an attractive country where to operate the Joint Implementation programs. Developed countries (mainly West-European ones) are interested to close JI programs

¹² STRECK, Charlotte (2006) - *The EU as climate change leader? The EU emissions trading scheme*; paper presented at the School of Law at the University of Edinburgh

with Romania. The interest is evident: no less than 13 JI programs have been running until now and some others are being prepared.

The application of climate change policy in Romania is quite a challenging task. At least two issues are of main importance now: the institutional building and the enforcement of the policy and its compliance by the operators.

A. Institutional Building

Romania signed the Convention in 1997 and ratified the Kyoto Protocol in 2001 (Law no. 3/2001¹³). It also designed its National Strategy regarding Climate Change and the National Action Plan regarding Climate Change in 2005.

Trough these documents, a complex framework was designed, meant to decrease the emission of greenhouse gases, to improve the air quality and ultimately the environment state.

In the climate change policy, an array of actors is present, each having its own tasks¹⁴:

Actors	Responsibilities
Ministry of Environment and Water Management (MEWM)	National Focal Point
	Implements field-specific activities in order to join the EU and participate at the EU ETS scheme
	Coordinates the implementation of the Government Decision which transposes Directive 2003/87/CE and Directive 2004/101/CE
	Elaborates the secondary legislation
	Establishes the total number of certificates for GHG emission, as well as the method of emissions allocation for each installation that falls under this directive rules

¹³ Romanian Parliament – Law no. 3/2001 that ratifies the Kyoto Protocol to the Framework Convention on climate change, signed in Rio de Janeiro, on the 5th of June 1992, published in the Official Journal on 16.02.2001

¹⁴ PANAIT, Daniela (2006) - *Directiva 2003/87/CE privind stabilirea unei schemei de comercializare a certificatelor de emisii de gaze cu efect de sera si Directiva 2004/101/CE- "Directiva de legatura"*, paper presented at the International Conference "Implementation of the Kyoto Protocol and the European Union Directives on Emission Trading in Romania

	Notifies and sends the National Allocation Plan to the European Commission and to the member states of the European Union
	Communicates with the European Commission regarding the EU ETS implementation
National Environmental Protection Agency (NEPA)	The national administrator of the Registry
	Makes the inventory of installations covered by EU ETS
	Participates at the elaboration of the National Allocation Plan
Regional Environmental Protection Agencies (REPAs)	Evaluates and controls data quality - QA/QC
	Issues permits regarding GHG emissions
Local Environmental Protection Agencies (LEPAs)	Primary collection of data from operators
	Communication with operators
National Commission for Climate Change	Inter-ministerial consultative body
	Promotion of actions needed to unitarily apply the UNFCCC and KP provisions in Romania
Consultancy companies	Jl projects initiators
Validators and verifiers	determinate Jl projects
	check reductions of GHG emissions
Operators	monitoring, reporting, checking

A lot of effort will have to be put just to make clear to everybody the framework of the policy and to inform each participant (especially the economical operators) about their new responsibilities. For the moment, the formulation of policies is still under construction, the main activity being to inform and re-design the framework according to the signals that are coming from the national stakeholders.

It is worth mentioning the fact that the whole environmental institutional framework is fragile, due to the fact that since many years the structure was under continuous redesigning. Many institutions (like NEPA and the REPA's) are relatively newly created and they need time to get accustomed with their new responsibilities. Adding to this the fact that handling an emission market is a novelty for the public administration, one

can imagine the challenges that the implementation of the Kyoto Protocol poses.

Another issue arises when looking at the array of actors that should be involved in the functioning of the emission trading market. In order that the whole process functions smoothly, it requires perfect cooperation between all these actors. Romania is known as one country where the inter-institutional cooperation does not function well and this leads to question marks to the way that the institutional cooperation will function. Fortunately, Romania benefits from the European technical expertise in this creating institutional building. This is an advantage for Romania and is expected to have direct influence in the outcomes of the climate change policy.

B. Enforcement of the Kyoto Protocol. Compliance by the operators

Another burning issue is that, once the institutional building is ready, the trading scheme program should be properly enforced. This means finding proper compliance by the economical operators.

This market presents the risk that operators will not comply with the emissions trading program is real, as it has been experienced also by other countries that implemented such schemes (for example the United States and their Sox/Nox scheme). Romania should look at the lessons learned by other countries and carefully design an enforcement strategy that ensures high percentages of compliance by operators. This is especially important, as the emissions market will become functional on the 1st of January 2007.

The Kyoto Protocol and the EU-ETS directive propose an innovative instrument, the market based environmental policies. Despite the perceived advantages of these policies over traditional command-and control approaches, a number of authors¹⁵ have made it clear that the efficiency gains realized by emissions trading programs will depend on rates of compliance, which in turn will depend on the enforcement processes and activities pursued by those running the programs. Although this literature

¹⁵ STRANLUND John K and CHAVEZ Carlos A. (2000) – Effective enforcement of transfereable emissions permit system with a self-reporting requirement. *Journal of Regulatory Economics*. MALICK Arun (1990) – Markets for pollution control when firms are non-compliant. *Journal of Environmental Economics and Management*. HAHN Robert and AXTELL Robert (1995) – Reevaluating the relationship between the transfereable property rights and command and control regulation. *Journal of Regulatory Economics*

has gone a long way toward elucidating the consequences of ill-enforced emissions trading program, much less effort has been devoted to the problem of **how these systems should be enforced** to achieve high rates of compliance in a cost-effective manner¹⁶. Over the years, regulatory agencies have built administrative and legal systems to enforce the conventional command-and-control type of environmental regulation. Enforcement in a command-and-control world works by detecting and sanctioning performance that fails to meet the established standards. If a polluter has emissions in excess of the legal standard, the only way to move toward compliance is to reduce emissions toward the standard. How vigorously they move in this direction presumably depends in large part on the probability that violators will be detected and then sanctioned by authorities. But a polluter in an emissions trading program has another option. If they have emissions in excess of their permit holdings they can do two things to come into compliance: reduce emissions, or purchase more permits.

In an emissions trading system, regulators face a somewhat more complex enforcement problem. They must now focus both on emissions, and on the behaviour of firms in terms of their participation in emission permit markets. This is to say that successful enforcement must now be undertaken in coordination with the permit markets. There are essentially three parts to the regulatory oversight required: (1) to keep track of trades so that, at any point in time, it is known how many permits each firm possesses; (2) to monitor every firm's emissions to make sure that they do not exceed the level allowed by the number of permits the firm holds; and (3) to penalize firms whose emissions exceed their permit holdings.

There are two main ways in which a firm could be non-compliant: (1) by transmitting erroneous emissions data and (2) by having emissions in excess of allowance holdings. From the standpoint of the regulating authorities there are basically three things under its control: (1) the monitoring of performance to identify incidences of non-compliance, (2) possible penalties for reporting violations, and (3) penalties for emissions in excess of permit holdings.

¹⁶ STRANLUND, John K. (2002) - Enforcing emissions trading programs: theory, practice, and performance. *Policy Studies Journal*, September 2002

Under these conditions firms will choose how much pollution they will emit, how much they will report emitting, and how many permits to hold. Guaranteeing accurate emissions reporting is only useful insofar as it serves the primary goal of achieving complete emissions compliance where every firm holds enough permits to cover its emissions. In fact, firms will not hold enough permits to cover their emissions unless they have the correct incentive to submit truthful emissions reports.

Emissions monitoring in such programs relies heavily on data generated and reported by the facilities themselves. To monitor emissions accurately and to minimize the opportunities facilities may have to falsify reports of their emissions, those schemes should impose rather stringent technological and process requirements on all facilities.

In the United States, authorities spent a great deal of effort designing a monitoring system that focuses on obtaining accurate reports of emissions from the facilities themselves, as they realised that the most difficult task of enforcing an emissions trading program is obtaining a reasonably accurate and continuous measure of the emissions leaving each facility. The production of accurate, or at least consistent, emissions data is the most important technical barrier to the widespread use of emissions trading programs¹⁷. This could be accomplished by providing the correct incentives for truthful reporting. Either way, it is clear that enforcement of any emissions trading program will be effective only if enforcers are able to obtain truthful reports of emissions from regulated facilities.

8. Consequences for Romania

As mentioned in the previous paragraph, the climate change problem, although a global one, is not a domestic Romanian problem. Romania will need some more time to internalise this problem as its own and to make the necessary steps to solve it.

There are more problems to be tackled in the future:

- The speed with which this internalisation will occur depends on the success of the public authorities to raise awareness about the climate change issue and to handle it effectively. Other factors are also important: the involvement of environmental NGOs, the

¹⁷ CLIFFORD, Russell, S. and POWELL Philip T. (1996) — Choosing Environmental Policy Tools: Theoretical Cautions and Practical Considerations. Unpublished manuscript, Institute for Public Policy Studies, Vanderbilt University.

willingness of the economic operators to cooperate, the understanding of the Romanian society.

- Strengthening the institutional capacity of the environmental authorities so that they can manage the trading scheme correctly. This is a process that will take some years to be accomplished and it is also a question of political will and coherence.

The presence of foreign experts to help the Romanian authorities is good news. The Romanian experts have now the possibility to learn from their more experienced colleagues and to be guided by them.

- Of great importance is the creation of a cooperation climate, where the meetings between the involved parties happen regularly, the information exchange goes well and experts learn to negotiate and compromise.
- The creation of this climate is indeed essential but also very difficult to get accomplished. That would mean a profound change in the cooperation style in Romania and especially in the public administration.
- Still, there are signs that things improve in the field, but it is true, not at a very high speed. It all depends on how aware the climate actors are on the importance of communication and cooperation in problem solving.
- The experience of other states regarding the enforcement of the emissions markets warns about the difficulties of achieving compliance with the operators. Romania must be very careful in imposing technological and process requirements on all installations, so that achieving compliance becomes a successful task.

All in all, there is a long way to go for Romania until the moment when it will be able to say it has a working Kyoto Protocol in place. It is important that this process already began and that there is a desire to continue it.

One should not forget that there is a good chance for the KP/EU ETS to be profitable for Romania. At this moment, if organised, Romania could obtain money out of this scheme just by selling its permits abroad. On the long term, however, once the industrial production is again revived, new challenges will arise in the permits management

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ANOTHER HAPPY MARRIAGE: CONSTRUCTIVISM AND EUROPEAN MULTI-LEVEL GOVERNANCE

Zoltán Búzás*

Abstract

In the present paper I advocate the application of social constructivist theories to the practice of multi-level governance (MLG) in Europe. This would help fill both MLG's "theoretical vacuum" and constructivism's "empirical vacuum." After discussing the growing disconnect between EU integration theories and European MLG practice, I set up a framework for analyzing governance. Next, I use this framework to depict the classic social constructivist approach to governance. Further, I show that traditional integration theories are less appropriate to account for MLG than constructivism is. Finally, I propose a brief research agenda, through which constructivism and MLG could come together in a fruitful "marriage."

Introduction

On the one hand, with the recent "governance turn" in EU studies, there is a plethora of literature on European governance, but most of it is characterized by a "theoretical vacuum." On the other hand, a common criticism of constructivism is/was that it is characterized by "empirical vacuum." Thus, in the present paper I argue that a "marriage" between constructivism and European multi-level governance (hereafter MLG) is potentially fruitful. Not only that constructivism seems to match nicely the characteristics of MLG, but this "marriage" is necessary since there is a growing gap between the theories of EU studies and the practice of European multi-level governance. The structure of the paper is the following: In the first part I discuss the gap between integration theories and MLG and I set up a framework of looking at governance. Second, I try to deduce constructivism's take on governance by referring to classic works in this domain. Third, I look at the main theories of EU integration (intergovernmentalism and neofunctionalism) and show that they are less

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appropriate to account for MLG than constructivism is. Finally, I conclude that this marriage has the potential to be happy and fruitful.

Part I: Theories, Empirics and the Concept of Governance

A) *The Broadening Gap*

The dynamics of integration and fragmentation in the EU caused the redistribution of authority downwards and upwards from the state level.¹ While localization and regionalization based on the principle of subsidiarity² lead to a downward redistribution of authority, supranationalization and vertical integration redistributes authority upwards to the European level.³ As a result, European governance increasingly looks like “multicentered governance,”⁴ “multiperspectival polity,”⁵ or “multi-level governance,”⁶ where problems are managed at multiple *levels* (which are not necessarily territorially fixed), by multiple *subjects*, with multiple *means*, and creating multiple *results*. However, although in the recent years the field of EU studies underwent a “governance turn,”⁷ the gap between theory and empirics in the area of

¹ James N. Rosenau, “Governance, Order, and Change in World Politics,” in James N. Rosenau, Ernst-Otto Czempiel, eds., *Governance without Government: Order and Change in World Politics*, (New York: Cambridge University Press, 1992), p. 3. For the concept of “fraggementation,” which captures the dialectical processes of both fragmentation and integration, see James N. Rosenau, *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World*, (New York: Cambridge University Press, 1997).

² Subsidiarity is an additional principle of European governance. The essence of subsidiarity is that decisions should be taken at the closest possible level to the citizen, and issues should be handled by the lowest competent authority.

³ Liesbet Hooghe and Gary Marks, *Multi-Level Governance and European Integration*, (Lanham, MD: Rowman and Littlefield Publishers, 2001).

⁴ John Kincaid, “Devolution in the United States: Rhetoric and Reality,” in Kalypso Nicolaidis and Robert Howse, eds., *The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union*, (Oxford: Oxford University Press, 2001), pp. 144-160.

⁵ John Gerard Ruggie, “Territoriality and Beyond: Problematizing Modernity in International Relations,” *International Organization*, Vol. 47, No. 1 (Winter, 1993), p. 172.

⁶ Liesbet Hooghe and Gary Marks, “Unraveling the Central State, but How? Types of Multi-level Governance,” *American Political Science Review*, Vol. 97, No. 2, May 2003, pp. 233-243.

⁷ Multi-level governance is merely a metaphor, rather than a theory. See in Ben Rosamond, *Theories of European Integration*, (New York: St. Martin’s Press, 2000), p. 105. See also Burkard Eberlein and Dieter Kerwer, *Theorising the New Modes of European Governance*, European

European governance seems to be broadening. The cause, as I see it, is that as European governance in practice moves from state centric governance to multi-level governance (MLG), traditional integration theories have difficulties in accommodating this change. For instance, both intergovernmentalism and neofunctionalism focus mostly on one level of governance (national and European levels, respectively) and so they cannot account for the dispersion of authority to multiple levels in the EU.⁸ To be sure, this is not to say that there are no intellectual efforts to deal with the phenomenon of multi-level governance, but the existing MLG literature is based only on a metaphor rather than a solid theoretical foundation⁹ and as such cannot fill out the theoretical vacuum in this area.

My intention in the present paper is to provide such a theoretical foundation to MLG in the form of constructivism. The paper is based on several tacit assumptions: (1) good practice must always be informed by good theory and (2) European governance is increasingly MLG, rather than state-centric. If the reader does not accept these assumptions, it is probably a waste of time for her/him to continue reading this paper.

B) A Framework for Governance

At the broadest level governance can be defined as “any form of creating or maintaining political order and providing common goods for a given political community on whatever level.”¹⁰ As we take a closer look, we notice that the definition specifies the desired *result of governance* (creation and maintenance of political order and provision of goods), and partially the *subjects* (for a given political community, but leaves out the provider), while the *level* (on whatever level), and the *means/mode* are deliberately left open.

Integration online Papers (EIoP), Vol. 6 (2002), No. 5; p. 1 of 16. See paper at <http://eiop.or.at/eiop/texte/2002-005.htm>.

⁸ Of course, neofunctionalism and intergovernmentalism are not the only two theories in EU studies, but they are the two most influential ones. Constructivist approaches increasingly challenge both of them.

⁹ “MLG is more a metaphor than a theory, which allows alternative theoretical accounts to colonize it.” Quoted in Ben Rosamond, *Theories of European Integration*, (New York: St. Martin’s Press, 2000), p. 197.

¹⁰ Thomas Risse, “Global Governance and Communicative Action,” *Government and Opposition*, Vol. 39, Nr. 2 (2004), p. 289. See also Oliver E. Williamson, *Markets and Hierarchies: Analysis and Anti-Trust*, (New York: Free Press, 1975).

Two further prominent definitions state that governance is a system of rules, structures and institutions that is “as dependent on intersubjective meanings as on formally sanctioned constitutions and charters,”¹¹ and “guide, regulate, and control social life, features that are fundamental elements of power.”¹² These definitions completely leave out the subjects and levels of governance, but further specify the means of governance (based on intersubjectivity, legalized norms, regulation, control, power) and implicitly suggest the result (social order). Finally, to drive the point home, European governance¹³ is defined as “rules, processes and behaviour that affect the way in which powers are exercised at European level, particularly as regards openness, participation, accountability, effectiveness and coherence.”¹⁴ This last definition leaves out the results and subjects, but specifies the mode of governance (power exercised in open, accountable, effective, coherent way, participation), and brings in the level of governance (European). While this last element is innovative compared with the previous definitions, the problem with it is that the definition does not distinguish between European governance and governance at European (supranational) level and therefore implies that European governance both normatively and positively / should be and is centralized at European level. This motivated cognitive bias is not a surprise if we take into account that the definition belongs to the European Commission, the EU’s strongest supranational institution, which in the good old neofunctionalist tradition tries to promote further centralization of power and authority (and as a consequence that of governance) at European level. The problem is that this understanding of European governance is not likely to lead to the principles included in the definition, and as such is counterproductive.

¹¹ James N. Rosenau, “Governance, Order, and Change in World Politics,” in James N. Rosenau, Ernst-Otto Czempiel, eds., *Governance without Government: Order and Change in World Politics*, (New York: Cambridge University Press, 1992), p. 5.

¹² Michael Barnett and Raymond Duvall, “Power in Global Governance,” in Michael Barnett and Raymond Duvall, eds., *Power in Global Governance*, (New York: Cambridge University Press, 2005), p. 2.

¹³ The tacit assumption in this definition is that Europe and the EU are the same. Therefore, European governance refers to governance *within* the EU.

¹⁴ White Paper on European Governance- http://europa.eu.int/eur-lex/en/com/cnc/2001/com2001_0428en01.pdf; for more information about European governance see http://europa.eu.int/comm/governance/index_en.htm.

In conclusion, based on the aforementioned definitions we can define governance as referring to the creation and maintenance of order and provision of goods (*result*) through systems of rules, processes, structures, institutions, which are dependent on intersubjective meanings and legalized norms, which should be effective and legitimate (*means*) for a given political community (*subject*). As we can see, usually neither subjects (who, for whom) nor the governance level is specified (or is wrongly specified-see the definition of European governance). The advantage of these omissions is that an excessively narrow and rigid focus of governance is avoided. The disadvantage is that the definitions do not have a direction, and in this sense they are blind. Therefore, governance definitions need theories which give them direction without making them too inflexible. Therefore, bringing constructivism in is beneficial, because (unlike other theories) it gives a direction to the definitions only in their actual application to first order questions (referring to specific empirical issues), while at the metatheoretical level (second order questions) leaves options open. To be more specific, it does not specify in advance who the important actors and which the relevant levels are, and it is constraining only in that it specifies a process of mutual constitution of agent and structure. As Wendt puts it, because constructivism has prior assumptions only about the nature of the process, “[b]efore we can be constructivist about anything we have to choose “units” and “levels” of analysis, or “agents” and the “structure” in which they are embedded.”¹⁵ In the next part I take a brief look at what social constructivist theory has to tell us about governance, with special emphasis on the dimensions of governance discussed above.

Part II. Governance and Social Constructivism

While most of the authors regarded as classics of social constructivism do not address governance explicitly, they all have useful thoughts in this regard. In this subsection I will briefly discuss three takes on governance.

In *The Social Construction of Reality* Berger and Luckmann convincingly argue that reality is socially constructed and the task of the sociology of knowledge is to analyze the process in which it is constructed.¹⁶ Social

¹⁵ Alexander Wendt, *Social Theory of International Politics*, (New York: Cambridge University Press, 1999), p. 7.

¹⁶ Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, (New York: Anchor Books, 1966), p. 1. On the same page, reality is

order from this perspective is an “ongoing human production”¹⁷ and as such it should not be reified.¹⁸ Berger and Luckmann emphasize the dialectical moments of the construction of social reality such as externalization (society is a human product), objectivation (society is an objective reality), and internalization (man is a social product).¹⁹ In terms of *levels of governance* we can distinguish internal (subjective-individual), external (objective-societal) and intersubjective (shared by individuals) levels. These levels are in continuous interaction through means of governance, as social reality is (re)constructed. In terms of *subjects of governance*, as I see it the individual is the basic subject of governance, since he/she is the one whose actions (re)create the social reality through externalization. However, the individual is also a result of governance, since through internalization he is (re)created by social reality. This duality also characterizes social institutions, roles, structures, which are both objects/means and *results of governance*. While one could argue that institutions, roles and structures are also subjects, they seem more *means of governance*, since they do not act *per se* as individuals do, but provide the possibilities and limits and so the *medium* of action. A final implication of the ideas discussed by Berger and Luckmann is that if reality is socially constructed, then the same applies to governance, a set of rules, institutions, roles which can be objectivated, but should not be reified.

In Giddens’ “structuration theory” the units of analysis are “social practices ordered across space and time.”²⁰ *Structuration* here refers to “conditions governing the continuity or transformation of structures, and therefore the reproduction of social systems.”²¹ As such, structuration directly deals with governance more broadly understood. In this regard structures play a vital role. They are composed of rules and resources (both allocative and authoritative), and sets of transformation relations related to

defined as “a quality appertaining to phenomena that we recognize as having a being independent of our own volition,” while knowledge is “the certainty that phenomena are real and that they possess specific characteristics” (1).

¹⁷ Berger and Luckmann, p. 52.

¹⁸ “Reification is the apprehension of human phenomena as if they were things, that is, in non-human or possibly supra-human terms”-see in Berger and Luckmann, p. 89.

¹⁹ Berger and Luckmann,, p. 61.

²⁰ Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration*, (Berkeley and Los Angeles: University of California Press, 1984), p. 2.

²¹ Giddens, p. 25.

the production and reproduction of social systems.²² They are composed of both material and nonmaterial elements, and are not only constraining but enabling as well.²³ Further, it is important to emphasize that these structural constraints do not have an effect independently of the motives and reasons that underlie the agents' actions.²⁴ *Systems* "are organized as regularized social practices, sustained in encounters dispersed across time-space."²⁵ An important difference between structures and systems is that while structures are out of time and space, systems are bound to it. Finally, Giddens' agents possess discursive and practical consciousness, are reflexive, continuously monitor their action and the context of action and (re)produce the institutions of society through routines.²⁶

To relate our discussion to governance, the entire structuration theory refers to the (re)production of systems through the governance of structure by actions and the governance of actions by structures. The *levels of governance* then would be the level of individual practices, the level of social practices and the rules and resources on which they rest (structures). The *subjects of governance* are clearly the agents (individuals), while the *results of governance* are the agents, the structures, and the systems. The *means of governance* are individual actions, structures, structured and structural properties and structural principles, and the systems. As we can see, there is a considerable overlap between the different elements of governance, most elements being means, results and levels of governance. This supports Bourdieu's claim that the logic of practice is not that of the logic of logic.²⁷ The fuzziness of the logic of practice makes possible such a complicated functioning of governance, and theories have difficulties accounting for them. His theory of practice might help us go a step further in this direction.

Bourdieu, using an interesting anthropological analysis of Kabylia, offers a theory of practice.²⁸ Compared to Berger and Luckmann's three-moment dialectic, Bourdieu conflates externalization and objectification.

²² Giddens, p. 185.

²³ Giddens, p. 173.

²⁴ Giddens, p. 181.

²⁵ Giddens, p. 83.

²⁶ Giddens, p. 60.

²⁷ Pierre Bourdieu, *Outline of a Theory of Practice*, (New York: Cambridge University Press, 1977), p. 110.

²⁸ Bourdieu, p. 72.

According to him structures produce *habitus*, which simply put is an intersubjective system of “internalized structures, schemes of perception, conception, and action common to all members of the same group or class...,”²⁹ which is “precondition not only for the co-ordination of practices but also for practices of co-ordination.”³⁰ *Habitus* basically relates structures that produce it to practices that it produces. As such, while Giddens looks at how the mutual governance between structures and agents (and system), Bourdieu does the same with respect to mutual governance between *habitus* and actions (and structures). The most important and hidden mechanism of reproduction of order (and as such governance) according to Bourdieu is “the dialectic of the objective chances and the agents, aspirations, out of which arises the *sense of limits*.”³¹ When these social structures (objective) and mental structures (intersubjective and subjective) are (almost) the same, we are in the realm of *doxa*, of that which is taken for granted.³² In this case, governance is stable, and the social order is recreated automatically.

In terms of *subjects of governance* he sees a dominant and a dominated group. Obviously, the dominant group wants to enlarge the domain of *doxa*, while the dominated one wants to narrow it. The *levels of governance*, as mentioned above are the level of individual practices, the *habitus*, and the structure. The *means of governance* are rules, practices, *habitus*, which are basically all characteristics of the structure. The *result of governance* is the (re)production of a social order which is always oppressive to some groups. Finally, the product is a structure of domination which most of the time is part of the *doxa*, works automatically, and so it is well concealed. Any valid analysis in the social sciences must take this into account if it intends to offer valid insights. I consider that constructivism’s desire to problematize generally unquestioned things constitutes an important advantage when analyzing governance, since this is the only way we can discover the hidden power structures which support a certain type of governance.

To summarize, the common thread regarding governance in the discussed works is that governance processes and structures are

²⁹ Bourdieu, p. 86.

³⁰ Bourdieu, p. 81.

³¹ Bourdieu, p. 164.

³² Bourdieu, p. 166.

interconnected and mutually constitutive. Governance occurs on multiple levels, involves multiple subjects and means (and so fits MLG), but in each case the result is the (re)production of social order. Since these constructivist approaches are not committed to one specific level of governance, they could well accommodate MLG.

Part III. Theories of Integration and European Governance

This subsection of the paper briefly reviews the main integration theories (functionalism and intergovernmentalism) and will argue that constructivism is more appropriate in theorizing European MLG.

A) (Neo)functionalism

Neofunctionalism has its roots in Mitrany's functionalism, which focused not on the ideal form of international society, but on its functions.³³ Public welfare and human needs are the central functionalist concerns, and the main argument is that transnational institutions performing specific functions are more appropriate for their satisfaction than nation states. The functionalist logic of integration consists of the following steps:³⁴ promote integration in an area of low politics which is a key economic sector; create high authority without distracting national interest; the integration in the key sector creates pressure on adjacent ones for integration to benefit more (positive spillover); the result is progressive integration of national economies; public interest shifts to supranational level (transfer of domestic allegiances); deeper economic integration requires further European institutionalization which in turn promotes more integration (technocratic automaticity); political integration is the side effect; the result is long term peace in Europe. While Haas and Schmitter explained why the EC took off,³⁵ Lindberg and Scheingold tried to explain variation in integration and change in the EC.³⁶ Lindberg also identifies conditions needed for political

³³ David Mitrany, *The Progress of International Government*, (London: George Allen and Unwin, 1933), p. 103

³⁴ Ben Rosamond, *Theories of European Integration*, (New York: St. Martin's Press, 2000) pp. 51-52.

³⁵ Ernst B. Haas and Philippe C. Schmitter, "Economics and Differential Patterns of Political Integration: Projections About Unity in Latin America," *International Organization*, 18 (4), 1964.

³⁶ Leon N. Lindberg and Stuart A. Scheingold, *Europe's Would-Be Polity: Patterns of Change in the European Community* (Englewood Cliffs, NJ: Prentice Hall, 1970), p. 113..

integration: central-regional level institutions and policies, which are able to start social and economic processes; inherently expansive tasks of institutions; and states should perceive congruence between their interest and the project associated with the integration project.³⁷ Translated in terms of governance, neofunctionalism tells us the following. The *level of governance* is increasingly supranational, as legitimacy and authority shifts from the national level to the European one. The *subjects of governance* are at the supplying end mainly the EU institutions, such as the European Commission, and at the demanding end the European citizens. The *results of governance* are the satisfaction of individual human needs, especially regarding well being and peace. Finally, the *means of governance* are EU supranational institutions, their rules and procedures.

B) Intergovernmentalism

First, several realist intergovernmentalists, in contrast with neofunctionalists, emphasize the political rather than the technocratic. They argue that while integration is possible in “low politics,” it is not possible in “high politics” where this would lead to a compromise of their sovereignty.³⁸ However, when in the 1970s the European Political Cooperation underwent further integration in the area of foreign policy,³⁹ or when the Treaty of Maastricht established the EU emphasizing political integration, the intergovernmentalist logic was severely challenged. Thus, while integration is not a linear process, it is also not impossible to progress above governments even in domains of high politics.

Second, liberal intergovernmentalists such as Andrew Moravcsik have also contributed to the intergovernmentalist body of literature. Moravcsik analyses the Single European Act negotiations and concludes that the result can be explained by the converging preferences of the most important EC members (France, Britain, and Germany). He sums up the intergovernmentalist logic succinctly: “the primary source of integration

³⁷ Leon N. Lindberg, *The Political Dynamics of European Economic Integration*, (Stanford: Stanford University Press, 1963), Chapter 1.

³⁸ Stanley Hoffmann, “Obstinate or Obsolete? The Fate of the Nation State and the Case of Western Europe,” *Daedalus*, 1966/95, p. 882.

³⁹ Carole Webb, “Theoretical Prospects and Problems,” in Helen Wallace, William Wallace, Carole Webb, eds., *Policy-Making in the European Community*, 2nd edition, (Chichester: John Wiley and Sons, 1983).

lies in the interests of the states themselves and the relative power each brings to Brussels."⁴⁰ Moravcsik also offers a model of two-level game to explain European integration.⁴¹ According to this national preference (the demand side of integration) is formulated by state-society interaction (groups with different interest compete) and then this national preference is bargained intergovernmentally (supply side of integration) in EU negotiations. Milward goes further and argues that basically control over governance remains at intergovernmental level, but authority is loaned to supranational level only because this makes states stronger, by increasing their executive efficiency, domestic legitimation, and maximizing national preferences.⁴²

In terms of governance, in the intergovernmentalist literature the main *level of governance* is the state level, the states being also the primary *subjects of governance*. The *means of governance* are mainly intergovernmental bargaining (lead by pre-formed national interest), while the *result of governance* is (besides the provision of goods) the further strengthening of the state and maximization of state interest.

Since both neofunctionalism and intergovernmentalism are theories of integration rather than of governance, no wonder that they are mostly out of touch with MLG, the new-old form of European governance which avoids both state-centrism and reification of European governance at the supranational level.⁴³ In fact, the concept of MLG challenges both intergovernmentalism and neofunctionalism. Intergovernmentalism cannot fully account for the dispersion of authority and governance on multiple levels (in fact, it tends to deny it). It does not do too much explanation to claim that MLG occurs because it is in the interest of states. Most of the state interests are not given but constructed and changing, and so rather than explaining anything, referring to them merely pushes the explanation

⁴⁰ Andrew Moravcsik, "Negotiating the Single European Act," in Robert O. Keohane and Stanley Hoffmann, eds., *The New European Community: Decisionmaking and Institutional Change*, (Boulder, CO: Westview Press, 1991), p. 75.

⁴¹ Andrew Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," *Journal of Common Market Studies*, 31 (4), 1993; see also Andrew Moravcsik, *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, (London: UCL Press, 1998).

⁴² Alan S. Milward, *The European Rescue of the Nation State* (London: Routledge, 1992).

⁴³ Ben Rosamond, *Theories of European Integration*, (New York: St. Martin's Press, 2000), p. 148, 110.

back to the next level: Where do state interests come from? If interests at least partly come from supranational sources, then intergovernmentalists miss a lot when they do not grant independent influence to other actors than states. Similarly, functionalists focus mostly on one level of governance, which is the supranational one. In their case, downwards redistribution of authority is usually anomalous and is a blind spot in the theory. Why would governance be allocated to lower levels, when supranational institutions can provide the best governance?

Further, if we accept that, an important part of (European) governance are social institutions, intersubjective rules, norms, and structures, it is not difficult to see why the abovementioned rationalist approaches are unfit to account for MLG. The problem of these approaches is that “norms, rules, and practices...do not work as the instrumental *causes*”⁴⁴ and so they have difficulties explaining governance (re)production. Also, while the debate between them is important and has been at the center of EU studies, they do not transcend the traditional analytical framework of IR theories, and do not problematize essential issues like the construction of identities. Also, the debate marginalizes alternative theories (such as constructivism) which would ask new and interesting questions, and point in innovative research directions. Finally, I mentioned before that governance approaches are in need of a theoretical background which specifies its actors and levels of analysis, and so it gives a direction to governance approaches. The problem is that while both neofunctionalism and intergovernmentalism provide such guidance, it is misdirected and would lead governance in the wrong direction. The final problem is that these two theories are not even compatible with the specific form of governance (MLG) which seems to emerge in Europe.

C) *Constructivism and MLG: Research Directions*

Since European governance is process(-oriented), and constructivism’s main focus is process, they fit well together. Thus, constructivism is able to capture the dynamic nature of European governance, which is constantly produced and reproduced by mutually constituted practices and structures. Further, by enlarging the theoretical focus beyond causation and

⁴⁴ Marlene Wind, “Rediscovering Institutions: A Reflectivist Critique of Rational Institutionalism,” in Knud Erik Jorgensen, ed., *Reflective Approaches to European Governance*, (New York: St. Martin’s Press, 1997), p. 19.

hard facts, and paying attention to the constitutive effects of social institutions, structures, intersubjective norms, rules and practices, constructivism ends up both with a broader epistemological and ontological basis, and with the potential of higher explanatory power. Next, by not having prior assumptions about important actors and levels of analysis it avoids state-centrism (see intergovernmentalism) or an exclusive focus on one level (see neofunctionalism). Moreover, constructivism, although normatively agnostic at metatheoretical level, it better captures “the normative basis of the EU” because it is not embedded in a rationalistic account of utility maximizing actor, and can account for based on the logic of appropriateness rather than the logic of consequences.⁴⁵

As discussed above, from a constructivist perspective the *means of governance* are the social systems, structures, institutions, and practices. The *levels of governance* are multiple, ranging from the level of individual through structures to systems. The *subjects of governance* vary based on the perspective we take. From a micro-perspective, they are the individuals, whereas from a macro-perspective they can be the states or any other structure. Finally, the *result of governance* is the (re)production of social order.

From these arguments and the ones made throughout the paper it follows that MLG and constructivism nicely fit together and open up new venues for research. More specifically, specific research directions regarding the application of a constructivist approach to European governance could focus on the following issues: (1) the production, reproduction, and change of European governance; (2) comparative analysis of specific issue areas of European governance (CFSP and CAP); and (3) comparative analysis of European governance structures (the European Commission and the Council of Ministers; states; regional and local governments, non-state movements/actors such as environmentalism and labor movement) and governance processes (Intergovernmental Conferences versus day-by-day activities) across issue areas and levels of governance.

1. Questions of this sort would investigate why and how do we locate our practice and analyses of governance at certain levels and not others; how and why the change from state-centric governance to a specific type of

⁴⁵ Ben Rosamond, *Theories of European Integration*, (New York: St. Martin's Press, 2000), p. 168.

MLG occurred; how is this specific type of MLG reproduced; will there be a change to another type of governance, for instance from Type I MLG to Type II MLG?⁴⁶

2. To narrow our focus, we could look at Common Foreign and Security Policy and the Common Agricultural Policy, two important issue areas of European governance. What explains the variation in terms of levels, subjects, means and results of governance between the two issue areas? The value added of constructivism becomes clear in these issue areas as well. In the case of CFSP for instance, intergovernmental approaches see only the formal institutional existence and government control, but they cannot capture the intersubjective norms and rules which underlie the governance of the CFSP regime and contribute to the difficulties of further integration. Thus, even when they are right in their conclusion, usually it is for the wrong reason. Similarly, in the case of CAP, neofunctionalism does not see the norms, rules and social institutions which constitute the CAP governance (neglecting the intense political nature of it), but only perceive it as a technical area which is favorable to integration.

3. Rosamond stated that “there is nothing to prevent constructivist analyses of the internal sociology of the European Commission, the processes of intergovernmental bargaining and the construction of the EU’s identity as an international actor.”⁴⁷ In terms of governance structures, at the European level we can look at the European Commission and the Council of Ministers (the most supranational and most intergovernmental institutions, respectively); we can look at less territorial governance structures such as environmental and labor movements. In terms of governance processes, we can look at Intergovernmental Conferences (IGCs) which are the treaty-signing historical moments, and the day-by-day governance processes, across issue areas (CFSP and CAP) and levels of governance (non-territorial, local-regional, national, supranational). In this way we could correct the intergovernmentalist bias, which focuses only on such treaty-signing moments and show that treaties reflect national preferences, but they do not ask where these national preferences come from. Day-by-day governance can offer useful insights in this regard.

⁴⁶ Liesbet Hooghe and Gary Marks, “Unraveling the Central State, but How? Types of Multi-level Governance,” *American Political Science Review*, Vol. 97, No. 2, May 2003, pp. 233-243.

⁴⁷ Ben Rosamond, *Theories of European Integration*, (New York: St. Martin’s Press, 2000), p. 197.

Part V: Conclusions

In the present paper I tried to show that there is disconnect between the *theoretical* understanding and explanation European integration theories (intergovernmentalism and neofunctionalism) provide about European governance, and the emerging MLG *practice* of governance. Therefore, I advocated bringing in constructivism, and so filling the MLG's theoretical vacuum and constructivism's empirical vacuum regarding governance. Finally, I proposed a brief research agenda, through which constructivism and MLG could come together in a fruitful "marriage."

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“POWER AS INFLUENCE” OR “POWER AS CAPABILITIES”? THE EU’S POLITICAL DIVISION DURING THE IRAQ CRISIS OF 2001-2003 INTO “OLD” VERSUS “NEW” ACCORDING TO AMERICAN CRITERIA

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Abstract

The Iraq crisis of 2001-2003 was a controversial and challenging moment for the European diplomacy and not only. Intending to reflect on the events that tormented the European political landscape and led to the “divide et impera” scenario within the European Union, the following research paper will address – from Kenneth Waltz’s structural realist perspective – the question regarding the insights of power that stimulated a de facto European political division in the Iraq crisis framework. The analysis will basically focus on the new American “post-atlanticist” order and its effects on the EU’s fragile Common Foreign and Security Policy.

In the international crisis context created by the potential existence of WMD in Iraq and by the U.S. political approach toward Iraq, the European states were stimulated by Washington to re-think their foreign policy agendas and to conclude in a rationalist manner, without taking into consideration the damage of the entire EU political project, that their national security and welfare are top priority issues. This change of attitude was reflected in the EU political division in two antagonistic camps, a division that created a diplomatic blockade within the EU and Europe. The roots of this political clash were identified in the contemporary American reflection of the dual nature of power – power as influence and as capabilities – as well as in the American understanding of the peace definition, which appeared to be completely different from the generally acknowledged European one.

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The Pax Americana and Pax Europea¹ concepts used to be quite similar, but nowadays they seem to have lost the common principles they used to share. Iraq has been the vivid proof that pretending that the Europeans and Americans detain a common view of world politics is an illusion, since on all the issues related to power American and European perspectives are completely diverging.²

The military superpower status gave the U.S. the possibility to influence the foreign policy agendas of the EU member states to such an extent, that the CFSP cohesion vanished completely and each EU state reacted according to its own interest during the Iraq crisis. Washington's Augustinian attitude of "animus dominandi" confirmed once more the fact that on major contemporary strategic and foreign political questions, Americans are the children of Mars and the Europeans are the infants of Venus: they find it difficult to reach a common agreement and they cooperate less and less.³

Unfortunately, this state of affairs cannot be labeled as a transitory one. The Iraq issue emphasized that when it comes to setting national priorities, identifying potential threats, dealing with impending challenges and implementing foreign and defense policies, the United States and the leading EU countries choose different paths to follow.⁴ What mostly offended the European allies was the American prejudiced assumption that there is a conflict between the national interest and the interest of the international community, because Europeans defended the view according to which even if the ties that bind the international community are weak, they exist and they matter, and therefore the American superpower should not pretend to have the monopoly on all the answers,⁵ as it has claimed during the Iraq crisis.

While the EU member states welcomed the multilateralism of the Bush administration's foreign political agenda after September 2001, they started

¹ Ischinger, Wolfgang (2005), *Pax Americana and Pax Europea*, in Lindberg, Tod (ed.): *Beyond Paradise and Power. Europe, America and the Future of a Troubled Partnership*, New York, 81.

² Kagan, Robert (2004), *Power and Weakness*, [<http://www.policyreview.org/JUN02/kagan.html>], 12 February 2005.

³ Idem.

⁴ Ibidem.

⁵ Nye Jr., Joseph S. (2002), *The paradox of American power: Why the world's only superpower can't go it alone*, New York, 137-138.

to be concerned with the extreme return to unilateralism that characterized the U.S. attitude towards Iraq. Washington's intention of unilateral use of military power was explained by Joseph Nye, who classified the concept of power distribution in a global world as being shared like in a three-dimensional chess game.⁶ The top military level is unipolar, with the U.S. dominating all other states, and the middle economic level is multipolar, with the United States, Europe and Japan accounting for two-thirds of the world product, while the bottom level of transnational relations is outside the control of governments and has a widely dispersed structure of power.⁷

Hence, the American power is not equally great in the military, economic and transnational dimensions,⁸ and thus the U.S. should act multilaterally, and co-operate with other actors of the international system, otherwise it will run the danger of self-isolation.⁹ Many of the transnational and international issues cannot be solved in a unilateral manner, and even a superpower is not entitled and capable to deal with them alone. Regrettably, from the Kyoto Protocol to the International Criminal Court and the Iraq crisis, the American unilateralism has proved to be an omnipresent malign syndrome imposing its view on the world arena, a phenomenon totally connected to the material embodiment of power and faithfully reflecting the structural realist argument that in an international competitive system, the states are preoccupied with questions of survival and of accumulation of more power.

The effect of this growing unilateralism was materialized in the appearance of a unanimous feeling in French and German intellectual circles, according to which Europeans and Americans no longer share common strategic values. The largest countries from the old continent started to consider the U.S. as being increasingly dominated by an arrogant culture of destruction and characterized by a warlike temperament, which is the product of a tormented and violent society, where every individual is entitled to carry a gun and where death penalty is a common rule.¹⁰

⁶ Idem.

⁷ Ibidem.

⁸ Bowker, Mike (2000), *European Security*, in Sakwa, Richard and Stevens, Anne (eds.): *Contemporary Europe*, London, 217.

⁹ Kupchan, Charles (2003), *Die europäische Herausforderung. Vom Ende der Vorherrschaft Amerikas*, the 1st edition, Berlin, 230.

¹⁰ Kagan, Robert, idem.

Also the Europeans started to notice profound differences in the way the U.S. and the EU conduct foreign policy. The United States resort to force more quickly and, compared with the EU states, are less patient when it comes to sensitive diplomatic matters, because they tend to seek finality in international affairs; they want to have problems solved, threats eliminated, and of course, they incline toward unilateralism since they are the adepts of Waltz's self-help principle according to which in an anarchical environment the "unit"¹¹ has the task of providing for its own security,¹² while concomitantly protecting its interests. The Bush government sees the world divided between black and white,¹³ friends and enemies, good and evil (see George Bush's denomination of the "axis of evil"¹⁴, which is composed of Iran, Iraq and North Korea), while the European states take into consideration a wider and complex foreign political picture. Therefore, ever since George W. Bush came into power in January 2001, the rules that governed the transatlantic relations have experienced a process of extreme transformation. The new system that was unilaterally implemented, a so-called "post-atlanticism"¹⁵, is based on completely different rules that derive from hegemonic tendencies and that have been pragmatically applied by the Bush administration in its political approach towards the EU within the Iraq crisis framework. Washington has considered it appropriate to decide unilaterally in the Iraq issue and has expected the European allies to accept its decision without adopting a critical position. Automatic EU support for America's foreign political agenda was naturally demanded and dissent or disapproval was not even conceived of.

During the Iraq crisis, the United States tested the capacity of its influential power by taking advantage of the European lack of unity, and

¹¹ Holsti, Ole R. (1995), *Theories of international relations and foreign policy: Realism and its challengers*, in Kegley Jr. and Charles, W. (eds.): *Controversies in International Relations Theory. Realism and the Neoliberal Challenge*, New York, 39.

¹² Burchill, Scott (2001), *Realism and Neo-realism*, in Burchill, Scott; Devetak, Richard; Linklater, Andrew and others: *Theories of International Relations*, the 2nd edition, Basingstoke, 91.

¹³ *Could the left back an Iraq war?* (2002), in *The Observer*, online edition, [<http://observer.guardian.co.uk/worldview/story/0,11581,772454,00.html>], 13 January 2005.

¹⁴ *EU denies rift with US*, 8 February 2002, [<http://www.bbc.co.uk/>], 13 January 2005.

¹⁵ Vaisse, Justin (2003), *From Transatlanticism to Post-Atlanticism*, The Brookings Institutions, [<http://www.brookings.edu/views/op-ed/fellows/vaisse20030709.htm>], 17 February 2005.

by preferring to deal with each European country on a bilateral basis, where its relative power was greater.¹⁶

As a result, the European heads of states and governments had three different types of reactions. The first political reaction was to accept the new rules imposed by the American hyperpower; the second reaction was to adopt an optimistic foreign political attitude, to hope that the old transatlantic rules will return and to presume that the Iraq crisis was just an error in the system; and the third reaction was to stimulate the EU's unity in order to regain a certain degree of foreign policy autonomy.¹⁷

But in an anarchic system, states with greater economic and military power, like the U.S., have much more influence potential than a politically fragile supranational institution such as the European Union. Besides that, the Bush administration played its part very convincing, pretending until a certain point that it wants to comply with international law and with its obligations deriving from the UN Charta, and trying to convince the international community of the necessity of a military intervention in Iraq.

However, as things had not developed in the direction expected by the White House, the official statements made by the President Bush changed and revealed the true, neo-realist nature of the beast, the nature of power and self-interest, which cared very little about international norms and whether or not the international community will adopt the American Iraq-view. "I made up my mind that Hussein needs to go. That's about all I'm willing to share with you. The policy of my government is that he goes."¹⁸

The European reactions to such a radical attitude were surprisingly contradictory, and hence Washington's position remained unchanged. The paradox of these contradictory reactions lied in the fact that the American behavior has woken up the rational self-seeking ego of the European states, revealing fears and concerns related to structural realist elements, such as power and security. As a consequence, the EU countries led by Great Britain, Spain and Italy considered that siding with the U.S. represents the key to more power and influence in the Middle East and within the EU,

¹⁶ Idem.

¹⁷ Ibidem. Justin Vaisse argues that these three types of diplomatic reactions towards the U.S. have characterized the European political landscape during the Iraq crisis.

¹⁸ International Herald Tribune, 17 June 2002, 1, in Beestermöller, Gerhard (2003), *Krieg gegen den Irak – Rückkehr in die Anarchie der Staatenwelt? Ein kritischer Kommentar aus der Perspektive einer Kriegsächtungsethik*, the 2nd edition, Stuttgart, 7.

while the EU states led by Germany and France intended to consolidate the Union (and their own) position in world politics and to reduce Washington's power by expressing opposition to its imperialist project in Iraq.

Being pleased by the European political division along neo-realist principles, the Bush administration continued to be less inclined to cooperate with the EU in pursuing a common goal of disarming the Iraqi dictator by peaceful means, less inclined to act through international institutions such as the United Nations and in the same time, continued to react in a skeptical manner regarding the norms of international law, being more willing to act outside its framework if necessary. In addition to this, the White House officially announced a policy of worldwide military predominance, accompanied by a declaration that whenever and wherever it so decides, the U.S. will determine – if needed, in defiance of international law – what constitutes an imminent threat to the U.S. national security and what shall be done about it.¹⁹

The position of the American government regarding Iraq mirrored the above mentioned declaration, and the lack of co-operation with the EU leading countries – France and Germany – as well as the dismissal of the UN in case it did not fulfill its requests, were evident proofs of George W. Bush's arrogant approach to the international community. Also, the comments of the U.S. Defense Secretary related to NATO Europe emphasized once more the direction taken by the American foreign policy.

On January 22, 2003, the U.S. Defense Secretary Donald Rumsfeld was asked in the framework of a press conference about the European opposition to the war with Iraq, and he answered the following: "You're thinking of Europe as Germany and France. I don't. That's old Europe. If you look at the entire NATO Europe today, the centre of gravity is shifting to the East. Germany has been a problem, and France has been a problem. But you look at vast numbers of other countries in Europe. They're not with France and Germany on this. They're with the United States."²⁰

¹⁹ See Little, David (2003), Introduction, in Beestermöller, Gerhard and Little, David (eds.): *Iraq: Threat and Response*, Münster, 5.

²⁰ Wood, Barry D. (2003), *There Is No Clear Line Between "Old" and "New" Europe*, [http://www.europeanaffairs.org/current_issue/2003_spring/2003_spring_52.php4], 3 February 2005.

With these undiplomatic remarks, the U.S. Defense Secretary launched the political debate over the “new” versus “old” Europe, a debate rooted in the neo-realist view on world politics that created a climate of political lack of confidence among the European states, while establishing a tense relationship between France, Germany and the U.S.A as well. His comments have deepened the rift between European Atlanticist states²¹ and Europe’s first governments,²² and have raised the question over whether or not an enlarged EU will be able to adopt a common foreign policy towards the United States, although as we can notice in the table below, during the Iraq crisis and not only, one could identify a growing percentage of British, French and German public opinion support for a European foreign policy and for security arrangements²³ independent from the United States.

Table I *Support for an autonomous EFP and U.S. ratings*

Transatlantic Tensions Unabated				
Support for an Independent European Foreign Policy				
	Apr <u>2002</u>	Mar <u>2003</u>	May <u>2003</u>	Mar <u>2004</u>
	%	%	%	%
Britain	47	48	45	56
France	60	67	76	75
Germany	51	52	57	63
U.S. Favorability Ratings				
	Summer <u>2002</u>	Mar <u>2003</u>	May <u>2003</u>	Mar <u>2004</u>
	%	%	%	%
Britain	75	48	70	58
France	63	31	43	37
Germany	61	25	45	38

Source: <http://people-press.org/reports/display.php3?ReportID=206>

²¹ The European Atlanticist states were mainly represented by the United Kingdom, Spain, Italy and the South-East European countries which embraced the American cause.

²² The EU’s first governments were considered to be France and Germany.

²³ *A Year After Iraq War. Mistrust of America in Europe Ever Higher, Muslim Anger Persists* (2004), [<http://people-press.org/reports/display.php3?ReportID=206>], 21 February 2005.

But the public opinion support was not enough in order to evaporate the European political uncertainties concerning the future of the common foreign and security policy, uncertainties which were increased when a week after Rumsfeld's comments, as transatlantic tensions over the potential war in Iraq intensified, the British and Spanish governments had secretly promoted the idea of drafting a declaration of solidarity with the U.S Iraq-policy.²⁴ As a result, eight European governments – Portugal, Spain, Italy, Great Britain, Denmark, Hungary, Poland and the Czech Republic²⁵ - signed on January 30, 2003 a statement of solidarity with the American position on Iraq, which was published as an open letter in *The Wall Street Journal Europe*.

When the Letter of Eight²⁶ appeared, it caused consternation within the EU and it laid the basis for the fundamental political division between the governments that supported a U.S. military action against Iraq and the ones that were against such a foreign political act without a UN mandate.

The consternation was even greater when during the next days, ten post-communist countries, the so-called Vilnius 10,²⁷ issued another declaration of support for the United States. The declaration was drafted and signed by the foreign ministers of Estonia, Latvia, Lithuania, Slovakia, Slovenia, Bulgaria, Romania, Albania, Croatia and Macedonia, and stated that if Baghdad does not comply with the existing United Nations resolutions, the signatories are willing to “contribute to an international coalition to enforce...the disarmament of Iraq”²⁸.

²⁴ Peel, Q., Harding, J., Dempsey, J., Baker, G. and Graham, R. (2003), *The Plot that Split Old and New Europe*, [<http://www.globalpolicy.org/security/issues/iraq/attack/2003/0527plot.htm>], 22 February 2005.

²⁵ Wood, Barry D. (2003), *idem*.

²⁶ The statement signed by the eight mentioned European governments was officially known as the “Letter of Eight”.

²⁷ The states belonging to the Vilnius 10 group were called “Vilnius 10” because they had launched their coordinated campaign to join NATO at a meeting in the Lithuanian capital.

²⁸ *European Press Review* (2003), [<http://www.bbc.co.uk/>], 29 January 2005.

Table II *The signatories of the "Letter of eight" and "Vilnius 10" Documents*

"Letter of Eight" states	"Vilnius 10" states
Great Britain	Estonia
Italy	Latvia
Spain	Lithuania
Portugal	Slovakia
Denmark	Slovenia
Hungary	Bulgaria
Poland	Romania
Czech Republic	Albania
	Croatia
	Macedonia

Source: *Ioana A. Tiriteu*

The table above illustrates which were the states that signed the two controversial statements that had an extremely negative effect on the EU's Common Foreign and Security Policy. The documents along with the Franco-German anti-war stance represented an evident sign of the increasingly polarized positions in Europe towards a possible war against Iraq. On one side, the Letter revealed what the U.S. wanted to underline, that the European Union is politically not strong enough to counterbalance and overcome the structural realist fears of its own members, a reality which was reflected in the incapability of reaching a unitary decision in a delicate matter of foreign policy, and on the other side, the Vilnius group demonstrated that as long as within the international system when it comes to defending national interests the laws of the anarchic structure are the central determinant of state behavior, the different foreign political views between the "old" Europe, led by France and Germany, and the new entrants or the so-called "new" Europe²⁹, guided by the United Kingdom, Spain and Italy, are a normal confirmation of Waltz's veridical arguments.

²⁹ Applebaum, Anne (2005), "Old Europe" versus "New Europe", in Lindberg, Tod (ed.): *Beyond Paradise and Power. Europe, America and the Future of a Troubled Partnership*, New York, 25-31.

However, the intention of the two statements was not at all to mitigate the cohesion of the EU's CFSP. The declarations and the "new" Europe fraction concerned only NATO and the transatlantic co-operation, but the extent of their impact was far greater than it has been expected, leading to the EU political division. The impact had not so much to do with their content, but more with the elaboration procedure, which was completely unorthodox, and hence both statements were considered to be part of the U.S.'s European plan of "divide et impera".³⁰ France and Germany were totally unaware of the documents' existence until they were published, and none of the EU procedures have been respected in their elaboration. For instance, the Greek government, which was holding the rotating presidency of the European Union and Javier Solana, the High Representative for the CFSP, were not informed about the drafts.³¹ Thus, France and Germany suspected the American involvement in the conception of both letters, and as a result, in a matter of days, the relation between France, Germany and America deteriorated considerably, a reality which was also reflected within NATO.

Turkey's request for NATO support in the case that a war against Iraq could stimulate terrorist attacks on Turkish land created a caustic atmosphere within the Alliance. The plea was contentious, due to the fact that France and Germany presumed that Ankara co-operated with Washington on this issue and that its intention was to support the U.S. military plans. Nevertheless, NATO tradition and regulations stress that if one member state asks for support, the Alliance would not refuse it. But at the meeting of the NAC³², Germany, France and Belgium rejected the request of the Turkish government, and blocked the decision-making process within the Alliance, considering that by adopting this attitude the U.S. imperialist foreign policy tendencies would be weakened.³³ The consequences were not at all positive. The NATO's decision making process was blocked and the EU remained divided.

Under these circumstances, appreciating that it was the most appropriate moment to take a stand, on February 17, 2003, at the EU

³⁰ Peel, Q., Harding, J., Dempsey, J., Baker, G. and Graham, R. (2003), *idem*.

³¹ *Ibidem*.

³² The NAC is the abbreviation for the North Atlantic Council.

³³ Daalder, Ivo H. (2003), *Allies and Iraq*, in *Foreign Policy Studies*, [<http://www.brookings.edu/views/interviews/daalder/20030210.htm>], 3 January 2005.

summit meeting on Iraq in Brussels, Jacques Chirac officially launched the "new" Europe debate inside the EU, and disappointed by the anti-French and anti-German nuances that he identified in the pro-U.S. statements, he criticized the EU applicant countries who signed the declarations.³⁴

But the French President's attitude was not very helpful, and instead of reducing the tensions it increased them. Thus, in order to stabilize the situation, the Greek presidency of the European Council has sought to present a united front over how to deal with Iraq by elaborating together with the EU heads of states and governments a joint statement saying that force should only be used as an ultimate resort. Unfortunately, differences of opinion among the EU leaders have resurfaced as the EU candidate states prepared to meet after enduring Jacques Chirac's criticism for supporting America's stance.³⁵

The fact that the 15-member EU has been bitterly divided over whether to back the use of force to disarm Iraq or give weapons inspectors more time to fulfill their task, was a disappointing political certainty. Hence, intending to save the Union's international image, the EU leaders managed to reach a temporary agreement according to which Iraq was given a last opportunity to resolve the crisis peacefully. Baghdad was supposed to cooperate and comply with the UN requests and the EU would also work with the Bush administration on the matter.³⁶ Deep differences remained, however, over the timing of the war, and how much extra time the weapons inspectors should be given. Also, the UK Prime Minister Tony Blair reaffirmed Britain's determination of disarming Iraq by force, if the leader of Baghdad refuses to comply with the requests of the international institutions, while France and Germany maintained their position of non-interference and of not supporting any military action against Iraq without a UN mandate.

The UK's and France's insistence in continuing to defend antagonist positions revealed the fact that the diverging views inside the EU were not at all mitigated, and that the concepts of "old" and "new" Europe remained more actual than ever. Thus, on the diplomatic and domestic front, Europe was the first who suffered heavy collateral damages, due to the fact that the Iraq dilemma created the deepest political separation that has ever

³⁴ Wood, Barry D. (2003), *idem*.

³⁵ *Split EU leaders find Iraq compromise* (2003), [<http://www.bbc.co.uk/>], 2 January 2005.

³⁶ *Idem*.

characterized the EU structures. In addition to this, the division gave an air of surrealism to the project of an improved and consolidated Common Foreign and Security Policy, and although lots of speeches have been made on the need to overcome differences³⁷ and to ensure that the EU speaks with a single voice, the Iraq crisis revealed the real European Foreign Policy's degree of integration.

Power, security and survival were essential elements on the policy agendas of America and the EU states, with the EU governments willing to assume the risk of a political weakened Union if they considered that they had too little of these important statecraft elements.³⁸ Since according to neo-realists power encapsulates the combined capabilities of one state, and since states perform similar functions due to the structure's constraints, with the main differences among them defined according to their capabilities,³⁹ these capabilities give states security and a certain position in the international system which shapes their behavior.⁴⁰ Thus, it becomes obvious that the influence which was exerted by the U.S. on the European states' political agendas, was a logical consequence of the worldwide acknowledged American military capabilities and a confirmation of its superpower status, which manipulated the European foreign policy decision-makers to such an extent that they re-oriented their agendas according to their own interests, emphasizing the necessity of increasing their power by adopting pro or against U.S. attitudes in the Iraq issue.

³⁷ See Lematre, Philippe (2003), *An EU "Advance Guard" Should Lead the Way*, [http://www.europeanaffairs.org/current_issue/2003_spring/2003_spring_74.php4], 5 February 2005.

³⁸ Waltz, Kenneth N. (1995), Realist thought and neorealist theory, in Kegley, Jr., Charles, W. (eds): *Controversies in International Relations Theory. Realism and the Neoliberal Challenge*, New York, 79.

³⁹ Idem, 80.

⁴⁰ Lamy, Steven L. (2001), Contemporary mainstream approaches: neo-realism and neo-liberalism, in Baylis, John and Smith, Steve (eds.), *The Globalization of World Politics. An Introduction to International Relations*, 2nd edition, Oxford: Oxford University Press, 185-188.

Conclusions

The picture that emerged from the analysis conducted in this paper is that the great transatlantic debate over Iraq was rooted in the deep neo-realist inclination of the European states, which was brought back to life by the American rationalist and arrogant attitude regarding Iraq and the world order. Thus, the diplomatic struggle between the Atlanticist and Europe's first governments was about Iraq, but also about "two visions of the world"⁴¹, about security, power and the intention to mitigate the expansion of the American influence in the Middle East. These diverging visions led to the separation of the EU member states in two opposing camps when the Washington administration launched the tricky debate over whether or not it would be moral to attack Iraq without a UN mandate, a division which reflected the Achilles's heel of the EU, incorporated in Brussels' incapacity of maintaining the Union's cohesion in front of the political manipulations of the American superpower.

Hiding behind the overwhelmingly intergovernmental nature of the CFSP, Great Britain, Spain and Italy deliberately co-coordinated their interaction in the Iraq issue in a strategic and self-interested manner, while France and Germany – also defending their own interests within the Union – opposed to any military action against Iraq without a UN mandate. These attitudes led to the EU crisis-within-crisis scenario, with a CFSP increasingly losing its substance instead of consolidating it. In this political game which was reflecting Waltz's neo-realist principles, the EU as a supranational institution failed in defending its *raison d'être*, since its own member states ceased to believe in its capacities of providing them with security and welfare on the long run.

The American credo, basically worshipping the principles of "power as influence" and "power as capabilities" stimulated the renaissance of the European neo-realist foreign policy-making, which was reflected in the EU political division along rationalist lines.

⁴¹ Kagan, Robert (2004), *America's crisis of legitimacy*, in Foreign Affairs, online edition, [<http://www.foreignaffairs.org/20040301faessay83207/robert-kagan/america-s-crisis-of-legitimacy.html>], 23 February 2005.

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LA PHILOSOPHIE PRATIQUE DES RELATIONS INTERNATIONALES. HABERMAS ET LA RÉFORME DE L'ONU

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Abstract

The main objective of this article is to present some general guidelines that might serve to the understanding of Jürgen Habermas's approach towards the reform of the United Nations Organisation. By encapsulating its thinking within the framework of the advanced analysis of the Critical School, this article will show the distinct approach that Habermas proposes – an approach that concentrates upon the solving of the democratic deficit of the UN by founding the global epistemic community that should be based upon the inter-individual communication.

Représentant de l'École Critique, Jürgen Habermas reconstruit la théorie critique avec d'autres instruments que ceux spécifiques au marxisme des années '80 en utilisant des méthodes et des idées en conformité avec la problématique contemporaine mise en discussion et théorisée par sa philosophie pragmatique.

Le philosophe admet l'idée de la restructuration et de la réforme, en réalisant une critique des effets du positivisme et du scientisme, vues comme une justification de la rationalité spécifique au capitalisme industriel avancé¹.

En analysant l'aspect conceptuel de la relation entre le philosophe contemporaine et l'École Critique, on peut observer seulement une liaison historique, étant donnée l'inexistence des concepts et des thèses des théoriciens fidèles au criticisme. Cette caractéristique est de plus en plus évidente que, par sa théorie, Habermas se détache aussi de l'esprit national allemand qui considère, à plusieurs reprises, que l'État national allemand

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¹ Steve, SMITH, “Reflectivist and Constructivist Approaches in International Theory”, in BAYLIS, John/SMITH, Steve, *The Globalisation of World Politics*, Oxford, pp. 224 – 253.

est supérieur, digne d'être un vrai modèle en relations inter-étatiques au niveau mondial.

Une autre perspective d'aborder l'Etat national est celle du détachement de cette structure-ci, considérée comme une structure supérieure à l'intérieur de l'ordre global actuel et, de repositionner l'individu comme acteur capable de s'adapter et d'ordonner, par l'intermédiaire de sa rationalité, cet ordre mondial.

Jürgen Habermas s'est différencié des représentants de l'Ecole Critique² comme Adorno, Godronner, Horkheimer, Popper ou H Arendt, par le changement des instruments et, aussi, des moyens d'atteindre les buts à l'intérieur d'un monde qui se trouve dans un constant processus dynamique.

L'acteur déterminant de la transformation proposée par Habermas n'est pas seulement l'Etat national, devenu insuffisant et inefficace. Dans la conception du philosophe, la base de la réforme et de la restructuration de chaque organisme serait, dans le contexte actuel, la raison communicationnelle³, possible seulement par l'intermédiaire de la communication interindividuelle. Ainsi apparaîtrait, comme un effet impératif, la subjectivité, vue comme instrument favorable de l'universalisation et de l'harmonisation des intérêts des sujets impliqués en dialogue. Il faudrait mentionner que cet instrument était absolument indispensable, même si la discussion était économique, sociale ou politique, parce que l'individu participe à la compréhension réelle des objectives de l'émetteur et du récepteur. Le sens et le but de cette universalisation est celui de connaître et d'entendre les intérêts individuels, peu importe le statut et les objectifs des acteurs.

Une telle communication réalisée dans l'intérieur de l'ONU, favorise le but commun, qui n'est pas autre chose que l'acceptation et le respect de l'autre, comme protagoniste véritable du nouvel ordre mondial. Donc, une adaptation formelle de la structure de l'organisation est nécessaire. Autrement dit, il faut avoir une responsabilisation de celui intégré dans la société cosmopolite de laquelle parle Habermas. Nous, comme acteurs, pourrions réaliser ces objectifs seulement par le renoncement des intérêts de l'Etat national supérieur et par la responsabilisation de l'individu, aussi par l'augmentation de ses droits et de ses responsabilités, doléance presque

² Andrei MARGA, *Filosofia unificarii europene*, EFES, Cluj – Napoca, 2004.

³ B. FLYVBJERG, *Habermas and Foucault : Thinkers for civil society ?*, pp.210-230

irréalisable, dans les conditions où l'inexistence de la collaboration entre les individus est vraiment accentuée⁴.

Les divergences apparaissent comme l'effet du déséquilibre en ce qui concerne le rapport des forces au niveau du Conseil de Sécurité, où, théoriquement, les Etats auraient une position commune, unitaire et aussi la décision est équilibrée au niveau de tous les Etats membres permanents du Conseil. En fait, le rapport des forces est hiérarchique, ce qui a des effets sur les décisions et sur les relations au niveau global.

Le conflit mondial, dans la conception de la philosophie de Habermas, activement manifesté au niveau des relations à l'intérieur de l'ONU, entre les Etats membres permanents, et entre les membres non-permanents du Conseil de Sécurité, est le résultat direct de la volonté des acteurs de s'imposer par l'intermédiaire de leurs convictions et motivations subjectives⁵. On abuse, ainsi, de ce que représente l'article principal de la Charte de l'ONU: le principe de la coopération ; de non-intervention dans les problèmes internes des autres Etats et l'amélioration des conflits sans de l'utilisation des armes.

Ainsi en reflétant les principes de la Charte, la réalité au niveau de l'ONU est regardée comme une réponse au phénomène de mondialisation, d'autant plus que cette organisation universelle soutiendra les intérêts des Etats et non pas les intérêts des hommes, puisque celle-ci est une organisation des Etats et non pas des individus. La réponse inadéquate au phénomène appelé mondialisation est matérialisée notamment à travers l'impression que les Etats du Tiers Monde sont menacés et uniformisés à l'intérieur d'un système occidental, dans lequel les cultures sont marginalisées, dénaturées, exclues. L'amplitude de ce conflit est plus grande, parce que les acteurs qui représentent la base de cet organisme ont une puissance et une légitimité ineffable dans les actions qu'ils déroulent.

Pour Habermas, le conflit pourrait être dépassé et les solutions pourraient être choisies, seulement quand le cadre dans lequel se déroulent les actions des acteurs serait *une société cosmopolite*. Le scénario attirera au niveau de l'ONU des modifications radicales notamment en ce qui concerne la position des acteurs membres permanents du Conseil de

⁴ Robert COX, "Democracy in Hard Times", in Anthony McGrew, *The Transformation of Democracy?*, Cambridge, Polity Press, 1997

⁵ David, HELD, *Democracy and the Global Order. From the Modern State to Cosmopolitan Governance*, Cambridge, Polity Press, Stanford University Press, 1995.

Sécurité. Ainsi, la solution de Habermas de fonder **une société cosmopolite**⁶, transposée au niveau de l'ONU dans **une organisation cosmopolite**, réalisée *par une stratégie cosmopolite*⁷, ne peut pas avoir comme base une autre *structure structurante*⁸ que l'individu même en relation avec les autres individus. L'individu dont parle Habermas ne peut pas être isolé, il est un individu avec une certaine culture et trouvé dans une relation permanente avec les autres.

Les relations interindividuelles qui ont comme base indispensable la communication et le processus communicationnel, déterminent la communication entre les Etats membres permanents et non-permanents du Conseil de Sécurité de Nations Unies. Donc, il s'agit de repenser la structure de l'organisation, à l'intérieur de laquelle les protagonistes soient *les individus cosmopolites* et non pas les Etats. Par les valeurs que les nouveaux acteurs respectent et mettent en évidence dans leurs relations avec les autres, ils pourront dépasser avec facilité les menaces globales.

Mais, les idées de Habermas semblent assez difficile d'implémenter au niveau de l'ONU et une telle réforme est presque irréalizable, d'autant plus que dans la Charte de l'organisation, comme acte constitutif, est stipulé que l'individu n'a aucun droit décisionnel, l'organisation étant aux Etats et non pas aux individus.

La modification radicale de la structure décisionnelle de l'ONU est irréalizable aussi pour les individus qui ne sont pas capables de respecter les réglementations imposées par la Charte. Ces principes mettent en évidence la nécessité de la participation active dans les crises financières, les mesures d'intervention pour aplaner les conflits sans l'utilisation des armes, les campagnes de promotion et de consolidation des principes de la

⁶ Jürgen, HABERMAS, *Après L'Etat – nation: Une nouvelle constellation politique*, ed. Fayard, 2000, pp 36-39.

⁷Jere, WALDRON, « Minority Culture and the Cosmopolitan Alternative », in Kimlycka Will, *Multicultural Citizenship*, ed. The Rights of Minority Culture, Oxford University Press, Oxford, 1995, pp. 105. « La stratégie cosmopolite ne considère pas a nier le rôle de la culture dans la vie de l'humanité, mais a interroger la thèse selon laquelle le monde social se divise bien nettement en cultures particulières distinctes, une par communauté, et, en second lieu, la thèse selon laquelle chacun a besoin, pour donner forme et signification a sa vie, d'une de ces entités, autrement dit d'une culture unique et cohérente. »

⁸ voir la différence faite par Pierre BOURDIEU et Loic WACQUANT entre « structure structurante » et « structure structurée » dans *An Invitation to Reflexive Sociology*, University of Chicago Press, Chicago, 1992.

Charte. Les mesures et les normes antérieurement mentionnées démontrent l'impossibilité de tout individu de les accomplir sans l'intervention de l'Etat protagoniste dans les actions universelles de l'ONU.

La cause principale des problèmes apparus au niveau de l'ONU est, en fait, la même cause qui détermine des incidents et des conflits au niveau global. Cette affirmation est soutenue d'autant plus que le nombre d'Etats membres de l'ONU croît ainsi qu'on pourra parler d'un processus multidimensionnel de développement économique, social, politique, culturel aux acteurs globaux.

La cause de tous les conflits mondiaux dont parle Habermas, devient assez forte et assez grave à l'intérieur d'une structure de plus en plus diversifiée géographiquement et du point de vue de la compétence que l'Etat détient. Autrement dit, on voit l'amplification de l'absence de la communication entre les acteurs impliqués dans le conflit, n'importe la nature de celui-ci. La difficulté de la solution consensuelle, vue comme l'effet du déficit communicationnel entre les acteurs impliqués dans un conflit, est d'autant plus irréalisable que les Etats agissent ensemble, mais paradoxalement, envisageant les intérêts individuels. Dans ce cas-ci, on parle de **la spirale du conflit**⁹, l'effet de la communication inadéquate, en réalité, de l'inexistence de la communication, situation reflétée au niveau de l'ONU par la compréhension déficitaire des intérêts réciproques des Etats qui dégénère, habituellement, en conflits. La tension à l'intérieur de cette spirale s'amplifie lorsqu'on parle de l'apparition d'une forme de communication utopique, non-réaliste à cause de l'inexistence de la confiance réciproque et, aussi, aux conflits des intérêts entre les acteurs. L'effet de cette situation générale des relations sociales est connu sous appellation de *rupture communicationnelle*, vu comme une communication dénaturée et conflictuelle ou comme une non-communication, un refus, une inexistence réciproque de l'information, aussi comme une disparition des relations entre les acteurs.

Nous ne pouvons pas affirmer que l'une de ces deux formes de communication est plus négative que l'autre pour les relations de l'ONU et pour les relations sociales dans leur ensemble, mais toutes les deux formes reposent sur l'inexistence de la communication que Habermas appelle une menace globale.

⁹ David HELD, *Introduction to Critical Theory, Horkheimer et Habermas*, University of California Press, California, 1980, pp.40-77.

Les effets de la communication déficitaire sont reflétés à l'intérieur de l'ONU, spécialement dans les circonstances de l'intervention pacifiste pour aplaner les conflits, situation où les seuls instruments efficaces utilisés par les acteurs étatiques sont les discussions et les négociations. Dans de telles situations, antérieurement présentées, quand l'information détenue par les forces d'intervention est déficitaire, l'organisation ne réussira jamais à respecter le principe essentiel de la Charte qui fait référence au droit d'intervention dans les conflits entre les Etats¹⁰.

Les échecs de l'ONU dans l'amélioration des conflits représente l'exemple le plus relevant pour les deux formes de communication déficitaire exposées antérieurement. L'effet de la spirale du conflit se manifeste par la situation dans laquelle l'inexistence de la communication inter-étatique détermine la désinformation des principales forces d'intervention, autrement dit, l'échec du but et des raisons pour lesquelles a été fondée une telle structure universelle.

La seule modalité d'améliorer les conflits générés par les acteurs à l'intérieur de la structure unitaire que l'ONU propose, serait l'intervention d'une force légitime, autrement dit, l'intervention de la justice et des normes de droit international, soutenues par la Charte de Nations Unies. Mais, cette fois-ci, un rôle aussi important pour l'empêchement des conflits est représenté par la verbalisation des divergences, comme méthode essentielle et impérative¹¹. Par contre, certains problèmes et certaines questions surgissent du coup : A qui et pourquoi s'accordent les circonstances favorables des conflits ? Quel droit sera prioritaire - l'interne ou l'international et qui sera son bénéficiaire ? Quelles sont les règles que les acteurs et les Etats membres impliqués dans les actions de l'organisation sont tenus de respecter ?

Même si au niveau de l'ONU on peut identifier, théoriquement, des principes de droit international, légitimés par l'intermédiaire de la Charte, il est assez difficile pour les Etats de les respecter. Le phénomène est fréquemment rencontré dans le contexte actuel, un contexte dominé par le changement et les conflits d'intérêts de plus en plus fervents.

Le problème qui concerne le respect des principes du droit international peut être aplané par le changement des acteurs et par la transformation

¹⁰ Voir la Charte de l'ONU, VII chap.

¹¹ Jürgen HABERMAS, « Rationalité de l'action et rationalisation de la société », *Théorie de l'agir communicationnel*, Fayard, Paris, 1987.

d'une organisation des Etats dans une organisation qui appartiennent aux individus, ce qui peut déterminer la simplification de la communication et l'efficacité du processus communicationnel.

Jürgen Habermas soutient la théorie selon laquelle une communication faite à la base de la pyramide de chaque structure, et donc aussi à la base de l'ONU, simplifie l'évolution et la fonctionnalité de la structure tout entière¹². Donc, on parle d'une inclusion dans laquelle les sous-ensembles influencent les caractéristiques de l'ensemble entier, autrement dit, la communication entre les acteurs détermine la clarté des relations structurelles et la concordance avec les sollicitations du contexte. Le seul changement qui pourrait être facilement réalisé est la délégation de l'autorité du niveau des Etats membres, au niveau des individus, membres d'une société cosmopolite, fondée sur la communication.

La difficulté de la réforme est générée par la situation dans laquelle les documents qui légitiment et qui soutiennent, du point de vue législatif l'organisation, prévoient des droits et des obligations pour les Etats membres et réalisés par ceux-ci. Même si, vue de l'extérieur, la réforme organisationnelle n'est rien que l'implémentation du principe de la subsidiarité¹³, de l'intérieur, du niveau de chaque Etat membre, la situation est différente et elle a une autre nature. Ainsi, vu de l'intérieur, le processus d'une simple délégation de la puissance de l'Etat vers l'individu est assez irréalisable dans une période si courte que certains acteurs veulent. Cette affirmation est d'autant plus légitimée, qu'au niveau de l'organisation on parle d'une forte tradition de la coopération inter-étatique, et non pas interindividuelle. Les individus qui font part de la structure de l'organisation ne s'identifient pas avec celle-ci, mais plutôt, avec l'Etat membre duquel ils font partie et auquel les individus promeuvent les intérêts. Pour réaliser une telle réforme il faut une très bonne communication entre, l'Etat, vu comme un système avec puissance décisionnelle et avec la capacité d'une action légitime au niveau global, et, d'autre part, l'individu comme sous-système de ce système.

Dans le contexte actuel, l'identification et l'harmonisation *de l'intérêt national avec l'intérêt individuel et de l'Etat avec l'individu*, sont de plus en plus importantes, d'autant plus que les normes de droit international représentent une alternative non pas très importante, perçue comme étant

¹² Idem. « Au-Delà de l'Etat Nation ? », in *Après l'Etat - nation*, Fayard, Paris, 1998, pp. 33-39.

¹³ Chantal DELSOL, *L'Etat subsidiaire*, Presses Universitaires de France, Paris, 1992.

secondaire, aussi pour les Etats européens qui ont lutté pour leur identité individuelle sans en renoncer en faveur de ce qui s'appelle « *le bien universel* ». Cette observation s'applique aussi au niveau des Etats Unis qui ne résolvent pas leurs problèmes en appliquant les principes de droit international, mais le font à l'aide des règles et des solutions offertes par les tribunaux propres.

Ceci n'est pas forcément un problème des Etats, que notamment un déficit du droit international incapable de résoudre les conflits et les problèmes parues au niveau global, sans qu'il fasse appel aux principes internes et à ce que représente leur identité nationale. On parle, donc, d'une insuffisance du droit international, incapable de gouverner les conflits à travers des normes qui puissent réaliser le contexte pour le « *bien universel* ¹⁴ ». Dans cette perspective, il serait bien difficile de réaliser une restructuration des Nations Unies si les changements des principes fondamentaux de Charte n'apparaissent. Ces changements devraient dépasser le domaine national en favorisant le bien universel, sans possibilité de contestation des Etats membres.

Sous l'impact des menaces qui ont bouleversé le monde et des menaces qui se manifestent encore dans le contexte des XXI^e siècle, Habermas soutient le dépassement du droit international classique, selon la manière dont il est réglémenté dans la Charte, en favorisant un ordre cosmopolite.

Dans le contexte du nouvel ordre proposé par Habermas, il faut accorder une place spéciale aux droits de l'homme dans le processus décisionnel de l'organisation, en dépassant les principes spécifiques pour la souveraineté nationale. Cette mesure est encouragée par les campagnes soutenues par les institutions de l'ONU, par l'intermédiaire desquelles s'accordent des droits et des obligations de plus en plus importantes pour les individus ayant comme but l'adaptation de ceux-ci au contexte. Même si, dans cette direction, au niveau de l'ONU, on a institué des modifications et des changements d'attitude en ce qui concerne les lignes d'action au niveau mondial, les normes du droit international classique ne sont pas impérativement favorables. Cette affirmation est soutenue en réalité par les circonstances dans lesquelles, même si les droits de l'homme peuvent intervenir en certaines situations, pourtant, cette intervention est empêchée par l'action des institutions qui garantissent le droit international ou qui

¹⁴ www.un.org, Kofi ANNAN, *Dans une liberté plus grande : développement, sécurité et respect des droits de l'homme pour tous*, septembre 2005.

légitiment les actions de l'Etat-nation, celles-ci n'ayant pas les instruments juridiques suffisants et nécessaires pour l'action efficiente des Etats mêmes.

La solution de Habermas en cette situation est l'existence d'une société qui a comme base les valeurs de la démocratie constitutionnelle, caractérisée par le respect réciproque des individus doués avec des droits et des obligations. Les individus vont arriver à ce qui représente une des qualités de la démocratie nommée « *tolérance* », seulement par la communication des uns avec les autres¹⁵. Ainsi, ils s'entendront bien et ils auront les mêmes idéaux et les mêmes instruments par l'intermédiaire desquels ils vont réaliser leurs buts, en dépassant les valeurs et les règles nationales. A l'intérieur de l'ONU, les intérêts des Etats nationaux ne devraient pas primer, puisque ces intérêts pourraient générer des nombreux conflits, mais, par contre, les solutions communes, basées par la communication inter-étatique, par l'acceptation réciproque des normes et des règles et, aussi, par l'acceptation des différences interindividuelles comme les sources de ce qui s'appelle « *le bien universel* ».

Ce « *bien universel* » ne serait pas celui classique, spécifique aux Etats nations, fondé sur les règles et sur les valeurs propres, mais *un bien* qui ait comme base l'acceptation réciproque des normes morales et le respect réciproque.

Sur le fond de l'époque postmoderne, marquée des problèmes et des conflits où s'impose, impérativement, le changement de l'ancien ordre mondial, la solution proposée par le philosophe de l'Ecole Critique, Jürgen Habermas, est l'utilisation du concept nommé *rationalité*, comme il est utilisé dans la philosophie de Max Weber¹⁶.

Cette solution est assez difficile d'implémenter à l'intérieur d'une structure comme l'ONU, dans laquelle apparaissent des conflits d'intérêts et où, les Etats se sont développés inégalement du point de vue économique, ce qui influence décisivement le processus décisionnel. La ligne d'action proposée de Habermas est possible seulement au moment où les Nations Unies ne seraient plus une organisation dans laquelle les Etats agissent, de plus en plus fréquemment, sans tenir compte des règles et des principes du droit international.

¹⁵Jürgen HABERMAS, *L'intégration républicaine. Essais de théorie politique*, Fayard, Paris, 1998, p. 189-194.

¹⁶ Idem. *Après Marx*, coll. « L'espace du politique », Fayard, Paris, 1985, p.155-179.

Une autre théorie importante, mise en scène par Habermas, est celle selon laquelle une société cosmopolite devrait avoir comme fondement, outre de la communication interindividuelle, un solide ordre économique et, en même temps, des relations politiques complexes¹⁷. Ce scénario sera réalisable seulement dans le contexte où l'Etat nation renoncera à ses prérogatives « régaliennes » et sera conscient que sa législation nationale ne peut pas résoudre effectivement certains problèmes politiques et économiques dans lesquels celui-ci est impliqué. Mais, un ordre économique comme celui proposé par Habermas¹⁸ est assez difficilement réalisable au niveau de l'ONU, spécialement dans le contexte actuel où le point sensible est la crise financière et aussi le déficit budgétaire de l'organisation. Le problème budgétaire de l'ONU est de plus en plus grave, d'autant plus que des problèmes budgétaires internes apparaissent au niveau des Etats connus comme les contributeurs les plus importants de l'organisation. C'est la situation des Etats Unis qui théoriquement sont le contributeur le plus important et la puissance décisionnelle la plus grande au Conseil de Sécurité, mais, dans le même temps, ont la dette la plus grande au budget de l'ONU.

L'idée de réforme et de restructuration au niveau global est soutenue par toutes les transformations sociales et écologiques du capitalisme industriel, devenues de plus en plus visibles depuis 1989 et ressenties au niveau mondial. Il est clair que dans les conditions de la forte interdépendance aux événements ayant un impact global, l'Etat national devra renoncer aux possibilités de résoudre lui-même ces situations tendues.

On parle aujourd'hui de l'implication de l'Occident dans l'amélioration de l'état de sous-développement de du Sud, on parle du phénomène de migration et aussi nous sommes menacés par la non-respectabilité des droits des hommes, qui ne sont pas des problèmes régionaux, mais par contre, affectent l'évolution de la société au niveau global et impose les moyens du droit positif¹⁹. Dans l'amélioration des tous ces phénomènes qui ont des effets généralisés, il faudra inventer une structure universelle, avec

¹⁷ La même idée est aussi théorisée par Karl, POLANYI, *La Grande Transformation. Aux origines politique et économique de notre temps*, Gallimard, Paris, 1998.

¹⁸ Idem. *Après l'Etat-nation. Une nouvelle constellation politique.*, Fayard, Paris, 1998, pp. 57-60.

¹⁹ Jürgen HABERMAS, *Droit et démocratie. Entre faits et normes*, R Rochlitz et C Bouchindhomme, Paris, Gallimard, 1997, p.135-149.

puissance décisionnelle et avec force d'action légitime au niveau global. Il est donc de plus en plus important qu'une structure ayant vocation universelle participe à la solution des tels problèmes. Son intervention n'est pas réalisable au cas où les Etats membres voudraient atteindre leurs intérêts et agissent individuellement.

Comme conséquence de l'insuffisance et de l'impossibilité d'action cas-là, les acteurs seront les Etats, et non pas les individus. Si l'Etat continuait d'être au niveau global, l'interdépendance des acteurs de l'ONU sera nécessaire, mais, dans ce le protagoniste du système mondial, les droits de l'homme ne seraient pas respectés avec priorité en comparaison avec les droits des Etats nationaux et en se rapportant aux problèmes des ceux-ci. De plus, d'un Etat national à l'autre les priorités paraissent plutôt divergentes et certains intérêts sont considérés plus importants que les autres, cette importance étant en relation directe avec la puissance de décision pour les Etats membres permanents ou non-permanents du Conseil de Sécurité de l'ONU.

Transposées au contexte actuel, les troupes d'intervention de l'ONU sont les représentantes de l'Etat-nation, ainsi que, dans certaines actions conflictuelles, les Nations Unies agissent comme un organisme exécutif et accomplissent une fonction exécutive. Autrement dit, en ces circonstances, un conflit serait résolu en favorisant certaines des troupes d'intervention par rapport aux autres, en conformité avec les intérêts les plus forts ou avec les problèmes prioritaires des Etats nationaux. Cette réalité détermine l'impossibilité de respecter objectivement les principes de la Charte, spécialement le principe de non-intervention et de la coopération internationale, en résolvant pacifiquement les problèmes internationaux, d'ordre économique, social, politique, culturel et humanitaire²⁰.

Ce qui propose Habermas comme solution pour améliorer la carence de l'ONU serait le dépassement des orgueils des Etats nationaux, proposition assez difficile de réaliser jusqu'au moment où les problèmes seront intériorisés au niveau de l'organisation tout entière, et non pas d'une manière segmentée, en concordance avec les intérêts individuels des Etats

²⁰ Les principes de la Charte de l'ONU sont : la coopération ; la non-intervention dans les problèmes internes des autres Etats et l'amélioration des conflits sans de l'utilisation des armes, le recours aux institutions internationales pour favoriser le progrès économique et social de tous les peuples.

membres²¹. Dans cette perspective, la transformation prioritaire de la structure de l'ONU s'impose impérativement et, en conséquence les actions de l'ONU devraient dépasser la sphère des intérêts nationaux.

En défavorisant l'Etat national, deux dilemmes apparaissent dans l'existence des acteurs au niveau international :

- Les problèmes économiques des sociétés prospères, expliqués par la transformation structurelle du système économique mondial, phénomène appelé *mondialisation*²² ;
- La transformation globale limitera la sphère d'action de l'Etat national, aussi au niveau social, que politico-juridique, devenu insuffisant pour une marche transnationale, avec des règles globales.

Jusqu'à présent, *les suggestions en ce qui concerne la réforme de l'ONU*, n'ont pas pris encore la forme d'un réel *projet de réforme organisationnelle*, à cause de la position des acteurs, respectivement, des Etats trouvés au milieu d'une différence pluridimensionnelle : économique, sociale, politique. Plusieurs fois, cette disposition multidimensionnelle est évoquée aussi au niveau du discours en ce qui concerne la problématique de la réforme et, en même temps, les modalités par lesquelles on peut réaliser ce projet. Tous ces instruments et processus sont différenciés d'un Etat à l'autre, en concordance avec leurs intérêts nationaux.

Pendant la période postmoderne des conflits d'intérêts irréconciliables apparaissent spécialement à cause de la tendance de stratification sociale parsemée au niveau global. Les relations internes de l'ONU sont caractérisées d'une interdépendance asymétrique, étant, vraiment, la transposition des problèmes globaux, générés par les effets de la politique de l'ONU, qui ont un impact universel²³.

Etant donnés les conditions du *capitalisme tardif*²⁴ et aussi, de la marche avec des intérêts et des capacités rationnelles – individualistes/égoïstes qui

²¹ Jürgen HABERMAS, *Après l'Etat Nation. Une nouvelle constellation politique*, Ed. Fayard, Paris, 2000, pp. 33.

²² Saskia SASSEN, *Globalization and its Discontents*, Columbia University Press, New York, 1998, p. 199.

²³ David HELD / Antony MCGREW, David GOLDBLATT, Jonathan PERRA-TON *Global Transformations: Politics, Economic, and Culture*, Cambridge Polity Press, New York, 1999.

²⁴ Sous la pression des marchés mondialisés, les gouvernements nationaux sont de moins en moins en mesure de contrôler le cycle de l'économie dans son ensemble. Les Etats nationaux ont vu naître de puissances concurrentes: des sociétés multinationales.

caractérisent les relations de coopération inter-étatique, ce sont les individus qui offrent la clé de la solution des conflits. La solution est valable, seulement au cas de la réforme antérieure des intérêts axiologiques individuels. Mais, dans ce cas-ci, s'impose premièrement la réforme structurelle de l'ONU, dans la direction dans laquelle les individus aient la puissance décisionnelle, comme des protagonistes de la société solidaire-cosmopolite, et non pas les Etats membres de l'organisation²⁵.

En conclusion, on peut affirmer que, même si Habermas a fait partie de l'Ecole Critique, ses idées et sa position en ce qui concerne les événements actuels, démontrent des re-formulations du domaine conceptuel scientifique qu'il représentait théoriquement.

Il va dépasser les idées du marxisme par l'intermédiaire des instruments adaptés au contexte économique, social, politique et culturel, en essayant d'introduire des nouvelles règles pour les structures ayant une vocation universelle²⁶. Une ligne générale de réformer le système universel est la redéfinition de l'Organisation des Nations Unies en passant du général au particulier, de l'Etat à l'individu, autrement dit, par le changement des sous-systèmes qui construisent le système mondial. Cette direction sera possible sous l'impact des tendances qui annoncent une constellation post-nationale « si la souveraineté de l'Etat n'est plus conçue comme indivisible, mais partagée avec des acteurs internationaux ; si les Etats n'ont plus le contrôle de leurs propres territoires; si les frontières territoriales et politiques sont de plus en plus perméables, les principes centraux de la démocratie libérale – l'autonomie politique, le *dêmos*, la condition de « commun accord, la représentation et la souveraineté populaire, deviennent incontestablement problématiques »²⁷. La solution proposée par Habermas, celle de trouver une alternative aux Etats nationaux qui sont en crise, n'est pas du tout sceptique. Il est vraiment nécessaire de changer le **paradigme de production** avec celui de

²⁵David HELD, « Democracy, the Nation State and the Global System », in *Political Theory Today*, Cambridge, Polity Press, 1991, pp. 197-235, notamment p 201.

²⁶ Robert, COX, « Global Restructuring. Making Sense of the Changing International Economy », in Richard STUBBS et Geoffrey UNDERHILL, *Political Economy and the Changing Global Order*, New York, St. Martin Press, 1994, p.45-49.

²⁷ Anthony MCGREW, « Globalization and Territorial Democracy », in *The transformation of Democracy?*, Cambridge Polity Press, 1997, p.12

communication non-distorsionée, spécialement au niveau de discours politique, inefficace sous l'impact des menaces contextuelles²⁸.

Même si l'objectif de la réforme organisationnelle semble utopique et assez difficilement réalisable, la philosophie de Habermas représente une étape importante de l'évolution sociale qui devrait avoir comme base les relations interindividuelles qui remplacent les relations inter-étatiques, les mouvements sociaux et les organisations non-gouvernementales, qui remplacent les gouvernements, par les membres actifs d'une société civile qui ignorent les frontières nationales.

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4. Jürgen HABERMAS, *Droit et démocratie. Entre faits et normes*, R Rochlitz et C Bouchindhomme, Paris, Gallimard, 1997.
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6. Idem. *Après Marx*, coll. « L'espace du politique », Fayard, Paris, 1985.
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9. David HELD, *Introduction to Critical Theory, Horkheimer et Habermas*, University of California Press, California, 1980

²⁸ Les menaces contextuelles considérées impératives au niveau global sont : la mondialisation, le terrorisme, le développement des pays conflictuelles, les conflits culturels, les flux migratoires, les hybridations culturelles.

10. Idem. *Democracy and the Global Order. From the Modern State to Cosmopolitan Governance*, Cambridge Polity Press, Stanford University Press, 1995.
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DE L'ÂME DU PROFESSEUR DR. NICOLAE C. PAULESCU

Lucian Butaru*

Abstract

N. C. Paulescu was a brilliant researcher in physiology, a mediocre thinker in sociology and a cruel preacher in politics. "The soul" is the key-concept of Paulescu's "tractatus theologico-physiologicus" – and the anti-Semitism is a natural consequence of his inappropriate understanding of society. Unbinding the structure of his political, theological, scientific and common sense arguments, the present article tries to reveal the limits of this approach. In despite of the polemical tone, we are not arguing with Paulescu, but with the use and the abuse of Paulescu's writings. This article is not a pleading against the interdisciplinary approaches, but a pleading for a clear delimitation between the domains of competence of each methodology.

Avant qu'il commence une discussion sur cet « aristocrate de l'esprit »¹, comment dr. N. C. Paulescu était nommé à cette époque, il faut, nécessairement, clarifier certains aspects regardant la bibliographie : à présent, on peut trouver, sur le marché roumain de livre, des rééditions des ouvrages de Paulescu et des commentaires sur ceux-ci.

Le problème posé par les *rééditions Paulescu*² consiste dans le fait que les éditeurs roumains, en s'appuyant sur la superstition que l'œuvre scientifique est plus périssable que celle « humaniste », sont penchés plutôt sur les idées de Paulescu regardant *l'âme* que sur les idées de celui-ci regardant le *pancréas*. Superstition qui est tant pire qu'elle concerne les deux Paulescu : [1] Paulescu, le physiologiste dont les observations restent encore valeureuses pour l'histoire de la médecine et [2] Paulescu, le

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¹ Nicolae MLADIN, *Doctrina de viață a prof. Nicolae Paulescu*, Ed. Periscop, Iași, 1997, p. 12.

² Pour des détails sur le scandale médiatique regardant la « réhabilitation de Paulescu », nous recommandons l'article de William TOTOK, « Actualitatea trecutului. Cazul lui Nicolae C. Paulescu (I-III) » dans *Revista* 22, No. 709-711, <http://www.revista22.ro/html/index.php?art=631&nr=2003-10-13>.

sociobiologiste chrétien, contemporaine avec des grands sociologues et anthropologues dont les observations (de ceux derniers) restent encore valeureuses pour l'histoire de la sociologie.

L'intérêt actuel pour le médiocre sociobiologiste Paulescu est le résultat de son attribut de « chrétien » et de nationaliste. Autrement dit, il n'est pas un théoricien intéressant pour l'histoire de la sociologie, mais un symptôme d'une époque, symptôme intéressant pour l'histoire ; et d'en découle le vrai problème, les rééditions de Paulescu en occultant ce dernier aspect. En fait, le nom du médecin garantit une idéologie « chrétienne » xénophobe, un peu adoucie par des découpages. On a, ainsi, affaire à un sophisme néo-légionnaire : le renom scientifique garantit les opinions politiques ; les textes antisémites apparaissent, donc, dans des collections comme « L'élite roumaine entre les deux Guerres Mondiales » de la maison d'édition Anastasia. Mais, Paulescu n'appartient pas à « l'élite » politique romaine, pas même à celle d'entre les deux Guerres Mondiales, il appartient seulement à « l'élite » médicale ou scientifique. En ce qui concerne la réédition de Paulescu à la maison d'édition Majadahonda nous n'aurions à commenter de trop. Des historiens comme le renommé Gheorghe Buzatu, qui assume ouvertement sa position nationaliste, ont leur public cible que, *maintenant*, ils peuvent satisfaire inclusivement du point de vue idéologique :

« Pendant les années de l'"ère" communiste Paulescu a figuré – pour plusieurs années – sur la liste des auteurs interdits, pour la culpé d'être ... nationaliste, légionnaire et antisémite »³.

Celles-ci étant dites, j'approcherai le sujet proprement dit de mon article, sujet que, dans une certaine mesure, j'ai anticipé : il faut que N. C. Paulescu reste dans la mémoire du grand public comme un physiologiste et, en aucune façon par sa *philosophie physiologique*.

³ Gheorghe BUZATU, « Introduction » à Nicolae C. PAULESCU, *Francmasoneria*, Ed. Majadahonda, București, 1996, p. 6. On doit préciser que le nom des Editions Majadahonda a son origine dans le nom de la localité espagnole où les légionnaires Ioan Moța et Vasile Marin ont sacrifié leurs vies... sur l'autel du fascisme. On doit rappeler, aussi, le curieux « avis » que Gh. Buzatu donne à l'occasion de cette préface « tant aux amateurs qu'aux spécialistes imaginaires [...] incapables de percevoir le monde autrement que par les lentilles de l'idéologie » (p. 7). Mais, que pourrait-on dire sur les lentilles de monsieur Buzatu parmi lesquelles celui-ci nous invite à regarder, détachement, le monde du passé ?

Nicolae Paulescu a étudié à Paris, en obtenant trois doctorats : [1] en 1897, il devenait « docteur en médecine », avec une recherche sur la structure de la rate, [2] en 1899, il devenait « docteur en sciences » (physiologie), avec une recherche sur la mort subite et [3] en 1901, il devenait « docteur en chimie biologique », avec une recherche sur l'action de la chlorure alcaline sur la matière vivante⁴.

À Paris, il a eu E. Lancereaux comme maître, ami et puis collègue. E. Lancereaux a été celui qui a définitivement orienté l'étude du diabète vers le pancréas. Le même Lancereaux a porté « une lutte acerbe contre le patronage de l'hôpital [Nôtre-Dame du Perpétuel Secours] qui n'admettait que des catholiques »⁵, en conditionnant avec sa position l'acceptation de l'orthodoxe N. C. Paulescu sur le poste de médecin interne. Mais, c'est dommage que de cette expérience du marginale, tant Paulescu que ceux qui lui apportent des éloges n'ont retenu que le fait que « naturellement, il ne voulait pas changer la religion de ses ancêtres »⁶.

En qualité de clinicien-chercheur, Paulescu a commencé, dès sa période parisienne (1893-1894), sa recherche sur le foie et sur le pancréas. Ses travaux médicaux sont rédigés en français.

J'ai remarqué une différence choquante entre le style de nombreuses pages de ces travaux, reproduites par C. Ionescu-Târgoviște, et le style dont j'ai été habitué par les brochures antisémites paulesciennes. Car, tant dans l'immense *Traité de médecine Lancereaux-Paulescu* (quatre volumes, qui totalisent milles pages ; après la mort de son maître, en 1910, Paulescu a continué à travailler tout seul⁷) que dans le *Traité de physiologie* (qu'il a écrit tout seul, à Bucarest, pendant l'occupation allemande, 1918), Paulescu utilisait un style sobre, pénétrant, mais prudent, sans s'aventurer au-delà de données vérifiées. Probablement qu'il se sentait confortable grâce à l'utilisation du jargon médical-scientifique. Dr. Trifu, un admirateur et un des proches de Paulescu disait :

⁴ Constantin ANGELESCU, Laura SIGARTEU PETRINA, *Nicolae C. Paulescu*, Ed. Științifică și Enciclopedică, București, 1982, p. 30.

⁵ V. TRIFU, apud Răzvan CODRESCU (ed.), *Doctorul Nicolae C. Paulescu sau știința mărturisitoare*, Ed. Cristiana, București, 2002, p. 33.

⁶ *Ibidem*, p. 33. On peut dire qu'il ne voulait pas un changement *formel* de sa religion. Voir la note 25.

⁷ « Eh, bien, messieurs, je répète, fermement, qu'il n'y a pas un autre médecin comme Lancereaux [...] Lancereaux, en décédant, m'a assigné l'obligation difficile de finir un livre d'une importance capitale » (N.C. Paulescu apud CODRESCU, *op. cit.*, pp. 258-259).

« Les médecins ont été accusés, et à juste raison, qu'ils étaient d'un lyrisme débordant, même bombastique. Le professeur Paulescu, qui a toujours tenu à garder le style calme et glacial adéquat pour l'homme de science, était lyrique seulement quand il nous avait parlé de rôle de l'Hôpital – la bienfaisante création de l'esprit chrétien »⁸.

Dans le *Traité de physiologie*, apparu pendant 1919-1920, en trois volumes, Paulescu commençait la publication de ses premières recherches regardant les effets de l'extrait pancréatique sur le diabète (qui était induit aux chiens par l'extraction complète du pancréas ou, selon une méthode en quelque sorte plus vieille, méthode bien maîtrisée par le chirurgien N.C. Paulescu, par une extraction de minimum 90% du pancréas).

La méthode d'hacher le pancréas fraîche, puis de l'homogénéiser avec d'eau distillé, un peu saline (7‰), et de le filtrer ultérieurement (après 24 heures) etc., a été essayée et, parfois, même brevetée, sous des formes différentes, par des nombreuses chercheurs [Rennie, Frazer, Zuelzer, Kawlton, Starling, Murlin, Kramer, Kleiner, Melzer, Scott, Gley], immédiatement après 1900, mais aucun d'entre ceux-ci n'était arrivé, jusqu'à 1921, si proche que Paulescu de la production et de la description de l'action du produit qui traiterait le diabète. Paulescu a appelé ce produit *pancreine* et l'a patenté en 1922. Ultérieurement, pour le même produit, mais appelé cette fois-ci *insuline*, les canadiens Banting et Macleod obtiendront le prix Nobel, prix qu'ils partageront avec Best, un étudiant qui avait assisté Banting, et avec Collip, le chimiste qui, plus tard, purifiera le produit primé ainsi que celui-ci puisse être administré aux gens. En citant le professeur Gheorghe Stratan, nous dirions que le problème des grandes idées est celui qu'elles arrivent aux autres aussi. Pourtant, les expérimentations de Banting et Best sont considérablement améliorées après la publication des résultats de Paulescu, qu'ils avaient cités (un peu erronément), pour qu'ils arrivent, jusqu'à la fin, aux mêmes résultats. Les protestes de Paulescu, qui se sentait un peu « dévalorisé », ont eu effet que beaucoup de décennies après sa mort quand, déjà, était *suffisante de la gloire pour tous*.

Dr. Paulescu a continué ses recherches jusqu'à 1931, quand le diagnostique (qu'il même a identifié) de cancer à l'appareil urinaire

⁸ V. TRIFU, apud CODRESCU, *op. cit.*, p. 72.

s'avérerait et Paulescu mourrait. « Le professeur Paulescu, qui a vécu comme un martyr et est mort comme un saint⁹, illustre dans la manière la plus expressive le savant roumain ainsi qu'il soit formé par les meilleures tradition de notre pays »¹⁰ – disait, à juste raison, Nicolae Iorga, sans qu'il sût que cette phrase pourrait être lue aussi bien d'une manière ironique. Cette manière (ironique) de lire est indiquée dans la situation dont la phrase regarde l'autre Paulescu, le sociologue, qui n'a épargné aucun effort pour prêcher sa variante du sens commun spécifique à cette époque, sens commun qui recevait le rang de science.

Paulescu a appelé cette science *physiologie philosophique*. Et il a exprimé sur son lit de mort, aux ses continuateurs, son désir qu'ils utiliseraient cette dénomination dans l'organisation de ses brochures et livres concernant la société. *Physiologie philosophique*, car seulement un physiologiste est un maître de la causalité. Si on donnait, pourtant, un nom à la science sociale paulescienne, celui-ci serait *sociobiologie*, science active aujourd'hui aussi, en dépit de la dure critique venue de la part de la sociologie [P. Bourdieu, A. Giddens, M. Sahlins, etc.]. Paulescu regardait la sociologie comme « la branche culminante de la biologie »¹¹; de même, il considérait la physiologie comme « la branche capitale de la biologie »¹². Paulescu doit, donc, être considéré une espèce de physiologiste social : « notre point de vue – [est] celui biologique »¹³. Et, probablement, il regardait la biologie comme une branche de la théologie. Dans cette logique, la théologie pourrait être considérée, aussi bien, comme une branche de l'antisémitisme. Nous faisons cette affirmation car, dans *L'Interprétation de l'apocalypse...*, Paulescu comprenait le verbe « prophétiser » ainsi : « faire de la propagande antisémite »¹⁴. Mais, nous ne voudrions aller si loin avec ma

⁹ Selon le témoignage de V. Trifu, Paulescu luttait, pendant les hallucinations provoquées par la vessie, contre le Diable, qui était toujours présent dans sa chambre, en le mettant à l'épreuve: « Que signifie-t-elle, dit Paulescu, cette horreur de femmes nues qui s'agitent autour du moi?... Par ici, par là... » (*Ibidem*, p. 93).

¹⁰ N. IORGA, *Neamul Românesc*, le 29 Juin 1931 [cité dans la grande majorité de livres de la liste bibliographique].

¹¹ Nicolae C. PAULESCU, *Instincte, patimi și conflicte*, Ed. Anastasia, București, 1995, p. 25.

¹² Idem, *Physiologie Philosophique. Finalité, matérialisme, âme et Dieu*; Troisième Edition, Librairie Bloud et Cie, Rue Madame, 4, Paris, 1908, p. 7.

¹³ *Ibidem*, p. 181.

¹⁴ Idem, *Tălmăcirea apocalipsului. Soarta viitoare a jidănimii*, Institutul de Arte Grafice „Oltenia”, Str. Imperială No. 1, București, 1928, p. 9.

méfiance que nous comparons sa croyance, peut-être sincère, avec la croyance de son collègue de parti A. C. Cuza, dans le cas duquel la situation est très claire sous cet aspect, même pour leur contemporain Nichifor Crainic.

« Dans le dévoilement du péril juif [Paulescu] a un seul émule de sa taille : le dr. A. C. Cuza »¹⁵. « Le nationalisme chrétien, dans le sens véritable du mot, a un seul grand poète : George Coșbuc ; et un seul grand penseur : Nicolae Paulescu, dont il [le nationalisme chrétien] trouve intégralement le fondement »¹⁶.

Răzvan Codrescu, qui semble partager, en 2002, les opinions paulesciennes, caractérise la position scientifique de Paulescu comme « *Scio Deum Esse*, une conception théiste, apparemment catholicisante par endroits, mais très orthodoxe par ses racines »¹⁷. Dans ce sens-là, j'aurais à raconter une curiosité bibliographique : pendant les 80 ans depuis quand l'exemplaire de *L'Interprétation de l'apocalypse...* se trouve à la Bibliothèque Centrale Universitaire de Cluj-Napoca, en exceptant la période communiste quand celui-ci faisait partie du « fond secret », les lecteurs ont écrit sur ses pages des observations diverses. Par exemple, même au début du livre, quelqu'un a corrigé le mot catholique « Esprit », en le remplaçant avec le synonyme de celui-ci, utilisé par l'Église orthodoxe roumaine : « *Duh* ». On peut trouver, aussi, après quelques pages, la correction d'une faute, probablement une faute d'impression ; ainsi, la formulation « dix têtes et sept cornes » est corrigée (écriture faite à la main) avec « sept têtes et dix cornes ». Mais, au-delà de ces corrections, ces lecteurs préoccupés d'esprit et de cornes, n'ont trouvé pas autre chose remarquable à corriger dans le petit délire

¹⁵ N. CRAINIC apud Codrescu, *op. cit.*, p. 107.

¹⁶ *Ibidem*, p. 99.

¹⁷ CODRESCU, *op. cit.*, p. 21. Il n'est pas trop claire le sens que monsieur Codrescu donne au mot « racines ». Si on lit *La physiologie philosophique. La synagogue et l'église à l'égard de la pacification de l'humanité*, București, 1924, pp. 28-90, on pourra voir que ces racines ne sont pas exactement spirituelles, parce que Paulescu soutient l'universalisme, l'infailibilité et le primat du Petru (et de la ville Rome), le célibat des prêtres. De même, il voit dans l'Église une « Tête de l'humanité » qui s'« il n'y a pas, on devra l'inventer » (p. 8), comme une alternative pour la « Ligue Juive des Nations » (p. 11). Dans une optique pareille, « Jésus-Christ a exercé le pouvoir législatif [par] la loi de l'amour [et] le pouvoir exécutif [par] des disciples » (p. 21).

paulescien. On peut déduire, donc, de l'intérêt spécifique de lecteurs de Paulescu que ceux-ci font partie de la sphère de la théologie.

Pour résumer la science sociale de Paulescu, il faut commencer de la notion *d'âme* : l'âme, « nom consacré, utilisé depuis milliers d'années », ou « agent de la finalité vitale »¹⁸. La tâche de réaliser une synthèse de la « sociologie » paulescienne est facilitée par le fait que Paulescu même a résumé le « stade des recherches » à l'occasion de chaque nouvelle brochure, selon un modèle souvent rencontré parmi les antisémites roumains. Dans le domaine de l'antisémitisme, la frontière entre la production et la distribution de vérité est négligeable.

« L'hypothèse de l'âme (même si elle n'a pas été vérifiée directement) en expliquant tous les faits vitaux et n'étant en contradiction avec aucun d'entre ceux-ci accomplit satisfaisant les conditions exigées par la science expérimentale »¹⁹.

Pour le moment, la description théorique de Paulescu accomplit satisfaisant les conditions de plausibilité – si long que la description théorique ne passe pas de l'individuel au collectif. Pour le moment, donc, personne n'est gênée par le fait que Paulescu préfère « l'ordre consciente » à « l'ordre aveugle »²⁰. En suivant la même logique, Paulescu explique l'existence de l'âme (d'un âme quelconque) par [1] *des causes secondaires* : les générations de parents dont la série ne peut pas être illimitée et par [2] *la cause primaire* : Dieu – « voilà la limite sublime où arrive la physiologie »²¹. La sociologie aussi.

« Quand Dieu, le Créateur de l'Univers a fait l'homme, il a pris de la poussière (composée par matière et énergie) et il a soufflé sur elle. Ainsi, il a donné au corps humain un *Âme* (Esprit, « *Duh* ») qui se manifestait par *Vie*. [...] Pour achever la Loi de la Création « grandissez et reproduisez », Dieu a donné à l'homme *Les instincts* – c'est-à-dire des dons inestimables sans lesquels la vie ne serait pas possible »²².

¹⁸ PAULESCU, *Despre noțiunea de suflet...* apud CODRESCU, *op. cit.*, pp. 118-119.

¹⁹ *Ibidem*, p. 125. Dans l'original : „Ipoteza sufletului (deși neprobată în mod direct) explicând toate faptele vitale și nefiind în contradicție cu niciunul dintre ele îndeplinește în mod satisfăcător condițiile cerute de știința experimentală”

²⁰ V. TRIFU, *op. cit.*, p. 97.

²¹ PAULESCU, *Despre noțiunea de suflet...*, pp. 63, 126-127.

²² *Idem*, *Degenerarea rasei jidănești*, Fundația Culturală Regele Mihai I, Imprimeria, București, 1928, pp. 3-4. Dans l'original : „Când Dumnezeu, Creatorul Universului, a făcut pe Om, a

Les instincts, de vraies merveilles de finalité²³, sont, donc, pour Paulescu « l'œuvre de la cause primaire de la finalité de la vie »²⁴. « Les actes instinctifs se produisent toujours en vue d'un *but utile, mais qui est ignoré* par l'être – homme ou animal – qui les réalise ».²⁵ Certainement que, de binôme homme / animal, seulement l'homme peut transformer les actes instinctifs en actes bénévoles au moment où il « arrive à connaître leur but » ; et, de binôme homme / homme seulement quelques-uns réussissent à faire cette transformation (nous verrons dans les pages suivantes quels sont les rôles qui peuvent découler de cette compartimentation) :

« Seulement l'homme cultivé soupçonne, par endroits, ces buts instinctifs, – et, dans ce cas, il fait un *acte bénévole*. Ainsi, par exemple, un physiologiste fait un *acte de volonté* quand – en sachant que le sucre (hydrate de charbon) est nécessaire à sa nutrition, – il l'introduit (le sucre) dans son régime alimentaire. À l'opposition, l'enfant obéit à l'instinct quand il cherche de sucreries, parce qu'il *aime* leur goût doux »²⁶.

À ce moment, la préférence de Paulescu pour des hiérarchies et pour la distribution claire / fixe des rôles commence à être clairement observée, on peut distinguer le racisme « chrétien » de Paulescu, un racisme plutôt conservatoire que dynamique. Paulescu n'aurait pas osé rêver d'une race supérieure, car la race supérieure avait été créée par Dieu. Ainsi, la purification ne pourrait pas servir qu'à la préservation inaltérée de « familles » originaires.

luat țărână (compusă din materie și energie) și a *suflat* asupra ei. El a dat astfel trupului pământesc un *Suflet* (Spirit, Duh) ce se manifestă prin *Viață*. [...] Pentru a îndeplini Legea Creației « creșteți și vă înmulțiți », Dumnezeu a dat omului *Instinctele* – adică niște daruri de neprețuit, fără de care viața nu e cu putință ».

²³ PAULESCU, *Instincte, patimi...*, p. 25, la note 2.

²⁴ *Ibidem*, p. 93.

²⁵ *Ibidem*, p. 27.

²⁶ Idem, *Degenerarea...*, pp. 4-5. Dans l'original : „Singur omul instruit bănuiește, pe ici pe colo, aceste scopuri instinctive, – și, în acest caz, el săvârșește un *act voluntar*. Așa, bunioară, un fiziologist face *act de voință* când, – știind că zahărul (hidrat de cărbune) e necesar nutriției sale, – îl introduce în regimul său alimentar. Pe când copilul se supune instinctului, când caută zaharicale, pentru că *îi place* gustul lor dulce”.

« La lutte pour la vie empêche l'altération et la dégradation du type spécifique et constitue la principale cause de la fixité des espèces »²⁷.

Les conflits résultés de la concurrence générée « naturellement » par la limitation des ressources nécessaires pour la satisfaction des instincts (de nutrition, de reproduction) ne peuvent pas être « un défi pour ce chef-d'œuvre de finalité divine »²⁸. Ces conflits ont comme but la préservation de la pureté du type spécifique.²⁹

« Une jeune fille à marier est courtisée par plusieurs jeunes hommes dont elle choisit *le plus beau*, physiquement et spirituellement (celui qui, donc, est le plus proche du type idéal de l'espèce), – et elle rejette ceux qui sont laids, difformes et vicieux (ceux qui, donc, ont souffert des altérations des caractères spécifiques) »³⁰.

Pour le docteur Paulescu est venu le moment pour faire le pas magique, en introduisant dans la scène *les instincts sociaux*, des vraies merveilles sociologiques. Les instincts sociaux ont leur origine dans *l'instinct de famille*. Il y a, ainsi, [1] *l'instinct de propriété*, qui a comme finalité la prévoyance regardant le futur de la famille (logement, propriété foncière, dépôts) et [2] « *l'instinct de domination* de la part des parents » qui se trouve en corrélation avec « *l'instinct d'obéissance* de la part des enfants », ceux deux instincts ayant, ensemble, comme finalité « l'unité d'action ». « Ainsi, le Père est le chef de la Famille, – et il a, comme sous-chef, la mère »³¹. Par la manière dont elle est construite, cette dernière proposition semble suggérer la modalité dont le chef de la Famille possède la mère. Probablement que la mère aussi, pareillement à l'enfant de la note 25, n'est pas trop sûre que le sucre est *hydrate de charbon*. Elle n'a pas, donc, trop de volonté.

Mais Paulescu va plus loin, en nous racontant de *l'instinct de Nation* qui est composé par [1] *l'amour national* (ou *Nationalisme*) qui tient ensemble tous les membres d'une nation et [2] *les instincts de domination et de*

²⁷ Idem, *Physiologie Philosophique. Finalité...*, p. 94.

²⁸ Idem, *Instincte, patimi...*, p. 93.

²⁹ *Ibidem*, p. 99.

³⁰ Idem, *Degenerarea...*, p. 8. Dans l'original : „O fată de măritat e pețită de mai mulți flăcăi, dintre care ea alege pe *cel mai frumos*, trupește și sufletește (adică pe cel care se apropie cel mai mult de tipul ideal al speciei), – și îi respinge pe cei urâți, diformi sau vițioși (adică pe cei care au suferit alterații ale caracterelor specifice)”.

³¹ *Ibidem*, pp. 6-7.

subordination, « par l'intermède desquels un individu (Empereur, Roi, Prince) règne sur les autres membres de la nation, – et ceux-ci s'obéissent sans aucun grognement. Le rôle du Chef pour la nation – identique avec celui du Père pour la famille »³². D'en découle : d'en haut : de la *sympathie* ; de bas : de la *vénération* et de la *gratitude*.

« Or, la sympathie, la *vénération* et la *gratitude* ne sont pas, après tout, que des variantes de *l'Amour*. Par suite, la loi suprême, – qui conduit les sociétés naturelles, – est *l'Amour* »³³.

Il y a, donc, *l'amour chrétien*, qui est l'équivalent fonctionnel de la sympathie, de la *vénération* et de la *gratitude*, et, pour ceux qui se trouvent au-dehors de la « Loi de la Création », il y a la *sélection naturelle*.

Au-delà de lois de la création se trouvent les Dégénérés, les irrécupérables. « Le mot *dégénération* [...], – quand il est appliqué à une race humaine, – signifie une *altération de caractères* du genre humain »³⁴.

De ce côté-ci, se trouvent, comme des marginaux, mais, pourtant, récupérables, [1] l'enfant, qui peut grandir, [2] la mère qui peut s'obéir (elle n'ayant plus la chance de grandir), [3] les sujets du Roi dont on attribue, par des promesses illuministes, le rôle de la mère, mais qui, à quelques petites exceptions, recevront, finalement, le rôle de la mère et [4] les vicieux qui, par volonté et conseil, peuvent se redresser.

Paulescu croyait, sincèrement, que les vicieux peuvent se redresser en lisant ses livres sur les remèdes moraux. Ainsi, en trouvant qu'un de ses parents, de la famille Angelescu (la famille de sa sœur), a un « vice de nutrition », étant, donc, un ivrogne, Paulescu a été surpris par le fait que celui-ci n'avait pas été forcé par sa famille à lire ses livres. Car, ces livres l'auraient aidé à renoncer à boire, en sortant, ainsi, de l'influence du « virus des Passions ».

Si pour chaque virus il y a, finalement, un remède, dans le cas de la *dégénération*, les choses seront totalement différentes.

³² *Ibidem*, p. 7.

³³ *Ibidem*, p. 7. Dans l'original : „Or, simpatia, venerația și gratitudinea nu sunt, în ultimă analiză decât variante ale *Iubirei*. Prin urmare, legea supremă, – care conduce societățile naturale, – este *Iubirea*”.

³⁴ *Ibidem*, p. 11.

« Il y a, cependant, une autre catégorie d'hommes (autres que ceux qui sont égarés) sur lesquels le Diable a un pouvoir illimité. Ceux sont les dégénérés. Les dégénérés sont incapables à comprendre „les paroles du Dieu”, – et, par conséquent, leurs vices sont incurables [...] Dans cet état d'esprit se trouvent les Juifs qui sont tous des dégénérés »³⁵.

Le monde sublime décrit par Paulescu commence faire mal (pour les uns), car il décrit et prescrit certaines positions qui, sans tenir compte de la volonté (niée *a priori*), ne peuvent pas être *négociées*. Le mot *négociation* n'a pas de place dans une description essentialiste dont il y a seulement deux variantes : soit l'inclusion, soit l'exclusion – le tiers exclus du développement n'étant pas *négociable*. Ou, pour le dire plus simplement, dans un amer langage paulescien : « d'un couple de Judas – composé d'un voleur et d'une voleuse – ne peuvent pas se naître des gens honnêtes »³⁶.

Les raisons de la « dégénération de la race juive » sont : [1] les mariages entre les co-sanguines : paradoxalement, « les couples de Judas », à l'opposition d'autres couples, ne préservent pas leurs caractères spécifiques, mais ils dégènèrent ; donc, ce qu'on gagne à l'espèce, on perd au genre ainsi que la description soit conforme avec la prescription ; et [2] la transmission « héréditaire de malformations du cerveau »³⁷. Même si les malformations cérébrales « ne sont pas encore bien connues dans le cas des Juifs, – à cause du manque des autopsies, qui *sont, partout, rigoureusement arrêtées* par des rabbins »³⁸. Autrement dit, à l'égard de quelque chose qu'on ne connaît pas, on peut dire n'importe quoi, car ce n'est pas de la médecine.

Les symptômes de la « dégénération de la race juive » sont les vices : [1] Le vice de nutrition. Paulescu a dédié une brochure à ce vice : « Les Juifs et l'alcoolisme ». De cette brochure, on peut déduire que les Juifs, même s'ils ne consomment pas d'alcool, à cause de leur religion, celle-ci détermine, en même temps, leur penchant vers l'empoisonnement des Roumains avec

³⁵ *Ibidem*, p. 10. Dans l'original : „Există însă o altă categorie de oameni (alții decât răătăciții), peste carii Diavolul are o putere nelimitată. Aceștia sunt degenerații. Degenerații sunt incapabili să priceapă «cuvintele lui Dumnezeu», – și, prin urmare, viciile lor sunt incurabile [...] În această stare de spirit se află Jidanii cari sunt toți degenerați”.

³⁶ *Ibidem*, p. 15. Dans l'original : „dintr-o pereche de Iude, – formată dintre un hoț și-o hoată, – nu pot ieși oameni cinstiți”.

³⁷ *Ibidem*, p. 14.

³⁸ *Ibidem*, p. 16.

des boissons alcooliques ou avec du vin « falsifié ». En ce qui concerne le vin falsifié, on a constaté, scientifiquement, que :

« Le vin falsifié, bu en des grandes quantités, – trois litres par jours, pour dix années, – a deux types d'effets : [...] l'intoxication de l'alcoolisme, qui est mortelle [...] et la cirrhose alcoolique, qui est accompagnée par tuberculose et finit par la mort »³⁹.

[2] Le vice de reproduction. On savait que le libertinage était « le ver des civilisations avancées et surtout de celles factices ». Comme dans le cas de l'alcoolisme, les Juifs sont vicieux parce qu'ils se trouvent dans la proximité du vice. Pour que le récit soit cohérent, un seul concept manquait : la contamination. Mais, Paulescu ne l'a pas apporté. Parce que, s'il l'apportait, il quitterait le registre de la dégénération. Car tout le monde pourrait être contaminé et tout le monde pourrait être guéri.

« Chez nous, le libertinage s'est abrité dans des villes, dont la population autochtone [...] s'était diminuée d'une manière effrayante. Et le mal ne serait pas trop grand si, comment il se passait en autres pays, des éléments vigoureux et moraux, descendus de villages, venaient remplacer les citadins qui s'éteignaient à cause de vices. Malheureusement, les lacunes sont rapidement comblées par une autre nation étrangère et parasite (les Juifs), qui, étant plus chaste, bénéficie d'une prolificité accablante [...] »⁴⁰.

[3] En ce qui concerne les vices des instincts de famille (instincts de propriété, de domination), Paulescu attribue aux Juifs la culpabilité de : libéralisme, marxisme et anarchisme. Ce sont des thèmes et des motifs d'une circulation si grande dans le « folklore » universel antisémite, que nous n'insisterons pas sur la variante de Paulescu qui, cette fois-ci, s'est

³⁹ Idem, *Jidanii și alcoolismul*, Tipografia „Cultura”, București, 1927, p. 8. Dans l'original : „Vinul, falsificat, băut în cantități mari, – trei litri pe zi, timp de zece ani, – are două tipuri de efecte: [...] intoxicația alcoolismului, ce e mortală [...] și ciroza alcoolică, ce se însoțește de oftică și sfârșește prin moarte”.

⁴⁰ Idem, *Instincte, patimi...*, p. 103. Dans l'original : „La noi libertinajul s-a încuibat în orașe, a căror populație de baștină [...] se împuținează în mod înspăimântător. Și răul n-ar fi tocmai mare dacă, după cum se întâmplă în alte țări, elemente viguroase și morale, descinse de la sate ar veni să le ia locul orașenilor ce se sting osteniți de viții. Din nefericire golurile sunt repede umplute de o altă nație venetică și parazită (evreii), care fiind mai castă, se bucură de o prolificitate covârșitoare [...]”.

contenté de compiler les classiques du domaine. L'idée générale est celle que les Juifs ont représenté « l'agent le plus fort de turbulence que la Terre a jamais produit »⁴¹.

Autrement dit, le problème de l'âme chez Nicolae Paulescu est plus compliqué que l'auteur l'aurait cru, probablement plus compliqué que celui du pancréas. Car, à l'égard de celui-ci, la Sainte Trinité, comme *hypothèse de travail*, n'avait pas des anciens intérêts politico-théologiques inachevés. Si la médecine, la politique ou la théologie revendiquaient l'héritage paulescien, seulement la médecine ne serait pas compromise par cette démarche.

⁴¹ Drumont, apud Paulescu, *Francmasoneria*, p. 63.

FINNISH VIEWS AND POLITICAL ATTITUDES CONCERNING THE ROMANIAN-HUNGARIAN CLASH OVER TRANSYLVANIA (1941-1942)

Silviu Miloiu*

Abstract

The scope of this article is to study the way Romania's arguments with Hungary over Transylvania had been understood in the Finnish diplomatic and political circles during 1941-1942 . Though by no means unanimous, Finnish top leaders understood not to take sides when not directly expressing their approval of Romania's position concerning Transylvania. The dispute of opinions between the Finnish diplomats in Budapest and Bucharest was followed with interest by the Finnish diplomacy who concluded that a Finnish balanced policy in relation with the two countries was not misplaced.

Small states' strategies for increasing influence and reputation on international arena. The cases of Romania and Hungary

The dispute over Transylvania between the Hungarians and the Romanians has long since started when the World War II broke out. During the inter-war period the two countries had only 'agreed' upon the fact that Transylvania was an entity that could not be shared among them. From there on, their views departed. The Hungarian governments emphasized their nationality centuries-old ruling over Transylvania as its traditional elite and drew attention to the high price paid by Hungary in 1919-1920, thus acting as a spearhead for achieving the revisionist wishes of the

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Hungarian people.¹ The Romanians brought to the fore the more modern principle of nationality and lay the stress on their status as the dominant nationality in the province. The two claims were mutually exclusive. Following the 1940 Vienna Award (according to the Hungarian terminology) or Vienna Dictate (according to the Romanian one), Transylvania's splitting into two parts made both nationalisms embark into a competition aiming at acquiring the entire province. A fierce competition of winning the hearts and minds of both greater and smaller powers' decision-makers and public opinions was unleashed.² The dispute was so harsh that the two countries were prepared to do anything to increase their reputation and influence in the international arena and to advance their cause. In practice, this meant that they tried to surpass the reputation and influence of their competitor by maximizing their significance in such areas as:

- economic strength and raw materials richness;
- strategic position, military potential;
- the ability to join a military coalition and to assume the risks and challenges inherent in time of war looking for the prize to be won when the war was over;
- cultural reputation;
- leading, respected personalities;
- readiness to help their partners, including by humanitarian means;
- excellence in technology.³

The focus of the two states' policies of increasing their status and reputation had concentrated between 1940 and 1942 on the leading Axis powers of Germany and Italy. Starting with the late 1942 unofficially they sounded the ground for promoting their cause with the UK, USA and even USSR. Smaller or distant Axis countries as well as neutral states were not

¹ Lord Rothermere has described his astonishment on the unusually warm reception of his press campaign for Hungary's revisionist claims which went as far as high officers inviting him to take over the reign of the government, Viscount Rothermere (1939), *My campaign for Hungary*, Eyre and Spottiswoode, London, 6.

² Regarding the Romanian-Hungarian competing views on Transylvania, see Trașcă, Ottmar (2005), "Relațiile româno-maghiare și problema Transilvaniei, 1940-1944 (II)", in *Anuarul Institutului de Istorie "A.D. Xenopol"*, XLII, Iași: Ed. Academiei Române, 377-407.

³ Our approach at this point is greatly indebted to von Däniken, Franz (1998), "Is the notion of small state still relevant?", in Goetschel, Laurent (ed.), *Small states inside and outside the European Union. Interests and policies*, London, Kluwer Academic Publishers, 44

spared the political competition of the two countries. The bone of contention was considered so important that there had only seldom been given any place in the policies of the two states to any thoughts of détente.

Among these battle grounds for winning the sympathy of the elite and the people at large was Finland. A highly-esteemed country on the international arena following her successful defence against the Red Army during the Winter War, Finland remained by 1941 among the few independent states in East-Central Europe. Moreover, because Finland and Hungary considered themselves kindred nations and during the inter-period had developed a wide range of cooperation in various areas⁴, Romania had little say in the way the Finnish decision-makers and mass-media had assessed the issue of Transylvania. The Romanian diplomacy was deeply concerned with the upsetting of the "passive balance" in order to spread out its views and influence with the Finnish policy makers and public. It also had to take into account the fact that Finland was a democratic country where the public opinion had a word to say in politics even in time of war. The scope of the present article is to make only a passing reference to the aims and means by which the Romanians attempted to increase their reputation and influence in Finland, yet to study more carefully the reactions of the Finnish policy-makers to the Hungarian-Romanian arguments on Transylvania.

Coping with handicaps in foreign policy: the example of Romania's station in Finland

The Romanians were keenly aware of their feeble position in Finland. It is therefore no wonder that soon after being appointed as the Romanian envoy to Finland, Noti Constantinide dispatched a long report to Bucharest drawing the attention of the Romanian authorities to the weak position of his country and asking for an action to remedy it. The tone and content of the report were alarming. Constantinide wrote that there existed not a single person in Finland without being convinced that the Vienna Dictate was an act of high justice towards Hungary or not considering the Hungarian rights over all Transylvania and Banat as entirely justified. Similarly, the Romanian diplomat noticed that in Finland it was particularly praised the exceptional value of the Hungarian Army and the

⁴ See Saarinen, Sirkka (2001), "The myth of a Finno-Ugrian community in practice", in *Nationalities Papers*, Vol. 29, No. 1, 45-48.

heroic actions of this army in Yugoslavia and, especially, in Russia. As against the high Hungarian station, Romanian status in Finland was considered as 'disastrous', its image in Finland being poor, not infrequently its reputation being hurt by sheer calumny. Therefore, not only her territorial aspirations, but the military strength, the cultural reputation, military and strategic significance, her role as a military partner of Germany on the Eastern Front, all areas which could advance Romania's influence in Finland were subject to criticism or indifference in the small Nordic country.

To redress this situation, the Romanian diplomat, as stated, asked for support from Bucharest, especially for material support from the Ministry of Foreign Affairs and the Ministry of Propaganda. He wanted to mount a propaganda counter strike with the scope of enhancing the influence of his country in Finland and of winning as many a Finn as possible on Romania's side. Constantinide considered basing his strategy on two significant prerequisites: the very well-developed sentiment of justice and fair-play of the Finnish people and the group of Romania's friends, the most prominent of whom were professors V. Tanner and V.J. Mansikka. The envoy put forward an ambitious program and wanted to improve Romania's stand in all the important areas and thus increase the influence of his country in Finland: the publication of favourable articles regarding Finland and its political, cultural and economic developments; the exchange of journalists between the two parties; the organising in the University of Bucharest of lectures about Finland and the Finnish language, inviting lecturers from Finnish universities for conferences; the sending of Romanian lecturers to Finland in order to do lecturing in German language for Finnish audiences; the creation of a propaganda budget in order to be used for maintaining the contact with the press and the Finnish cultural, political and economic figures. These were all means designed to cope with the influence deficit which the Romanians encountered when attempting to promote their national program in Finland.⁵ Constantinide's program was met with approval by the vice-Prime Minister Mihai Antonescu who agreed between June and October to put to his disposal the means for achieving these ends

⁵ Noti Constantinide's report of 29.05.1941, Suomen ulkoasiainministeriön arkisto (hereafter, UA), 12 L Romania, Folder 56.

in the framework of a political-cultural program which the second man of Romania himself had devised.⁶

Finland's attitudes and political views on Transylvania (1941-1942)

The Finnish Ministry of Foreign Affairs was the key institution in directing the foreign policy of this country during the war, though the most fundamental decisions involved the participation of such well-placed politicians such as President Risto Ryti, the army Commander-in-chief Marshal Gustav Mannerheim, the chairman of the Conservative Party Edwin Linkomies or the chairman of the Social Democratic Party Väinö Tanner.⁷ However, the daily conduct of the foreign policy was left to the foreign minister and was articulated within the office of foreign affairs. Therefore, it was essential for the Romanian politicians to gain the support of the foreign minister, of his deputies and of Finland's envoy to Bucharest in order to achieve its ends. The Finnish MFA was considered as a mirror which could reflect the Romanian views to a larger audience: to the general public through the control it exercised over the press, especially concerning the more sensitive foreign issues; to the top politicians by the way it handled the issue with them.

As it was to be expected, the Finnish MFA followed the various phases of the dispute of those countries with a keen interest being informed by its envoys to Bucharest, Budapest, Berlin, Rome, Stockholm and Bern about the latest developments in the Romanian-Hungarian relations. When Romania was squeezed between the interests of her revisionist neighbours and German interests in the region loosing more than 100,000 sq. km. her prestige and influence had significantly diminished in Finland, too. The most painful of all these territorial losses came with the Vienna Dictate of 30 August under which provisions Romania lost 45,000 sq. km. of Transylvania. In a report of June 1941, the Finnish envoy to Bucharest Hjalmar Palin (1941-1945) assessed the significance of these territorial losses for the Romanian state. Palin reported that in August 1940 Romania

⁶ Mihai Antonescu's instructions of 6.10.1941. Arhiva Ministerului Afacerilor Externe al României (hereafter, AMAER), fond 71/1920-1944, Finlanda, Vol. 17, 27-28; Miloiu, Silviu (2005), "Cultures at war: the cultural relations between Romania and Finland during the Second World War", in *Anuarul Institutului de Istorie "A.D. Xenopol"*, XLII, Iași: Ed. Academiei Române, 412-413.

⁷ Turtola, Martti (1994), *Risto Ryti. Elämä isänmaan puolesta*, Helsinki: Otava, 264-273.

had been willing to settle the question of Transylvania with Hungary by the usage of the force of arms and that only the concern over the anticipated intervention of Soviet Union and the pressures put by Germany and Italy had forced this country to submit to her fate. The Finn quoted foreign analysts and argued that were a war break out in August 1940 between the two countries without outside military intervention, Romania had the first chance to win the conflict.⁸ This was one of the first reports showing Palin as an ideal diplomat from a Romanian point of view: he looked convinced and in the subsequent reports he will show himself even more certain that at least strategically, militarily and economically Romania was a more precious partner than Hungary for any country, especially for Germany.

The beginning of the Reich's war against Soviet Union brought Finland, Romania and Hungary in the same military camp. The two latter countries constituted probably the most bizarre allies that have ever existed on our strange planet. They waited the dawn day of the Soviet Empire only in order to find themselves free to engage against each other with the scope of settling once and forever the issue of Transylvania. Numerous Finnish diplomatic reports registered this oddness. Palin was aware of the dangerous developments the relation between the two neighbours might take. His reports to Helsinki are proofs of these realities. In a report dispatched in August 1941 Palin stressed that one of the certainties of the future peace in case that the Axis was going to win the war was that Romania would fulfil her war program in the east (meaning the reintegration of Bessarabia and North Bukovina with the Kingdom). However, Palin called the attention to the larger war scopes of Romania especially regarding the reunification with Transylvania. As a proof of the fact that Romania nurtured such plans, Palin pointed to the worsening of the Romanian-Hungarian relations. The tone of the speeches was uncompromising; conflicts at the border reached the level of bloody confrontations, the points where the two armies engaged on the eastern front against a common enemy touched upon each other acknowledged fierce clashes. The commissions appointed to diminishing the scale of violence between the two parties were not able to achieving any results. Palin concluded that 'the Romanian-Hungarian relations are currently so

⁸ Palin's report no. 23 of 8.06.1941. UA, 5, C 14.

bad that...only the police-like influence of Germany prevents the outbreak of a military conflict'. Palin understood and reported that the Vienna Award had created a situation hard to be accepted by any of the two conflicting parties. Each of the two parties was hoping and planning with vigour a change of the situation in her favour waiting for the opportunity to achieve her aims.⁹

Only three months after the start of the war in the east, Palin informed his foreign minister, Rolf Witting, that an increased tension acquired visibility in the relations between the two states. They were equally dissatisfied with the Vienna Award and hoped that by taking part in the war against Soviet Union on Germany's side they would also fulfil their land aspirations. This was not only a hope nurtured by the elite. Ordinary Hungarians and Romanians shared their leaders' hopes. Palin remarked the deep rift separating the two peoples during a visit which he paid to Brasov, in Romanian Transylvania, where he was approached by Hungarians convinced that it was a matter of a few weeks until their town would again become part of Hungary. Conversely, the Romanians believed that their army was already on its way towards Budapest. Palin was cautious in appreciating the chances of Romania and Hungary to fulfilling their aims at least in the short span of time they expected to. He also refrained from making statements on whether it was Romania's or Hungary's right to own Transylvania being aware of the difficult historical, economic and political considerations which would have to be weighted before taking sides in the dispute. However, Palin, quoting pro-Hungarian circles, assessed as more efficient the inter-war Romanian administration of that part of Transylvania annexed by Hungary by comparison with the Hungarian administration which was set up following the Vienna Dictate.¹⁰

In the autumn of 1941 the worsening of the relations between the two states and the intransigence shown by their leaders had manifested in hostile actions at the border, in public speeches and in the tone of the articles published by the press of the two parties. Palin was openly told by the Secretary General of the Romanian MFA that his country was going to undertake active anti-Hungarian measures. He motivated this decision by the Hungarian lack of reaction to Romania's requests for improving the status of Romanian minority in Transylvania. Romania's active measures

⁹ Palin's report no. 31 of 12.08.1941. UA, 5, C 14.

¹⁰ Palin's report no. 33 of 12.09.1941. UA, 5, C 14.

against the Hungarian minority had already been started as Palin concluded from a conversation with the Hungarian envoy to Bucharest. Minister Nagy is quoted as saying that the situation was difficult, excessively difficult, and even untenable. The two parties were manifesting irritation and there was no any *détente* in sight. Nagy complained that the Romanians forbade the publication of newspapers in the Hungarian language and restricted its usage in public places, making also use of a system of taxation according to ethnic affiliation. The Hungarian envoy also showed that the situation deteriorated as much as to lead to murders and ethnic cleansing in Central Transylvania. This was exactly the sort of accusations the Romanians were launching against the Hungarian administration in Northern Transylvania.

If there was any way out of diminishing the tension between the two parties, Palin noticed that it was hard to use as the Hungarians wanted to improve certain details of this relationship by bilateral discussions while the Romanians supported the idea of discussing all the differences in an international conference. However, the outbreak of a war between the two parties was prevented by Germany as both states had invested high hopes in the German support at the end of the conflict. The Finnish envoys to Budapest and Bucharest, often in disagreement with each other, fully agreed on the fact that the Romanian and Hungarian nationalisms were mutually exclusive in their competition over Transylvania. Palin even quoted his Budapest-based colleague in saying that there was a single issue over which all the Romanian politicians and, in general, all the Romanians agreed and for which they were ready to marsh to the front: the venom against the Hungarians: 'No circle conceals this despise, in the discussions the Hungarians are reviled at whenever they become a subject of conversation. Hungary is for the Romanians like the red clothes for the bull...'¹¹

The flow of information received from the Legation in Bucharest was, in general, sympathetic to the Romanian cause. Born in Helsinki into a Swedish-speaking family, Palin was a member of the Swedish Party and thus he was obviously less concerned with the myths and symbols of the Finno-Ugrian community than many of his Finnish compatriots.¹²

¹¹ Palin's report no. 37 of 24.10.1941. UA, 5, C 14.

¹² Nuorteva, Jussi, Raitio, Tuire (1996), *Ulkoasiainhallinnan matrikkeli 1918-1993*, Vol. 2, Mikkeli: Länsi Savo Oy.

Therefore, it is no wonder that by his activity and reports he supported the program of increasing the prestige and influence of Romania in Finland and the continuous updating of this influence which he saw as a prerequisite for an increase in Finnish influence in Romania with all the political, cultural, economic and humanitarian positive consequences for his nation. For instance, Palin reported that the Germans accepted the view that the decision adopted at Vienna was not unmovable. He appreciated that the German Government was favourably inclined towards the Romanians they contributing to the Romanian army's rearmament to an extent ensuring that she would win any possible clash with the Hungarian army. The Finnish diplomat assessed that this was not only Romanian, but also German interest. He quoted local diplomatic circles in saying that Germany was on Romania's side in this dispute. According to Palin, Romania was from Nazi Germany's point of view more important than Hungary economically, politically and strategically. Moreover, Hungary was closer to Italy than Germany and could not be trusted to the same extent as Marshal Antonescu's Romania as being loyal to the Reich.¹³

Palin also reported about the conversations of November 1941 between Mihai Antonescu and top German officials with Göring asking for patience because the borderline in Transylvania would be redrawn in the interest of Romania.¹⁴ In a private talk with Marshal Antonescu at his villa in Predeal, the Finnish envoy came once more to approach the controversial topic of Transylvania. The Conducător professed that 'I wish to win the war. I let the Hungarians to make all the mistakes.' In Palin's view this was a key statement. It expressed the Marshal's hopes that by taking part with all her forces in the campaign in the east, Romania could rely on the fact that Germany would support her in deciding the future of Transylvania, as Hungary was contributing only with limited forces to the war. The Marshal looked rather convinced that his calculations would prove right.¹⁵ Indeed, during his meetings with Hitler Ion Antonescu did not lose any opportunity to draw attention to the rights of Romania in Transylvania. During the conversation of 11 February between the two leaders, the

¹³ Palin's report no. 38 of 10.10.1941. UA, 5, C 14.

¹⁴ Notes of the conversation between Mihai Antonescu and Feldmarshal von Göring of 26-27.11.1941, Arhivele Naționale Istorice Centrale ale României, Președinția Consiliului de Miniștri, Folder 344/1941, 318-325.

¹⁵ Palin's report no. 5 of 4.02.1942. UA, 5, C 14.

Marshal pointed out to the symbolic contribution of Hungary to the common war and complained that the Hungarian forces were kept intact for an attack against Romania in order to be able at the end of the war to occupy the rest of Transylvania. In fact, in a memorandum submitted to Hitler with the same occasion, the Romanians underlined the military, economic and political importance of their contribution to the war in the east compared with the 'duplicity' of Hungarian policy and its symbolic support. Yet, they drew the attention that the Romanians had lost half of Transylvania which was defined as '...not only a land, a territory, it is the cradle of the Romanians, it is our soul' and '...our duty towards ourselves and there will not be a Romanian not to give his/hers life for it'. According to the minutes of conversation taken by Paul Schmidt, Hitler pledged to contribute to the preserving of the Romanian borders intact as against any of her neighbours' attempts to encroach on them. Moreover, he promised to put pressure to bear on the Hungarians to mobilize all their forces and take part in the war and to cease participating only symbolically to the struggle.¹⁶

If the reports dispatched from Bucharest aimed at emphasizing the significance of Romania in areas such as economic strength, strategic position, military contribution to the war, leading, respected leaders (Marshal Antonescu¹⁷ or vice-PM Mihai Antonescu), readiness to support by humanitarian means its partners, thus contributing to the increasing of the Romanian influence and reputation in Finland, his colleague in Budapest was doing his best for keeping intact the prestige and stand of Hungary in Helsinki. Aarne Wuorimaa who represented his country to Budapest during the war years was a Finnish nationalist who during his diplomatic mission attempted to keep up the romantic ties based on the common roots of the two kindred nations and to rise up the tribal awareness of his fellow Finns. If in his reports Palin discreetly adopted

¹⁶ Arimia, Vasile, Ardeleanu, Ion, Lache, Ștefan (eds.) (1991), *Antonescu-Hitler. Corespondență și întâlniri inedite (1940-1944)*, Vol. I, București: Cozia, 166-177, 181, 185-188.

¹⁷ There was no exaggeration of Palin as Hitler showed consideration to Antonescu for the way he commanded his troops and nation. In the conversations with his deputies in the night of 27-28 September 1941, Hitler considered Antonescu 'of German origin, and not Romanian' and 'a born soldier', while on 17 October he considered the Romanian Conducător 'a man on a big scale', incorruptible, the second in importance just after Mussolini among Germany's allies, Trevor-Roper, Hugh (2000), *Hitler's table talk. His private conversations*, New York City: Enigma Books, 49, 67.

what can be called a pro-Romanian stance, Wuorimaa acted more openly into supporting the Hungarian views on Transylvania or on the status which Hungary and Romania should play into the Finnish foreign policy.¹⁸ In doing so, the two diplomats resembled the quarrels between the French military attachés appointed to the newly-formed states of East-Central Europe after the World War I each of them supporting the national claims of the state in which they were accredited.

Their indirect dispute became open by the autumn of 1942. This was not happening just by chance. In our opinion it is a showcase of the Finnish dilemma of to what stand to adopt in the Romanian-Hungarian quarrel over Transylvania. The core of the argument between the two envoys to Budapest, respectively Bucharest, regarded the strategic significance of the two countries in the European context and the importance which Finland should attach to each of them. It was a dispute between the idea of tribe, Hungary being the beloved kindred nation from Central Europe, and the idea of *realpolitik*, in real terms Romania being closer to Finland by her geographical position and common worries resulting from the vicinity of Soviet Russia. Palin argued with Wuorimaa especially concerning the latter's affirmation that 'Hungary, as a leader country and a trustworthy factor of in the in-between Europe and a kindred nation, is the best and most trustworthy country of the region with which a relationship should be maintained regardless of the temporal circumstances.' Palin strongly disapproved with this view. He accepted the value of the tribal affinity among the two countries. Nevertheless, he considered that in its 'relations with Hungary and Romania, Finland shall give the same status to both countries, without giving a priority to Hungary.'

Palin also rejected Wuorimaa's indirect claim that the significance of Romania in the international relations or of the Romanian-Finnish relationship was one of conjuncture. Though accepting Wuorimaa's claim that Romania was bound to have a lower importance as Germany's oil supplier once the reserves of Caucasian oil were put into usage, Palin nevertheless considered that Romania was bound to remain an important supplier for the Reich. Yet, in his opinion, this did not end the significance

¹⁸ Wuorimaa made his views known in a book published in the aftermath of the war. His opinions on Transylvania as a Hungarian territory are express throughout the book, but especially in the chapter called *Pyhän Tapanin Kruunu* (The Crown of Saint Stephen), see Wuorimaa, *Aarne* (1947), *Muistojeni Unkari*, Helsinki: Otava, 14-25.

of Romania in Germany's "new Europe" to be built in the aftermath of the Reich's expected victory over Soviet Union. Romania was a major agricultural producer and with the supplementary usage of Transdnestrian grain fields its importance was about to increase. In conclusion, Romania's economic significance in Germany's Europe would be greater than that of Hungary's. The Finnish representative to Romania rejected his colleague's statement not only on economic grounds. He insisted that Romania's importance was more than that of an oil, raw material and agricultural supplier. Palin emphasized that both in absolute and relative figures Romania's contribution to the war in the east was greater than any other of Germany's allies. By comparison, Romania's significance was far greater than that of Hungary both quantitatively and qualitatively to the great worry of Hungary.¹⁹

The Finnish envoy to Bucharest was also rather doubtful about Wuorimaa's claim that politically and socially Hungary was more consolidated than Romania. What Palin wished to stress was, however, the similarities between the geopolitical and geostrategic situations of Finland and Romania vis-à-vis Russia which he defined as being 'if not identical, at least parallel'. He predicted this was not going to be limited to the time of war, but bound to continue throughout the time of peace. Therefore, Palin juxtaposed over Wuorimaa's program of constructing Finland's policy in the region around Hungary based on the kindred relation between the two countries a plan calling for a balanced foreign policy with at least equal status being granted to Romania and Hungary. The idea of tribe, he opposed with the idea of realistic policy: 'Our interests and aspirations derive from this similarity. The concrete importance has at least an equal significance as the blood bonds'.²⁰

As clearly results from the arguments which Wuorimaa and Palin put forward in their controversy, what was at stake was no less than the influence and standing of the two competing countries in Finland and, more generally, in Scandinavia. Although all the areas of the two countries' quantitative and qualitative influence in Europe were considered by the two diplomats, Wuorimaa seems to have been more inclined to press on

¹⁹ Palin made reference to numerous statements of German military and political leaders and quoted Göring as saying 'Die rumänischen Truppen haben ihre Aufgaben glänzen gelöst. Ich sage das, und der Führer sagt es', Palin's report no. 23 of 9.09.1942. UA, 5, C 14.

²⁰ *Ibidem*.

the cultural and strategic importance of Hungary with Palin set on demonstrating the economic and military importance of the Romanian Kingdom. In his second reply to Wuorimaa's arguments, Palin stressed again the idea that Finnish interests required that Finland conducted an unbiased policy in relation to the two countries followed a policy based on practical considerations. Though accepting the view that a certain degree of reserve in its relations with Romania was not misplaced due to certain Romanian nation's frailties, Palin considered that, nevertheless, it would be useless not to point out the obvious parallel between his country and Romania. Palin considered that between Romania and Finland there were obvious common situations, interests, aspirations. Moreover, he insisted on Finland's continuing involvement into developing the relations with Romania on the ground that Bucharest was offering his country a very discernable support and the two countries could obtain important benefits by co-operating with each other. What is new in this argument is the greater accent placed on the identity of challenges the two countries had to face as opposed to the common blood which Wuorimaa set his emphasis upon.

The Finnish envoy to Bucharest understood that a Finnish clear bias towards Hungary would have undermined his country's relations with Romania. Against Wuorimaa's arguments that Hungary had a more central place in German mind, Palin stressed once more the importance of Romania in the European context. Interpreting a speech of Hitler, Wuorimaa, a former envoy to Berlin, quoted it as a proof of the greater importance of Hungary for Germany, while Palin considered it as rather praising towards Romanians and insulting for Hungary. According to Palin, Hitler said about Hungary that this country was not following a clear course of foreign policy. He also doubted his Budapest colleague's stress upon Hungary's fighting an ideological war against Soviet Union. He reminded that during 1919 in Hungary was a Bolshevik regime overthrown only with the intervention of the Romanian troops.²¹ Palin's duel of arguments with his colleague in Budapest did not signify that the Finnish diplomat embraced the Romanian point of view in Transylvania in its entirety.

²¹ Palin's report no. 31 of 19.11.1942. UA, 5, C 14.

However, the dispute between the two diplomats continued with each of them arguing that the state they were accredited in should be paid more attention to. For instance, minister Wuorimaa, invited at the University of Cluj in order to deliver a speech, stated that 'The history has proven that Finland must be the shield of Europe in the north and Hungary in the south. We wish that the Hungarians fulfil all their aspirations because new Europe needs a strong Hungary.'²² Though more balanced and prudent, Palin also made use in his speeches the comparison of Romania and Finland as Europe's southern and northern guardians.

The Transylvanian topic received such publicity that it did not fail to attract the interest of highly-placed Finnish circles. At the end of March 1942 the Finnish PM Johan W. Rangell approached in his conversation with Constantinide this controversial issue. The Romanian envoy offered the Romanian views concerning the history and the ethnical, political and economic particularities of Transylvania. Rangell's reaction allowed Constantinide to draw the conclusion that he approved of this point of view. The PM even underlined the favourable stand of the Finnish press to the Romanian cause obvious during the recent phases of the Hungarian-Romanian tension. Constantinide emphasized that Rangell was the one to start the conversation on this issue and expressed very openly and clearly his sympathy for Romania.²³ Friendly feelings towards Romania were visible in Foreign Minister Witting's attitude when Constantinide met him about two weeks later. He also drew attention to the attitude of the Finnish press and stressed the significant change which had taken place in the Romanian-Finnish relationship.²⁴ However, President Ryti, who also took a favourable stand concerning Romania's view on Transylvania, insisted that a conflict with Hungary had to be avoided so that when the time of general peace arrived, the small states would unite and prove solidarity.²⁵

If the President, the PM and the Minister for Foreign Affairs held favourable views about Romania's claims over Transylvania and seems to have approved Palin's points of view, rather than Wuorimaa's, not all the Finnish personalities shared this opinion. Hungary, as a traditional partner

²² Intercepted broadcast of Radio Budapest of 11.04.1943, AMAE 71 Finland 16, 82.

²³ Constantinide's telegram no. 22/812 registered on 27.03.1942. UA, 12 L Romania, Folder 56; see also AMAE 71 Finland 14.

²⁴ Constantinide's report no. 25/203 of 09.04.1942. UA, 12 L Romania, Folder 56.

²⁵ Constantinide's report no. 42/314 of 02.05.1942. UA, 12 L Romania, Folder 56.

of Finland, maintained influential friends in Finland and this is proven by the visit to Hungary in January 1943 of the chairman of the Conservative Party and vice-chairman of the Eduskunta Linkomies (soon to be Finnish PM). Linkomies stated in a speech he pronounced with this occasion that the fate and character of the two peoples were common and, as Finland, 'Hungary has always been a shield against the conquering and expansionist tendencies.' Linkomies also insisted on the superior community of the two peoples and thanked the Hungarian volunteers who hurried in support of Finland during the Winter War.²⁶

Conclusions

The years of 1941-1942 thus acknowledged a clear change in favour of Romania in the way her dispute with Hungary over Transylvania was understood in the Finnish diplomatic and political circles. Though by no means unanimous, the Finnish top leaders understood at least not to take sides when not directly expressing their approval of Romania's position concerning Transylvania. The argument between the Finnish diplomats in Budapest and Bucharest, Wuorimaa and Palin, was followed with interest by the Finnish diplomacy who concluded that Palin's views of a Finnish balanced policy in relation with the two countries was not misplaced. Palin's arguments regarding Romania's superior economic and military resources seems to have found supporters and this country's reputation and influence in Finland has increased. Moreover, the arguments concerning the 'identity of destiny' between Romania and Finland have partly counterbalanced the Hungarian arguments concerning the identity of blood and language. However, Hungary's loss of influence was only relative: what it happened it was rather a gain in influence and reputation of Romania, not a diminishing of Hungary's.

²⁶ Intercepted broadcast of Radio Budapest of 21.01.1943, AMAE 71 Finland 16, 79.

A PUBLIC RELATIONS CAMPAIGN IN THE XVIIITH CENTURY. THE FEDERALIST PAPERS

Horățiu Damian*

Abstract

The essay analyses the campaign led by two of the Founding Fathers, Alexander Hamilton and James Madison, in order to ensure the adoption of the American Constitution by the New York Legislature in 1788. In a series of articles published under the title The Federalist, from October 1787 to July 1788, the main points of criticism of the constitution were addressed and dismantled. The essay maintains that this enterprise presents all the characteristics of a Public Relations campaign and analyses it as such.

In the realm of political sciences, the design of a functional, healthy political system has dominated political thought for a long time, if we are to mention only Plato's *Republic*. Closer to our times, every epoch has recorded its fair share of doctrines, all claiming preponderance in the realm of state organization. From *The True Law of Free Monarchies* and *Basilicon Doron* written by the Scottish king Jacob VI to the writings of Austrian Puffendorf, absolutism had its partisans, all claiming the superiority of their doctrine. Conversely, the democratic regime was foreseen through the writings of such names as John Locke, John Stuart Mill in England, or Charles de Secondat, baron de Montesquieu, Jean Jacques Rousseau, or Jacques Diderot, in France. These concepts and doctrines flourished in time of great intellectual effervescence, the XVIIth and XVIIIth Century.

The XIXth Century brought upon the appearance of the Marxist doctrine and the embryos of the nazism, in the writings of Chamberlain and others. Such doctrines found the necessary ground to impose themselves in the following century partly due to the bankruptcy of a

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medieval state (Czarist Russia- in the case of the communist doctrine), partly to the exasperation of the population with the seemingly ineffectiveness of the parliamentary system (in the case of Nazism in Germany).

In the same time with the European political theories, the American Colonies were producing their version of a democratic revolution. The main documents of the movement are the well-known *Declaration of Independence* and the *Constitution*.

There are a few differences in the ways taken by these political project from theory to concrete state foundations. In the case of the European doctrines, theirs was a rather undemocratic road, in which the political ideas were implemented either from the leadership to the base, with absolutist sovereigns embracing certain „enlightened" philosophical concepts, or through the revolutionary, violent way. The American case had some distinctive notes. One derived from the well known aspect that the American colonists did not wage war on the British rule in order to change the colonial order recognized in the colonial charters, but, on the contrary, to maintain and retake the ancient colonial freedoms and privileges that the British crown progressively abolished in the last decades of the British rule. While subjects of a king, the American colonists did enjoy a rather democratic self-government, in which many civil servants were appointed through election. As a matter of fact, democracy was not something unknown to the American communities, a novelty to get aquatinted with. Before and after the revolution represented a period of continuity in the political system, at least at the local level. That meant any political reform, constitutional or otherwise, had to be taken not by decree, but through a vote of some sort. The concept of public opinion took full importance. This was brought to light by the path of the most important documents of the American Revolution: the *Declaration of Independence* (1775) and the *Constitution* (1787).

While the *Declaration of Independence*, adopted in the tense times of the first fights did not encountered many an opposition (except, of course, for the loyalist, quickly to be expelled to Canada), it was a different case with the *Constitution*. Two schools of thought confronted each other: one was that of the partisans favoring a strong central, federal government, the so called Federalists, or, latter, Federates, on one side; and those supporting a minimalistic central government, with more powers devoluted to the

confederate states, the later known Confederates. The latter system, *The Articles of the Confederation*, was in place from 1783 to 1789, proving inefficient and dangerous to the independence and integrity of the colonies. In 1784, four counties in North Carolina seceded and created a new state, Franklin, which succumbed three years latter. The secession of Wyoming Valley from the state of Pennsylvania was dismissed *manu militari* in 1787. The Shayer revolt in 1786 seemed to threaten the very foundations of the Confederation. Times appeared to be anarchical. The solution found: to design the project of a federalist constitution, in which the central government had enough strength to control the situation and prevent anarchy. This took place in the summer of 1787 in Philadelphia, during the Constitutional Convention.

In order for the Constitution to become valid, it had to pass in the legislatures of the colonies. A problem developed in the state of New-York. Though not a big state in terms of population or surface, New-York enjoyed a particular position due to the homonymous city's development as a major American port and financial center. A vote in the New-York legislature carried great influence on the state legislatures that had yet to vote. Thence the importance of pro- constitutional vote in New York.

It turned out that the mood in that state leaned against the constitutional project. A series of articles published in the local press tarnished the merits of the fundamental law. The pro- constitutionalist responses published up till then ran on the subjective, affective note, and less on the rational side.

This is precisely the moment in which two major figures of the American Revolution decided to take action. Alexander Hamilton¹ initiated the publication of a series of essays devised to explain the articles of the Constitution. He co-opted James Madison²to address all the problems risen

¹Alexander Hamilton (1755/1757- 1804), one of the founders of the Federalist Party, private secretary of George Washington, secretary of the Treasury (1789- 1795), Chief Inspector of the U.S. Army (1795- 1800), general. A controversial figure among the Founding Fathers, he was instrumental in the repression of Daniel Shayer's revolt (1786). As secretary of the Treasury he supported a policy of industrial development as opposed to the interests of the land owners and farmers. Killed in a duel with another revolutionary figure, Aaron Burr (1756- 1836).

²James Madison (1751- 1836), co-founder, with Thomas Jefferson, of the Democratic Republican Party. One of the authors of the constitutional text, State Secretary during the Jefferson administration (1801- 1809), the forth president of the United States (1809- 1817).

by the constitutional text and the objections of the opposition. Occasional support was given by another distinguished American lawyer, John Jay, who would become the first Chief-Justice of the American Supreme Court.

Until then, the reactions to the critics of the Constitution project did not care to explain the motivations behind the texts adopted in the Philadelphia Convention. Thus, Hamilton and Madison undertook to analyze each disputed constitutional problem raised either by the opposition or the texts themselves, and publish the essays as a series of articles under the title *The Federalist*, in the New York press. It is precisely what happened. Starting with October 27 1787, *The Federalist* began to appear according to a publication plan, first in *The Independent Journal or The General Advertiser*³, then in a series of four appearances per week, in different papers: in *The New-York Packet* on Tuesdays, *The Independent Journal* on Wednesdays, *The Daily Advertiser* on Thursdays and, again, in *The Independent Journal*, on Saturdays. Although, the ritmicity of the appearances was not always respected, dropping occasionally to three appearances per week, and the number of publishing newspapers diminished to two, *The New York Packet* and *The Independent Journal*, the essays of *The Federalist* flowed steadily towards the public up to July 1788⁴.

How appropriate is it to call such an action a Public Relations campaign?

Authors Scott M. Cutlipp, Allen H. Center, Glen H. Broom defined the PR as following:

*"Public relations is the management function that establishes and maintains mutually beneficial relationships between an organization and the publics on whom its success or failure depends"*⁵.

³The first papers printed in the American colonies in the XVIIIth Century served a commercial purpose, namely to inform the merchants in the ports about the arrival of merchant ships and the respective goods they carried. The term *advertising* (the merchant about these arrivals), in other words warning them, took later other meanings, mainly describing activities in the publicity industry.

⁴Cooke, Jacob E., (1961), *The Federalist. The definitive edition of the historic essays by Alexander Hamilton, James Madison, and John Jay, fully annotated and reproduced from the original newspaper texts, Edited with Introduction and Notes by Jacob E. Cooke*, Middletown, Connecticut, Wesleyan University Press, p. xiii-xiv.

⁵Cutlip, Scott M., Center, Allen H., Broom, Glen M., (2000) *Effective Public Relations*, Upper Saddle River, New Jersey, Prentice Hall, p. 6.

As such, the term of "Public Relations" was used for the first time in 1827 by Reverend O.P. Hoyt⁶. The meaning he attached to the term involved the correct information of public opinion, and less as an activity of promoting ideas, or organizations. The term got its modern sense only from 1897, and it's steady use begun in the 1920's⁷. Notwithstanding, *The Federalist Papers* and the whole pro-constitutional campaign performed by the above named American personalities qualify as an early example of a Public Relations operation.

Though not analyzed in theoretical works at that time, "enlightened" Public Relations had its precedents. One of the first examples on the American soil is the fund raising for the needs of the Harvard College. The operation developed in 1641, taking place in the colonial motherland, England. Three preachers from the college debarked and began the campaign, using means that would become standard procedure in latter Public Relations activities, such as a brochure of presentation, printed in London in 1643⁸.

Another example can be found in the way the revolutionary camp stirred up the spirits and channeled the public opinion in the colonies towards the anti-British goals. Samuel Adams and his followers used all the tricks of the trade to forment public discontent with the Crown, and win over a majority for the revolution. Their success was even more remarkable considering the odds faced in the beginning of the 1770's: an indifferent majority of the population, a staunch opposition to independence in the Loyalist camp, divisions and rivalries among the colonies that were threatening any plan for a united fight against the British. A XXth Century analysis of the revolutionary propaganda campaign concluded that it had featured all the methods used in a modern Public Relations activity: organizations which implement the actions, such as *The Sons of Liberty*, or the *Committees of Correspondence*; easily identifiable symbols to be associated with the revolutionary struggle- the *Liberty Tree*; slogans that were easy to remember and synthesized ample problems into a few words- "*No taxation without representation*"; the use of stage events, in order to catch the attention of the public opinion and manipulate it- the *Boston Tea Party*. The

⁶Rus, Flaviu Călin, (2002), *Introducere în comunicare și relații publice*, Iași, Institutul European, p. 52.

⁷Ibidem.

⁸For details, see Cutlip, Center, Broom, *op. cit.*, p. 103.

revolutionaries took in to consideration the necessity to convey their side of the story before the opposite side in order for the public opinion to retain the desired version of events: such was the case in the *Boston Massacre*. They used the techniques through all the available communication channels of the time (press, church, gatherings, discussions) in sustained saturation campaigns designed to infuse the revolutionary ideas in the mind of the colonist communities⁹.

The Federalist Papers represented an action of the same kind, more precisely an operation of political communication. Such an activity has to take into consideration a number of strategies and basic rules¹⁰.

The strategies involved are *the project building strategy*, *the presentation strategy* and *the verbal and non-verbal strategy*. In the analyzed case the latter strategy did play a part, due to the high value and extensive use of the rhetoric in the political dealings of the time. The operation also respected the demands of the former two strategies, as we know from the period documents preserved to this day¹¹. The *project building strategy* involves the design of a "product" which will then be promoted to the public opinion. In the case of political communication, the product is a political project, program, etc. that will be proposed to the citizens. It is clear now that such a project existed, taking shape gradually, as Alexander Hamilton, James Madison, John Jay and William Duer probably arranged and distributed the topics to be covered by each of the authors- all topics subordinated to the master project¹². The presentation strategy clearly results from the plan of publication, requiring for each essay to be published in at least two newspapers, and, for a considerable span of time, in three, with the publications being gradually disclosed on four different days of the week after week. This partition had a few merits:

a) It allowed for the political message to reach the targeted public in a methodical, gradual way, allowing for a superior assimilation of the ideas;

b) It respected a modern principle, of spreading the message to an ample spectrum of the public. The project was targeted not merely to the pro constitutionalist public, readers of one journal, but also to the readers of different types of publications, presumably coming from different

⁹Ibidem.

¹⁰Rus, Flaviu Călin, *op. cit.*, p. 29- 37.

¹¹Cooke, Jacob E., *op. cit.*, p. xi-xii.

¹²Ibidem.

backgrounds and professing different interests. The message reached anti-constitutionalists, skeptics or undecided members of the public. Convincing members of different segments of the New York society instead of a narrow one is always preferable.

c) The abundance of publications ensured the fulfillment of another desideratum: the above mentioned saturation of the public opinion with univoque messages promoting the desired plan.

Given the influence exerted by the American public opinion on its politicians (then even more than nowadays) convincing the public meant, in many aspects, convincing the legislators.

Examining the basic rules of political communication we can discern the way in which they were observed, intuitively or on purpose.

The *first rule* demands that the message be kept coherent¹³. The political communication has to be taken from a holistic perspective. As we shall see, the *Federalist Papers* are intertwined, with cross-referential passages that connect two or more papers, with essays evolving one from the other, etc. A content analysis of the 85 *Federalist Papers* shows that the targeted reader of the essays was to be lead through a series of topics reaching from considerations of more general species towards particular, precise problems concerning state organization, from esseystic aspects of political science toward very detailed accounts on "esoteric" problems such as the federal means to regulate inter-state commerce.

The papers are divided through themes. No 1 is introductory, having been written by Hamilton on his return voyage from Albany to New York¹⁴; The *Federalist* no. 2-4 follow considerations of foreign politics: the natural, economical and political potential of the Union of American Colonies¹⁵, the imperative of safety, "*preservation of peace and tranquility, against dangers from foreign and influence*"¹⁶, then, in no. 4-5, a plea for the necessity of united armed forces, as against separated state militia units confederating only in times of war. *Federalist* no 6- 9 revues the dangers of violent conflict, foreign or internal: the causes „(...) are innumerable. (...) the love of power or the desire of preeminence and dominion- the jealousy of power, or

¹³Rus, Flaviu Călin, *op. cit.*, p. 34.

¹⁴Cooke, Jacob E., *op. cit.*, p. xi.

¹⁵*Federalist* no. 2.

¹⁶*Federalist* no. 3, p. 14.

the desire of equality and safety"¹⁷; the potential for conflicts betwixt colonies, in want of a central authority to regulate such animosities¹⁸; the military needs of the colonies and the best way to fulfill them¹⁹; the Union as a barrier against domestic faction and insurrection²⁰; the commercial and economic benefits of the Union- *Federalist* no. 11- 13. *The Federalist* no. 14- 23 underline the torts of Confederacy and the merits of a Federal government as proposed under the new *Constitution*. It then proceeds to analyze the powers of the state concerning the armed forces, in no. 24- 30, and considerable length was given to dissipate the concerns regarding their existence and the ways to control their expenditure. No 31- 36 aim at dissipating the objections on the taxation powers allotted to the Federal authorities. The general framework of the newly proposed *Constitution*, its legitimacy deriving from the legitimacy of the 1787 Convention, is examined in the *Federalist Papers* no. 37- 51. Then „*from the more general enquiries pursued in the few last papers (...) to a more particular examination of the several parts of the government*”: the House of Representatives- *Federalist* no. 52- 59; the organization of elections- no. 60- 61; The Senate- no. 62- 66; the Executive- no. 67- 77; the Judiciary branch- *Federalist* no. 78- 85. It results clearly a plan to condone the message to the people in a coherent and methodical way, in an expose from general to particular aspects.

The papers are inter- linked, deriving one from the other when discussing a particular issue. For example, a piece might examine an idea under one aspect, leaving for the next piece another aspect of the problem. “*The first question that offers itself is, whether the general form and aspect of the government be strictly republican?*”²¹. And in the next paper: “*The second point to be examined is whether the Convention were authorised to frame and propose this mixed Constitution*”²². Another example is the examination of the powers devolved to the Federal Government. The powers are classified in five classes, and the examination takes four papers²³ to accomplish.

¹⁷*Federalist* no. 6, p. 28- 29.

¹⁸*Federalist* no. 7.

¹⁹*Federalist* no. 8.

²⁰*Federalist* no. 9.

²¹*Federalist* no. 39, p. 250.

²²*Federalist* no. 40, p. 258.

²³*Federalist* no. 41- 44.

The motivations and reasoning rely heavily on the services of logic (see Aristotle principle of the whole being more than the sum of its constitutive parts- *"America, united with a handfull of troops, or without a single soldier, exhibits a more forbidding posture to foreign ambition than America disunited, with an hundred thousand veterans ready to combat"*²⁴) and on the recourse to the empirical experiences of historical precedents, whether it is the example of Holland, Venice²⁵, Sparta, Rome, Athens,²⁶ the Franks under Charlemagne²⁷, etc.

The *second rule* asks for the message to be adapted to the present, to address the targeted public with problems he can relate to. Such are the mentions regarding *„the neighborhood of Spanish and British territories, bordering one some States, and not on others, naturally confines the causes of quarrel more immediately to the borderers. The bordering States if any, will be those who, under the impulse of sudden irritation, and a quick sense of apparent interest or injury, will be most likely by direct violence, to excite war with those nations; and nothing can so effectually obviate that danger, as a national (central-n.n.) Government, whose wisdom and prudence will not be diminished by the passions which actuate the parties immediately interested"*²⁸. The same sense of actuality transpires the analysis of the commercial implications of the independence: *"With France and Britain we are rivals in the fisheries (...); with them and most other European nations, we are rivals in navigation and the carrying trade (...); in the trade to China and India , we interfere with more than one nation (...)"*²⁹; or when examining the secessionistic moves mentioned above³⁰, the exposure of the defects in the Confederate system³¹, or the underlining of the fortes and weaknesses of each state constitution³².

The *third rule* concerns of creating and maintaining a clear identity has some footnotes. In the case of *The Federalist*, no clear authorship was attributed nor claimed for the essays. The explanation consists in the fact that the political project had no electoral objectives. Therefore, while the

²⁴*Federalist* no. 41, p. 271.

²⁵*Federalist* no. 39, p. 250.

²⁶*Federalist* no. 63, p. 422.

²⁷*Federalist* no. 19, p. 117.

²⁸*Federalist* no. 3, p. 17.

²⁹*Federalist* no. 3, p. 19.

³⁰*Federalist* no. 6, p. 35.

³¹*Federalist* no. 21- 22.

³²*Federalist* no. 47, p. 325.

sympathy of the fictional author (*Publius*) for the new Constitution was obvious, no need for a clear cut, differentiated identity within that group arose. As a matter of principle, the opponents of the Constitution published their articles under resonant antique pen names such as *Cato* or *Brutus*. *The Federalist* authors responded in the same manner. Such an action may have been calculated to capture the attention of the weaker opponents or undecided who could be convinced by a cold, meticulous reasoning coming from a fictional author rather than from the open statements of well-known figures heavily involved with American faction politics.

Finally, the fourth rule, that of coordination derives from the first one, with the fine dosation of the message in a given period of time, ordering the topic of the communication and keeping the communication flux under control. The authors did not, by all accounts, set precisely the span of each other's competence in writings the essays, however a division appeared in the published materials, with John Jay consistently taking topics related with the foreign politics³³while Alexander Hamilton and James Madison undertook the examination of the political and state apparatus, but even there with a certain division in the tasks partaken. For example, Madison examined the House of Representatives³⁴, Alexander Hamilton covered the Executive and Judiciary powers³⁵while both apparently choose to partake the same issue in such a manner as not to repeat the other (see, for example, the Senate³⁶). The same coordination resonates from the publication plans and the general layout of the way media was used.

As for the *content* of the message, the prevailing ideology of the *Federalist Papers* must be traced in no. 10 and no. 51. It originates in the writings of Thomas Jefferson³⁷ *Notes on the State of Virginia*. Raising some concerns on the Constitutional system of Virginia, Jefferson wrote the following:

"4. All the powers of government, legislative, executive, and judiciary result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be

³³*Federalist* no. 2-5, 64.

³⁴*Federalist* no. 52-58.

³⁵*Federalist* no. 67- 85.

³⁶*Federalist* no. 62- 63- by James Madison, no. 65- 66- by Alexander Hamilton.

³⁷Thomas Jefferson, 1743- 1826, author of the Declaration of Independence, co-founder of the Democrat Republican Party, the third President of the United States (1801- 1809).

exercised by a plurality of hands, and not by a single one. 173 despots would surely be as oppressive as one. (...) As little will it avail us that they are chosen by ourselves. An elective despotism was not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by others"³⁸. This text was specifically quoted in *Federalist Paper* no. 48. It constitutes the core of the American conception on a plural political system. Departing from Montesquieu's concept of separation of powers, it not only called for the three state powers to be separate, but also for each of them to have the constitutional means to check and restrain the other two should any of them trespass the domain and competence of another. This represents the American concept of "check and balance", designed to respond not only to the dangers of a absolutism regime but to the frailties of a democratic and unchecked one, as well. These ideas re-appear in *Federalist Papers* no. 10 and 51.

No. 10 deals with the dangers engendered by factions. The faction is defined as "*a number of citizens, whether amounting to a majority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community*". The main preoccupation of *Publius* (in this case James Madison) is the breaking and control of the violence of factions. The author expresses the fear very familiar after the victory of the American Revolution of civil unrest and possible civil war among the different American fractions. XXth Century critics of the first years of the American Republic like the historian Richard Hofstadter would imply that the main fear of the Founding Fathers was the threat off a social majority against the possessions of the great property owners. It is true that the argumentation for the necessity to break up the power of factions resides mainly in the difference of interests resulting from the unequal distribution of property differences in acquiring property and the dangers engendered by this situation. However, few would contest the Federalist reasoning according to which in a society where the strong can oppress the weak anarchy will follow, making the strong of today the victims of tomorrow. The problem

³⁸Jefferson, Thomas, (1984), *Writings*, The Library of America, p. 245.

consisted not only in the protection of the majority against a minority, but also to do the same for the minority against the dealings of the majority . Thus the necessity to render the majority *"unable to concert and carry into effect schemes of oppression"*. For this, morals and religion are not enough. To much zeal, as well as a too passionate preoccupation are to be discouraged. Thence, the necessity to install not a Democratic regime (were the people gathered take the decisions) but the Republican regime (in which people choose their representatives in the Legislature and Executive- and they take the decisions). On one hand, the powers are divided between the federal, national level and the state and local level. Thus, the number of people elected in the representative bodies, must be numerous enough, as to make a virtual coalition of evil interests less possible. On the other hand, if the electoral base is numerous enough, the less likely for them to coalition towards bad interests. In the same time, their number does not have to depass a certain level.

No. 51 continues with the rationing of no. 10. *"Whilst all authority in the federal republic will be derived from and dependent on the society, the society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals or of the minority, will be in little danger from interested combinations of the majority"* so that *"the more powerful factions or parties be gradually induced by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful"* in the same way in which *"stronger individuals are prompted by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves"*. The solutions consists in making each department of power capable of resisting to the encroachments of the other, thus *„supplying by opposite and rival interests, the defect of better motives"*. In the same time, concerned by a potential weakness of the executive branch as against the tyranny of the legislative, the plan provides for the division of the legislative into different branches, differentiated by different ways of election and different principles of action.

In fact, The Federalist Papers played very effectively on the fear of American colonists against a possible works of tyranny threatening their much cherished personal liberties, capitalizing on the possible threats of malefic policies conducted in an atmosphere of anarchy. Ironically, whilst the proposed Constitution ran against American allergy to a strong central government, the Federalist succeeded in presenting it as the perfect remedy

against a too powerful central authority, using even the state constitutions as negative counter examples!

The philosophy of the *Federalist Papers* is a very realistic, down to earth one, not inclined towards idealism or ethical speculations. Some conceptions are not at all innovative, like the one considering the slaves in their „true character“ as persons and property. Nor does the *Federalist* hide the expansionist drives toward the west. The reasoning in the no 10 is built on this development. Enlightened statesmen are seldom found (no 10). Thus, the faith of the state must be entrusted not on enlightened men (so different from the Austrian Enlightenment, for example) but on the ambition of the holders of departments which will resist the ambitions and thus the infringements of the others.

The prevailing philosophy is not that of trusting the human goodness, but rather that of understanding and accepting its weaknesses. *“It may be a reflection on human nature that such devices should be necessary to controul the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controuls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this; You must first enable the government to controul the governed; and in the next place, oblige it to controul itself”* (*Federalist* no 51).

As a twist of history, the problem of factions and special interest groups haunted the early years of the American Republic. Albert Gallatin³⁹denounced, in *Sketch of the Finances of the United States* (1796) what he considered to be a dangerous group of interests- the public creditors. Such a group could lend, in the future, help for the adoption of all the wrong measures and support a flawed administration. The interests of such a group are different from the general interest, and it may act against that general interest. Ironically, one of those considered responsible for the appearance of such a group was the *Federalist* author Alexander Hamilton,

³⁹Albert Gallatin (1761-1849), American revolutionary, born in Geneve, Switzerlan, member of the Congress (1789- 1800), Secretary of the Treasury (1801- 1814) Secretary of State (1814-1824), businessman.

whom Gallatin gratified with the characterization of "*unprincipled, depraved mongrel*"⁴⁰.

Notwithstanding, the Federalist Papers remain an excellent example of "winning hearts and minds" for a political project. It also emphasized the importance of creative promotional activities apart from the "official" path.

Summarizing, we put an end to the essay with the words of historian Broadus Mitchell⁴¹: "*In parrying blows against and enlisting support for the constitution, the authors of the Federalist did the best job of public relations known to history*".

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⁴¹Broadus Mitchell, (1957), *Alexander Hamilton: Youth to Maturity 1755- 1788*, New York, Macmilan , p. 422-423, quoted in Cutlip, Center and Broom, *op. cit.* p. 103.

UNE INTERPRÉTATION DU DÉVELOPPEMENT DE LA FLEXIBILITÉ DE L'EMPLOI EN EUROPE

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Abstract

The development of flexible forms of employment in Europe is often related to structural modifications (the « tertiarisation » phenomenon) and to conjunctural uncertainties concerning these economies.

This article shows that a third interpretation is more adapted to account for employment flexibility. We refer here to changes in the way firms adjust to infra-annual fluctuations of demand addressed to them.

Le développement de la flexibilité du travail et de l'emploi¹ dans la plupart des pays européens au cours de ces trente dernières années n'est plus à démontrer².

Les statistiques sur longue période sont difficiles à trouver et la comparaison entre pays est souvent considérée comme peu pertinente à cause de fortes différences dans les définitions³. Néanmoins si l'on regarde, l'évolution du temps partiel et des CDD dans les pays de l'Union Européenne, sans chercher à comparer les pays entre eux, au moins une de ces deux formes d'emplois croît sensiblement dans tous les pays européens

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¹ Nous appelons « flexibilité du travail et de l'emploi » toutes les formes d'adaptation permettant à la firme de jouer sur le temps de travail des salariés ou sur le volume de l'emploi. Ce peut être des effectifs "nouveaux" employés temporairement par l'entreprise pour une ou plusieurs sous-périodes de l'année (CDD, intérim) – la firme fait alors appel à la flexibilité externe – ou des heures effectuées, au delà du nombre d'heures fixé dans le contrat de travail, par la main-d'œuvre permanente (heures supplémentaires, voire complémentaires pour les salariés à temps partiel) – elle fait dans ce cas appel à la flexibilité interne.

² Cf. notamment Meulders et Tytgat (1989), OCDE (1989), Lefevre, Michon et al. (2002)

³ Cf. Bruyère, Chagny (2002)

depuis 1973. Pour ne citer que les évolutions les plus marquantes, l'emploi de temps partiel a doublé en Autriche, a été multiplié par 1.5 en Allemagne, et par plus de 3.5 en Belgique. L'Espagne, quant à elle, faible utilisatrice de temps partiel, a doublé par contre son utilisation de CDD. L'emploi de CDD a également plus que doublé en Italie. Quant aux Pays-Bas, c'est la part des deux formes d'emploi qui double sur la période d'observation.

Concernant plus spécifiquement la France, la part des heures supplémentaires dans la durée hebdomadaire habituelle a augmenté de 70% entre 1983 et 1995, la part des salariés à temps partiel dans l'emploi salarié a quadruplé depuis trente ans et la part des formes particulières d'emplois (part des CDD, de l'intérim et des stages) dans l'emploi salarié (secteurs marchands non agricoles) a, quant à elle, triplée.

D'une littérature abondante sur les formes flexibles d'emploi, on peut dégager deux motifs principalement avancés pour expliquer ce développement :

- la tertiarisation⁴ qui, en modifiant la structure de l'économie, aurait modifié mécaniquement la part des différentes formes d'emploi
- l'aversion pour le risque des firmes qui dans un contexte conjoncturel assez imprévisible les pousserait à se prémunir du risque de licencier par deux mécanismes : fonctionner avec un volant de main-d'œuvre temporaire plus important⁵ et accroître la période d'essai de la future main-d'œuvre permanente par le biais d'embauche préalable en CDD⁶.

Ces deux motifs ne semblent cependant pas suffisants pour expliquer l'ampleur du phénomène.

L'OCDE⁷ a analysé la relation entre l'évolution de la répartition sectorielle de l'emploi et les changements touchant les caractéristiques de l'emploi – notamment le développement du temps partiel et de l'emploi temporaire – en procédant à une décomposition des variations de l'emploi atypique en un effet de structure – exprimant la part des variations expliquées par le changement de la répartition de l'emploi entre les

⁴ Le secteur tertiaire en France représentait à peine 50% de l'emploi en 1970, il en représente à présent plus de 70%.

⁵ Cf. Michon et Ramaux, (1992), Ramaux (1994), Deneuve (2000), Commission Européenne (2002), Gonzalez (2002), Lefevre et Michon (2002).

⁶ Cf. Henguelle (1994), Cellier et al. (1998), Cancé et Fréchou (2003), Gonzalez (2002).

⁷ Cf. OCDE(2001)

différents secteurs d'activité – et un effet interne – exprimant la part des variations expliquées par un changement de comportement des firmes.

Cette analyse a été faite pour la plupart des pays sur l'évolution de l'emploi au cours de la période 1987-1999, période au cours de laquelle le développement des formes flexibles d'emploi a été très important en Europe⁸.

Les conclusions de l'OCDE sont nettes: "la composante interne l'emporte largement sur la composante structurelle". L'effet de structure n'explique en moyenne même pas un point de pourcentage de l'évolution globale de ces formes d'emplois⁹.

Le développement de la flexibilité du travail et de l'emploi observé en Europe ne peut donc pas trouver son explication principale dans la tertiarisation de l'économie.

Le motif de pré-embauche ne paraît guère plus convaincant: "le CDD ne débouche que dans une minorité des cas sur un CDI"¹⁰. En 1996 seules 18,4% des embauches sous CDI sont des salariés qui étaient auparavant en CDD dans l'établissement et 4,3% des anciens intérimaires.

Enfin, le motif d'adaptation à la conjoncture – basé sur le principe que "dans un contexte d'incertitude quant à la pérennité de la reprise d'activité, les entreprises préfèrent souvent embaucher des salariés temporaires plutôt que d'augmenter leurs effectifs permanents"¹¹ (Michon et Ramaux, 1992)¹² – s'il existe indiscutablement¹³, ne peut expliquer la courte durée des

⁸ rappelons que de 1985 à 2000, la part des salariés à temps partiel a augmenté en moyenne de 40% et la part des salariés en CDD a quant à elle augmenté de plus de 60%.

⁹ On notera tout de même que l'évolution du travail à temps partiel, forme d'emploi particulièrement utilisée dans le tertiaire, s'explique tout de même dans quelques pays pour une part non négligeable par l'effet de structure (40% pour la France, 60% pour le Royaume-Uni, 50% pour la Grèce et 30% pour la Suisse (Sur la période très courte 1995-1999 pour la Suisse). Néanmoins, même si les modifications structurelles de l'économie expliquent en partie le développement des formes flexibles d'emploi dans quelques pays et notamment en France, une part extrêmement importante du développement des formes flexibles d'emploi tiendrait à des changements internes aux firmes.

¹⁰ Cf. le rapport de la commission du travail et des questions sociales (1999)

¹¹ L'utilisation des formes d'emplois temporaires leur permettant en cas de baisse de l'activité de se séparer plus facilement du sureffectif tout en évitant les licenciements

¹² Cf. également Gonzalez (2002)

¹³ L'évolution des emplois temporaires, aussi bien de l'intérim que des CDD, suit globalement celle de la conjoncture économique. Les points de retournement des emplois intérimaires et en CDD coïncident assez bien avec ceux de l'activité, dans les phases de

missions en CCD et en intérim¹⁴, l'hétérogénéité de cette durée d'une entreprise à l'autre, ainsi que la saisonnalité du nombre de contrats signés¹⁵. Ces éléments montrent que la décision d'utiliser un CDD ou un intérimaire se prend pour des motifs autres que la conjoncture : celui de faire face par des variations de l'emploi à des variations de charges au cours de l'année, elles mêmes liées à des fluctuations infra-annuelles de demande.

Que les firmes doivent s'adapter à ce type de fluctuations, ce n'est pas nouveau. En 1951, Romeuf mettait déjà l'accent sur le fait que le "rythme des affaires [est] plus ou moins élevé à certaines périodes qu'à d'autres" et qu'il peut varier d'une entreprise à l'autre. Il prend entre autre l'exemple de la SNCF : "en 1949, [elle] a transporté exactement deux fois plus de voyageurs en juillet et août qu'en janvier février".

Les enquêtes d'opinion confirment le caractère assez général de ce phénomène. En témoigne, par exemple, une enquête de la SOFRES effectuée en 1986 pour le Ministère du Travail qui indique que les 2/3 des chefs d'entreprises déclarent connaître des variations d'activité – et que, parmi eux, "33% les chiffreraient [...] à plus de 50% d'un jour de charges normales" (Elbaum, 1988) – et une enquête du SESSI (Service des statistiques industrielles) de 1997 qui indique, quant à elle, que parmi les entreprises industrielles, 9 sur 10 déclarent "devoir faire face à des ajustements de la production à la demande, 46% de manière prévisible et notamment saisonnière, et 79% de manière aléatoire au motif d'une demande fluctuante" (Favre et al., 1998).

reprise comme dans les phases de ralentissement (Cf. document de travail COE " Le travail intérimaire dans la dynamique de l'emploi"). Le recours au chômage partiel suivrait également la conjoncture (Cf. Brégier, 2000)

¹⁴ En 1998, la durée moyenne des missions d'intérim était de 1.83 semaines variant de 1.3 semaines dans le tertiaire (avec plus du tiers des missions d'une durée inférieure à la journée) à 2.2 semaines dans la construction et l'industrie. Les durées des missions en CDD sont certes plus importantes – l'emploi de CDD impliquant des frais de recrutement, de gestion – mais 9 missions sur 10 ont une durée inférieure à 6 mois (Cf. Vermès, 1999) et 1 sur 2 a une durée inférieure à un mois (Cf. Richet-Mastain et Brunet, 2001).

¹⁵ cf. notamment sur les variations saisonnières de l'emploi : Jourdain et al.(1999), Richet-Mastain et Vazeille (2000)

Or, face à ces fluctuations, l'entreprise a à sa disposition plusieurs moyens d'action. Elle peut stabiliser ses ventes par le moyen des prix en « encou-rageant » la demande en basse saison et en la réduisant au contraire en haute saison et/ou tenter de stabiliser sa production par le stockage ou le report de demande. Elle peut, au contraire, tenter de suivre la demande autant que nécessaire en faisant parallèlement varier son niveau d'emploi.

Ces deux modalités d'adaptation ont évidemment des conséquences différentes sur l'emploi. La stabilisation de la production et/ou des ventes s'accompagne d'une stabilisation de l'emploi en durée et en nombre. La deuxième forme d'adaptation nécessite au contraire l'utilisation des formes flexibles d'emploi.

L'idée que nous soutiendrons dans cet article est que le développement des formes flexibles d'emploi en Europe au cours de ces trente dernières années doit justement s'interpréter comme le résultat d'un basculement d'un mode d'adaptation à l'autre, basculement repérable dans les séries macroécono-miques de production, d'emploi, de stock et de prix.

Pour appuyer notre démonstration, il nous fallait des séries statistiques mensuelles (voire trimestrielles) sur longue période et surtout non corrigées des variations saisonnières. Or, il existe, d'une part, peu de séries statistiques mensuelles disponibles sur longue période pour tous les pays européens et, d'autre part, les seules séries disponibles sont généralement corrigées des variations saisonnières. Elles ne peuvent donc pas mettre en évidence, par définition, les éventuelles variations infra-annuelles. En France, en revanche, Pierre Villa a construit un certain nombre de séries mensuelles brutes remontant aux années 1950 et disponibles sur le site Internet du Cepii (centre d'études prospectives et d'informations internationales). Nous allons donc mettre en évidence le phénomène que nous avons décrit pour la France et lorsque cela sera possible, nous montrerons que ce phénomène n'est pas particulier à la France et semble bien s'être produit dans la plupart des pays européens.

1. Une variabilité plus importante de la production

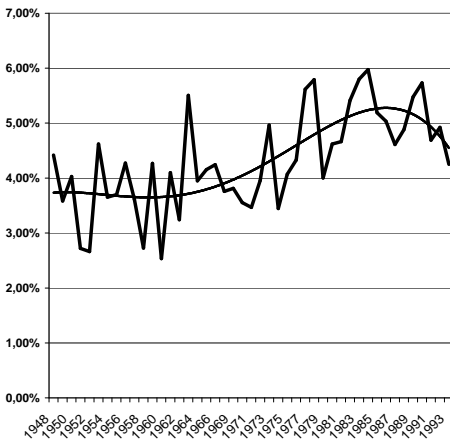
L'étude de l'évolution des variations mensuelles de la production de 1946 à 1993, réalisée à partir de la base de données "Industry" du Cepii présentant l'indice mensuel brut de la production industrielle française de 1919 à 1994¹⁶, met clairement en évidence deux choses :

- une augmentation de l'ampleur des fluctuations infra-annuelles de production – mesurée par le coefficient de variation annuel de la production¹⁷ – à partir de 1973 (Cf. graphique 1.1).

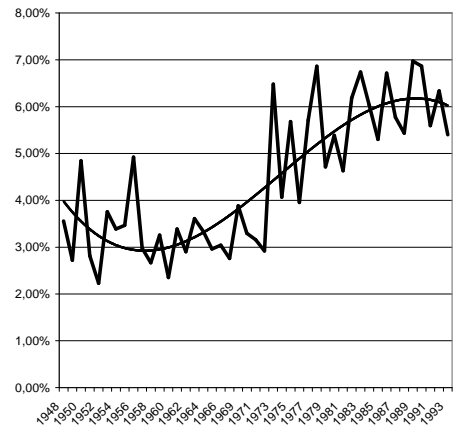
- une variabilité plus importante de la production – mesurée par la moyenne annuelle des taux de variation mensuels de production en valeur absolue – à partir de 1975 (Cf. graphique 1.2).

La production française devient ainsi dans les années 80 deux fois plus variable et connaît des variations 1,5 fois plus amples.

Graphique 1.1. Evolution du coefficient de variation de la production industrielle française



Graphique 1.2. Evolution du taux de variation mensuel de la production industrielle française



Source : séries construites par les auteurs à partir de la base "industry" du Cepii

¹⁶ Pierre Villa avait construit cette série pour étudier la conjoncture et les composantes cycliques de l'activité. (Cf. Villa P., 1997).

¹⁷ Nous avons préalablement retiré la tendance que présentait la série grâce à la méthode des moyennes mobiles. Les entreprises connaissant un creux d'activité au mois d'août pour raison de congés annuels, nous avons également ôté ce mois de l'analyse, ce creux d'activité ne pouvant être imputé à une adaptation des firmes à une variation de demande.

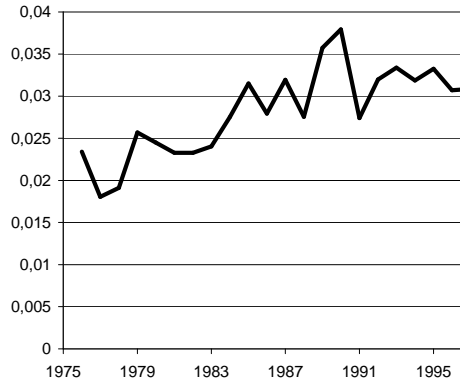
Force est de constater que les dates de retournement correspondent parfaitement avec le développement des modalités d'adaptation jouant sur le temps de travail et l'emploi.

Ce développement concomitant en France des formes flexibles d'emploi et des variations infra-annuelles de production ne vient pas d'une coïncidence fortuite. Il semble en effet s'être produit dans la plupart des pays Européens.

Les seuls indicateurs mensuels bruts disponibles pour les pays européens sont ceux de l'OCDE et les séries ne débutent malheureusement pas toujours très tôt. Cependant, même si dans certains pays européens la plus grande variabilité de la production a pu s'opérer avant cette date – le développement des formes flexibles d'emploi ne s'étant pas produit dans toute l'Europe à la même date – on observe tout de même pour un grand nombre de ces pays, des variations infra-annuelles de production plus importantes au cours de la période d'observation (Cf. annexe). L'augmentation de la variabilité annuelle de la production européenne¹⁸ sur toute la période 1975-1997 présentée ci-dessous en témoigne également.

¹⁸ De nombreux pays européens connaissent, comme la France, un creux d'activité en juillet ou en août expliqué par la concentration des congés payés sur cette période. Nous avons donc ôté ces mois du calcul des coefficients de variation.

Graphique 1.4. Evolution du coefficient de variation de la production industrielle en Europe



Source : Série construite par les auteurs à partir des indicateurs des activités industrielles de l'OCDE de 1975 à 1997

Cette hausse des variations infra-annuelles de production observée dans la plupart des pays européens montre ainsi un changement de stratégie des firmes en matière d'adaptation de la production aux variations de demande. Elles seraient ainsi passées au cours des ces trois dernières décennies à une stratégie de moindre lissage de leur production.

2. Une variabilité plus importante de l'emploi

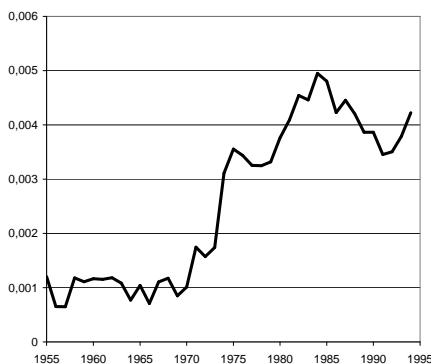
Parmi les modalités d'adaptation possibles, la flexibilité des prix est mise en œuvre pour lisser les ventes et donc indirectement la production. Quant au stockage et au report de demande, ils sont mis en œuvre pour lisser directement la production. La seule modalité d'adaptation qui ne lisse pas la production mais qui au contraire tente d'en suivre les variations est la flexibilité du travail et de l'emploi. Il y a ainsi fort à parier que la plus grande variabilité de la production s'est répercutée sur les effectifs : ce qui expliquerait le développement des formes flexibles d'emploi.

Il n'existe, à notre connaissance, aucune série brute mensuelle ou trimestrielle de l'emploi. Les séries d'emploi présentées sont toutes corrigées des variations saisonnières et ne peuvent donc mettre en évidence l'adaptation des effectifs aux variations infra-annuelles de demande. Nous avons tout de même essayé d'en construire une pour la France à partir des

données annuelles sur la population active¹⁹ et des données brutes mensuelles des demandeurs d'emplois en fin de mois²⁰ afin de conforter notre interprétation. Nous avons estimé la population active mensuelle par le biais d'une extrapolation linéaire et avons alors estimé l'emploi en ôtant à cette série mensuelle les demandeurs d'emplois en fin de mois. A partir de cette série nous avons ainsi pu calculer le coefficient de variation de l'emploi de 1954 à 1994.

Cette estimation n'est certes pas parfaite mais le résultat obtenu va tout à fait dans le sens de l'interprétation proposée. On observe très nettement une croissance des variations infra-annuelles de l'emploi à partir de 1970. Cette croissance se serait produite en deux phases : une première de 1970 à 1976 suivi d'une seconde de 1981 à 1986. La variabilité de l'emploi aurait ainsi été multipliée par 5 sur la période. Puis, comme la production industrielle, elle aurait connu une phase de décroissance à partir de 1986.

Graphique 2.1. Evolution du coefficient de variation de l'emploi en France



Source : série construite par les auteurs à partir de la série sur la population active INSEE (enquêtes emploi) et de la série DENS de la base "CHO" du Cepii

On observe ainsi en France un développement concomitant de la variabilité de l'emploi, de la variabilité de la production industrielle et des formes flexibles d'emploi.

¹⁹ Série INSEE, enquêtes emploi.(CD-Rom INSEE. Marché du travail. Séries longues. Ed. 2000).

²⁰ série "DENS" de la base de données CHO du Cepii.

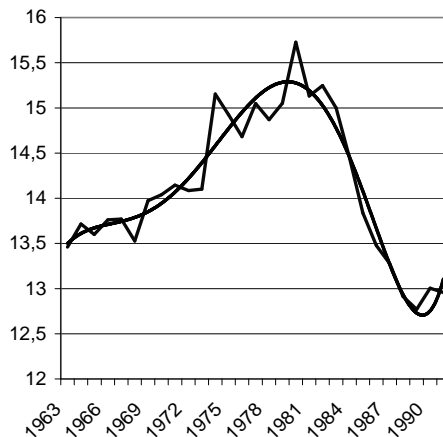
Certes, cette plus grande variabilité de la production et de l'emploi pourrait trouver son origine dans une demande plus fluctuante. Cette interprétation peut être discutée, sinon écartée, dès lors que l'on peut montrer que parallèlement, les entreprises utilisent moins les autres modalités d'adaptation que sont l'ajustement par les prix et le stockage. C'est donc à l'étude de ces deux autres modalités d'adaptation qu'est consacrée la suite de l'article.

3. Une baisse de l'utilisation du stockage

Pour étudier l'évolution de l'utilisation du stockage, nous nous sommes basés sur la variable "TSTOC" de la base de données "Finance" du CEPIL. Cette dernière présente le rapport des encours de stocks sur la valeur ajoutée de sociétés, quasi-sociétés et des entreprises individuelles en France en valeur par trimestre de 1963 à 1991.

Si le nombre moyen de jours de production en stock sur l'année a augmenté de plus de 15% des années 1960 au début des années 1980, on observe ensuite à partir de 1982 une chute brutale de l'utilisation du stockage puisqu'en moyenne sur l'année, le nombre de jours de production en stock baisse de près de 1/5.

Graphique 3.1. Evolution du nombre moyen de jours de production en stock sur l'année



Source : série construite par les auteurs à partir de la base de données "finance" du Cepii, variable "TSTOC"

L'utilisation du stockage comme modalité d'adaptation aux variations infra-annuelles de demande a donc connu une période de croissance au même moment que celle de la flexibilité du travail et de l'emploi (1973-1981). Le développement de la flexibilité du travail et de l'emploi n'était cependant, au cours de cette période, qu'à ses débuts en France. La croissance des emplois à temps partiel s'est réellement produite sur la période 1979-1986²¹ et celle des emplois temporaires a débuté à partir de 1985-1986 : ce qui correspond à la période de forte décroissance de l'utilisation du stockage.

On observe, à partir de 1989, une légère reprise du stockage, date à laquelle l'ampleur des variations de production et sa variabilité semble se réduire légèrement, date à laquelle également les variations infra-annuelles de l'emploi sont sur une pente décroissante et date à laquelle enfin l'utilisation des modalités d'adaptation relatives au temps travail et à l'emploi a légèrement décliné.

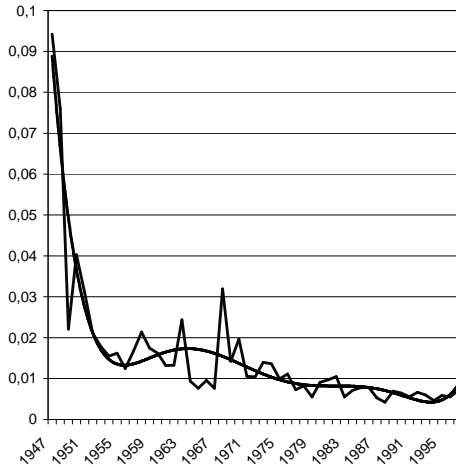
4. Une moindre utilisation de la flexibilité des prix

Comme les séries d'emploi, les séries disponibles sur l'évolution des prix pour les pays européens sont corrigées des variations saisonnières et ne pouvaient donc être utilisées pour mettre en évidence d'éventuelles variations infra-annuelles. La seule série brute disponible au niveau de l'Europe est celle du prix trimestriel de la valeur ajoutée de 1947 à 1997 pour 12 branches de l'économie française²² proposée dans la base de données "VATRIM" du Cepii.

Nous avons pour chaque branche d'activité de cette base calculé le coefficient de variation annuel du prix de la valeur ajoutée et présentons ici la moyenne arithmétique annuelle de ces indicateurs.

²¹ la part de salariés à temps partiel dans l'emploi salarié passe de 6 à 12%.

²² agriculture, pêche et sylviculture (PVAU01), industries agricoles et alimentaires (PVAU02), énergie (PVAU03), biens intermédiaires (PVAU04), biens d'équipement (PVAU05), biens de consommation (PVAU06), bâtiment et génie civil et agricole (PVAU07), commerces (PVAU08), transports et télécommunications (PVAU09), services y compris services du logement (PVAU10), institutions de crédit et assurances (PVAU12), services non marchands (PVAU14).

Graphique 4.1. Evolution du coefficient de variation du prix de la valeur ajoutée

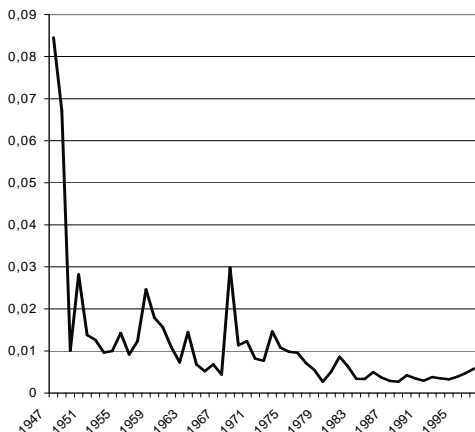
Source : Série construite par les auteurs à partir des données de la base "Vatrim" du Cepii.

L'évolution de la moyenne des coefficients de variation du prix de la valeur ajoutée des différentes branches de l'économie montre que, depuis le début des années 1970, l'ampleur des variations est, d'une part, devenue plus stable et, d'autre part, qu'elle est en baisse. Depuis les années 1970, les fluctuations infra-annuelles de prix sont très faibles: le coefficient de variation n'excède jamais 1%.

On tendrait ainsi vers un schéma où les fluctuations infra-annuelles de prix ne seraient plus utilisées par les firmes comme moyen d'adaptation.

Ce phénomène est général à l'ensemble des branches dont les comportements s'homogénéisent nettement au début des années 80 comme le montre le graphique qui suit.

Graphique 4.2. Ecart-type du coefficient de variation du prix de la valeur ajoutée des différentes branches de l'économie



Source : Série construite par les auteurs à partir des données de la base "Vatrim" du Cepii.

Certes ces constats reposent sur des données globales de sorte que les phénomènes mis en évidence peuvent résulter de l'agrégation. Ils semblent toutefois confirmées par des données microéconomiques diverses. Ainsi, un rapport très détaillé sur les prix des produits alimentaires²³ – réputés pourtant très variables – aboutit au même résultat. L'étude réalisée dans ce rapport au niveau cette fois non plus des branches d'activités mais bien des produits montre très nettement que de nos jours les prix de vente de la plupart des produits alimentaires ne fluctuent presque plus à l'intérieur de l'année. Les prix de détail ne subiraient ainsi qu'une part résiduelle de saisonnalité²⁴.

On peut donc penser que l'évolution de la flexibilité des prix suit la tendance inverse de celle du travail et de l'emploi.

²³ Cf. Rouchet (2002)

²⁴ "L'effet de la saisonnalité des prix des produits alimentaires, lié au calendrier des productions, est de moins en moins sensible le long de la filière pour chaque produit : chaque intervenant accepte de facto d'amortir dans son prix de vente la variabilité du prix de ses achats" (Cf. Rouchet, 2002)

Conclusion

Ainsi, le développement des formes flexibles d'emploi qui s'est produit dans la quasi-totalité des pays européens dans les années 1970-1980 semble bien le signe d'une modification profonde dans le choix d'adaptation des firmes aux variations infra-annuelles de demande.

Certes, ce développement des formes flexibles d'emploi n'est pas indépendant d'autres phénomènes (comme la crainte de s'engager dans une relation durable d'emploi sans garantie de pérennité du besoin ou de la qualité du candidat). Certes également, la tertiarisation explique pour une part l'augmentation du temps partiel qui est un moyen de flexibiliser la durée du temps de travail.

Mais la concomitance de la montée des formes flexibles et des autres changements montre que l'explication principale doit être cherchée ailleurs. Parallèlement au développement des formes flexibles d'emploi, on assiste, en effet, dans la plupart des pays européens à un moindre lissage de la production dont il est légitime de penser qu'il s'accompagne de variations infra-annuelles plus importantes de l'emploi.

L'étude des autres modalités possibles que sont la flexibilité des prix et le stockage montre que, parallèlement à cette variabilité accrue de la production et de l'emploi, les firmes utilisent beaucoup moins le stockage et presque plus l'ajustement par les prix pour s'adapter aux variations infra-annuelles de demande.

Cette simultanéité dans les changements observés ne peut être le fruit du hasard et semble privilégier la thèse d'un changement des comportements d'adaptation des firmes. Tout semble indiquer qu'elles sont ainsi passées d'une stratégie d'adaptation basée sur le lissage de la production par le biais de la flexibilité des prix et du stockage à une stratégie basée sur l'adaptation "au plus près" de la production à la demande par le biais de la flexibilité du travail et de l'emploi.

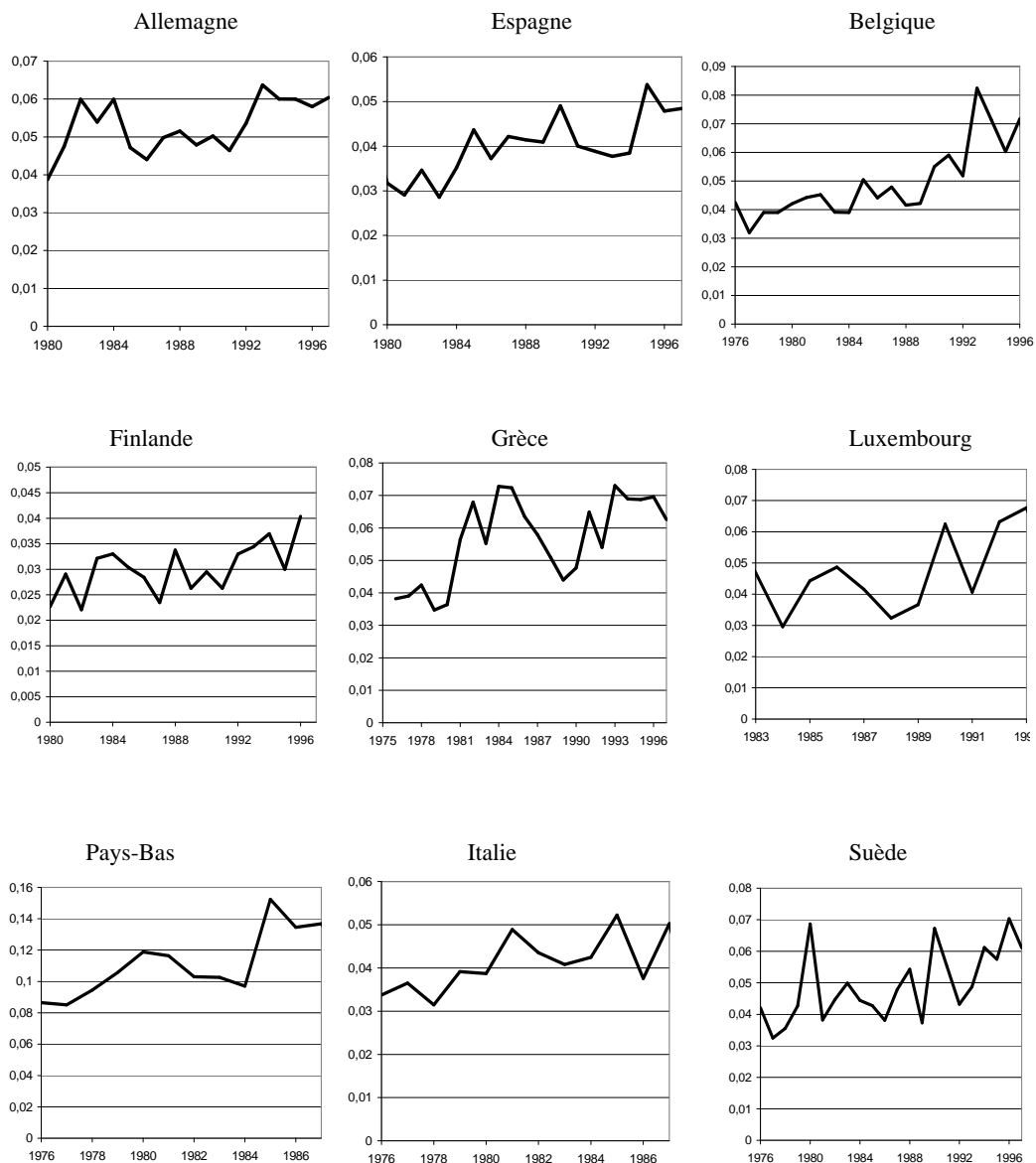
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Annexe : Evolution du coefficient de variation de la production industrielle dans les pays européens²⁵



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LA GARANTIE FRANÇAISE DES DÉPÔTS : UNE ANALYSE EN TERME D'ALÉA MORAL

Philippe Maitre
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Abstract

The objective assigned to deposit insurance is twofold. First, it aims at preventing the deposit liquidity risk if a bankruptcy occurs. Secondly, it intends to reduce banks' exposure to systemic risk. However, depositors, bank managers and/or shareholders behavior might be influenced by moral hazard incentives. From this perspective, the French mechanism was not much documented, even though significant changes occurred in the French legal framework. This paper is especially focusing on legal, regulatory and institutional responses to such moral hazard incentives. Moral hazard incentives could be reduced if the following measures were adopted: limits on maximum amounts and scope of deposit insurance; strict liability imposed on managers; as well as the definition of rules for a mandatory intervention of the authorities.

Introduction

L'activité bancaire est, par nature¹, exposée au risque systémique. Les difficultés passagères (illiquidité temporaire, sur fond de solvabilité) ou seulement potentielles d'un établissement de dépôt peuvent rapidement se transformer en difficultés réelles (insolvabilité, faillite) en raison de l'ampleur des retraits effectués (ruée). La faillite d'une banque peut ensuite amplifier l'inquiétude des déposants d'autres banques saines et créer une

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¹Ou celle des systèmes bancaires modernes (Chevalier-Farat [1992]).

panique². L'imbrication qui caractérise les relations interbancaires constitue donc un environnement favorable à la contagion (Aglietta [1991], Aglietta et Moutot [1993]) de la défiance et des défaillances qui peuvent s'amplifier jusqu'à atteindre éventuellement tout le système bancaire. La garantie des dépôts a pour objectif de prévenir ce processus. Les déposants, certains de récupérer leurs fonds, n'ont plus de raisons de susciter ruées et paniques bancaires (Bryant [1980] et Diamond et Dybvig [1983]).

Les systèmes mis en pratique ont pourtant souvent été défectueux. Ainsi, les premières expériences de garantie explicite³ des dépôts, réalisées aux Etats-Unis dans les années 1830, sont des échecs (Calomiris [1990]⁴). Les dispositifs mis en place dans neuf Etats fédérés au début du XX^e siècle connaissent le même sort (Wheelock et Wilson [1994], Wheelock et Kumbhakar [1995], White [1981]). Pour expliquer ces échecs, les auteurs suggèrent que la réglementation des systèmes financiers peut créer un "aléa moral"⁵ qui se manifeste par une déresponsabilisation des déposants, dirigeants et actionnaires. Les déposants sont moins incités à surveiller la gestion de leur banque. La gestion des dirigeants peut aussi, par voie de conséquence, devenir moins rigoureuse. En l'absence de surveillance et selon le régime de responsabilité juridique auquel ils sont soumis ceux-ci peuvent être conduits à adopter des stratégies risquées que les actionnaires avalisent, par exemple si l'actif net se rapproche de zéro. De plus les asymétries informationnelles supportées par les déposants sont largement exagérées, selon ces auteurs⁶, tandis que celles qui affectent les autorités de

²De Bandt [1996], Goyau, Sauviat et Tarazi [1994], Dietsch et Pagès [1993], Marini [1992], Jacklin et Bhattacharya [1988].

³La garantie implicite implique des moyens indirects (intervention de la banque centrale, prêts bonifiés, nationalisations etc.). Les dépôts sont garantis *in fine* par l'État. Un plafonnement de la garantie n'est pas toujours crédible et n'exerce pas d'influence sur les anticipations et le comportement des déposants. Le nombre réduit de faillites bancaires et l'héritage historique de la présence de l'État dans le secteur financier ont sans doute contribué au manque d'intérêt pour la protection explicite des dépôts. Ainsi les premiers systèmes de garantie explicite étaient privés, sur l'initiative de la l'Association Française des Banques [A.F.B.].

⁴Voir aussi Golembe[1960].

⁵En traduction de "moral hazard".

⁶Schwartz [1998], Carr, Glied, Mathewson et Quigley [1995], Kaufman [1994], Dowd [1993], Dowd [1992], Selgin [1992], Selgin [1993] et Wheelock [1992], Calomiris [1990].

régulation et de contrôle sont systématiquement sous-estimées. Un phénomène d'anti-sélection⁷ est aussi parfois évoqué.

Le mécanisme français de garantie des dépôts reste à cet égard un objet d'étude assez marginal (Dermine [1988], Peltier [1991]). Mélange d'initiatives privées et publiques, le système actuel résulte de la transposition dans le droit français en 1994, 1995 et 1999 d'une directive européenne (1986). L'instauration tardive d'une garantie explicite⁸ des dépôts ne doit pas faire oublier que d'autres systèmes, notamment privés, existaient avant 1994. Ce dispositif hérite d'un passé institutionnel qui le rend singulier. Il importe d'évaluer cette singularité en ce qu'elle définit les incitations des acteurs du système de garantie, à savoir les dirigeants, les actionnaires/sociétaires et les déposants. L'objectif de cet article consiste à analyser les réponses réglementaires, législatives et institutionnelles françaises au problème d'aléa moral que peut susciter la garantie des dépôts. A cet effet, la première partie de l'article restitue la dette du dispositif actuel aux mécanismes qui l'ont précédé pour réduire le risque systémique et l'aléa moral. La deuxième partie propose une analyse des incitations des protagonistes du système actuel en termes d'aléa moral.

1. La garantie française des dépôts : intentions fondatrices et évolution légale

C'est l'Association Française des Banques (A.F.B.) qui instaure au début des années 1970 un dispositif destiné à rembourser les dépôts dans l'éventualité de la faillite d'un de ses membres (1.1). Cette initiative privée est intégrée pour la première fois dans la législation française par la Loi 84-46 en 1984 (1.2). Ensuite, c'est le droit européen qui devient le principe moteur de la réforme des mécanismes nationaux. Les dispositions du droit européen édictées en 1986 (1.3) sont transposées dans le droit français en 1994 et 1995 (1.4). La protection des déposants a pourtant encore connu des changements essentiels avec la Loi 99-532 en 1999 (1.5).

⁷L'anti-sélection", par traduction de "adverse selection" intervient lorsque l'adhésion au mécanisme de garantie est volontaire. Il y a un risque de voir les banques fragiles adhérer prioritairement au système et les banques solides "s'anti-sélectionner", i.e. ne pas adhérer, par peur de supporter les coûts de redressement d'établissements moins rigoureux.

⁸Le plus ancien mécanisme explicite de protection des dépôts en activité est celui de la Federal Deposit Insurance Corporation, créée en 1935 aux Etats-Unis qui fonctionne en tant que fonds constitué, alimenté par des primes. Depuis 1991, les primes sont reliées aux risques des actifs bancaires afin de réduire l'aléa moral (Benston et Kaufman [1997]).

1.1. L'initiative de l'A.F.B. : une garantie privée sans fonds constitué

Jusqu'à une époque récente le système français ne disposait pas de fonds constitué destiné à assurer le remboursement des dépôts. Les versements étaient effectués après le sinistre par les banques adhérentes. Un tel mécanisme incite ses membres à une surveillance réciproque et à une intervention préventive, puisque les contributions sont déterminées *ex post*, en fonction de l'ampleur des pertes. En revanche, il dépend de la capacité des membres solvables à faire face à leurs engagements. Or après une crise, cette capacité est forcément réduite. D'autres dysfonctionnements peuvent avoir pour origine les délais de collecte des contributions des membres après le sinistre. Pour l'A.F.B. le dédommagement des déposants devait commencer avant même la faillite de leur banque, afin que leur attente soit limitée au minimum. Cette précaution est nécessaire, autrement la garantie des dépôts n'élimine pas l'incitation de retirer les fonds à la moindre alerte, justifiée ou non. Le mécanisme de l'A.F.B. est cependant rapidement encadré par la loi de 1984.

1.2. La notion de solidarité de place et le rôle du gouverneur de la banque de France

C'est la Loi 84-46 du 24 janvier 1984⁹, avec ses modifications successives, qui définit le cadre de l'activité des établissements de crédit. L'article 52 fait référence à la protection des déposants dans des termes qui ont été à l'origine de malentendus et d'exégèses¹⁰ : *Art 52. Al 1 : Lorsqu'il apparaît que la situation d'un établissement de crédit le justifie, le gouverneur de la Banque de France invite les actionnaires ou les sociétaires de cet établissement à fournir à celui-ci le soutien qui lui est nécessaire. Al 2 : Le gouverneur de la Banque de France peut aussi organiser le concours de l'ensemble des établissements de crédit en vue de prendre les mesures nécessaires à la protection des intérêts des déposants*

⁹"Loi relative à l'activité et au contrôle des établissements de crédit", (avec ses nombreuses modifications ultérieures), *Journal Officiel de la République Française* (JO) du 25 janvier 1984. Pour la version actualisée, voir le *Recueil de textes relatifs à l'exercice des activités bancaires et financières*, édition 2000, publié par le Comité de la Réglementation Bancaire et Financière (CRBF). Sauf mention contraire, ce recueil inclut également les textes législatifs cités par la suite.

¹⁰Frison-Roche [1996] et Moreau [1996].

et des tiers, au bon fonctionnement du système bancaire ainsi qu'à la préservation du renom de la place.

Le deuxième alinéa officialise la notion de "solidarité de place" initiée par l'A.F.B. Le premier alinéa est plus ambigu. Lorsqu'un établissement de crédit est confronté à des difficultés, ses actionnaires et sociétaires peuvent être sollicités ("invités") à le recapitaliser. Cette lecture soulève plusieurs questions sur la notion de responsabilité juridique, suivant son étendue, son équité ou sa capacité à répondre au problème de l'aléa moral. D'une part, l'étendue de la responsabilité devient floue. "L'invitation" peut-elle être refusée? Une réponse affirmative est de nature à amoindrir la responsabilité en cause. D'autre part, le principe de responsabilité n'est pas forcément équitable : l'égalité entre actionnaires (ou sociétaires) peut être mise à mal lors de la réponse à l'invitation. Enfin, cette mesure ne répond pas nécessairement au problème de l'aléa moral. La dégradation de la situation économique d'une banque résulte souvent de la gestion de ses dirigeants et donc indirectement du contrôle exercé par les actionnaires sur leurs représentants. En cas de dégradation majeure de la solvabilité (actif net proche de zéro ou négatif), les actionnaires sont, d'une certaine manière, protégés par le régime juridique de responsabilité limitée. La perte maximale des actionnaires est limitée à leur souscription, la personne morale faisant obstacle aux poursuites sur le patrimoine personnel. Les actionnaires peuvent alors former une coalition avec les dirigeants et poursuivre des stratégies extrêmement risquées ("quitte ou double") dans l'espoir d'un ultime redressement.

Une décision de la Cour d'appel de Paris a précisé depuis les intentions du législateur. Cette jurisprudence s'applique à l'article 52 modifié de la loi en vigueur. La décision ne plaide pas en faveur de la réduction de l'aléa moral des actionnaires. Dans son arrêt du 13 janvier 1998, elle a montré que *"la prérogative ainsi reconnue au gouverneur de la Banque de France n'est pas juridiquement contraignante, dès lors que le texte ne prévoit aucune sanction contre l'actionnaire qui n'a pas répondu positivement à l'invitation et que les engagements d'un associé ne peuvent être augmentés sans le consentement de celui-ci"*. Cet arrêt confirme donc la validité du principe de la responsabilité limitée des actionnaires et sociétaires mais augmente celle des autres participants au mécanisme de garantie des dépôts. En effet, selon la formulation de l'article 52, ces derniers sont sollicités en deuxième recours, après les actionnaires de la banque en difficulté. L'article 52 n'a connu à cet

égard que des évolutions mineures¹¹ en dépit des modifications successives apportées par ailleurs à la Loi 84-46¹². Dans les deux, cas c'est l'influence du droit européen qui est en cause.

1.3. L'influence du droit européen : harmonisation, concurrence loyale et seuil minimum de couverture

L'influence du droit européen est matérialisée par la Recommandation 87/63/CEE de la Commission, du 22 décembre 1986¹³ et la Directive 94/19/CE du Parlement européen et du Conseil, du 30 mai 1994¹⁴. En dépit du fait que les Recommandations n'ont pas de pouvoir contraignant, elles constituent un signal qui ne peut être ignoré. En effet, dans la plupart des cas elles sont à l'origine de Directives qui ont force de loi et doivent être transposées dans les législations nationales.

L'intention de la Commission des Communautés Européennes avec la Recommandation 87/63/CEE est d'assurer une harmonisation de la protection des déposants et une concurrence loyale entre les établissements de crédit européens avant le décloisonnement du marché des services financiers¹⁵. Les six pays qui ne disposent pas de mécanismes de garantie des dépôts sont encouragés à en créer avant le 1^{er} janvier 1990, tandis que les systèmes existants sont maintenus. La participation de tous les établissements de crédit à ces systèmes de garantie doit être rendue obligatoire. Le niveau, le type de couverture et le financement des dédommagements sont cependant laissés à l'appréciation des États membres.

A cet égard justement la Directive 94/19/CE constitue le prolongement de la Recommandation 87/63/CEE en précisant les conditions qui s'appliquent aux mécanismes de garantie des dépôts des États membres. Un seuil minimum de couverture a été établi à 20000 écus, notamment. Ces

¹¹Lorsqu'il apparaît que la situation d'un établissement de crédit le justifie, le gouverneur de la Banque de France président de la commission bancaire (modifié par la loi 93-980 du 4 août 1993 art 30) invite après avoir, sauf en cas d'urgence, pris avis de la commission bancaire (Loi 99-532 du 25 juin 1999 art 89) les actionnaires ou les sociétaires de cet établissement à fournir à celui-ci le soutien qui lui est nécessaire.

¹²La Loi 93-980 du 4 août 1993 a modifié l'article 52 en précisant que le gouverneur de la Banque de France est également président de la Commission bancaire.

¹³JO des Communautés européennes, n° L 33 du 4 février 1987.

¹⁴JO des Communautés européennes, n° L 135 du 31 mai 1994.

¹⁵ Le décloisonnement est intervenu le 1^{er} janvier 1993.

dispositions doivent être transposées dans les législations nationales avant le 1^{er} juillet 1995. La France réalise cet impératif en 1994.

1.4. La garantie aujourd'hui : l'adhésion obligatoire à un fonds constitué unique pour une indemnisation étendue

La transposition du droit européen dans la législation française est réalisée par la Loi 94-679 du 8 août 1994, portant diverses dispositions d'ordre économique et financier¹⁶ et par le "Règlement 95-01 du 21 juillet 1995 relatif à la garantie des dépôts". La Loi 94-679 du 8 août 1994 modifie un grand nombre de textes législatifs. Entre autres, elle assure la mise en conformité de la réglementation française sur la garantie des dépôts avec les dispositions communautaires. Elle laisse ouverte la possibilité que la protection des dépôts puisse être assurée par plusieurs systèmes cités en référence dont la liste complète est donnée par la Décision du 21 février 1997 relative aux systèmes de garantie et aux systèmes reconnus équivalents. Ainsi jusqu'à 1999 la France dispose de neuf systèmes de garantie. Cette situation reflète une "division des tâches" plutôt qu'une concurrence. Elle résulte de la variété des statuts juridiques des établissements de crédit. Tout établissement autorisé à fonctionner doit obligatoirement adhérer au système de garantie correspondant à sa catégorie. L'adhésion ne peut lui être refusée.

Le Règlement 95-01 du 21 juillet 1995 complète la loi précédente. Il rappelle l'adhésion obligatoire à un fonds de garantie pour tout établissement de crédit ayant son siège social en France ainsi que pour les succursales françaises des banques de l'espace économique européen. Les différents fonds de garantie ne peuvent pas refuser l'adhésion d'un établissement de crédit agréé qui appartient à la catégorie concernée. Si un établissement agréé ne remplit pas ses obligations, il peut théoriquement être exclu. La procédure d'exclusion est cependant longue et coûteuse. Elle dure au moins un an et nécessite l'aval de la commission bancaire¹⁷. La difficulté d'exclure les "passagers clandestins" atténue largement les

¹⁶JO n° 184 du 10 août 1994.

¹⁷Composition : gouverneur de la Banque de France (président de la commission bancaire), directeur du trésor ; Membres nommés par le ministre des finances : un conseiller d'Etat (proposé par le vice-président du Conseil d'Etat), un conseiller à la cour de cassation (proposé par le président du Conseil Constitutionnel), et deux "membres compétents" selon le texte de loi.

incitations à maintenir un standard de discipline minimum. En l'absence de "coûts d'exclusion" les membres du système de garantie risquent de supporter les coûts engendrés par les partenaires qui adoptent un comportement risqué.

Les dépôts qui bénéficient de la couverture sont définis comme "(...) tout solde créditeur résultant de fonds laissés en compte ou de situations transitoires provenant d'opérations bancaires normales (...)" (art. 5). Les principales exceptions concernent les dépôts des initiés¹⁸, les dépôts en devises étrangères¹⁹ ainsi que "*les dépôts pour lesquels le déposant a obtenu [...] des taux et des avantages financiers qui ont contribué à aggraver la situation financière de cet établissement*". Cette dernière disposition est destinée à prévenir les situations où un établissement de crédit en difficulté essaye d'attirer des dépôts par tous les moyens, notamment par une rémunération excessive. En l'absence de cette exception, certains créanciers pourraient profiter des difficultés de l'établissement de crédit (par des taux d'intérêt élevés) en assumant un risque limité (par le plafond de couverture). La formule est cependant trop imprécise pour répondre vraiment au problème. Il est difficile d'établir la limite entre un taux d'intérêt qui aggrave la situation et un autre qui ne l'aggrave pas. La définition *ex post* d'un tel taux comporte inévitablement une dose d'arbitraire de nature à augmenter l'incertitude.

Par son article 7, le Règlement 95-01 prévoit également que "*le plafond d'indemnisation par déposant ne peut être inférieur à 400000F. Il s'applique à l'ensemble des dépôts d'un même déposant auprès du même établissement de crédit [...]*".²⁰ Le législateur a donc voulu fixer un plancher tout en laissant l'A.F.B. et les autres mécanismes de garantie libres d'augmenter ultérieurement le plafond de couverture des déposants. Le Règlement 95-01 est donc compatible avec une couverture à 100%. La dernière évolution relève de la loi de 1999.

¹⁸Notamment les dépôts des autres établissements de crédit, entreprises d'assurance, organismes de placement collectif, et fonds de pension, les fonds propres de l'établissement de crédit respectif, les dépôts des administrateurs, des dirigeants, commissaires aux comptes, associés détenant au moins 5% du capital, les dépôts de l'Etat et des administrations centrales etc.

¹⁹A l'espace économique européen.

²⁰ Selon le taux de conversion officiel lors du passage à la monnaie unique (1 EUR = 6,55957 FRF), cela représente 60.979,61 Euros.

La Loi 99-532 du 25 juin 1999²¹ apporte des modifications importantes²² à la Loi 84-46 et redéfinit le fonctionnement de la garantie des dépôts. L'article 52 est désormais composé de 16 articles. Les changements majeurs concernent l'instauration d'un seul système de garantie à la place des neuf mécanismes qui existaient auparavant. Le nouveau dispositif est financé *ex ante* et non plus *ex post*. La protection des dépôts est désormais assurée par un fonds de garantie constitué en tant que personne morale disposant d'un directoire et d'un conseil de surveillance. La Loi 99-532 instaure aussi des mécanismes de garantie des assurés, des investisseurs et des cautions, qui sont gérés par le fonds de garantie des dépôts.

La suppression des neuf mécanismes de garantie au profit d'un seul a pour but d'assurer une plus grande crédibilité de l'engagement de remboursement des dépôts. Le fonds réunit tous les établissements de crédit et dispose donc de ressources lui permettant une intervention rapide. Cette unification peut être comprise aussi comme un pas de plus dans l'élimination des différences de traitement auxquelles sont soumises les catégories des établissements de crédit. Cependant, la transformation de la modalité de financement du fonds d'indemnisation des déposants met aussi fin à l'originalité du système français. Ainsi, la Loi 99-532 élimine-t-elle toute référence à la solidarité de place²³ et marque l'abandon de la gestion privée, même si le fonds de garantie reste une personne morale de droit privé.

Le gouverneur de la Banque de France garde le pouvoir "d'inviter" les actionnaires ou sociétaires de l'établissement en difficulté à fournir le soutien nécessaire. Le gouverneur ne dispose pas de prérogatives lui permettant de rendre impérative son "invitation"²⁴, mais le fonds de garantie a le pouvoir d'exproprier les actionnaires ou sociétaires qui refuseraient de contribuer au redressement de l'établissement de crédit (art. 52-2). En outre, le fonds de garantie peut engager des actions en responsabilité à l'encontre des dirigeants des établissements pour lesquels il intervient (art. 52-4).

²¹"Loi 99-532 sur l'épargne et la sécurité financière" du 25 juin 1999, *JO* du 29 juin 1999.

²²Pour une analyse juridique plus détaillée des modifications, voir Decoopman [1999], Stoufflet [1999] et Le Nabasque [1999].

²³Prévue par le second alinéa de l'article 52 dans sa formulation précitée. Cet alinéa est supprimé par la Loi 99-532.

²⁴Cf 1.2 de l'article.

Le panorama législatif (incomplet) que nous venons de dresser permet donc de mesurer la complexité des motivations des parties impliquées. Par exemple, l'existence d'un fonds de garantie constitué *ex ante* diminue les incitations des établissements de crédit à exercer une surveillance mutuelle. Cette fonction est remplie dorénavant par le fonds de garantie et d'autres organismes publics, notamment la Banque de France. Ces institutions sont-elle bien armées pour répondre à ce rôle ?

2. La garantie française des dépôts : incitations effectives et évolutions souhaitables

Le risque de système peut diminuer par l'élimination des ruées et des paniques ou augmenter à cause de l'imprudence de dirigeants/actionnaires/sociétaires (aléa moral des responsables) moins contrôlés par les déposants (aléa moral des déposants). La première partie de cet article a montré qu'avec l'instauration d'une garantie des dépôts, les autorités assument une plus grande responsabilité dans le contrôle prudentiel. Il reste à déterminer si les protagonistes du système, les déposants (2.1), les responsables (dirigeants, actionnaires/sociétaires) (2.2) et les autorités (2.3) ont les moyens et les incitations nécessaires à son bon fonctionnement.

2.1. Incitations des déposants : les inconvénients de la garantie illimitée et complète

Un système idéal devrait éliminer ruées et paniques, tout en incitant les parties à veiller à son bon fonctionnement. La garantie française pêche à cet égard par plusieurs excès. Au premier chef, la réduction de l'aléa moral qui affecte le comportement des déposants suppose que la couverture dont ils bénéficient ne soit pas illimitée. Au contraire la garantie française des dépôts permet aux déposants d'obtenir une couverture virtuellement illimitée par le partage de leurs dépôts entre plusieurs banques. Même l'élimination de cette possibilité de fractionnement limiterait, dans le système actuel, la couverture à un niveau relativement élevé. Ce niveau est-il compatible avec une réduction sensible de l'aléa moral des déposants ? Au second chef, la garantie est complète parce qu'elle couvre tous les actifs financiers, soit une classe d'actifs beaucoup plus large que ne l'exigent les arguments théoriques. Dans ce sens la garantie est illimitée parce qu'elle ne dissocie pas dépôts à vue et à terme. Cette propriété conduit à un

déséquilibre des échéances du passif et de l'actif des établissements de crédit, i.e. une gestion plus risquée.

Selon l'article 5 du Règlement 99-05, "*le plafond d'indemnisation par déposant est de 70000 euros. Il s'applique à l'ensemble des dépôts d'un même déposant auprès du même établissement de crédit, quels que soient le nombre de dépôts, la localisation dans l'Espace économique européen [...]*", à l'exclusion des devises étrangères à l'accord sur l'Espace économique européen. Un déposant a donc la possibilité de fractionner ses dépôts en autant de tranches de 70000 euros qu'il existe d'établissements de crédit en France²⁵. Il pourrait appliquer une stratégie similaire à l'ensemble de l'Union Européenne, en tenant compte des plafonds de couverture en vigueur dans chaque État. Au 31 Décembre 2005, seul le système bancaire français comptait plus de 850 établissements de crédit agréés.²⁶ Ce nombre permet de disposer d'une garantie des dépôts "limitée" par personne à 59.500.000 euros !

L'aléa moral créé par cette couverture illimitée peut être réduit par la modification du Règlement 99-05, dans le sens d'une définition de la couverture par déposant et non plus par déposant et par banque. Cette modification n'affecterait que les "grands déposants", la situation des "petits déposants" restant inchangée. La possibilité d'une dispersion des risques (diversification) reste ouverte et incite à la recherche des banques solides pour les grands déposants. En effet, la dispersion des risques est réalisée seulement si les banques depositaires ne font pas faillite en même temps. Ce système est d'autant plus efficace que la surveillance par les "grands" déposants est stimulée. La limitation de la couverture par déposant soulèverait cependant un nouveau problème : à quel niveau faut-il fixer le plafond pour maintenir une surveillance suffisante sans risquer de ruée bancaire ?

Une réponse objective suppose la définition d'un terme de comparaison. En termes absolus, le système de garantie français était en 1995 un des plus généreux du monde, dépassé seulement par les systèmes italien et américain²⁷. Si l'on tient compte du rapport entre le plafond de couverture et le PNB par habitant, le système italien apparaît encore plus

²⁵Y compris les succursales des établissements étrangers.

²⁶ Banque de France, 2006.

²⁷Pour une comparaison quasi exhaustive des systèmes de garantie des dépôts en fonction dans le monde, voir Kyei [1995], Garcia [1996] et Garcia [1999].

généreux, tandis que les systèmes français et américain peuvent être considérés comme comparables.

Tableau 1 : Plafond de couverture relatif au PIB/habitant :

Pays	Plafond de la garantie \$ (1 EUR = 1,20 USD)	PNB/hab. USD	Couverture relative (col. 2 / col. 3]
États-Unis	100.000	39.752	2,5
France	84.000	35.687	2,4
Italie	123.950	34.783	3,6

Sources: www.fdic.gov, www.garantiedesdepots.fr, www.fitd.it, www.siteresources.worldbank.org.

L'Italie a révisé à la baisse son plafond de couverture. Aux États-Unis ce niveau de protection est jugé en partie responsable de l'ampleur des pertes engendrées par la crise bancaire des années 1980. Avec le Règlement 99-05, le Comité de Réglementation Bancaire et Financière (CRBF)²⁸ a augmenté le plafond de couverture, qui est passé de 400000 francs (60.980 euros) à 70000 euros, c'est-à-dire une augmentation d'environ 15%. Un niveau aussi élevé peut paraître surprenant pour un système censé protéger les "déposants qui ne disposent pas des moyens d'évaluer convenablement la politique financière des institutions auxquelles ils confient leurs dépôts"²⁹.

Dans sa forme actuelle, la garantie des dépôts va au-delà de ce que suggèrent les modèles justifiant la nécessité de ce mécanisme. La vulnérabilité des banques découle notamment de leur structure de bilan. Les passifs à court terme (les dépôts à vue ou dépôts à terme indéterminé) financent des actifs à long terme (prêts, dépôts à terme déterminé dont l'échéance est fixée par voie contractuelle). Or l'aléa moral des déposants n'est limité que si la garantie porte sur les seuls dépôts à vue. En effet les déposants sont incités à choisir des banques solides pour leurs comptes à terme déterminé puisqu'ils supportent un risque supplémentaire. Il est vraisemblable que les dépôts à vue seraient maintenus dans la ou les

²⁸Le CRBF établit la réglementation concernant l'activité des établissements de crédit et fixe sous réserve des compétences de la Commission des Opérations de Bourse (COB) et du conseil des marchés financiers, et après avis de ce dernier, les règles applicables aux prestataires de services d'investissement.

²⁹Recommandation de la Commission, 87/63/CEE.

mêmes banques pour diminuer les coûts de transaction, ce qui limiterait l'exposition du fonds de garantie. L'aléa moral des responsables est aussi limité par cette couverture incomplète.

2.2. Incitations des responsables : les risques de la garantie complète et de la responsabilité limitée

La garantie des dépôts illimitée et "complète" (dépôts à terme indéterminé et déterminé) peut engendrer une augmentation de l'aléa moral des responsables. Une couverture incomplète devrait au contraire permettre de limiter le déséquilibre des échéances de l'actif et du passif. La réponse des autorités de régulation au problème d'aléa moral des responsables consiste dans l'instauration de primes reliées au risque³⁰ et la responsabilisation des actionnaires et des dirigeants. Cependant, toutes ces mesures supposent que l'intervention des autorités soit précoce et rapide ainsi qu'une réduction des asymétries informationnelles.

En absence d'un filet de sécurité (banque centrale et garantie des dépôts), la part des dépôts à terme déterminé dans les ressources bancaires serait probablement plus élevée. Les banques seraient, mécaniquement, moins sensibles aux mouvements de retraits brutaux des dépôts à terme indéterminé. Au contraire, conscientes du filet de sécurité de la garantie, les banques préfèrent attirer des dépôts à vue (ou à notice préalable), dont la rémunération est inférieure. Elles sont donc incitées à choisir un financement plus risqué (déséquilibre entre les échéances respectives de l'actif et du passif) qui leur permet d'attirer des ressources à un prix artificiellement réduit.

Une solution pour réduire cet aléa moral consiste dans la garantie des seuls dépôts à vue. Cette formule oblige les banques à attirer leurs ressources à un prix plus proche de son niveau réel, à réduire le déséquilibre de leur bilan, ce qui les rend moins vulnérables aux ruées. La garantie des seuls dépôts à vue prévient ainsi un blocage du système des paiements. Dans cette optique certaines précautions sont nécessaires pour empêcher la transformation avant échéance des dépôts à terme en dépôts à

³⁰C'est l'objectif du calcul des ratios de capitalisation (les ratios Cooke) en fonction des catégories de risque des actifs bancaires. Cela concerne également la garantie des dépôts : une meilleure capitalisation réduit l'ampleur des pertes potentielles pour le fonds de garantie. La relation capital - garantie des dépôts a fait l'objet de nombreuses études (Avery et Berger [1991], Benston [1992], Kane [1995], Kaufman [1995] et Pyle [1986]).

vue. Le fonds de garantie peut exclure de la couverture les dépôts à vue résultant de ce type d'opérations. Les primes versées par les établissements de crédit peuvent aussi tenir compte de la ventilation des risques entre dépôts à terme déterminé et indéterminé.

L'aléa moral inhérent à la garantie des dépôts est augmenté lorsque les primes "d'assurance" versées par les banques pour constituer le fonds de garantie ne sont pas liées aux risques de leurs actifs. Dans ce cas, les banques ont tout intérêt à profiter au maximum de la garantie des dépôts (présentée comme une option de vente³¹) en choisissant des actifs plus risqués. Le Règlement 99-06 du 9 juillet 1999 vise à empêcher ce type de comportement par la définition des contributions des établissements de crédit en fonction de leur situation financière. Il s'agit d'une procédure complexe qui répartit entre les adhérents au fonds de garantie le montant global des "certificats d'association" et de la "cotisation annuelle"³². Les critères pris en compte sont l'assiette des dépôts, les encours de crédit, la solvabilité, la division des risques, la rentabilité d'exploitation et, éventuellement, la transformation (qui mesure l'écart entre les échéances des actifs et des ressources bancaires). Ces quatre derniers critères sont synthétisés par des notes de 1 à 3, dans le sens d'une qualité décroissante.

La prise en compte du risque par des coefficients peut susciter quelques réserves. Des discussions similaires ont accompagné la mise en place des ratios Cooke³³. Cependant, en dépit de leur caractère approximatif, ces coefficients permettent une différenciation des contributions en fonction du risque que chaque établissement de crédit fait peser sur le fonds de garantie. Cette démarche est sans doute préférable à une contribution uniforme. Une question demeure néanmoins. L'écart entre les coefficients des différentes catégories de risques est-il suffisamment élevé pour avoir une influence significative sur le comportement des établissements de

³¹Voir Merton [1977] et Jaeger [1994].

³²Le montant global pour 1999 des certificats d'association était de 500 millions euros (Règlement 99-06, art. 1) et celui de la cotisation annuelle a été établi pour 1999, 2000, 2001 et 2002 à 400, 200, 250 et respectivement 100 millions euros (Règlement 99-08 du 9 juillet 1999, modifié par le Règlement 99-18 du 23 novembre 1999). Selon l'article unique du Règlement 2002-11 du 21 novembre 2002, "*le montant global de chaque cotisation annuelle pour 2003, 2004, 2005 et 2006 est de 150 millions d'euros*".

³³ Les dernières dispositions sont synthétisées par le Basel Committee on Banking Supervision (2005).

crédit ? L'instauration du principe des contributions reliées aux risques est probablement trop récente pour pouvoir évaluer cet impact.

La Loi 99-532 laisse au gouverneur de la Banque de France la possibilité d'inviter les actionnaires d'un établissement de crédit en difficulté à contribuer à son sauvetage. Si les actionnaires considèrent réalistes les perspectives de redressement de leur société, ils acceptent l'invitation et recapitalisent l'établissement. Le fonds de garantie peut intervenir lorsque l'invitation du gouverneur est refusée par les actionnaires ou lorsque l'établissement "*n'est plus en mesure de restituer immédiatement ou à terme rapproché*" les dépôts. Cette intervention entraîne le retrait d'agrément³⁴ pour l'établissement (art. 52-2, al. 1). Le pouvoir du fonds de garantie est assez étendu car il peut intervenir même à titre préventif et subordonner cette démarche "*à la cession totale ou partielle de l'établissement de crédit ou à l'extinction de son activité, notamment par la cession de son fonds de commerce*" (art. 52-2, al. 3). Le fonds de garantie "*peut se porter acquéreur des actions ou [...] des parts sociales d'un établissement*" à un prix fixé par un expert.

Ce qui s'apparente à une expropriation des actionnaires ou sociétaires est évidemment de nature à exercer une influence sur leurs incitations dans le sens d'une réduction de l'aléa moral des responsables. Les stratégies prudentes sont encouragées et peuvent prévenir le transfert des coûts du redressement vers le fonds de garantie. En l'absence de cette menace, l'éventualité de la faillite peut inciter les actionnaires ayant une responsabilité limitée à adopter des stratégies excessivement risquées. Lorsqu'ils ont perdu leur mise initiale (actif net nul ou négatif), l'accroissement du risque augmente leurs chances de récupérer les fonds en échange d'une hausse des pertes potentielles des seuls créanciers³⁵. Dans ce cas, le renflouement de l'établissement se fait à leur profit, avec les ressources du fonds de garantie. L'expropriation est donc une mesure,

³⁴La décision d'attribution de l'agrément et du retrait d'agrément relève du Comité des Etablissement de Crédit et des Entreprises d'Investissement (art 15 de la loi 84-46 modifié). Le retrait peut aussi intervenir à la demande l'établissement lui-même, et d'office lorsque l'établissement ne remplit plus les conditions requises (cf art 15 et 16 : capital minimum, direction de deux personnes, réunion du siège et de l'administration centrale, honorabilité, sécurité), ou lorsqu'il n'a pas usage de l'agrément en 12 mois, ou lorsqu'il n'exerce plus d'activité depuis 6 mois.

³⁵Pour une analyse des incitations en fonction du régime de la responsabilité, voir Suen [1995] et Winton [1993].

parmi d'autres,³⁶ qui vise à réduire l'étendue du "privilège" de la responsabilité limitée.

L'article 52, par l'invitation du gouverneur de la Banque de France et par les pouvoirs accordés au fonds de garantie, engendre des incitations similaires à la responsabilité illimitée (comportement prudent en cas de difficultés graves). Une incertitude demeure néanmoins concernant l'ampleur des obligations des actionnaires. Une tentative pour concilier les avantages des deux régimes de responsabilité (réduction de l'aléa moral des responsables et des déposants) est connue sous le nom de principe de responsabilité multiple³⁷. Il s'agit souvent d'un régime de double responsabilité : les actionnaires sont responsables des pertes dans la limite d'un montant égal au double du capital. Les actionnaires connaissent avec certitude le montant maximal de leurs pertes. La dispersion des risques est alors possible contrairement au régime de la responsabilité illimitée. D'autre part, les actionnaires sont incités à adopter un comportement prudent même lorsque l'actif net est égal à zéro. Même si leur mise initiale est perdue, une stratégie trop risquée peut augmenter leurs pertes, contrairement à la situation où ils bénéficient de la responsabilité limitée "simple"³⁸. La mise en place de la double responsabilité peut être réalisée par le versement de la moitié du capital souscrit, la valeur nominale des actions étant déterminée en fonction du capital effectivement versé. La logique de la responsabilité multiple des actionnaires est cependant défailante s'il existe une asymétrie d'information trop importante entre les dirigeants et les actionnaires, comme dans le cas de la faillite de la Barings au Royaume-Uni. C'est le problème de la responsabilité des dirigeants.

Les décisions courantes et, dans une large mesure, les décisions stratégiques, sont prises par les dirigeants. Ils disposent d'un avantage informationnel sur les actionnaires et leur intérêt privé peut aller à l'encontre de ces derniers. Ainsi ils peuvent trouver avantageux d'augmenter l'exposition au risque d'un établissement de crédit en difficulté, dans l'espoir d'éviter une faillite imputable à la défaillance de

³⁶Les actions en comblement de passif.

³⁷Les compagnies avaient opté pour une responsabilité multiple et le législateur avait retenu ce principe pour les banques au XIX^{ème} et au début du XX^{ème} siècle dans les pays anglo-saxons. Cf Macey et Miller [1992].

³⁸Dans ce cas il y a un transfert de richesse entre les actionnaires et les créanciers au détriment des actionnaires, sans consentement et sans contrepartie.

leurs décisions. Le mécanisme de la fuite en avant, où les erreurs passées appellent le risque, résulte de la "limitation" de leur engagement à la perte d'emploi et de réputation. Cette option peut se manifester bien avant que l'actif net ne soit devenu négatif. Elle est dommageable pour les actionnaires et, *a fortiori*, pour les créanciers et le fonds de garantie³⁹. L'article 52-4 de la Loi 99-532 répond à cette préoccupation : "*le fonds de garantie peut engager toute action en responsabilité à l'encontre des dirigeants de droit ou de fait des établissements pour lesquels il intervient aux fins d'obtenir le remboursement de tout ou partie des sommes versées par lui [...]*".

Cette éventualité réduit l'aléa moral des dirigeants qui doivent éviter les actions dont le caractère délibérément imprudent est incontestable (et *a fortiori* les actions frauduleuses). Cependant, l'action en responsabilité entraîne une analyse *ex post*. La pertinence des initiatives est évaluée dans un contexte informationnel qui ne correspond plus à celui de la prise de décision. Un phénomène d'anti-sélection peut alors apparaître. Les dirigeants adoptent pour critère de décision la minimisation du risque juridique plutôt que la maximisation du profit et/ou des chances de survie de l'établissement de crédit. Un moyen complémentaire de responsabiliser les dirigeants consiste, dans ce cas, à favoriser leur contrôle par les actionnaires. La mise en place d'un cadre favorable aux offres publiques d'achat et à la protection des droits des actionnaires minoritaires peut réduire l'amplitude du phénomène d'anti-sélection (Bojanic Lee et Officer [1994] et Schranz [1993]). L'engagement dans des projets à valeur actualisée négative exerce une pression à la baisse sur le cours des actions. Les actionnaires peuvent remplacer leurs représentants ou répondre favorablement à une OPA rendue attractive par le prix réduit des actions. Dans ces conditions, généralement les entreprises révisent leur stratégie ou elles sont absorbées avant que leur actif net ne soit devenu négatif, c'est-à-dire avant que la nécessité de l'intervention des autorités ne soit devenue évidente. Ce dernier point soulève un autre problème : à partir de quand les autorités doivent-elles obligatoirement agir ?

³⁹Un autre exemple d'antagonisme dirigeants-actionnaires qui met en danger la survie de l'entreprise est la réalisation d'opérations "de prestige" ruineuses et sans justification.

2.3. Incitations des autorités : l'ambiguïté des conditions d'intervention

Dans les paragraphes précédents, il était supposé que l'intervention se déroule dans des conditions optimales. Pourtant les pouvoirs très étendus du fonds de garantie des dépôts s'exercent dans des conditions mal définies. Le fonds *peut* intervenir de manière préventive, il *peut* subordonner son intervention à la cession des actions/parts sociales, il *peut* acquérir des actions/parts etc. Il n'y est donc pas obligé et les critères de son choix ne sont pas "common knowledge", ce qui peut gêner les anticipations. De fait, l'expérience de la crise bancaire américaine des années 1980, ainsi que les dysfonctionnements constatés en France avec certains établissements de crédit ont fait naître quelques inquiétudes sur la capacité des autorités à identifier à temps les difficultés. La définition des conditions pour une intervention obligatoire de la part des autorités de contrôle et du fonds de garantie est donc souhaitable. Cela peut être réalisé, par exemple, avec la définition d'un seuil positif de l'actif net en dessous duquel le fonds doit intervenir, en exigeant une recapitalisation, soit en demandant le retrait d'agrément pour l'établissement en cause. La définition d'un seuil minimum positif de l'actif net limiterait le nombre de situations qui incitent à la prise de risques excessifs. La prévention peut être complétée par des dispositions visant à limiter la durée de l'intervention des autorités et/ou du fonds de garantie. Cela permet la clarification rapide de la situation de l'établissement de crédit en difficulté et prévient le maintien d'un environnement d'incertitude favorable aux rumeurs et donc aux ruées/paniques.

Conclusion

La garantie des dépôts en France a connu des transformations importantes dans un court laps de temps. Le passage d'une garantie implicite à une garantie explicite, réalisé sur l'initiative des banques, a été encouragé par les pouvoirs publics et, ultérieurement, intégré au dispositif réglementaire et législatif bancaire. Dans l'optique de la construction européenne les multiples dispositifs de protection apparus pendant cette période ont été réunis et remplacés par un seul fonds commun de garantie. A la différence des systèmes précédents, il s'agit d'un fonds constitué, disposant de responsabilités et de pouvoirs accrus. L'instauration d'un tel filet de sécurité peut effectivement prévenir le risque de système. En ce sens, la Loi 99-532, qui régit actuellement la garantie des dépôts, prévoit plusieurs

moyens de contrôle et de réduction de l'aléa moral. Les pouvoirs conférés au gouverneur de la Banque de France et au fonds de garantie des dépôts permettent de responsabiliser les actionnaires et les dirigeants d'un établissement de crédit défaillant. La prévention est réalisée par des contrôles prudentiels et par la différenciation des cotisations en fonction du risque et de la situation financière des adhérents au fonds. Malgré cela, quelques interrogations subsistent. Elles portent notamment sur les catégories et le montant total des dépôts garantis. En effet, la loi permet une couverture qui dépasse l'objectif de la protection des "petits déposants". La gamme des dépôts couverts va au-delà des recommandations des modèles théoriques qui justifient la garantie des dépôts. La réduction de l'aléa moral dans le comportement des banques pourrait être réalisée grâce à un meilleur contrôle des dirigeants par les actionnaires et par une augmentation de la responsabilité de ces derniers en cas de défaillance, comme dans l'exemple du principe de double responsabilité. Les autorités de contrôle disposent de pouvoirs plus étendus et sont en mesure d'intervenir de manière préventive. Cependant, l'expérience des crises bancaires (en France et à l'étranger) montre que cela n'est pas toujours suffisant. Afin d'inciter les autorités de contrôle à user pleinement de leurs prérogatives et pour renforcer la crédibilité de la menace de leur intervention, il serait souhaitable que la réglementation définisse des seuils déclenchant obligatoirement un minimum de sanctions précises. Compte tenu du fait que les comportements les plus risqués sont adoptés par les banques dès lors que leur actif net approche de zéro, une solution pourrait être la définition d'un seuil minimum positif de l'actif net. L'étude des procédures de redressement et de liquidation judiciaire apporterait à cet égard des recommandations particulièrement utiles⁴⁰.

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⁴⁰Il n'existe pas de consensus sur la nature ("rigide" ou "flexible") d'une règle de fermeture (faillite) des banques. Voir Cornelli et Felli [1997], Dahl et Spivey [1995], Davies et Mc Manus [1991], Dietsch et Godbillon [1997], Dion et Thierarche [1994] et Easterbrook [1990].

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E-BANKING IN CANDIDATE COUNTRIES AND NEW MEMBER STATES

Roxana Nanu*

Abstract

Modern e-banks take a particular place in e-economy. Their importance for development of new economy has been emphasised in the e-Europe programme, that is one of the Lisbon Strategy principles. E-banking makes it possible to perform such services as: electronic tax clearings, unemployment benefit or scholarship payments. However, the rapid development of e-banking capabilities carries benefits as well as risks.

1. Introduction

Electronic banking is the wave of the future. It provides enormous benefits to consumers in terms of the ease and the cost of transactions. But is also poses new challenges for country authorities in regulating implementing macroeconomic policy.

Electronic banking is an umbrella term for the process by which a customer may perform banking transactions electronically without visiting a brick-and-mortar institution.

Electronic banking continues to be a competitive issue, and other types of electronic delivery systems are commonplace for many consumers and small businesses at the same time that privacy and security concerns are on the rise.¹

According to industry analysts, electronic banking provides a variety of attractive possibilities for remote account access, including:

- availability of inquiry and transaction services around the clock;
- worldwide connectivity;
- easy access to transaction data, both recent and historical;

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¹ Miller J., E-Banking: Integrating and Managing Your Bank's Electronic Services, http://www.sheshunoff.com/store/media/pdf/384_htu.pdf

- direct customer control of international movement of funds without intermediation of financial institutions in customer's jurisdiction.

In their analysis of the role of the Internet channel in banking operations, reports (Datamonitor 2001, Bank of Korea 2001, Fundación Auna 2002 and Swedish Banking Association) suggest that Internet banking is becoming a complementary channel to branch and call centres, and is mostly used for simple transactions. Consequently the Internet is changing the role, organisation and, in some cases, the number of branches, as these will tend to concentrate on advisory and selling functions.²

The paper shows the e-banking types used in the new members of UE and in the other candidates. That way, on the base of the analysis of the statistics data, we concluded that the trends of on line banking contradict the prediction of fast massive diffusion of such services and the disappearance of traditional banking organisation. Over the last few years European banks have spent billions of euros on the electronic channels. This analysis shows that, in spite of the fact that profitability is expected only in the long term, most of the major banks both in EU25 and CCs do provide Internet banking services, driven by cost reduction, market share increase and customer retention targets.

The analysis made shows that development of a service by the banks is not sufficient, on its own, to ensure adoption. Access infrastructure to the service is a pre-requisite and access at home may be a relevant factor. Time and trust are needed to convert consumers to the use of banks e-delivery channels, including the Internet.

In this point of view, on the base of previous work I observe big disparities in adoption levels between countries, both in EU 25 and Candidate Countries, point at complex range of factors that affect adoption of the Internet banking application. I accomplish a classification of adoption factors under three headings – access technology and infrastructure related factors, sector-specific Internet banking factors and other socio-economic factors.

² ECB 2002, European Central Bank, Structural Analysis of the EU Banking Sector, Nov 2002, <http://www.ecb.eu>

2. E- business and electronic banking.

The new economy, also called e-economy, is the most frequently used term in economic and technical literature, discussions of scientists, businessmen and politicians beside globalization and information technology society.

Considering economy as knowledge-based is the most adequate to the contemporary trends in the economic processes. Innovations in the advanced technology and globalization of worlds. markets changed our economy to such extent that we are forced to think and act in a different way in it. It is connected with searching for new sources of quick growth, making structural changes in the development of information technologies, and above all, quick commercialization of the Internet.

Therefore, the new economy, also called cyber- economy, constitutes a new paradigm of business. On this virtual market E-business is a new form of an exchange of resources by means of information technology systems and internet technologies, conducted on-line through electronic connections and an information exchange by use of electronic multimedia such as Internet, cable and satellite television, telephony, electronic cards, Intra and Extranet at the national and international level. It consists of electronic trading, business intelligence and technological capacities to self-service business processes conducted. For that reason e-business is a new source of speed, innovation initiatives, efficiency and new ways to create values in the organization (see Fig.1).

The development of electronic business takes place in phases. In the first phase the Internet is web enabled to conduct activity, whereas in the second one business is web based totally. The fact to which phase countries belong to depends on the internet infrastructure and communication channels they have. Europe comparing to the USA is backward about two years and it is still in the phase of building infrastructure.

Electronic business is of particular importance in the finance sector. It comprises both a scope of customer service and a transfer of funds and mutual co-operation of institutions. Necessity to introduce comprehensive electronic business results from, among others, a level and scope of competition present on world financial markets nowadays.

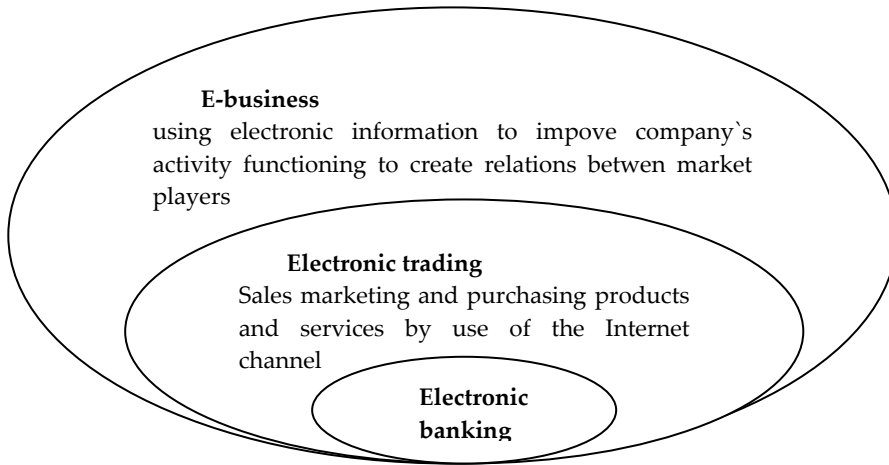


Figure 1 Relationships between e-business and electronic banking

Banks wanting to maintain an appropriate position on the market face challenges which force them to use solutions increasing effectiveness of their activities. In this system of market forces even commercial networks offering their own credit cards and financial institutions not having a status of a bank, but offering less expensive services of the same kind constitute a threat and competition for banks.

Information and communication technologies (ICT) can be used in any type of bank activity and they are the main factor of changes in the whole sector of financial services. In that economic situation only those banks, which will use different distribution channels and variety of services and modern technological solutions will be basis of their long-term strategy, will achieve success. Problems of electronic economy became a key element of initiatives undertaken by European Union within the framework of the Lisbon Strategy. The main aim of the Lisbon Strategy, within the e-Europe initiative accepted in Seville in July 2002, is to transform the European economy to 2010 into the most competitive world's knowledge-based economy.³ One of the assumptions of the strategy is to make electronic

³ eEurope 2005 : *An Information Society for all*; 21/22 June 2002, P.7 [http://europa.eu.int/information_society/eeurope/news_library/documents/eeurope2005/eeurope2005_en.pdf]

banking development more dynamic - a fundamental factor to create an integrated European market of financial services. It is possible due to liberalization of the telecommunication services market, what will have an advantageous influence both on development of this sector and development of electronic services rendered by the banking sector.

3. E-banking development in Candidate Countries and new member states

Banking sectors in the transition economies of Eastern Europe and Former Soviet Union have experienced major transformations throughout the 1990s. In the pre- and early-transition periods, state policies generally distorted resource allocation, as credit (subject to a variety of controls) was directed toward sustaining existing industries and maintaining living standards through explicit and implicit subsidies to enterprises and households.

Since the primary role of the banking system was to channel funds to the real sector, efficiency and profitability were not among the top priorities. The banks were not engaged in evaluating the credit conditions of their borrowers, and therefore no risk management techniques were in use.

Old statistical standards were designed to serve the objective of easy planning as opposed to disclosure of the true financial state of banks. The Bank for International Settlements in Survey of e-money and internet and mobile payments report on level to which Internet banking services are offered shows that the vast majority of banks see electronic delivery channels as a must for their industry. Banks fighting for an important part of the retail market believe they have to offer such services as an essential marketing tool.

Adoption of Internet services in CCs is reported to be low⁴ (Gourova, 2002), with some exceptions such as Estonia.

⁴ Gourova E., Burgelman J.C., Bogdanowicz M., Herrmann C., Information and Communication Technologies, European Commission Joint Research Centre (DG JRC) Institute for Prospective Technological Studies, [<http://www.enlargement.jrc.es>]

Table 1: Status of e-banking development in Candidate Countries and new member states

Bulgaria	Some banks offer home banking (or telebanking). The system ePay.bg is designed to facilitate payments over the internet using debit cards with the logo of the national card operator BORICA and/or international credit cards.
Cyprus	Internet banking facilities are at a very early stage of development in Cyprus. Such facilities are limited to account information and transfer of funds and are not widely used.
Czech Republic	Some banks in the Czech Republic offer various remote banking services to their customers. These schemes operate via remote access to the customer's account. At this time the central bank has no details about these many different schemes.
Estonia	Today all seven commercial banks offering banking services in Estonia have their own internet banking facility, and the use of internet banking has increased year by year and reached 23% in terms of volume of all non-cash credit transfers after the first half of 2003.
Hungary	Many banks provide services through the Internet, with different levels of quality and content of the services; There are already different mobile banking services in operation.
Latvia	Over the past few years, most banks have started to offer online services. Banks are increasingly offering home banking, Internet-based and phone-based banking to customers. In 2000 WAP banking applications were launched, and are currently offered by some banks.
Lithuania	Until now internet payment schemes have been introduced only by banks. Most of the domestic banks (nine out of 10) and to a lesser extent branches of foreign banks (one out of three) have developed internet payment schemes
Malta	Electronic (Internet/PC) banking is gaining ground as a result of the introduction of web/remote account access by one of the credit institutions, allowing access to account related information and sending payment instructions.
Poland	There are, however, pilot programmes under way to develop chipcard technology in regional areas, for instance at a university, in a small town, and for ski lifts, parking meters and public transport.
Romania	In Romania there are 13 banks offering internet banking applications, 16 banks offering home banking applications and three banks offering mobile or phone banking applications.

Slovakia	Home banking, Internet banking and mobile banking are provided by all major banks.
Slovenia	Most of the commercial banks are using electronic banking to enable customers to monitor and manage the funds on their accounts. Some solutions use the internet, while others are based on private network infrastructure.
Turkey	Most Turkish banks provide internet and telephone banking services which enable their customers to perform most of the operations that can be done at branches.

Source: Committee on Payment and Settlement System, *Survey of e-money and internet and mobile payments*, march 2004

The analysis of this data indicates that Internet banking is offered by at least all the major banks in most of these CCs. However, sophistication of services is expected to differ according to country and bank. Furthermore, mobile/WAP banking applications are either already offered or in the process of development in all countries listed except for Malta and Slovenia.

Banks have adopted different strategies when incorporating Internet technologies into their services:

- creation of an Internet only bank;
- addition of Internet as a complementary distribution channel;
- a thorough restructuring of bank services production processes making use of new information and telecommunication technologies (including, but not limited to, Internet technology);
- creation of an Internet bank as a subsidiary of the bricks and mortar bank, with a new brand, targeting complementary consumer segments;
- or, creating an Internet bank as a financial supermarket or aggregator, moving away from the traditional vertically integrated model of financial product creation and distribution.

Although the Internet has succeeded in lowering the entry barriers, thus providing space for more competition, the issue of the prevailing business model is still under discussion .

In spite of the fact that online-only banking (banks selling services only through electronic channels, mainly the Internet, without physical

branches) has been less successful than was originally anticipated, with several online-only banks running into difficulties, incumbent banks also started offering financial services electronically. The threat of new entrants has led many banks to offer e-finance ranging from basic to fully integrated Internet services.

Customers preference seems to be for the “bricks and clicks” model, that is, conventional banks, with an established brand identity, that offer both online services and conventional multi-channel delivery, providing customers with a higher degree of comfort, convenience and security as compared with online-only banks. Physical branches are still the channel most used for purchasing banking products). This limited percentage of banks selling online may be a response to limited consumer demand due to security concerns and therefore banks prefer to sell products through other delivery channels.

Generally speaking, statistics show that the trends of online banking contradict the prediction of fast massive diffusion of such services and the disappearance of traditional banking organisation. Consumer access and usage is making slow progress in retail banks. Consumers use the Internet as a complementary channel and continue to rely on branches and call centres, which are evolving towards providing more advisory and selling functions.

The consumer’s motivation to use Internet banking is influenced by a combination of elements such as freedom of time and space, speed, convenience, 24 hours a day availability and price incentives. The services most used are those that provide financial information: account information, loan and insurance rates, investment reports and advice. Other heavily used services are simple transactions such as bill payment and money transfer. Finally, the number of users of on-line trading functions and investment research and advice is lower and is expected to remain limited.

There is significant country variation in Internet banking penetration levels, and the differences are not clearly related to each country’s level of economic development. In some countries, both industrial and developing, Internet banking is in its infancy. Meanwhile, other countries have seen rapid penetration.

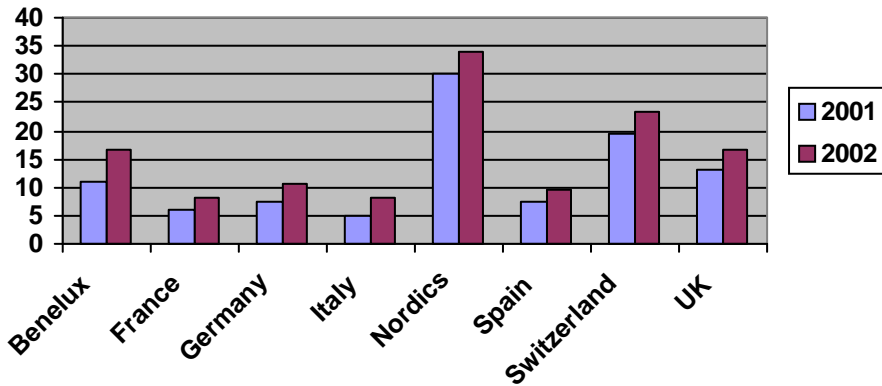


Figure 2 European Internet Banking penetration (% total pop)

Source: Datamonitor, Sep 2002;

In terms of penetration as a percentage of the total population, significant northern southern country variations are reported both by Datamonitor. Figure 3 shows that the Nordic region, Switzerland, the UK and Benelux are in the lead. Average penetration for the countries considered in Figure 3 is around 13% of total population.

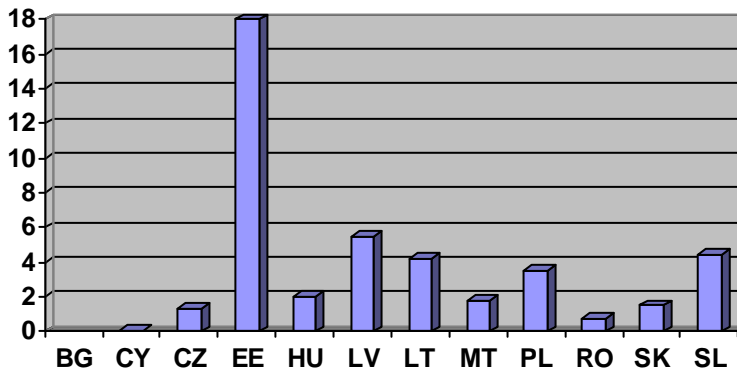


Figure 3 Estimate of Internet banking penetration (% total pop)

Source: ECB 2002b, 2001, MCTI

The above Figures illustrate that, in spite of the fact that most of the major banks offer Internet banking, the average adoption level is very low and far behind EU15 average. We also observe, as in the EU15, big disparities

between countries. While in Estonia, 18-25% of the population are already using I-banking (where Hansabank, with 70% of market share in 2003 reports penetration rates of 37% of bank customers), in Malta, Internet banking services were launched as recently as Dec 2002.

These big disparities in adoption levels between countries, both in EU15, EU 25 and CCs, its does not entirely depend on the economic development of a country, is rather an outcome of many factors influencing absorbing of these services but also of many barriers which arise in the context of new electronic technologies and related risks and illegal activities such as dirty money washing, selling non-existing bonds and hacker activities.

Hence, this issue being a very complex one should be analysed from three points of view, taking into consideration such factors as access technology and infrastructure related factors, sector-specific Internet banking factors and other socio-economic factors.

Factors connected with banking sector

Trust in the banking institutions is expected to be an underlying prerequisite for the development of financial services. As well as trust in the institution, confidence in the security of the systems, the way private data will be used by the banks and how consumer privacy will be protected would also play an important role.

E-banking culture factors relate to the range of e-services offered and level of consumer usage of electronic channels for interfacing with the bank, or habits, where time plays an important role in adoption. E-service examples are phone banking, electronic payment debit, credit and electronic purse cards to pay at retail outlets or POS, cash withdrawal machines, bank services kiosk machines, PC banking and more recently Internet, mobile and iDTV banking. Observation of countries with strong e-service penetration (Estonia) points at a potential relation between a strong penetration of electronic delivery channels, and the faster and wider adoption of Internet banking. These findings are in line with research results on the dynamics of Internet diffusion, which show that the extent to which users will exploit the Internet's potential is likely to depend upon existing patterns of usage of traditional media and upon the existing structure of consumption. Other research points at bank-specific factors such as bank cost-effectiveness (characteristic of banks which have already

established a large electronic channel base, measured by the private ATM density/customers) as having an important leverage effect on customer conversion to Internet banking.

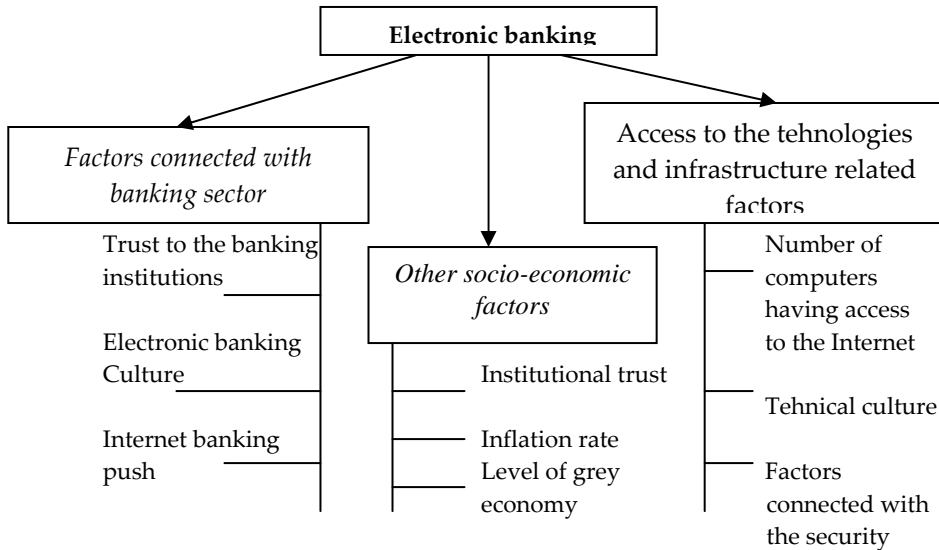


Figure 4. Factors influencing the level of market penetration in e-banking

Internet banking push factors aim at positively influencing adoption. They cover marketing and communication, service development, service quality, price incentives and the general 'push' attitude of banks towards consumers to use Internet banking, such as systematically subscribing all new customers to I-banking. Service related key success factors identified are service quality, reliability, availability, speed, usability, multi-channel distribution and the seamless integration of PC-based e-finance services with all the other delivery channels (branch, phone and mobile). Nevertheless, other factors such as low quality service at the branches, insufficient number of branches or high pricing of branch services have also been proven to stimulate the adoption of Internet banking, such as in Estonia.

Factors connected with technologies and infrastructures

Internet banking is not a killer application or sufficient incentive for consumers to acquire the necessary PC and internet infrastructure and skills to use this application. Consequently, it seems that the preexistence of PC and Internet access and literacy, either at home, at work, at university or at a public Internet Access Point (PIAP) would be a pre-requisite for Internet banking adoption. Similar, OECD research⁵, indicating a strong correlation (with logarithmic shape) between Internet penetration and I-banking, and, that countries with an Internet penetration of between 30 and 50% are likely to find themselves in the take-off phase for I-banking services.

A positive attitude to technology has also been reported as a factor for Internet and Internet banking adoption.⁶ Research shows that positive attitude seems to be developed through use, and that consumers who are familiar with Internet, have fewer security concerns. In line with this research, if we compare the number of payment transactions (a more risky operation) to the number of accesses (log-ons) we can observe an evolution over time towards more transactions, as services are used.

Furthermore, the overriding factor influencing e-finance in recent years seems to have been clients' concerns about security and safety. This trend is reported by a number of surveys in the EU15, in the US, UK and Italy. Similarly, in CCs and NMs, consumer security concerns are reported as major barriers for Internet banking adoption by several banks.⁷

Other socio-economic factors, are likely to influence PC/Internet penetration levels, the degree of usage of banking services in general and the adoption of Internet banking in particular. These also need to be considered for a wide view of the supply/demand dynamics:

- A low degree of trust in institutions can increase privacy concerns when using Internet banking services;

⁵ Christiansen, H. "Electronic Finance: Economics and Institutional Factors", OECD Financial Affairs Division Occasional Paper No. 2, 2001; www.oecd.org/pdf/M00022000/M00022825.pdf

⁶ Kerem, K. "Internet banking in Estonia", Case study for the Estonian e-readiness project, PRAXIS Center for Policy Studies, Tallin; Forthcoming in 2003

⁷ Gourova E., Burgelman J.C., Bogdanowicz M., Herrmann C., *Information and Communication Technologies*, European Commission Joint Research Centre (DG JRC) Institute for Prospective Technological Studies, [<http://www.enlargement.jrc.es>]

- Low household income levels could be a barrier to PC/Internet penetration at home;
- High inflation rate levels could reduce the degree of use of banking services (savings);
- The existence of a grey economy may reduce the potential of financial services.

4. Conclusion

In spite of the long-term profitability challenges, most major banks in EU15 and in CC have invested and are still investing in providing Internet banking services as a new cost-effective delivery channel, driven by cost reduction, market share increase and customer retention targets. Datamonitor estimates that spending on Internet banking technology will increase up to 2005.

Although developments in new technologies such as mobile banking and iDTV banking are taking place, a slow down is expected on banks' investments in these new delivery channels due to lack of critical mass adoption and pressure on profitability.

In the CCs and NMs particularly, despite the weaker financial stability, less developed financial services and lower demand, the vast majority of major banks have invested and continue to invest in Internet banking technology, mostly driven by western private owners' cost-effectiveness targets and by competitive reasons.

Experience shows that Internet banking brings increased cost-efficiency and customer profitability leading to increased competition among banks and new products and services for consumers. In the context of a bank sector that will expand with expected increased competition, Internet banking could become instrumental in increasing both cost-effectiveness and value to consumers.

As PC/Internet access is a pre-requisite for Internet banking adoption, a major adoption barrier reported by different private-public actors in CCs is the low PC and Internet penetration in general, and particularly at home. Consumer security and privacy concerns are also reported as an important barrier, potentially aggravated by a post. In spite of marketing efforts to promote Internet banking services, significant sector-specific barriers for adoption are identified in CCs, mainly: lower institutional trust in banking actors, lower development and use of financial services (estimated as 50%

at most of EU15 average) and lower development of e-banking culture (except for Estonia, Slovenia and Malta).

To protect banks against business, legal and reputation risk, e-banking services must be delivered on a consistent and timely basis in accordance with high customer expectations for constant and rapid availability and potentially high transaction demand. The bank must have the ability to deliver e-banking services to all end-users and be able to maintain such availability in all circumstances. Effective incident response mechanisms are also critical to minimise operational, legal and reputational risks arising from unexpected events, including internal and external attacks that may affect the provision of e-banking systems and services.

At the end, we most not forget that E-banking can not only improve the access to finance, but also:

- allows access to finance with better and more competitive rates;
- use online banking as new delivery tools to improve access to finance and alleviate financial constraints;
- as a regulatory authority, focus on core principles and Baslecapital accord.

Sector-specific demand barriers observed in the I-banking case suggest additional potential policy options to stimulate the use of Internet-based services:

- Government institutions could increase the use, supply and promotion of electronic services. E-government, e-administration, e-health initiatives could stimulate the use of Internet services among the population, and the development of an e-culture and habit. As an example, government institutions' use of e-payment services for public purposes (salaries, taxation schemes, etc), may stimulate the adoption of e-banking services such as Internet banking by citizens and enterprises;
- Governments could encourage development of Internet services at post offices, which in most CCs and NMs play a very active role, with a high number of branches, in the provision of a variety of services, including financial services;
- In order to increase security and consumer trust, policy options could address elements such as consumer awareness and education, consumer privacy protection, consumer protection in cases of fraud or

technical problems (liability limitation) and easily accessible and cheap mechanisms for redressing disputes;

- The public sector, in co-operation with the private sector, could encourage the development of official statistics on Internet based services.

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LES EFFETS DES CHANGEMENTS ORGANISATIONNELS SUR LES REPRÉSENTATIONS PROFESSIONNELLES : LE CAS DE LA GENDARMERIE NATIONALE FRANÇAISE

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Abstract

The French national Gendarmerie has known notorious changes for a few years. These modifications are meant as well in terms of rationalization of the action and of the means as of legitimacy of the missions entrusted to the gendarmes. The transformation of this institution of State calls, consequently, with an analysis of the identity and professional representations due to these evolutions.

Les armées n'échappent pas au vaste mouvement de modernisation de l'Etat, de transformation puis de rationalisation des services publics¹. En un sens, les armées, depuis leur professionnalisation en 1996, ont été les promoteurs de cette transformation latente du rôle de l'Etat et de ses organismes. D'une façon générale, la professionnalisation des armées, si l'on accepte de faire d'elle le catalyseur ou l'accélérateur d'une modification profonde de l'institution militaire, est l'occasion de problématiser la spécificité des métiers militaires, d'interroger la nature du fonctionnement de l'institution et de ses missions. De fait, les transformations de l'organisation militaire offrent une occasion de poser une problématique centrale et peu investie en sociologie militaire : celle de la comparaison et du positionnement social du métier militaire ; de l'accession aux sentiments de justice, d'équité et de convenance liés à l'exercice de ce métier. Trop souvent perçu ou conçu, sans doute de façon un peu caricaturale, comme relevant d'un sacerdoce ou d'une vocation, le métier militaire, en tant que tel, n'a que rarement donné lieu à une

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¹ Les effets de ces transformations sont multiples. Concernant les conséquences sur le management et sur la gestion des ressources humaines, voir : Albanel & CFMD (dir.), 2004.

interrogation qui vise à comparer ce secteur professionnel à un autre ou à des autres. Tout fonctionnait comme si la condition de militaire était en elle-même suffisante pour justifier de l'identité professionnelle, voire personnelle², sans même se soucier de jeter un regard comparatif sur ce qui se faisait à côté. Il est vrai que les statuts militaires³ enserrent le soldat dans un cadre juridique qui n'offre pas de comparaison évidente. Parmi l'ensemble du ministère de la défense, il ne semble pas alors étonnant⁴ que la gendarmerie nationale soit la première institution à se poser cette question des représentations professionnelles liées à l'exercice du métier, des avantages et contraintes du métier, de la comparaison sociale inter et intra sectorielle. Il est vrai également, à décharge des autres armées, que la gendarmerie nationale jouit d'un miroir comparatif national (en l'espèce la police nationale) tandis que les armées classiques n'entrevoient la comparaison sociale que sous une unique dimension internationale. Une étude⁵ se donne pour objets d'analyse les modèles de réussite sociale⁶ en vigueur dans la gendarmerie nationale et l'évaluation des avantages, contraintes et risques inhérents au métier.

² Surtout s'agissant des militaires de carrière.

³ Les nouveaux statuts du militaire sont entrés en vigueur le 1^{er} juillet 2005. Cf. Ministère de la défense, 2005.

⁴ La gendarmerie est, en effet, la seule institution de la défense à avoir publiquement manifesté son mécontentement, au moins à deux reprises dans les deux dernières décennies. Une première fois en 1989 où les lettres anonymes et les manifestations des épouses de gendarmes témoignent des difficultés à accepter les rythmes de travail. Ce qui débouche sur des réformes organisationnelles : création des centres opérationnels de gendarmerie, instauration de périodes de récupération, ... Une seconde fois en décembre 2001 où des gendarmes se font porter pâle et manifestent pour dévoiler le manque de moyens nécessaires à la réalisation de leurs missions. Ces événements font de la gendarmerie une institution singulière au sein de la défense (outre ses missions) et ont contribué à « tendre » ses relations avec les autres composantes de la défense.

⁵ Etude commanditée et financée par le centre d'études en sciences sociales de la défense, réalisée grâce à l'aide additive du centre de prospective de la gendarmerie nationale : Claude Giraud (dir.), Sébastien Jakubowski, Jérôme Gervais, Isabelle Chapier, Catherine Picon, 2004. L'étude est téléchargeable sur le site du C2SD : www.c2sd.sga.defense.gouv.fr.

⁶ Un modèle de réussite sociale est une croyance dans la valeur de ce que des hommes et des femmes vivent et ont réussi à faire aux yeux de ceux qui partagent cette croyance. On peut supposer, à la suite des hypothèses théoriques de Max Weber relatives à l'existence de plusieurs niveaux et de critères de stratification comme le revenu pour la strate économique, le prestige pour celle du social et le pouvoir pour la sphère du politique, que plusieurs modèles de réussite sociale existent.

Sur le plan de la méthodologie empirique, l'équipe de sociologues a croisé plusieurs méthodes qualitatives : les entretiens individuels, les entretiens collectifs en groupes, l'expérimentation sociale, les questionnaires qualitatifs et l'observation non participante d'une brigade de gendarmerie départementale. Entre décembre 2003 et avril 2004, une centaine de gendarmes, départementaux et mobiles, de tous grades, ont été rencontrés. Les gendarmes mobiles ont été interviewés dans une autre région administrative que les départementaux.

Nous avons choisi de ne présenter, dans le présent article, que les principaux résultats de l'enquête sur la gendarmerie départementale qui nous semble être la subdivision la plus affectée par les changements organisationnels⁷.

Pour expliciter en quelques lignes les résultats essentiels sur la gendarmerie mobile, l'enquête a mis à jour des questionnements portant sur la légitimité de l'organisation quant à sa nature, à son rôle et à ses missions⁸. Les gendarmes mobiles, cultivant une proximité certaine avec le monde militaire, les valeurs masculines et la force qu'il incarne, sont particulièrement sensibles aux incertitudes d'emploi et de statut⁹ tout en émettant un certain désir à l'égard de la participation aux opérations extérieures françaises¹⁰. En conséquence, le cloisonnement certain du monde de la gendarmerie mobile¹¹ oriente les comparaisons sociales et

⁷ C'est aussi la subdivision d'arme la plus importante de la gendarmerie nationale. En 2003, plus de 63% des effectifs militaires étaient affectés en gendarmerie départementale contre 18,3% en gendarmerie mobile, le reste se distribuant dans les autres subdivisions (source : Ministère de la défense, 2003). En 2004, la gendarmerie comptabilise au total 97 864 militaires, volontaires inclus (source : OSD, 2005).

⁸ Les gendarmes mobiles sont souvent déployés par précaution, pour prévenir les événements ou « au cas où » comme ils le formulent eux-mêmes. Une question essentielle se pose alors, question que les gendarmes ont formulé de façon récurrente : comment attester de l'efficacité d'une organisation qui est peu employée ? Il faut néanmoins admettre que les émeutes en banlieues en octobre et novembre 2005 ont ravivé la mobilisation des gendarmes mobiles même s'ils ont, parfois, été tenus en réserve des forces CRS.

⁹ Incertitudes qui ont pesé un temps à l'occasion de la réforme des retraites et du statut général des militaires.

¹⁰ Les gendarmes ont en effet été régulièrement déployés à l'étranger : Kosovo, Haïti, ... La participation à ces opérations fait partie des facteurs de la reconnaissance professionnelle.

¹¹ Même s'ils participent dorénavant aux côtés des gendarmes départementaux aux missions de surveillance générale, ils ne sont pas de façon constante en prise immédiate avec la population civile.

professionnelles des gendarmes mobiles dans deux principales directions. D'un côté, la comparaison par l'activité professionnelle avec les compagnies républicaines de sécurité. De l'autre, la mobilisation des valeurs et des normes du monde militaire. Il est loisible de remarquer, toutefois, une impossibilité latente des gendarmes mobiles à se comparer à d'autres secteurs professionnels, extérieurs à l'institution militaire et avec lesquels ils ne partagent pas un type d'activité commune. Cette impossibilité est interprétée comme un signe supplémentaire d'une vie « entre soi¹² » qui est sujette à la création de normes sociales plus amples que la stricte dimension professionnelle. Il s'agit là d'un point de distinction évident avec les gendarmes départementaux qui, eux, ont fait part de vecteurs de comparaison très éclatés.

Nous verrons dans une première partie que l'institution gendarmerie cède pas à pas la place à l'organisation gendarmerie et que ce passage induit, dans une seconde partie, un basculement dans la relation qu'entretiennent les gendarmes à leur organisation et à leur activité professionnelle. Enfin, dans une troisième partie, nous montrerons que le bousculement de ces référentiels altère l'intégration et la construction de l'identité professionnelle.

1 : Une institution en changement où pointe l'organisation

L'analyse sociologique prend les institutions comme point d'appui à une lecture du social. Ainsi que le rappelle Karl R. Popper, la sociologie s'intéresse au premier chef aux institutions sociales¹³. Mais le terme même d'institution appelle à des confusions importantes dans la mesure où l'usage terminologique est diffus et éclaté. Le terme renvoie à des réalités sociales extrêmement variées¹⁴. Longtemps, les réalités sociales renvoyant aux institutions et aux organisations ont été confondues. L'émancipation de l'analyse organisationnelle, en France particulièrement, a contribué à une esquisse de dissociation des deux réalités sociales. Aujourd'hui, s'inspirant de la lecture durkheimienne ou foucauldienne des institutions, des auteurs

¹² Accentuée par les attentes dans les bus, le mode de vie et les absences fréquentes du foyer.

¹³ Karl R. Popper, 1956, p. 30.

¹⁴ « Le terme d'"institution sociale" est employé ici dans un sens très large, comprenant les organisations de caractère privé aussi bien que public. » Karl R. Popper, *ibid.*, p. 68. L'auteur note d'ailleurs que peu d'institutions sociales sont élaborées.

comme François Dubet, Jean G. Padioleau ou Claude Giraud ont théorisé cette dissociation. François Dubet défend même la thèse que toutes les organisations ne sont pas des institutions, c'est-à-dire qui n'engendrent pas une forme particulière de socialisation, et que la croissance et la complexité des organisations participent de l'effritement des institutions¹⁵. Les sociologues du militaire se sont également penchés, sous d'autres acceptions, sur l'évolution et la transformation des institutions militaires. Pour Charles C. Moskos, l'institution militaire, qu'il analyse par l'entremise du paradigme américain, tend à évoluer d'un modèle institutionnel vers un modèle industriel ou occupationnel. Cinq dynamiques de changement expliquent, selon l'auteur, la période de transition des armées depuis la fin de la guerre froide : la croissance de l'interpénétration structurelle et culturelle des univers civil et militaire ; la réduction des différences entre le service des armes et le combat ; la modification des missions confiées aux forces armées ; une utilisation accrue des armées sous mandat international plutôt que sous l'autorité des Etats-nations ; l'internationalisation des forces militaires elles-mêmes. Evidemment, cette analyse de l'institution militaire en terme de banalisation ou de convergence avec d'autres organisations civiles a été critiquée¹⁶. Cependant, ces critiques ont montré combien la spécificité professionnelle militaire imposait d'analyser les armées comme un univers institutionnel à part entière, faisant ainsi de la banalisation, une convergence plus relative qu'absolue.

La thèse que nous défendons ici, suivant en cela les analyses de Dubet et de Moskos, est que les armées, plus précisément la gendarmerie nationale, connaissent des mutations organisationnelles¹⁷ qui font transparaître le masque de l'organisation devant l'institution¹⁸. Précisons, à ce stade, qu'il est ici question de l'évocation d'une transformation de l'univers social mais non de la recherche d'une distinction césurée entre

¹⁵ François Dubet, 2002, p. 23.

¹⁶ Bernard Boëne, 1987. Pascal Vennesson, 1998.

¹⁷ Nous pensons notamment à la spécialisation des services (exemples des sections de recherche ou des brigades de prévention juvénile), à la place centrale et très bureaucratique des procédures et des comptes-rendus que les gendarmes doivent satisfaire sur le terrain. Ajoutons, enfin, que la gendarmerie, avec la professionnalisation des armées, a connu une évolution inverse à celle de ses consocuteurs puisque ses effectifs ont augmenté de 5% depuis 2002 (source : OSD, *op. cit.*)

¹⁸ Michel Lhoste, 1973.

deux univers qui seraient mis l'un face à l'autre. Pour preuve, la gendarmerie nationale est toujours une institution. Le problème qui se pose à elle est que la lecture de la gendarmerie selon les principes et les représentations de l'institution ne va plus de soi. Car le squelette de l'institution est rendu friable, ce qui impose de mobiliser d'autres variables et d'interroger la gendarmerie sous les angles de sa désinstitutionnalisation ou, au contraire, d'une forme nouvelle de réinstitutionnalisation.

A : Les raisons du glissement

C'est l'institution gendarmique qui crée les conditions d'exercice du métier par les règles, les contributions et les rétributions, le symbolique et les missions, la division et la répartition du travail. C'est pourquoi, l'analyse des relations professionnelles et des rapports sociaux au sein de la gendarmerie ne peut s'effectuer que par un détour par les pratiques de travail des gendarmes. Ce qui est ainsi mis en avant est la coexistence de liens sociaux au sein de la gendarmerie qui ne relèvent pas de la même nature. Dans l'institution, le lien social se construit autour de la communauté¹⁹ alors que dans l'organisation, le lien social se construit autour de la transaction et de liens marchands²⁰. Ce passage de l'institution à l'organisation explique ainsi que, d'un côté, des gendarmes se repèrent selon des valeurs empruntées aux rationalités de l'institution gendarmerie (servir, assister) tandis que d'autres se réfèrent plus volontiers aux rationalités de l'organisation gendarmerie (produire, être efficace) et se considèrent ainsi comme des salariés.

« Le terme d'engagement est important, il dénote une certaine motivation, un choix, une sorte de vocation. Quand on rentre en gendarmerie, on

¹⁹ Par commodité, nous nous rangeons derrière la définition que donne Louis Moreau de Bellaing (1990, p. 87) de la communauté même si cette définition peut donner lieu à discussions. « La communauté est tout autant une foule temporairement ou durablement unie par une croyance : la communauté des fidèles, celle des croyants qu'un rassemblement imprécis d'individus et de groupes porteurs d'idéaux et mus par des comportements supposés communs. » Pour une critique du concept de communauté en sociologie, cf. François Guérin, 2004.

²⁰ Sur ces questions, voir Claude Giraud, 1999. Notamment les tableaux synthétiques où l'auteur détaille les quatre formes du social que sont le collectif, le communautaire, le transactionnel et le commun (pp. 55-56).

calcule tout car ce n'est pas si évident que ça, il faut avoir quelque part une vocation. »

Gendarme (F), 42 ans, état-major, célibataire, entrée en gendarmerie en 1981, a servi 17 ans en brigade.

Ce témoignage montre que l'engagement vocationnel peut être structurant de l'identité professionnelle par les valeurs qui le supportent. Mais cette image classique de la gendarmerie est mise en balance avec d'autres logiques.

« Il faut en finir avec cette idée du sacerdoce et de la vocation. On entre dans la gendarmerie comme on entre dans les ordres pour les anciens. C'est pas ça pour nous... On fait notre boulot comme d'autres le font ailleurs, c'est tout... On regarde notre feuille de paie et nos responsabilités et on voit qu'on nous prend pour des cons. Moi je ne veux pas avoir affaire avec des gendarmes lorsque je suis en vacance et en repos... Je ne vis à la caserne que lorsque je suis de permanence, ma famille vit à l'extérieur, ça veut pas dire que je suis pas proche des gendarmes avec qui je travaille, je me sens comme eux, je suis solidaire mais je veux pas qu'on me dise comment vivre quoi ! »

Gendarme, 28 ans, brigade territoriale.

Ce gendarme rend compte du hiatus problématique au sein de cette institution où le support institutionnel est tiraillé entre une représentation solidaire et collective du métier et une relation d'intérêts qui lie des salariés à leur organisation en limitant leur contribution aux frontières exigées de l'action.

La gendarmerie nationale est donc traversée de bouleversements dans les représentations²¹ que les salariés ont de leur activité professionnelle,

²¹ Les représentations sociales et professionnelles sont : « des définitions partagées par les membres d'un même groupe [qui] construisent une vision consensuelle de la réalité pour ce groupe. Cette vision, qui peut entrer en conflit avec celle d'autres groupes, est un guide pour les actions et les échanges quotidiens. » Et encore : « La place, la position sociale qu'occupent [les individus], ou les fonctions qu'ils remplissent, déterminent les contenus représentationnels et leur organisation, via le rapport idéologique qu'ils entretiennent avec le monde social, les normes institutionnelles et les modèles idéologiques auxquels ils obéissent. » in Denise Jodelet (dir.), 1997 (1989), p. 52 et p. 67.

dans les jugements d'équité et de convenance qu'ils portent sur la hiérarchie et sur le système de contributions / rétributions²².

L'émergence de l'organisation se comprend comme une rationalisation des moyens et des objectifs de la gendarmerie nationale. Le redéploiement des brigades, la redéfinition du rôle des états-majors, la mobilité hiérarchique, la rationalisation des parcours de sociabilité (les expériences différenciées et l'éclatement de l'identité professionnelle), les incertitudes sur le statut et les missions, la possibilité d'exprimer oralement des points de vue face à la hiérarchie sont autant de facteurs explicatifs de la transformation de la gendarmerie. Car l'organisation de la gendarmerie connaît des bouleversements importants et ceux-ci affectent le statut de la règle au sein de la gendarmerie. Dans une institution, les règles se légitiment par les missions et un référentiel commun axé sur les mythes ou le sacré. Dans une organisation, au contraire, les règles relèvent de procédures dans la conduite de l'action et d'un accord tacite entre les individus au travail²³. Nous trouvons alors une source d'explication aux manifestations des gendarmes de 2001. Il y est question est de la discussion des règles au sein de l'organisation, ce qui implique que l'institution ne constitue déjà plus un socle commun à tous les gendarmes ou traduit des représentations très différenciées.

B : Effets sur les modèles de réussite sociale, sur la profession

Le terme même de profession mérite d'être mis en discussion. D'ailleurs François Gresle²⁴ note que l'usage de ce terme est excessif lorsqu'il est appliqué à des militaires qui restent une durée limitée dans les armées. Bien que se distinguant des autres armées par le taux de rotation et de recrutement des personnels techniciens d'exécution²⁵, l'enquête a mis à jour des nouvelles stratégies apparentes dans la gendarmerie. Lorsque le cadre de référence des gendarmes est celui de l'institution alors ceux-ci

²² Des questions qui ne se posent pas véritablement lorsque le métier est considéré comme une vocation. Car si l'on entre « en » gendarmerie comme dans une institution, certains y « travaillent » comme dans une organisation plus ordinaire.

²³ Voir : Jean-Daniel Reynaud, 1997.

²⁴ François Gresle, mars 2003, p. 67.

²⁵ Il n'existe pas de militaires du rang dans la gendarmerie. Celle-ci est avant tout une armée de sous-officiers (4.2% d'officiers, 80.3% de sous-officiers et 15.5% de volontaires, source : OSD, *op. cité*.)

envisagent le métier de gendarme comme une carrière et sont particulièrement sensibles aux valeurs traditionnelles²⁶.

« Le commandant de brigade de l'époque avait toute l'initiative, il commandait. C'était un chef. Moi j'ai le souvenir de mon patron qui avait reçu la visite de son commandant de compagnie, donc le capitaine : un ancien chef de brigade, c'était quelque chose à l'époque, vous imaginez un capitaine ! C'était un seigneur quoi ! »

Major, commandant d'une brigade de recherche départementale, a intégré la gendarmerie en 1973, père de deux enfants.

Dans ce cas, la hiérarchie constitue un référent central dans la conduite de l'action et dans la réussite professionnelle. L'image du chef militaire s'impose d'autant mieux que les hommes ne contestent pas le pouvoir dont il dispose.

Mais, pour d'autres, le cadre de référence est celui de l'organisation. Ils se perçoivent alors comme des salariés contractant²⁷ avec une organisation, pour des raisons éclatées ; s'octroient la possibilité de faire défection et estiment recevoir un salaire en échange d'un travail. Il n'est pas évoqué par ces individus de système de croyances qui permettrait de dépasser le cadre contractuel et d'accepter les suggestions du métier. Car ceux-ci élaborent un rapport davantage marchand avec la gendarmerie nationale.

« Aujourd'hui, c'est chacun pour soi, ce n'est plus le même état d'esprit. Les jeunes ont changé de mentalité, ils sont beaucoup plus individualistes et ne connaissent plus la solidarité. A titre d'exemple pour les enquêtes judiciaires. Quand le soir à 19 h, on n'avait pas terminé, les collègues qui étaient tranquilles restaient avec nous et travaillaient avec nous. Maintenant à 19 h, celui qui est de quartier libre, il se barre et il ne s'inquiète pas de ceux qui restent. C'est dommage. »

Gendarme (F), 42 ans, état-major, célibataire, entrée en gendarmerie en 1981, a servi 17 ans en brigade.

Cet extrait d'entretien nous renseigne sur le fait que des gendarmes comptabilisent leur contribution à l'institution compte tenu des règles du

²⁶ Le service de la France et de l'Etat, la disponibilité, le drapeau...

²⁷ La notion de contrat est ici centrale et plus encore significative dans les autres armées.

travail. Ce qui a pour effet d'affaiblir le fonctionnement de celle-ci axée historiquement sur la disponibilité volontaire et sous-entendue. Ce qui pourrait être un indice de banalisation de la gendarmerie dans le sens où ces individus sont alors plus indifférents à leur organisation. Ils n'hésitent pas à généraliser le célibat géographique pour rompre avec le cloisonnement social de la caserne²⁸, ils respectent davantage les horaires légaux de travail et montrent une solidarité moins exclusive à l'égard de leurs collègues. Ces traits ont des conséquences sur les comparaisons sociales que formulent les gendarmes, ce qui prouve l'évolution de la culture professionnelle. Dans le référentiel de l'institution, les individus se comparent plutôt à ce qui leur est semblable, tandis que dans l'organisation, les individus étendent leur sphère de comparaison, y compris en dehors de la fonction publique et de l'Etat. Le prisme de l'activité nous a donc semblé essentiel pour discerner les représentations sociales et professionnelle des gendarmes. Car le métier, et nous rejoignons ici F. Gresle, plus que la profession, est porteur de sens.

2 : Les axes de transformation

L'entrée par les situations de travail est concordante puisqu'elle renseigne sur la pratique du métier et sur les liens tissés avec l'institution au travers de cet exercice. Il s'avère que le terrain²⁹ pour le gendarme départemental est le socle de son métier puisqu'à l'aune du terrain, il élabore des vecteurs de comparaison et mesure son degré d'appartenance.

A : De la polyvalence à la spécialisation

Le terrain est le lieu central de l'exercice de l'activité du gendarme départemental. Le terrain est le point de référence et le point de légitimation des missions puisqu'il est l'occasion de la présence et de la rencontre avec la population. Le terrain est le lieu où le gendarme se

²⁸ C'est-à-dire que les familles désertent parfois les casernes et que les gendarmes utilisent leur logement au sein de la caserne de façon fonctionnelle compte tenu des sujétions de leur activité professionnelle.

²⁹ Le « terrain » désigne chez les gendarmes départementaux le service dans les brigades, l'action auprès de la population civile, l'incertitude de l'événement. La mention du « terrain » intervient en opposition aux états-majors ou aux services centraux qui sont, selon les gendarmes du terrain, déconnectés de l'urgence et du risque associés à l'activité de terrain.

confronte au risque, est le lieu d'apprentissage et d'application des savoirs. C'est encore, évidemment, le lieu traditionnel de l'exercice du métier. Sur le terrain, le gendarme est amené à gérer, à traiter et à résoudre une somme conséquente de problèmes variés et divers. Le gendarme se doit donc d'être polyvalent et de réagir à l'imprévu. Il est aisé de comprendre alors la centralité de ce lieu puisqu'il s'y opère une confusion certaine entre le lieu de l'activité et le métier. Polyvalent³⁰, le gendarme l'est à coup sûr. Mais cette polyvalence ne repose pas sur une formation nette du gendarme. Le métier s'apprend en partie sur le terrain, par l'acquisition de l'expérience et la transmission orale des savoir-faire.

« Pour moi, ceux qui sont le plus gendarme, ce sont ceux qui travaillent directement sur le terrain : quelques soient les brigades, les brigades de recherche, tous ceux qui ont un contact véritable avec le terrain et qui doivent toucher à tout. »

Gendarme (F), 42 ans, état-major, célibataire, entrée en gendarmerie en 1981, a servi 17 ans en brigade.

Servir sur le terrain, c'est-à-dire en brigade, jouit d'une forte reconnaissance professionnelle car le terrain associe les capacités d'adaptation, d'apprentissage et de restitution des savoirs. Or, ces dernières années, la gendarmerie a procédé à la mise en place progressive de structures accroissant la spécialisation des tâches du gendarme. Les pelotons de surveillance et d'investigation, les brigades de prévention juvénile, les cellules de recherche font des gendarmes qui y travaillent des individus spécialisés, apparaissant comme des « centres de ressources » agissant au service des « besoins » que font remonter ou que sollicitent les brigades territoriales notamment. De même, les carrières à dominante évoquées pour les officiers semblent correspondre à cette dynamique de standardisation des savoirs et de spécialisation. D'ailleurs, lorsque les gendarmes travaillant dans ces structures sont interrogés, ils décrivent (en comparaison, généralement, de leur expérience antérieure en brigade territoriale) leur sensation d'être davantage gendarme, c'est-à-dire de pouvoir exercer plus sereinement leur métier en suivant les dossiers, en se

³⁰ Il exécute des missions de surveillance générale, des enquêtes judiciaires, des contrôles routiers, des permanences, des règlements de litiges,... Autant de postes qui nécessitent la maîtrise d'éléments de savoirs juridiques ou de savoir-faire précis.

concentrant sur leur cœur d'activité sans avoir à se déconnecter par l'urgence du terrain.

« Aujourd'hui, il faut se spécialiser pour faire correctement son travail. En brigade, on est bouffé. Dans les pelotons autoroute par exemple, le service est programmé. En brigade, il y a l'événementiel, tout ce qui arrive à la brigade que le commandement ne peut pas prévoir. C'est le cas type des transfèrements. On sollicite les unités et ça défait tous les plannings du commandant de brigade. C'est très déstabilisant pour l'unité et pour la personne. Le personnel qui reste doit quand même faire le travail. En brigade, il faut savoir tout faire un petit peu sans faire les choses jusqu'au bout. C'est de la quantité et non de la qualité. On est médecin de campagne... Dans les brigades plus importantes, on se spécialise un petit peu en fonction de ce que les gens aiment bien faire. »
 Adjudant, adjoint au commandement de brigade, marié, 2 enfants.

La diversité des demandes formulées aux gendarmes, les procédures à respecter et leur complexité appellent à cette spécialisation nécessaire.

C'est alors que se joue la modification de la représentation que se font les gendarmes de leur métier et donc de leur identité professionnelle. Car la gendarmerie procède d'une manière équivalente aux autres armées françaises qui se professionnalisent. La professionnalisation de la gendarmerie enclenche une logique de spécialisation qui conduit à séparer le métier de gendarme de l'activité de gendarme³¹. Désormais, tous les gendarmes ne font plus le même métier, n'exercent plus dans les mêmes conditions, ne sont plus soumis aux mêmes contraintes professionnelles et de vie privée. C'est en ce sens que le lien communautaire se fracture au sein de la gendarmerie. Ce qui fait sens dans l'institution est l'activité en ce qu'elle regroupe tous les individus derrière un même exercice professionnel et produit une solidarité forte. Dans l'organisation

³¹ Le métier est un concept qui offre de rattacher directement l'exercice du travail à un cadre organisé, c'est-à-dire une organisation du travail exigeant une soumission à l'ordre, induisant une forme de contrôle social et déterminant des règles d'entrée et de sortie dans le cénacle de l'exercice de ce métier (cf. Milly, 2001, p. 26). Cette déconnection entre métier et activité dans la gendarmerie conduit à rompre l'homogénéité des liens avec l'organisation et à faire que les gendarmes portent un intérêt plus grand à leur activité concrète plutôt qu'à l'institution qui les supporte. Par activité, nous entendons ainsi ce que font concrètement les gendarmes au quotidien.

rationalisée, les spécialistes entrent en scène et brouillent l'identité professionnelle. Dès lors que le métier, plutôt que l'activité, devient le socle de cette identité, ce sont non seulement les représentations professionnelles qui évoluent mais encore les comparaisons sociales.

B : Du communautaire au transactionnel

Les transformations de l'institution sont l'occasion d'interroger les raisons du vivre ensemble, du vivre avec, du partage du travail et du lien social construit par les individus et par l'institution même. Toute forme d'organisation implique en effet une construction sociale et induit une mise en relation typique. Mais cette mise en relation imposée n'induit pas une automaticité dans la création des liens sociaux et professionnels. Le fait que les gendarmes partagent ensemble le même environnement de vie et de travail (il y a fusion des deux) n'implique pas une mise en solidarité des individus et la création de liens puissants. De par le partage des lieux de vie, de par le cloisonnement certain des gendarmes à l'égard de l'extérieur, ceux-ci entretiennent traditionnellement des liens forts de type communautaire.

« C'était inconcevable, c'était vraiment clos. Un gendarme, lorsqu'il avait fini sa journée de travail, rentrait chez lui à la caserne et c'était clos. C'était mal vu de parler à d'autres gens civils. »

Adjudant-chef, 55 ans, brigade territoriale, entré en gendarmerie en 1970, a servi 3 ans en gendarmerie mobile puis en brigade.

Cette représentation d'une vie autarcique met à jour les caractéristiques de la communauté gendarmique. La communauté se caractérise, sous un support institutionnel, par des normes spécifiques, une activité sans réel équivalent, un partage collectif puissant (de la douleur, des épreuves et des symboles), par une loyauté entretenue par des rites, par une dépendance intuitive à l'égard de l'organisation. Si la gendarmerie répond historiquement à ces caractéristiques, c'est que les membres partagent les valeurs d'engagement, les fondements et l'utilité de leur action, une solidarité voire une camaraderie entre eux. Dans les brigades territoriales, la figure du commandant de brigade, véritable père manager, apparaît essentielle dans la mesure où celui-ci ne se cantonne pas à un rôle de

distribution du travail mais, en outre, a une influence significative sur le fonctionnement de la communauté et la vie de ses membres.

« Le commandant de brigade, c'était un chef à notre époque. Je ne dis pas qu'il avait droit de vie et de mort sur son personnel, mais il faisait ce qu'il voulait. Le service devait être programmé la veille à 18 h pour le lendemain. Je me souviens d'un vieux CB, à 17 h 50, il avait sa feuille cachée, le stylo à la main, il était en train de programmer son service. Si on rentrait dans son bureau, il nous faisait signe de sortir. A 18 h 01, la planche était accrochée et il se barrait par une porte de derrière pour ne pas avoir à l'expliquer et seulement là, on s'apercevait que l'on était en repos le lendemain. »

Adjudant-chef, brigade territoriale.

Cet extrait nous délivre l'image de la gendarmerie d'une autre époque. Or, il apparaît que les dysfonctionnements de l'organisation, le repositionnement de l'institution sur le secteur de la sécurité publique en France (traversé de réformes et de mesures incertaines de rationalisations) conduisent les membres de la gendarmerie à reconsidérer leur identité professionnelle et leur appartenance à la communauté. L'évolution des raisons à l'entrée dans l'institution et l'individualisation interne des rapports sociaux sont encore un indice de cet effacement progressif de la communauté. Un clivage apparaît alors de façon évidente, clivage qui démontre bien notre thèse de la coexistence au sein de la gendarmerie des deux référentiels de l'institution et de l'organisation³².

Certains gendarmes se positionnent défensivement sur la conservation des valeurs de leur engagement tandis que d'autres préfèrent voir en la gendarmerie un moyen de subvenir à leurs besoins et entrent dans une relation marchande ou instrumentale avec la gendarmerie. Ces logiques de recomposition de l'organisation amènent les gendarmes à entamer une

³² Il s'agit ici de l'une des options relevées par Jean G. Padioleau lorsqu'il remarque que la trajectoire perverse de l'organisation déstabilise l'institution. La première option est une absorption de l'institution par l'organisation. La seconde est le maintien de certains éléments constitutifs de l'institution. La troisième est le respect de certaines niches par l'organisation assurée de sa domination. (Voir Jean G. Padioleau, 2002a, pp. 83-84). L'évolution de la gendarmerie semble accréditer en l'espèce la seconde option dans la mesure où l'organisation n'est pas triomphante et où les résistances de l'institution sont extrêmement puissantes.

mise à distance avec leur institution mais aussi à ne plus considérer de façon uniforme et univoque leurs collègues. Les premiers que nous pouvons nommer les traditionnels ne considèrent pas les seconds, que nous nommons les modernes, comme de bons gendarmes³³. Dans la communauté, les relations sociales se fondent par l'adhésion et la médiation de l'autorité tandis que dans le transactionnel³⁴, les individus composent avec le réel en érigeant des relations sociales plus ou moins durables (surtout moins exclusives) et en activant des règles de droit. Il n'est alors plus question d'un investissement total mais d'un investissement borné, délimité dans le temps et par l'action.

« Vous avez parfois vécu une situation qui est terrible, lorsque vous avez passé une nuit, une nuit sur le terrain. Vous rentrez, vous êtes k.o, crevé et puis, des fois, c'est vrai : choqué. Il y a certaines scènes, certaines images qu'il faut quand même voir ! Bon, vous avez fini, on rentre et le téléphone sonne : "est-ce qu'on peut savoir le nombre de litres de carburant que vous avez fait ce mois-ci, et vite, c'est urgent, urgent, c'est très urgent ?" Alors là, c'est terrible ! »

Adjudant-chef, 55 ans, brigade territoriale, entré en gendarmerie en 1970, a servi 3 ans en gendarmerie mobile puis en brigade.

Ce sont les pressions liées à la rationalisation de l'organisation qui contribuent également à modifier l'état d'esprit des gendarmes. Ceux-ci ont le sentiment d'être entravés par une logique instrumentale qui les amène à repenser leur investissement et, *in fine*, le sens de leur engagement.

Ainsi, dans le transactionnel, c'est la négociation qui s'impose comme forme de régulation des relations professionnelles et sociales. La

³³ Nous reprenons partiellement la typologie élaborée par Mohamed Madoui, 2002, pp. 19-23. Cette typologie est également héritée d'Eric de la Maisonneuve qui distingue deux tendances opposées qui concourent à la dévaluation et à la marginalisation du métier de soldat (2002, pp. 189-190). Les traditionalistes sont des militaires qui s'inscrivent dans la linéarité de l'histoire de la guerre et des armées. Tandis que les réalistes contribuent à une condamnation de l'armée classique ; ils apportent une nouvelle vision de la guerre et des armées.

³⁴ Pour une esquisse de définition de la transaction : « La transaction met en scène des acteurs tissant par leurs transactions des relations sociales plus ou moins durables mais activant en tendance les règles de droit dépassant la simple relation entre acteurs positionnés dans un espace social quelconque. » (...) « Toute transaction induit des coûts dont le sens ressort d'une logique de rationalité instrumentale certes mais qui est indissociable d'une participation des acteurs. » in Claude Giraud, *op. cité*, 1999, p. 26 et p. 28.

participation n'est plus alors tant l'expression d'une appartenance qu'une contribution calculée, négociée et assurée.

Les conséquences sur le mécanisme des comparaisons sociales sont alors apparentes.

3 : Logique du positionnement social interne et externe

L'existence de plusieurs mondes sociaux et professionnels au sein de la gendarmerie entérine la dimension kaléidoscopique de l'institution. Les césures internes, d'une part, l'importance du référentiel métier, d'autre part, témoignent de cette diversité sociale.

A : Des hésitations entre une indifférence hiérarchisée, une solidarité à géométrie variable et la loyauté

L'organisation de la gendarmerie est aujourd'hui traversée d'une double césure dans la ligne hiérarchique.

La première coupure partage la gendarmerie en deux mondes. D'un côté, le monde des bureaux, c'est-à-dire des fonctionnels qui sont perçus comme des fonctionnaires. D'un autre côté, le monde des opérationnels, c'est-à-dire du terrain et des gendarmes. Cette division fonctionnelle de la gendarmerie n'a cessé d'être confirmée par les entretiens menés en état-major et en brigade. Tout se passe comme si une partie de la ligne fonctionnelle, celle du sommet et des états-majors, était en partie délégitimée à force d'avoir généré des sentiments négatifs. Cette coupure fonctionnelle n'est pas en soi nouvelle dans la gendarmerie. Cependant, l'ouverture de la hiérarchie, une certaine libéralisation des relations hiérarchico-fonctionnelles dans la gendarmerie n'ont pas totalement annihilé ces sentiments. Les gendarmes des brigades dénoncent les écarts dans les rythmes de travail, les degrés variables dans la confrontation aux risques et une certaine standardisation de leur activité.

A cette première coupure, se greffe par conséquent une seconde coupure, hiérarchique cette fois. Les querelles de moyens automobiles, de moyens informatiques, du manque de formation, des disparités techniques entre les services symbolisent cette tension ambiguë. En effet, les sous-officiers expriment leur insatisfaction à l'égard du commandement, c'est-à-dire des officiers. Mais cette insatisfaction dissimule une envie qui brouille la lisibilité des modèles de réussite sociale à l'intérieur de la gendarmerie.

Car la hiérarchie est dans les institutions un modèle évident de réussite sociale, ce qui contribue à renforcer le ciment de l'institution. Or, dans la gendarmerie, la logique ne semble pas aussi automatique, ce qui brouille justement la distribution des cartes de la réussite et affecte le cours des relations hiérarchiques mêlées d'indifférence, d'envie et de rejet.

L'existence de ces divisions prend une connotation plus concrète lorsque les gendarmes départementaux évoquent la notion de risque. Le sentiment de risque est très présent chez les gendarmes dans la mesure où leur activité les amène à se confronter aux aléas et aux dangers potentiels de la scène publique. Ainsi, le sentiment de risque est à la fois un stimulateur professionnel pour les gendarmes et le symbole de l'existence de plusieurs mondes au sein de la gendarmerie.

« Et puis l'opérationnel est beaucoup plus exposé que le gars qui est dans les bureaux. On est exposé tous les jours, tous les jours, tous les jours au quotidien. On est exposé à un évènement que vous ne pouvez pas prévoir et que vous n'allez pas pouvoir maîtriser. On ne cherchera pas les raisons qui feront que vous n'avez pas pu maîtriser l'évènement, on vous reprochera de ne pas l'avoir maîtrisé. »

Major, 31 ans de carrière.

Le schisme fonctionnel se crée de cette exposition au risque et du rythme de l'activité professionnelle routinisée dans les bureaux alors qu'elle est imprévisible et incertaine sur le terrain. Il se répand alors l'idée chez les gendarmes de terrain qu'ils sont les seuls à être en prise directe avec le risque tandis que les gendarmes fonctionnels des bureaux ou leurs supérieurs n'y sont pas sensibles, voire sensibilisés. Ceci entraîne des incidences sur le sentiment d'être gendarme selon la place qui est occupée dans l'institution et renforce l'idée d'une solidarité variable dans la gendarmerie. Il est alors aisé de comprendre que la mise à distance de la hiérarchie, ou l'indifférence, par les gendarmes de terrain s'explique par un manque d'écho quant à ce qu'ils font. Autrement dit, les gendarmes de terrain éprouvent la sensation de n'être pas institutionnellement reconnus³⁵, ce qui les conduit à adopter des comportements plus mesurés,

³⁵ Voire même de n'être pas publiquement reconnus.

plus distants et à reconsidérer la valeur de leur engagement, voire de leur loyauté³⁶.

En effet, la loyauté est une colonne vertébrale des fondements de l'institution. Pour ceux des gendarmes qui se réfèrent à la notion d'institution, la loyauté est une valeur essentielle qui s'exerce sans faille. Et la critique de la hiérarchie n'est pas, *in fine*, contradictoire avec cette loyauté puisqu'elle participe de la volonté de faire progresser le fonctionnement de l'institution d'appartenance. Cependant, la transformation de l'institution en une organisation appelle à une modification substantielle de la valeur loyauté au sein de la gendarmerie. Aujourd'hui, les interpellations, les menaces de défection, les négociations dans les mutations géographiques démontrent l'émergence d'un rapport nouveau à l'institution. Et ce rapport nouveau se forge autant par la transformation de l'organisation gendarmique que par un éclatement et une extension de l'ouverture sociale des gendarmes qui n'ont plus l'institution pour unique entrée sociale³⁷.

B : Une intégration par le statut et une identification nouvelle par le métier

Le statut légal et social ne suffisent plus aujourd'hui aux gendarmes pour décrire leur identité professionnelle. Alors que dans l'armée de terre³⁸, par exemple, la nature ou la condition de militaire apparaissent pour beaucoup suffisantes à la description professionnelle et à l'identification sociale de l'individu, les gendarmes semblent, peut-être en raison des incertitudes³⁹ qui ont, un temps⁴⁰, porté sur leur statut, ne pas se cantonner à leur statut juridique qui est déjà une source d'éclatement des représentations. Ainsi, le gendarme peut travailler en brigade, en section de recherche, être

³⁶ Sur ces questions de loyauté, de prise de parole et de défection, cf. Albert O. Hirschman, 1972.

³⁷ Le centre de prospective de la gendarmerie nationale mène d'ailleurs des études pour mieux comprendre l'environnement social et familial des gendarmes. Car leur univers social s'est vivement amendé à mesure que les femmes de gendarmes ont accédé à un emploi (ce qui était auparavant stigmatisé dans cette institution) et à mesure que la gendarmerie s'est féminisée, transformant ainsi les conjointes en conjoints.

³⁸ Cf. Sébastien Jakubowski, 2005.

³⁹ Lors du rapprochement de la gendarmerie nationale, pour emploi, auprès du ministère de l'intérieur, dès mai 2002.

⁴⁰ Jusqu'à la nomination d'un général au poste de directeur général de la gendarmerie (en décembre 2004) et jusqu'à l'adoption des nouveaux statuts militaires en mars 2005.

mécanicien mais dans son activité, il est aussi tantôt militaire, tantôt assistant social au service des citoyens, tantôt fonctionnaire chargé de la sécurité publique,... Le côté protéiforme du statut du gendarme, cette coexistence de formes variées d'appartenance à l'organisation et de reconnaissance dans les missions entretiennent la diversité des sources de production de l'identité professionnelle. L'hésitation de l'organisation entre plusieurs rationalités (servir, produire, être efficace) est le résultat de cet ancrage professionnel multiple. C'est également ce qui explique qu'il n'y ait pas de consensus interne quant au positionnement social. En effet, la construction de l'identité professionnelle est sujette à la dynamique individuelle de représentation et à l'idée que chacun se fait de son rôle, de son parcours ou encore de son utilité au sein de la gendarmerie. En conséquence, les gendarmes ne peuvent pas porter un regard univoque sur leur institution et sur le système de contributions et de rétributions.

Ce qui se joue avec la professionnalisation, comme logique de spécialisation, est une séparation latente entre le métier et l'activité de gendarme. Tous les gendarmes ne font plus le même métier et ne sont plus soumis aux mêmes contraintes professionnelles et privées. Les représentations professionnelles éclatées des territoriaux sont le signe d'un face à face entre la reconnaissance qu'offre le terrain et celle qu'offre l'expertise. C'est aussi ce qui explique que les gendarmes éprouvent des difficultés à définir précisément ce qu'ils font et à décrire ce que leurs collègues font au quotidien. Car l'identité professionnelle qui se construisait sur le métier s'élabore maintenant sur l'activité. Les procédures de rationalisation de l'organisation vont dans le sens de ce brouillage des métiers de la gendarmerie. Les gendarmes ne portent plus donc un regard univoque sur l'institution. C'est pourquoi l'enjeu du statut militaire se pose de façon aussi explicite.

Lorsque les gendarmes se comparent avec d'autres activités professionnelles à l'extérieur de la gendarmerie, ceux-ci se réfèrent à la fonction publique⁴¹ en ce que la puissance publique est un élément d'identification sociale très structurant. Les comparaisons avec les secteurs de l'urgence, du social et du sécuritaire sont prioritaires. Toutefois, les gendarmes continuent à entretenir avec les fonctionnaires des rapports

⁴¹ La fonction publique désigne des institutions très éclatées dans les discours des gendarmes : éducation nationale, impôts, SNCF,...

ambiguës qui les amènent à porter des jugements négatifs à leur endroit, mêlés parfois d'envie. Par contre, ils établissent des parallèles avec la police, en ce qu'ils partagent avec les policiers la même activité professionnelle. Mais il s'agit cependant d'un rapport de distinction en ce que les avantages de la gendarmerie sont généralement surévalués par rapport à ceux de la police nationale.

Lorsqu'ils se comparent à l'intérieur de l'institution, les gendarmes se réfèrent aux militaires en ce qu'ils partagent avec eux une même conception de l'ordre social, de la discipline, de la noblesse de la sujétion, des devoirs et, bien sûr, du statut administratif. Mais ils prennent pour appartenance professionnelle le gendarme de terrain puisqu'il est l'image historique de la gendarmerie. Cette comparaison est cependant un « trou noir » puisqu'elle n'apparaît opérante que dans le cadre d'une évaluation de ce qu'est le « bon » gendarme, autrement dit d'une nouvelle expression de la césure entre fonctionnels et opérationnels.

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* *

La gendarmerie nationale délivre une image ambiguë ou plutôt des images. La comparaison « toute naturelle » avec les policiers ne l'est finalement pas tant que ça. D'une part, cette comparaison est instrumentalisée aux fins d'être un argument de valorisation des conditions financières et matérielles de l'exercice du métier de gendarme. D'autre part, cette comparaison ne s'opère que par une proximité de l'activité sans déboucher sur un approfondissement de la connaissance systémique de l'organisation policière. Enfin, cette comparaison est provoquée par l'institution elle-même dans la mesure où les gendarmes ne trouvent pas, à l'intérieur de leur institution, un corps social ou professionnel qui fasse office de modèle de réussite sociale. Ces éléments évoquent une institution en tension.

Le croisement des rationalités de l'organisation avec les croyances de l'institution impose un face à face entre deux modèles. Celui d'une gendarmerie traditionnelle aux missions claires, aux valeurs militaires et au service de la population. Celui d'une gendarmerie productive, multipliant ses activités et rationalisant son action. La seconde fragilisant le socle de la première.

Cependant, évoquer le glissement d'un modèle à l'autre ne doit pas engendrer un regard biaisé. Les deux modèles sociaux sont porteurs de caractéristiques positives et puissantes. L'avènement de l'organisation traduit l'éloignement progressif de la gendarmerie des autres armées tant par les missions que par l'état d'esprit. Au-delà du processus explicite de distanciation avec l'armée de terre, c'est la question des missions qui se pose avec le plus d'acuité. La gendarmerie est tiraillée entre le service de proximité, la sécurité publique auprès de la population et la participation aux opérations extérieures, aux nécessités de la projection. Alors que tout concourait jusqu'à peu à une certaine civilisation de l'organisation, l'intégration de la gendarmerie nationale aux forces de gendarmerie européenne induit un virage vers une certaine remilitarisation de l'institution. Qu'en sera-t-il alors de l'identité professionnelle et sociale du gendarme ?

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ROMANIAN CENTRAL PUBLIC ADMINISTRATION – READY FOR THE EU? ASSESSMENT OF THE PRE-ACCESSION PERIOD

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Abstract

La Roumanie se trouve dans le dernier stage avant de devenir plein membre de l'Union Européenne. Pourtant, loin d'être un tout droit "dernier cent mètres", dans cette période la Roumanie doit s'engager à accélérer le tempo des réformes, afin d'obtenir des résultats visibles. La "fiche de parcours" a été créée par la Commission Européenne, en se concentrant sur certains aspects de l'acquis communautaire. Comme même, au delà de l'acquis, il y'a d'autres aspects qui influencent directement la performance de la Roumanie. La réforme de l'administration publique a été un des priorités des Gouvernements roumaines depuis les années 1990. La pression de l'Union Européenne a favorisé l'établissement d'un cadre législative et institutionnel compatible avec celui des pays Ouest-européennes. Est-il suffisant pour assurer la fonction efficace de l'administration centrale et ces interactions avec le system européen? Est-ce qu'on peut parler d'un vrai procès d'Européanisation dans ce domaine, en touchant les traites essentielles de la capacité administrative? Et, finalement, est-ce qu'on peut identifier le lent procès de réforme de l'administration publique comme un des principaux obstacles sur le chemin d'intégration de la Roumanie dans l'Union Européenne?

Background- Lights and shadows from the past

Public administration represents the back-bone of any political system. The functioning of the entire public sphere is influenced, to a great extent, by the performance of the administrative mechanisms. They are aimed at ensuring the co-ordination among various state organs, the consistence and coherence of public policies as well as their appropriate implementation. Involved at all stages of the policy-making process, the public administration also plays the role of an interface between citizens and the

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political system. Its role goes, thus, beyond that of a pure bureaucracy, into that of an efficient catalyst for the process of transferring political measures towards society.

Furthermore, in the context of the European Union, the national public administrations acquire an increasing relevance, as they become key payers in the European policy-making mechanism. Their responsibilities, previously limited to the national level, are extended to the implementation of EU policies and legislation and, equally important- from a pragmatic perspective-, to the management of EU funds (Lippert, et al, 2005:15). However, unlike in the case of most political and socio-economic aspects, there is no *acquis* chapter on public administration. The European Union has chosen in this case not to resort to harmonization and to maximize, instead, the benefits coming from the coexistence of four traditional administration models in Europe (the Prussian-German, French, Anglo-Saxon and Scandinavian models) (Lippert, et al, 2005:61).

From the perspective of the new Member States and the candidate countries, the majority of which have been undergoing a process of "double transformation" (from an authoritarian centralized state to a democracy governed by the rule of law and respect for human rights, on the one hand, and from a state-controlled economy to a free-market economy on the other hand), the accession to the European Union implies, at its very roots, a profound change in the administrative structures and processes. The success of the "integration story" depends largely on the well functioning of public administration. Unfortunately, the reform proved to be more cumbersome than it was thought, as each country had to face the challenges brought about by the communist heritage and try to design its own public administration model, based on its traditions as well as the standards required by EU accession. The solutions vary from case to case as, although the basic aims envisaged are similar, the time-frame of the reform process as well as certain "tailor-made" provisions differentiate the evolution of these countries, according to the specificities of their history and political systems.

For Romania, set to join the EU in 2007, reforming the public administration is still on the working table, with many aspects still due to be tackled in a serious and responsible manner, especially with regard to implementation of the new provisions and the day-to-day performance of the new structures.

The factors that determined the current situation are manifold. In order to understand and judge them correctly, one has to go back to the Romanian administrative tradition, and make a thorough evaluation of the profound traces left by the communist era in the functioning of the central state mechanisms.

Notwithstanding the relevance of this historical path, close attention has to be paid to the heritage of the communist public administration model, since it deeply marked the developments during the transition period. Although present in different versions throughout the Central and Eastern European block, this model was structured on the same main pillars in all countries.

The basic feature that characterizes the communist approach is the permeability (up to the point of disappearance) of the boundaries between politics and administration. The connections between the Communist party and public apparatus were extremely strong, transforming the latter into a mere mechanism used in order to implement the dominant party's will (Lippert, et al, 2005:71) . Moreover, due to this obvious subordination relation, there was no clear separation of competences between the legislative and the administrative organs. The "nomenclature" system, as well as the "cadre policy", stands as a proof for the high degree of politicization in the public administration. (Lippert, et al, 2005:72) As for the status of the civil servants, there was no special law regulating it, as well as no special requirements for recruitment or career patterns.

Dominating for almost half a century, these structures had a deep influence on public life and, at the same time, on the mindset of the entire society. Therefore, not surprisingly, once the communist regime fell apart, one of the most difficult reforms to be achieved was in the field of administration. The huge challenge was that of a total overhaul, from principles to practice. A brand new legislation and institutional structure had to be introduced, doubled by a transparent Human Resources policy. Beside all this, a right balance had to be ensured between elected and appointed officials, on the one hand, and career civil servants, on the other hand.(Lippert, et al, 2005:73) All in all, there was an imperative need to separate the responsibilities and competences between the political and administrative spheres.

Public Administration Reform: between pressured achievements and on-going duties

The public administration reform in Romania was launched and developed in strong connection with the country's process of accession to the European Union. Consequently, it was designed to fulfill the European standards and to enable the Romanian system to face the challenges of being an EU Member state.

The reform can, thus, be analyzed in the broader context of the evolution of Romania-EU relations, from obtaining the "candidate country" status in 1997 (followed by the first regular country report), through the beginning of negotiations in 2000, their conclusion in 2004 and the signing of the Treaty in April 2005, to the most recent steps undertaken in view of accession in 2007. (European Commission Delegation to Romania) Throughout this period, one of the main priorities on the dialogue agenda was the public administration reform, considered as a milestone in achieving progress on the way towards EU membership.

Fresh laws, new institutions

As the administrative principles and structures had to be virtually rebuilt, efforts were put into drafting appropriate *legislation*, on the grounds of which the new administration would function properly. Therefore, several basic laws were passed, notwithstanding some heated political debates in the Parliament. The new legal framework is compatible with the similar provisions in other EU member states and constitutes the premise for an efficient functioning of the administration system.

The "Civil Servants' Statute" (November 1999), The Law on the Liability of the Ministers (1999), the Law on the Organization and Functioning of the Government (February 2001) and the regularly revisited Strategies for Public Administration Reform (2001, 2003, 2004) are a few examples of documents issued with the aim of building a comprehensive and updated legal background for the reform process (European Commission, 1999, 2001, 2003, 2004)

Nevertheless, the reshaping of the legislative framework is a necessary, but not sufficient condition for a successful change of the system. The most relevant aspect is the implementation of the new laws in order to reach the expected result of a professional and efficient administration. Unfortunately, despite being ranked among every Government's top

priorities, an important part of the legislation has not yet been fully implemented. The causes can be traced back to the lack of resources (material as well as human), characteristic for a transition economy, but also to the path dependency within society and within the political system that needs more than official legal documents to be changed. Moreover, the secondary legislation, aimed as a catalyst for the implementation, was, to a big extent, focused on minor issues, while avoiding (deliberately or not) the most sensitive and relevant ones, such as, for instance, public accountability or career structure (European Commission, 2002:21).

Another aspect that had to be tackled in the first stage, together with the legislation, is the *institutional setup*. Deriving from the new laws, specific institutions were established with the purpose of conducting the reform process and gradually putting into place a stable new administrative structure.

Some of these institutions had a temporary mandate, directly linked to the reform coordination -the Department for Central Public Administration Reform (1998), the Central Unit for Public Administration Reform (2002) etc- , while others were set up on a permanent basis – the Civil Service Ministry (1999), the Agency for National Civil Servants (2000), the National Institute for Public Administration (2001)-, having functions that ranged between executive and educational (European Commission, 1998, 1999, 2000, 2001, 2002).

However, the mere establishment of an institutional framework is just a first (necessary but again, far from sufficient) step in rebuilding public administration. Like in the case of legislation, the inflation of units and departments was seldom doubled by the attribution of real authority. Even though they are aimed at bringing about the long-expected change, the new structures too often lack a clearly defined role and an efficient control or/and decision making mandate. (European Commission, 1999, 2000) Their integration in the public sphere is not yet completed, resulting in the limited influence that they can exert in relation to other bodies. Adding up to all this, the resources they are allocated are much below their needs, and this becomes a real problem, for instance, in the training field, thus endangering the very basis of a professionalized administration.

Government restructuring

Parallel with the issuing of new legislation and the establishment of new institutions, another measure required for completion of the administration reform is the reshuffling of the Governmental structures. This implies the creation of a coherent, well functioning mechanism which enables a more efficient decision-making process.

This idea has been on the table for the biggest part of the last decade. Various Governments favored various patterns: different number of ministries (mostly decreasing), agencies, newly designed positions and departments. The main impulse behind all this was the pressure coming from the European Commission aimed at increasing the efficiency of the central public administration.

From 1998 to 2004, four “restructuring” sessions took place, each bringing about innovative elements or reinforcing already existing structures. The big number of Governmental agencies was first put under the authority of the Prime Minister (in 1998), then subordinated to the respective ministries (in 2001), just to come back under the direct control of the chief of Government (in 2003). New positions were introduced, such as, for instance, that of Minister Delegate (2003) or Minister of State -deputy Prime Minister, without portfolio- (2004), as well as new departments: National Control Authority (2003) and the Chancellery of the Prime Minister (2004), with the main functions of supervising and coordinating the activity of the Government. Moreover, a special emphasis was constantly put on developing and increasing the competencies of the structures responsible for managing the EU accession process. (European Commission, 1998, 2001, 2003, 2004)

At a first look, these measures appear to be in line with the aim of reaching compatibility with European standards. And, to a certain extent, they are. However, upon an objective analysis, several shortcomings can be identified throughout the development of the process.

First of all, and probably most important, looking at the totality of changes witnessed by the Romanian Government in the past seven years, one cannot grasp a coherent strategy that constituted the root of the central administration reform. Too many times, measures were determined by the change of power rather than by the idea of following certain principles that stand above political interests. Too often, this lack of strategy resulted in

contradictory actions that slowed down or rendered the reform process irrelevant.

Secondly, despite the fact that the institutional premises were created, as described above, the coordination among various Government departments is still lagging behind, communication channels being unclear and insufficiently developed and the structures still too intricate to enable an efficient cooperation. The mechanism is too complicated for its parts to get familiar with each other and interact in a constructive and transparent manner. (European Commission, 1999:62) These are some basic issues that have to be thoroughly tackled in order to achieve the desired result of a cohesive and well functioning central administrative structure.

Civil servants' status and Human Resources management

The core aspect of the public administration reform, greatly involved in both issues discussed above (legal and institutional framework as well as re-structuring of the Governmental mechanism), is the concept of "civil servant", with all the related topics, ranging from the legal status to Human Resources policies.

Adopted in the end of 1999, after a long blockage in the Parliament, the "Civil Servants' Status" (one of the short-term EU accession priorities) underlines the main principles governing the civil service: open and competitive access, a performance-related Human Resources management, together with the establishment of a Civil Servant's Agency. (European Commission, 2000:16) In a moment when the main European tendency (mainly in the West but adopted partly also by the Eastern states) is that of restricting the "civil servant" concept to the central administration, the Romanian law proposes a large definition, including both the central and the local levels. The Status underwent a comprehensive revision process in 2003, the main focus being the reform of recruitment mechanisms and the re-enforcing of the National Agency's competences. (European Commission, 2003:15)

A direct consequence of these legislative developments should be the stability of the civil servants' positions in the context of democratic political change. Unfortunately, this is more difficult to achieve in practice, partly due to the heavy burden of the communist administration heritage and partly due to ambitions of the Romanian political actors, irrespective of their color. (Speteanu, 2005:10)

Although reaching a fair balance between politically appointees and career civil servants was, always, theoretically, one of the top reform priorities, the overall noticed tendency was to increase the number of Secretaries of State (belonging to a certain political force) to the disadvantage of the Directors General (professional civil servants), thus blurring the legitimacy patterns of the two categories and the aims of their representation in the central administration. (European Commission, 2001:18) Moreover, every time a new party came to power, the civil servants in leading positions had to give up their places in favor of politically involved officials, loyal to the new Government. This "tradition" transforms the civil service into a mere "stake" for the political competition, making its proclaimed independence seem just an idealistic, non-binding provision.

Beside this major controversy that undermines the very founding principles of the administration reform, there is need for an in-depth analysis of the Human Resources (HR) mechanisms which have an extremely relevant role in building a new professional civil service system.

As the European Commission's regular country report from 2002 warns, the HR management in the Romanian public administration is limited, has no horizontal overview and no strategic plan. (European Commission, 2002:22) Not surprisingly, the EU roadmap for Romania, published in the end of 2002, pays special attention to this aspect, making specific recommendations. The main issues to be considered are: recruitment, remuneration and career path, and training.

Firstly, the recruitment process is not transparent enough, starting with job advertising and continuing with competition tests and procedures. This casts doubt on the selection criteria and their compatibility with the aim of professionalizing the public administration. Another important aspect is the deficit of civil servants, leaving certain ministries understaffed. (Amariei, 2005) Romania has the lowest number of civil servants per inhabitant in Eastern Europe (over four times less than the Czech Republic, for instance). The number of "Euro civil servants", for instance, a category with special status, linked directly to the objective of EU accession, is now 600, while the necessary number provided for is 2300. (Doicin, 2005) One can see here a real dilemma, as the International Monetary Fund (IMF) has been requiring a four percent decrease in the number of civil servants, on the purpose of reducing the budget deficit,

while EU is demanding exactly the opposite: reinforced recruitments, according to an annual plan. (Amariei, 2005) Moreover, the eleven conditions that have to be fulfilled in order to avoid the activation of the safeguard clause (and the postponing of accession) specifically mention accelerating recruitments especially in the fields of police, border control and justice. The Government is thus in a very delicate situation, having to balance the need for a stable economic situation with that of an efficient public administration.

Secondly, concerning remuneration, the system is still too rigid and not stimulating enough. A periodic evaluation (according to clear targets set a priori) combined with a clear career structure, including rewarding the best performances, might succeed in motivating the civil servants and, thus, inherently improving the quality of public administration. (Romanian Academic Society, 2003) The new remuneration plan, set to be finalized in 2005, can be a starting point for adopting and implementing a modern approach in civil service HR management. (General Secretariat of the Romanian Government, 2005)

Thirdly, the training of present and future civil servants is of great relevance for ensuring professionalism and efficiency. The National Institute for Public Administration, established in 2001, is functioning since 2002-2003. It offers intensive training for new recruits as well as continuous training for persons who already work in the system. (National Institute of Public Administration, 2005) The Institute is part of a large group of similar institutions in Europe, together with which it organizes regular exchanges and events. (Revista Nationala de Administratie Publica, 2005) Unfortunately, like in many cases discussed above, its goals cannot be entirely fulfilled due to lack of sufficient resources. A special initiative, the EDIS programme, was aimed at training the Romanian civil servants to work with European funds. It is interesting to notice, however, that the stronger the connection with the use of EU resources, the more politicized the system gets. A good example in this sense is the Environmental Protection Agency. (Doicin, 2005)

A last point to be mentioned, in relation to the ones already analysed, is the need for accountability and incorruptibility. Even though a Code of Ethics for the civil servants was issued in 2004, this goal is difficult to achieve. What we notice in the case of Romania is a "citizen-oriented" concept of administration still struggling to defeat the old mentality dating

back from the communist times, characterized by a lack of service and administration culture.(Moroianu, 2005) As a direct result, public confidence in central institutions has been constantly lagging at a very low level. The final success of the reform process depends to a great extent on this change of perspective which, unfortunately, is also the most problematic.

Institutional setting for the EU-Romania relations

Maybe the most visible transformation that took place in the Romanian public administration system, being strongly conditioned by the EU accession process, is the establishment within its structures of various units and bodies having a clear mandate of dealing with European integration issues. Their number and competencies increased directly proportional with the evolution of EU- Romania relations.

If in 1997, when the European Union decided upon the enlargement process (including its opinion about Romania's membership), the main European nucleus in the Government was the understaffed Department of European Integration, directly subordinated to the Prime Minister, (European Commission, 1998) later on, an entire net of EU-related departments and institutions was established, both at central and local level.

After the beginning of negotiations, in 2000, the Ministry of European Integration was set up (2001), as a specialized organ of the central public administration, with the aim of coordinating the preparation process of Romania's EU accession and conducting the negotiations.(Ministry of European Integration, 2005)

Moreover, EU units were created in almost every Ministry, as well as an inter-ministerial working group dealing with the preparation of each negotiation chapter (2001). These initiatives were necessary for ensuring that the EU integration topics are tackled in a professional manner, irrespective of the policy field. Beside this, the new departments are attributed complex functions: on the one hand coordinating the EU-related policies within the Government, across ministries, and on the other hand communicating and cooperating in a constant manner with the European institutions in Brussels. (Lippert, et al, 2005:105)

The EU-Romania dialogue was and still is largely dependent on the well functioning and efficient interaction of these specialized structures.

They are responsible for the fluidity of relations between the two parties as well as for the fair and open process of cooperation.

EU's strategy: monitoring and assistance

Despite the fact, mentioned in the beginning, that none of the acquis chapters to be negotiated deals explicitly with the public administration reform, this topic is practically included in every chapter. This comes as a clear proof of the relevance of this issue as a backbone of Romania's EU accession process.

Unlike in the case of previous enlargement waves, where public administration did not play such a specific role, as far as the Eastern (and most numerous) enlargement is concerned, the European Union modified to a certain extent its pre-accession strategy. Enhancing the administrative capacities of the new member states is now regarded as a top priority. This approach can be mainly explained by the current developments in the EU system, where more and more responsibility regarding the implementation of European policies is given to the national authorities. (Lippert, et al, 2005:154)

However, EU did not choose to reach this goal by imposing to the candidate countries specific indicators and targets. Instead, some guidelines and general expectations were put forward, leaving to the national level the power to decide by which means these criteria can be better fulfilled. One of the main instruments that states have at their disposal are the *twinning arrangements*. They allow the countries to choose the administrative model that they feel closer to and try to emulate it by creating their own structures; for this, they receive support from the partner EU members. (Lippert, et al, 2005:159) This mechanism ensures that the specific needs of each state are met, thus enhancing the chances of the reform process to succeed.

Romania benefited from EU's assistance in the public administration field since 1992, long before becoming an official EU candidate country. Nevertheless, the support was strengthened after 1998, when Romania started being monitored by the European Commission, through its annual Regular Reports. Monitoring and assistance appear, thus, as the two sides of the same coin: the EU pre-accession strategy.

The total financial support granted by the EU to the Romanian public administration sector since 1992 is around 42 MEURO. The 2004-2006

multi-annual PHARE programme will add 35.88 MEURO. The main objectives are to achieve European standards of transparency, predictability, accountability, adaptability and efficiency. Some of the most important initiatives in this field in the last years were: 1998 PHARE Programme for Romania "Support to designing and implementing Public Administration Reform", PHARE 2001 Programme "Strengthening the administrative capacity" (dealing mainly with the central component), 2002 PHARE National Programme "Strengthening the Romanian administrative capacity to manage, monitor and assess EU financed programmes", PHARE 2003 National Programme. (European Commission Delegation to Romania, 2005) All these projects cover a large range of activities, among which the twinning component plays a very active and relevant role. The main partner country of Romania in its twinning agreements in the field of public administration reform is France, followed by The Netherlands, Italy and Spain.

The success of all these initiatives cannot be denied. They have encouraged and supported the reform process, leading it towards the right direction. However, in order to reach its efficiency peak, external assistance has to be paralleled by internal efforts to achieve European standards and prepare to be a well functioning future EU member.

Conclusions

As the above analysis shows, the reform of the central public administration, strongly connected to and conditioning Romania's accession to the EU, is a complex process that has to be perceived in its duality of lights and shadows.

As a first concluding remark, it can be observed that a *Europeanisation* process is indeed taking place, encompassing various fields of the public sphere. In the central administration, it has been representing the driving force towards the goals of reform and modernization. At the constant pressure of the EU institutions, Romania developed, especially in the last seven years, an adequate legal framework and an institutional setup designed as a first step and as a ground for the reform process. Moreover, the governmental structures have undergone various changes, in an attempt to improve their efficiency and coordination. New specialized units were established with the mandate of managing the EU-Romania dialogue as well as the negotiation process. Last but not least, the very

relevant but sensitive issues related to civil servant's status and HR policies were tackled with the purpose of professionalizing civil service by creating clear milestones in the recruitment and evaluation processes. All this was achieved under the auspices of the EU pre-accession strategy that emphasized the importance of enhancing the administrative capacity of the candidate countries. A combination of monitoring (through Regular Reports of the European Commission) and assistance (through PHARE programmes with twinning components) was used in order to encourage and facilitate the public administration reform.

However, although the Europeanisation is visible as far as *structures* are concerned, when it comes to the *essence* (the day to day performance of the system), the process of adopting European values and standards is more cumbersome. Laws are not completely implemented (with secondary legislation lagging behind), the new institutions still lack a clear mandate and appropriate resources, Government structures could be better coordinated, according to a coherent strategy, while the Human Resources management in the civil service sector is characterized by important gaps between well-designed patterns and practice, still in need of essential improvements.

Secondly, even though not specifically mentioned (in a separate chapter) during and after the negotiations, it is obvious that the public administration reform represents a "thorny" issue on the EU-Romania dialogue agenda. It strongly influences the various aspects of the accession process. A well functioning public administration is a guarantee that the country will be able to act responsibly and bring added value to the making and implementing of European policies. On the contrary, the message sent to Brussels by a central mechanism that has not yet freed itself completely from political interference and continuously delays putting into practice its own rules, is a mixed one, casting doubts on the potential of the country to play correctly, in a professional and efficient manner in the European arena and, in this specific case, on the capacity to absorb and use the EU structural funds.

It therefore becomes clear that the shadows of a malfunctioning public administration can and will "haunt" Romania on its "last hundred meters" before EU accession, even if not explicitly mentioned on the latest checklist of urgent issues to be tackled. Unless the administration reform will finally find its way from theory into practice, alongside with the fulfillment of the

other requirements, Romania risks losing its credibility acquired thanks to its recent progress.

To reinforce the relevance of public administration, one can simply conclude by comparing it to a “back stage” support, vital for a successful European “front stage” performance.

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MULTI-LEVEL GOVERNANCE OR MULTI-LEVEL PARTICIPATION: ASSESSMENT OF THE IMPLEMENTATION OF EUROPEAN STRUCTURAL FUNDS IN ENGLAND

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Abstract

The implementation of the European Structural Funds in England has always been identified with a central government led process. Nonetheless, the regionalization that is taking place together with European pressures for enforcing partnerships in the English regions are reasons to believe that the situation has changed. By applying Hooghe and Marks' criteria for assessing governance in a political system, the paper demonstrates that the implementation of the European Structural Funds in England takes place within a system of early stages multi-level governance.

Introduction

Up to the 1999 reform, the implementation of Structural Funds in England was carried out by central government departments and the involvement of the regional actors in the implementation process was practically non-existent (Bactler and Turok, 1997). Since the regions lacked any kind of power, the governance of the Structural Funds in England was often identified with multi-level participation, with the Government acting as an extended gate-keeper (Bache 1998, 1999).

Two factors challenge this interpretation. Firstly, the devolution process is in continuous development. It is questionable whether the balance has in the meantime shifted from multi-level participation towards multi-level governance (MLG) and just what potential these structures can develop. Secondly, Hooghe and Marks (2001) argue that MLG exists in two types and, what Bache (1998, 1999) calls multi-level participation, seems now to resemble Type I MLG.

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This paper takes further these observations and assesses the governance of Structural Funds in England. It uses the criteria outlined by Hooghe and Marks (2001) for assessing governance in a political system. These are: the distribution of competences between jurisdictions, the distribution of fiscal power and the structure of formal and informal relationships.

The research results support a new theoretical perspective on the governance of the Structural Funds, particularly in countries like England where it has usually been characterised as intergovernmental. This also has implications for policy-makers, as they re-define the context in which they operate. In demonstrating its claim, the paper first looks at theoretical issues, then at the English regional context and in the end it addresses the research findings.

Multi-level governance

Harmonious development, by reducing the differences among the European regions, has been part of European thinking since the beginnings of the integration process, and represents the target of today's European Structural Policy. Presuming channelling of European Union (EU) resources towards the most remote regions in the Union, Structural Policy is supposed to reflect the solidarity of the Member States. Politically, however, it has been difficult to distribute the European resources solely according to deprivation criteria. The process of building the ESP as it is today has had ups and downs, and these are reflected in the theory development.

The classical debate between neo-functionalist and intergovernmentalist paradigms did not avoid this policy domain. The creation of the European Structural Policy took place in the moment of political relaxation which followed the Luxemburg compromise (1969)¹. Plans for economic and monetary union (EMU) were put in place and also, the accession of United Kingdom (UK), Denmark and Ireland was about to happen (Bache 1998). But the oil crisis of 1973-1974 delayed the plans for EMU as the economies of the Member States were very much threatened.

¹ In 1966, General Charles de Gaulle, president of France withdrew France from the EEC due to the increasing influence of the supranational institution. This was seen by de Gaulle as a threat to France's sovereignty. France returned in the EEC, under the condition that each member state can veto against the EEC decisions, if these are believed to affect the national interest.

Added to this, the position of the UK², a potential oil rich country, was decisive in ending the enthusiasm for a united Europe and headed EU governance towards the intergovernmental realm.

In 1975 the first Structural Fund, the European Regional Development Fund (ERDF), was approved. The specifications of the policy reflected the impasse that marked the political context of the 1970s. As Keating and Hooghe (1999: 224) have stated, “[t]he policy was a fiction, a way of dressing up an interstate transfer mechanism as a European policy”.

The project for installing the Single Market and developing the conditions for EMU in the mid 1980s boosted the importance of Structural Policy. As a consequence of the Mediterranean enlargement, the Single European Act (SEA) made special provisions for the new members who were less developed, thus unable to participate in a common market without considerable structural aid. This context was favourable to the transfer of power towards the supra-national institutions and the shift of ESP from a pay-back system to a more distributive policy.

Interpretations of the reform varied. For the liberal intergovernmentalists, notably Moravcsik (1995), the reform represented little more than a compromise, one consciously undertaken by the member states in order to fulfil their interest in building a prosperous common market. Moreover, the transfer of authority was cautiously made in order for the states to maintain control over integration (Nugent 1999).

The neo-functionalists and those generally of a pro-European outlook saw the new changes as proof of the increased power of the European Commission, and as a step towards deeper integration. One of the main achievements of the 1988 reform was the approval of the partnership principle. Partnership meant that sub-national actors should work closer with the state and the EU in order to define the priorities of and to implement the policy in the EU regions. Only the states which applied the principle benefited from Structural Funds. This constrained the states to include actors from the sub-national tier in the governance. The coming together of the regional actors with the national and the European actors was a necessity to effectively implement the funds. This participation of actors from the three levels was the context for the emergence of multi-level

² The UK refused to sell oil to the states members of the EEC at a preferential price.

governance theory (Marks 1993, Marks and Hooghe 2001, Neyer 2003, Perkmann 1999, Kochler-Koch 1996).

MLG theory opposes liberal institutionalism as it considers both supra- and sub-national institutions determinants of policy-making. It completes the neo-functionalist theory as it considers shifts of power not only towards the supra-national, but as well towards the sub-national levels of governance. It presumes cross-border cooperation³ (Perkmann 1999) and a direct dialogue between supra- and the sub-national actors (Marks 1996, Bache 1999).

MLG has been subjected to criticisms. Firstly, it is argued that history-making decisions are outcomes of intergovernmental negotiations rather than MLG (Peterson and Bomberg 1999). Secondly, according to Bache (1998) it is particularly at the implementation phase that the states manage to interfere and exercise effective control. This is due to the administrative differences among the member states which make it impossible for the Commission to properly monitor the process. Consequently, the states have room to act as extended gatekeepers rather than MLG actors.

Nonetheless, recent research may give a different interpretation to these criticisms. Although MLG is broadly understood as the devolution of state power to supra- and sub-national levels of governance, according to Hooghe and Marks (2003) it has evolved towards two distinctive types.

The first type of governance (Type I) is rooted in federalism. As shown in Table 1, it can be identified through a small number of multi-task jurisdictions, these having mutually exclusive territorial boundaries. The levels of governance are also few in number and there is an element of hierarchy for fulfilling the need for the coordination of policies and thus of effectiveness. The second type (Type II) presumes a vast number of functionally specific jurisdictions. These are flexible and territorially overlapping. The levels of governance are numerous and intertwined. Here the jurisdictions tend to be organised by functions rather than by hierarchy. These two types co-exist. Whereas Type I is characteristic of intra-state governance the second type “appears strongest at the edges” of the first (Hooghe and Marks 2001). It is located:

- where private and public sectors interact,
- between national and international arenas,

³ It presumes implementation of programmes and strategies by neighbouring regions belonging to different states.

- in cross-border programmes developed by regions of neighbour states,
- and where the local government interacts with community associations.

This new classification in types of MLG which co-exist brings new insights with regards to the validity of MLG in the implementation of the Structural Funds. It can be used as a heuristic device to identify MLG characteristics particularly where the existence of MLG is questioned. Such a case is England. The UK was famous for the strength of the Westminster model⁴ which appeared to make it almost impossible for the regions to get actively and independently involved in supranational decision-making (Rhodes, 1997).

Table 1: Types of MLG

Types of MLG	Type I	Type II
Characteristics		
Number of jurisdictions	Small	High
Type of jurisdictions	Multi-task	Functionally specific
Organization of jurisdictions	Hierarchical	Non-hierarchical
Territory	Mutually exclusive	Over-lapping
Levels of governance	Few	Numerous and intertwined
Location of governance	Intra-state level	Border between: <ul style="list-style-type: none"> - public/private - national/international - local government/community associations Cross-border programmes

⁴ This model of governance meant that the policies were strongly controlled by the Whitehall, being characterized by the fact that the power was concentrated at the state level.

Since 1997 it has had devolution of power. Despite this, some argue that there still is a tendency for the central government to act as a gatekeeper⁵ rather than a MLG actor (Bache, 1999) with England as the most centralised of the four British regions.

According to the findings of this study, England reflects a predominantly Type I multi-level governance in its initial stages. The paper will demonstrate its claim by assessing the governance system for the implementation of the European Structural Funds. For this it will first present the English case, then the research design and finally the data analysis.

The Regional Context

The UK, well-known for its highly centralized administration, now faces devolution of power. This case particularly attracted attention as the country that is in favour of intergovernmental EU, implements MLG. If the transfer of power to Scotland, Wales and Northern Ireland might have been a sensitive and anticipated response to the pressures coming from these regions and from other bodies of influence, it was far less foreseeable that a similar phenomenon would come into sight within England as it is the most centralized of the four.

In just a decade, since the Labour Party returned to power, the English regions gradually experienced a degree of regional government. These bodies have increasing importance for the distribution and the implementation of the ESP as the latter process is more and more devolved to them. In the region, the system of governance is made up by the Regional Assembly (RA) in some regions, the Regional Development Agency (RDA) and the Government Office (GO) (Table 2). Formally only the latter should represent the involvement of the national government in the region, while the first two bodies should unite and represent the regional voice. The RDA follows to maximize the economic gains to the region and the purpose of the assembly is to ensure the accountability of the RDA. The second function of the assembly is to represent the region to the national government, especially so if and when regional and national interests are at odds.

⁵ The term emphasises that the British government, through its involvement and power over the British regions, actually controls the areas in which the regions are allowed to have direct contact with the European institutions (Bache 1999)

Table 2: Regional Tier

<i>Institutions</i>	Regional Assembly	Regional Development Agency	Government Office
<i>Functions</i>	- represents the region in conflicts with the national parliament -ensures the accountability of the RDA	-maximise economic gains in the region	- represents the central government -represents the region to the central government and the Commission
	- represent the regional voice - coordinate their office in Brussels		- managing authority for the structural funds
	work together for elaborating the regional strategy (in some regions)		

In terms of the Structural Funds, the GOs are the Managing Authorities for the Structural Funds, so they implement the funds in the region. The role of the government offices is twofold: they represent the government in the region and they represent the regions to the central government and in the interactions with the European Commission.

The RAs and the RDAs sustain a regional office in Brussels through which they lobby the European decision-makers. Their role is significant particularly for their potential in further regionalisation. Consequently at the regional level one can speak of a troika that is continuously accumulating governance competences.

Given the regional structure mentioned above, a preliminary conclusion would be to identify England as part of a MLG system. But there are several criticisms regarding the way these devolutionary measures were implemented. It has been often argued that the central government has preserved veto measures in key areas as well as various mechanisms of control over the regional authorities (Bache 1999, Jeffery and Mawson 2002). Bache (1998, 1999) argues that it seems more

appropriate to identify the central government as an extended gatekeeper within multi-level participation rather than an actor along with the regions within a MLG framework.

On the other hand, the devolution process is in continuous development and the findings of this research project challenge some of the criticisms referred to above. Did the balance shift in the meantime from multi-level participation towards multi-level governance? Is England facing a transitional period? And just what are the implications of the type of MLG for assessing the governance of Structural Funds in England.

Structural Funds Governance in England

The research study includes eight of the nine English regions⁶ and uses three types of data sources: interviews, reports and statistics. Before proceeding to the current research the project was piloted in four regions. The respondents are, as in the pilot study, members of European Secretariats of the Government Offices, which are the Managing Authorities of the Structural Funds in England. The second source of data is the implementation documentation. The Single Programming Documents (SPDs) of the regions can give information about partnership structures, monitoring committees and the distribution of responsibilities. The other source is represented by the Mid-Term Evaluations (MTEs). These are assessments of the extent to which the targets have been fulfilled, the management capacity and the functioning of the partnership. Thus, to a certain extent they can give information about the purported MLG structures. The regulations concerning the monitoring of the structural funds demand that the assessors be independent, this ensures the objectivity of these sources.

The research is also backed up by the use of statistics. These concern particularly two aspects of the MLG, namely lobbying and bargaining and broadly reflect whether only the criterion of 'need' is followed, or there are other interests that mark the distribution of funds.

The analysis uses the criteria suggested by Hooghe and Marks (2001) for assessing the existence of MLG. These are:

- the distribution of policy competences across jurisdictions;

⁶ East Midlands, although it took part in the piloting of the project, did not reply to the numerous attempts to agree an interview date. As interviews represent the major source of data, it has been excluded from the project.

- the distribution of fiscal power
- the structure of the formal and informal relationships among the jurisdictions.

1. Distribution of policy competences

One of the characteristics of the Type I governance is that there is hierarchical reporting between different levels of governance. Furthermore, the number of jurisdictions increases as the hierarchical order decreases (Hooghe and Marks, 2001). This is the case for England.

There are mainly three layers of Structural Policy governance⁷. At the European level the chief authority is the European Commission who establishes the main directions of the policy, enforces regulations and is the paying authority.

At the national level, two government departments have the role of managing authorities for the Structural Funds: the Office of the Deputy Prime Minister (ODPM) and the Department of Work and Pensions (DWP). These work together with the Department of Trade and Industry (DTI) in the negotiations with the European institutions, particularly with the Commission, in matters that concern the whole or the majority of the British regions.

In implementing the Structural Funds, the competences vary with the objectives (Table 3). Objective 3 activities are managed mainly at the national level and are not of interest in this paper. For Objectives 1 and 2 the Managing Authority competences have been devolved to the regional Government Offices, but the central government departments elaborate regulations for the regions. The regional tier is made up, as mentioned above, by the regional troika: GOs, RDAs and , in some cases, RAs.

Each region has, for Objectives 1 and 2, its Programme Monitoring Committees (PMCs) made up by partners from all levels of governance. Their purpose is to monitor the implementation of the programmes.

⁷ In some regions, the responsibilities have been devolved to a fourth level: the action plan committees.

Table 3: Types of eligible regions

<i>Area type</i>	Objective 1	Objective 2	Objective 3
<i>Characteristics</i>	-GDP of less than 75% of EU average -undeveloped coastal and mountain areas -managed at the regional level	Areas which need economic and social conversion other than objective 1: -areas undergoing socio-economic changes -deprived rural areas -urban areas in difficulty -depressed areas depending on fisheries -managed at the regional level	-human resource development -follows the European Development Strategy -managed at national level

The distribution of competences is not equal, but each level of governance has importance and cannot be ignored. It must also be kept in mind that the regionalisation of England is a novel process which is currently developing, so England is facing a transitional period where asymmetries are normal. However, there are strong criticisms which concern at least two issues. These are partnership and the relationship between power-responsibility.

The first critique of MLG (Bache 1999, Bachtler and Turok 1997, Downs 2002, Evans 2000, Evans 2003) challenges the definition of partnership as a close consultation among different partners who are to be named by the member state according to its domestic rules. While this critique might have had some validity in the early 1990s, it is more questionable since the 1999 Structural Fund reform which mandated stronger regional administrative structures.

The empirical evidence confirms the existence of partnership in England and its extension during the 2000-2006 programming period. In the regions, partnership structures, which now include even individual organisations and people, design the SPDs and drive the PMCs. According

to the respondents, regional and local partners are also involved in the restructuring of some SPD elements suggested by the MTEs.

However, evidence also suggests that MLG is in process of development in England since partners at the regional and sub-regional level are not always aware of their competences and of the targets of the programmes. Hence, the implementation of the 2000-2006 programmes was delayed due to the need for training for partners and incomplete functioning of some PMCs.

The second critique of MLG in England addresses the asymmetry between devolved responsibility and power (Morgan 2002). With one exception, the respondents agreed on the existence of asymmetry in working with partners. They also argued that a shift towards equilibrating the balance by holding all the partners equally responsible would cause a decrease in the interest of some of them- such as businesses- in the process.

Furthermore the fact that Objective 3 is almost entirely managed by the DWP, with Objectives 1 and 2 managed predominantly by the regions, means there is a lack of coordination between the programmes which reduces the synergistic capacity of the structural funds. The variation, with the programmes, of allocation of competences and thus the fragmentation of governance (Vos *et al.* 2001) also strengthens the argument that in England the emergence of Type I MLG is in its early stages.

2. Fiscal power

Devolution in England is a phenomenon resulting from internal as well as external pressures (for instance, globalisation and ESP reform). Ultimately however, it is a government controlled process as the financial resources and the design of the regional tier is supported and driven through programmes led by John Prescott, the Deputy Prime Minister. It has been argued (Tomaney 2002, Bradbury and McGarvey 2003) that the RDAs and the RAs do not function for the region, but rather they are advocates of Whitehall's interest in the region as they are financially controlled by the latter.

Some real examples challenge this view. The RAs and some RDAs were officially against the proposed UK government strategy for post 2006 European Structural Policy. It was also confirmed in most of the interviews that there is a very active lobby through their offices in Brussels for supporting the regional view regarding the future of the Structural Funds.

This supports the argument for Type I MLG development as the regional interests are officially divergent from the national government's (Evans 2003), despite the purported financial control.

Furthermore, the RAs, where they exist, have been allowed through the Government's White Paper *Your Region, Your Choice 2001* (Tomaney 2002) to receive a percent of the council tax. A noteworthy fact is that their budget is small in comparison to the national government. As one of the participants argued, this reduces the impact of the former; since power is proportional to resources.

With regards to the ESP, the direct relationship between financial resources and decision-making power represents an issue for the allocation of structural funds. The policy has often been attributed a *pork barrel* characteristic (De Rynck and McAleavy 1997), meaning that the resources are distributed according to bargaining outcomes rather than specified eligibility criteria. The existence of MLG implies bargaining and possibly an unfair map of distribution. A gatekeeper role of the government would be reflected in a fairer distribution with a tendency to concentration of funds in less developed areas.

This characteristic of MLG will be supported here through comparison of the distribution of Structural Funds and the level of economic development of the regions. The case study will be represented by Objective 2 regions⁸ for the following reasons: First, the programmes which are managed at the regional level are Objectives 1 and 2. From these by far the most numerous are the Objective 2 areas⁹. Secondly, the selection criteria for Objective 2 are not as exact as for Objective 1 (see Table 3) and, consequently there have been opportunities for interpretations and negotiations.

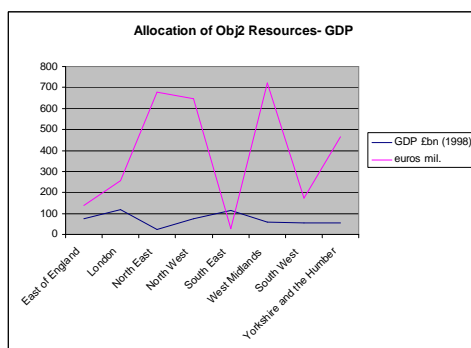
At the European level the distribution of funds between the member states does not follow strict criteria, rather it follows a bargaining pattern (Keating and Hooghe 1999). If the proof of intergovernmental negotiations at the European level is in favour of intergovernmentalists, the unequal distribution among regions suggests a third tier of influence besides the member state and the Commission.

⁸ Please see definition of Objective 2 areas in Table 3.

⁹ Objective 1 areas are only three in number.

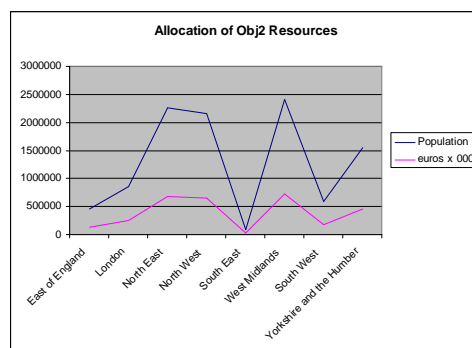
The graphs A and B show that although, in England, there is a tendency for evenly distributing the funding according to the eligible population, nevertheless poorer regions like the North East, the North West and Yorkshire and the Humber secure less funding per capita. Two participants from prosperous regions agreed that sometimes richer regions manage to attract more funding than they need, due to more active lobbying. According to 25 percent of the respondents, the wealth of a region may be a positive factor in securing access to financial power.

When considering the GDP indicator there is a tendency for poorer regions to receive more funding. However London which is the second richest area after the South East still gets a considerable amount compared to the latter. And between the South West and Yorkshire and the Humber, although they have similar GDPs, there is a great difference in allocation.



Graph A

Source: DTI



Graph B

Furthermore, the allocation of funds predominantly to the North of England could be the result of stronger devolutionary tendencies in this part of the country. Morgan (2001) maintains that there is a north/south divide in terms of development and that the northern regions are stronger advocates for regionalism because the further they are from London, the less access they have to policy-making. This interpretation may not be entirely valid since current evidence argues that the public has voted against the RA in the North–East referendum. Some interpretations, however, support the argument that the public voted against a *weak* RA rather than against regionalisation (BBC).

With regards to the financial allocations within the regions, some respondents observed that the budgetary control is mainly in the hands of the national administration, ensuring less ability to adapt funding to particular regional needs. So, the conclusion here resembles that of the previous section. The core fiscal power remains with the central government. However, the regional assemblies have been given the right to benefit from a share of the local taxes. In terms of Structural Funds regions are still controlled by the state but some regional influences have been identified. These support the argument that England is in the early stages of Type I MLG.

3. Formal and informal relations

The relationships between jurisdictions are of two types in MLG: vertical and horizontal. Horizontal relations are non-hierarchical, while vertical relationships have a low degree of hierarchy in Type I. The hierarchy usually exists just to ensure a coordination of non-overlapping jurisdictions.

3.1 Vertical relationships

The vertical relationships in the implementation of Structural Funds can be both formal and informal. These are hierarchical in the sense that both national government and the European Commission coordinate the process, the latter having slightly more power due to its regulations. The coordination is done through the means of regulations and guidance. Rules are a characteristic of MLG Type I, especially as they attempt to regulate what Hooghe and Marks (2003) called the MLG dilemma. That is that the more the number of actors, the more difficult it is to finalise negotiations and to identify defectors. Thus there is a high risk of free-riding. The existence of a hierarchy however should allow organisation and monitoring.

The side-effects of coordination measures, such as regulations, obviously are present. The EC is mostly criticised for its excessive use of too rigid regulations and bureaucracy, as indeed Whitehall sometimes is. Despite the flexibility of the Commission officers, their activity is very much constrained by the number of regulations that they need to follow. This last aspect confirms the conclusion in the literature that one of the burdens of the Structural Policy implementation is the huge volume of

regulations and this suggests Type I governance. The implication here is that the monitoring of funds and the implementation of adjustments pose serious problems due to the inflexibility of the European regulations, such as budget constraints and difficulties in building partnerships.

All respondents agreed that they follow UK rules in addition to European regulations. With regard to the latter, it has been argued that at the national level, the European rules are interpreted and shaped by the ODPM, the chief managing authority according to the national policy targets to which all the regions need to adhere. Such a phenomenon can be interpreted in two ways:

- either it can be defined through hierarchical relations, where each state needs and is allowed to adapt the guidance to its own context - thus Type I
- or the presence of overlapping authorities at the national and European levels - thus Type II governance,

Furthermore, the direct relationships between the regions and the Commission concerning programme adjustments, funding and monitoring can also be evidence in favour of Type II MLG, since the regions have two masters: the Commission (European level) and the Whitehall (national level).

As for informal relations, these are more flexible, especially concerning the channels of access to upper tiers of governance and lobbying.

Regional jurisdictions seem to be building networks of channels of access to decision-making at both the national and European levels. This is obviously an argument in favour of MLG. In five of the eight discussions, the participants agreed that the GOs represent a source of information for the other two regional actors. The GO would also feed the views of the regional actors into the national departments.

With regard to the Brussels Offices coordinated by the RDA and the RA, the GOs use them as a source of information concerning the progress of discussions in Brussels as it can be quicker to obtain the information this way than via national channels. Moreover, the GO in general does not lobby, or if it were to take a position concerning a given issue then that would be through the Whitehall departments which lobby for the structural funds. However, there still are some cases where regional government officers would suggest to the RDA and RA members what to

lobby through their office in Brussels. This however, seems to take place in the few regions where the regional partnership seems to be very tight.

The fact that the RDAs and the RAs are new institutions must also be taken into account as they did not lobby for the 2000-2006 Structural Fund framework. Thus they only have lobbied for issues related to its implementation. However they are actively involved in lobbying for the post 2006 programme especially in those areas where they oppose the British government. Unfortunately the value and strength of the regional as opposed to national lobby cannot be appreciated at this moment in time as the post 2006 programme has not yet been approved.

3.2. Horizontal relations

Horizontal relationships have two forms: coordination and competition. Both are less developed than the vertical rapport.

Concerning cooperation, the only type clearly defined is cross-border cooperation, developed through INTERREG III projects¹⁰. These do not entirely depend on the regions as INTERREG III is a Community Initiative so they are hierarchically coordinated.

With regards to inter-regional cooperation in England the only example of cooperation concerned the senior officer level. Here, according to one respondent, the regional officers ask for an increased role of the regional tier in shaping the national position due to the fact that they are better informed about the regional needs. This tendency indicates a predisposition towards devolution within the national government as shifts of power towards Whitehall's devolved bodies begin to take place. Overall it has been agreed that the English regions do not make as much contribution as they should to policy-making, confirming once again the argument put forward in this study.

As for competition among the regions, although its existence is endorsed by the literature (Keating and Hooghe 1999) it is not confirmed by the empirical evidence cited here. There was an attempt by the Commission to stimulate competition in the allocation of the performance reserve¹¹ to the most effective regions. The interference of the national

¹⁰ This is a Community Initiative, a programme developed and implemented strictly by the Commission, targeting small communities in border regions.

¹¹ This represents a 4% ceiling of the funds allocated to the regions and it has been aimed to be awarded after the MTEs are completed.

government was decisive here since it did not agree with the Commission criteria. This can be seen as an attempt to slow down the development of MLG and of regionalisation. Nonetheless the outcome was that everybody received the performance reserve, however with a small variation among the regions.

The structure of horizontal and vertical relationships as well as the distribution of competences is currently exposed to change as the process of regionalisation has not yet ended and the framework for implementing the Structural Funds after 2006 has not yet been agreed. However, it can be concluded that, according to the MLG theory, there are numerous Type I characteristics in the English model. There is a hierarchy between jurisdictions and the number of jurisdictions decreases as the rank rises. There is partnership and cross-border cooperation. There are also attempts to coordinate policies through regulations and these can be seen as attempts to solve the MLG dilemma. These cause effects such as bureaucracy and bargaining which are well known characteristics of MLG. Moreover, the overlapping of Whitehall and the EC in issues such as the allocation of the performance reserve indicates the existence of Type II MLG at the interface between national and international levels. Thus the two types co-exist and the theory is supported through the numerous examples given.

Conclusion

The aim of the study reported here was to give some insight into the implementation of the Structural Policy in England, particularly with regard to the emergence of MLG. The project drew on the study by Hooghe and Marks (2003), "Unraveling the Central State, but How? Types of Multi-level Governance". This accounts for the existence of two types of multi-level governance, one of them Type I being characterised by low profile hierarchy between the jurisdictions. The conclusion of this paper is that currently England is not characterised by multi-level participation¹² as Bache (1998, 1999) has argued. But it is a Type I MLG in its early stages.

¹² The difference between the two theoretical views is that multi-level participation implies an extended gatekeeper role of the central government, while Type I MLG argues that hierarchy intervenes just to coordinate the targets.

The research used data from interviews, documents and statistics in order to evaluate the presence of MLG characteristics. The evaluation followed the criteria outlined by Hooghe and Marks (2001): distribution of competences; distribution of fiscal power and the formal and informal relations between the actors. Concerning all three categories the findings have shown that Structural Policy governance in England has MLG characteristics, particularly of Type I and that there is potential through the spill-over effect of regionalisation for further progress in this direction. One related conclusion is that the relations between Whitehall and the Commission tend to be non-hierarchical, and these institutions overlap each other in the control of Structural Funds. This indicates the coexistence of Type II MLG at the edges of Type I, confirming once again the position advanced by Hooghe and Marks (2001).

In pursuing this argument the project takes into account that England is a moving target in terms of regionalisation. The implication here is that it is likely that the process will accelerate as the regions develop their capabilities. Furthermore, it is not known yet what the effects of the Eastern Enlargement on the reform of the Structural Funds will be. It remains to be seen whether the governance will be predominantly Type I or Type II.

The main contribution of this paper is that it presents a somewhat different perspective on the English system of structural policy governance. Most of the authors mentioned in the study take the view that Whitehall is a gatekeeper in the implementation of the Structural Funds. This could be because they define MLG strictly with regards to Type II, which presumes non-hierarchical rapport among the actors. Type I however accepts hierarchy and it is argued in this study that England has predominantly Type I MLG characteristics. The few central government attempts at control are interpreted as traces of the former type of governance which was highly centralised. They also support the conclusion that MLG in England is in its early phases.

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ARBEIT UND MODERNE GESELLSCHAFT. EINE KRITISCHE ERKUNDUNG MIT HANNAH ARENDT

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Abstract

Looking back on theoretical approaches of basic themes like „work“ and „production“ in the modern world, equally applied on liberal as well as on communist societies, Hannah Arendts critique, especially on Karl Marx, is shown to be not an ideologic motivated rejection of the marxistic ideas. Referring to the antique society model of Athen democracy, Arendt shows the main topics of the difference between an philosophical ideal and his interpretation in both modern Western and Eastern societies. Therefor, a look on todays post-communist society through Arendts theories shows intriguing results in genderspecific and also in general areas of private or social behaviour.

Die moderne Gesellschaft definiert sich, sowohl aufgrund theoretischer Präsuppositionen, als auch in den sie konstitutiv begleitenden Reflexionen der Gesellschaftswissenschaften, als eine Organisationsform, deren Hauptmerkmale durch die menschlichen Tätigkeitsbereiche vorgegeben werden. Daß die Arbeit zu einer sozialen Dominante aufgestiegen ist, wird in den unterschiedlichsten theoretischen Diskursen nicht angezweifelt, ihr Anspruch jedoch, die *absolute* Humanisierungsleistung zu vollbringen, wird von verschiedenen Seiten in Frage gestellt.

Dieser Kritik ist auch das Werk Hannah Arendts zuzuordnen, die in „Vita activa oder Vom tätigen Leben“ eine Neudefinierung der Bereiche menschlicher Tätigkeit vornimmt, die sich an antiken Mustern orientiert. Vom staatlichen Modell der Demokratie ausgehend, ohne absolutistische Herrschaftsformen auszuschließen, reflektiert sie eine gesellschaftliche Entwicklung, die sie auf historische Vorbildern zurückführt. Durch diese Parallele lassen sich auch die Arbeit und ihre Bedeutung neu bestimmen.

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Die Arendt'sche Position ist nicht singular, doch wird ihre Wahrnehmung durch den Umstand erschwert, daß die Kritik klassischer Arbeitstheorien auch jene von Karl Marx nicht ausspart. Dadurch gerät die Auslegung Arendts ins Kreuzfeuer ideologischer Fronten, denen die Treue zum Gegenstand über die Objektivität wissenschaftlicher Umgangsformen hinausgeht. „Vita activa“ ist jedoch keine antimarxistische Offensive, sondern ein gesellschaftskritischer Ansatz, der sich auch vier Jahrzehnte nach seiner Niederschrift verwerten läßt.

In der Wiederaufnahme dieses Standpunktes soll von der Unterscheidung ausgegangen werden, die Hannah Arendt zwischen den Einzelbereichen menschlicher Tätigkeit ausmacht, um deren Hierarchisierung darzustellen; von Bedeutung ist dabei die Antinomie von Arbeiten und Herstellen. Ein weiterer Schritt, den sie vollzieht, läuft in die Richtung einer zusätzlichen Differenzierung von individuellen und vergesellschafteten Äußerungsformen dieser Tätigkeiten in der Trennung bzw. In-Gleich-Setzung von „privat“ und „öffentlich“. Anhand dieser diskutiert sie auf Arbeitstheorien basierende Gesellschaftsentwürfe, um den Status der modernen Gesellschaft als eine Gesellschaft von Konsumenten zu beleuchten. In den dargestellten Thesen wird außer der modernen kapitalistischen Gesellschaft auch die Arbeitergesellschaft marxistisch-sozialistischer Prägung einbezogen, und zwar nicht in einer Gegenüberstellung, sondern in einer Parallele, die die Grenzen politischen Schwarz-Weiß-Denkens freilegt.

Die Theorien zur Definierung und Standortbestimmung der Arbeit für das menschliche Leben innerhalb der Gesellschaft berücksichtigen, je nach ihrer Entstehungszeit, unterschiedliche gesellschaftliche Gegebenheiten, für die sie entweder eine Befürwortung oder einen Gegenentwurf darstellen. Der sozialstrukturelle Aspekt übernimmt dabei eine bedeutende Funktion, da implizit oder explizit eine schichtenspezifische Unterteilung vollzogen und für die jeweilige Perspektive angewendet wird.

Die theoretischen Ansätze verlaufen in zwei Hauptrichtungen: zum einen vollzieht die Arbeit einen Statuswechsel, indem sie von einem äußeren Zwang zu einem Wesensmerkmal der „*conditio humana*“ wird. Zum anderen wird sie in ein spannungsreiches Verhältnis (von Identifikation oder Differenzierung) zum menschlichen Handeln gesetzt.

Die antike Polis unterscheidet zwischen „*utilitas*“ und „*necessitas*“ bei der Einschätzung menschlicher Tätigkeiten. Während der Vollzugsbereich

menschlicher Freiheit die politische Schaubühne ist, bleibt die knechtische Arbeit der familiären Sphäre vorbehalten. Übergänge sind jedoch möglich, sie sind an der Aufteilung der Berufe in „artes liberales“ und „artes sordidae“ ablesbar.¹ Diese gesellschaftlich relevante Hierarchie wurde von marxistischen Theoretikern als Geringschätzung der niedrig gestellten Arbeit und der Arbeitenden gedeutet.² Sie ist jedoch als Voraussetzung für die Schaffung von Freiheitsräumen zu verstehen.

Die Herabsetzung der Arbeit in der Bedeutung menschlichen Handelns für den öffentlichen Bereich geht einher mit einer von Theoretikern vorbestimmten Werteskala. Nicht die „vita activa“, sondern die aus dem öffentlichen Bereich zurückgezogene „vita contemplativa“ stellen die antiken Philosophen als Idealzustand dar. Auch das Christentum erklärt die Weltabgeschiedenheit gegenüber dem unmittelbar Tätigsein als Ziel aller Bestrebungen. Sowohl das Alte Testament (mit der Vertreibung des Menschen aus dem Paradies und der damit einsetzenden Selbstbestimmung durch die mühevollen Arbeit) als auch das Neue (entstanden in einer Zeit apokalyptisch orientierter Exzesse) führen ein ambivalentes Verhältnis zur Arbeit mit.³ Dieses wird jedoch im Zuge antikatholischer Bestrebungen sowohl im weltlichen Sinn (durch den Humanismus) als auch in dogmatischer Hinsicht (durch die Reformation) umgewertet.

Gesellschaftliche Utopien wie der Marxismus verknüpfen die Hervorhebung der Arbeit mit der Veränderung sozialer Herrschaftsstrukturen (ersichtlich u. a. an dem Slogan von der „Diktatur des Proletariats“). Auseinandersetzungen zwischen dem individuellen Recht auf Besitz und dessen kollektiven Gebrauch lassen Diskussionspunkte erkennen, die von Arendt für ihren Diskurs fruchtbar gemacht werden.

In den sechziger Jahren beabsichtigt H. Arendt mit „Vita activa“ eine Neuorientierung an den griechischen und römischen Vorbildern. Sie schreibt ihre Theorie über die Arbeit retrospektiv, zu den antiken Ursprüngen hin, und beleuchtet dabei auch die zeitgenössische Praxis. Die Entfernung moderner Staaten von ihrem angeblichen Stadtstaatenmodell

¹ Arendt (1960): 84.

² In der didaktischen Auslegung von Mikl-Horke (1984).

³ Bahrdt, Hans P., „Mühe und Arbeit. Zum Wandel der Einstellung zur Arbeit in der Geschichte“, in Kerber, Walter (Hrsg) (1984): 13-42.

Athen wird an der differenzierten Sicht über das Phänomen der Arbeit bloßgestellt. Ohne die ideologischen Vorgaben des Kalten Krieges zu beachten, setzt „Vita activa“ keine Unterscheidungen zwischen Ost und West fest, sondern stellt die Opponenten in ihrer Grundeinstellung gleich, wobei der Bezugspunkt ihrer Theorie die aus der Antike überlieferte Denkweise ist.

Für die antike Demokratie ist die Aufteilung der Bereiche menschlichen Handelns bestimmend, die auch auf sozialer Ebene verbildlicht wird. Die Gegenüberstellung von Oikos und Polis vollzieht sich im Sinne einer hierarchisch verstandenen Bestätigung der Polis. Der Raum des unfreien Notwendig-Gebundenen steht jenem der Freiheit gegenüber und ist gleichzeitig eine Voraussetzung für diesen. Die Theorien des Aristoteles, die als "Philosophie der Mußeklasse und für die Mußeklasse"⁴ gedeutet worden sind, nimmt Hannah Arendt zum Anlaß ihrer Überlegungen, um die schrittweise Herabsetzung der Arbeit innerhalb verschiedener Denksysteme darzustellen und den antiken Ausgangspunkt eindeutig freizulegen. Sie hebt hervor, daß das Hauptkriterium in der Aristotelischen Gedankenwelt die Notwendigkeit ist, aufgrund der sich die Bürger der antiken Demokratie in Freie (und erst dadurch überhaupt Menschenwürdige) und Sklaven aufteilen (deren Tätigkeitsbereich naturgemäß vorgegeben ist). Erst die Loslösung von der tierähnlichen Gebundenheit an die gattungsmäßigen Überlebenspflichten schafft den notwendigen Freiraum für höhere Existenzstufen, die auch gesellschaftlich wahrnehmbar sind.

Nicht die soziale Relevanz dieser Abgrenzung, sondern die ihr zugeordneten Tätigkeiten werden von Arendt in der klassischen Form beibehalten. Sie unterscheidet dabei zwischen Arbeiten, Herstellen und Handeln; insbesondere die Gegenüberstellung Arbeiten-Herstellen ist in der Standortbestimmung der Arbeit für die moderne Welt ausschlaggebend. Diese vollzieht sich anhand vier Kriterien: Zeit, Natur, benötigte Hilfsmittel und individuelle bzw. überindividuelle Einbeziehung des Menschen.

Die subjekt-orientierte Arbeit dient dem Zweck, die für den alltäglichen Verbrauch notwendigen Güter zu sichern, während das Herstellen als objekt-bezogene Tätigkeit zu verstehen ist, die Dingwelt-bildende

⁴ Mikl-Horke (1984): 4.

Gebrauchsgegenstände produziert. Diesen Voraussetzungen entsprechend vollzieht sich ihr jeweiliger Bezug zum Faktor „Zeit“ unterschiedlich. Als prozeßmäßig wiederholbare Tätigkeit ist die Arbeit einem unendlichen, unbegrenzten Zyklus gleichzusetzen, der naturhaft ohne erkennbaren Anfang und Schluß stattfindet. Das Herstellen hingegen wird von der Eingrenzung des menschlichen Lebens durch Geburt und Tod geprägt und setzt Produkte in die Welt, die diese Grenzen überdauern. Da es den natürlichen Fluß durchbricht, ist das Herstellen un-natürlich und gleichzeitig weltbildend: die erzeugten Gegenstände konstituieren eine Ding-Welt, die durch ihren Bestand auch einen Wert beinhaltet.

In ihrem Verhältnis zur Natur sind Arbeiten und Herstellen ebenfalls zu differenzieren. Die der umgebenden Natur entnommene Materie wird durch den Arbeitsprozeß nur der Form nach verwandelt, ohne ihren Grundcharakter zu verlieren; selbst im Endprodukt ist sie ihrem Ursprung nach zu erkennen. Durch die Herstellung jedoch wird Materie zerstört und neu zusammengesetzt. Während Arbeit demnach eine einverleibende, verzehrende Tätigkeit ist, setzt das Herstellen in destruktiver Weise ein.

Beide Tätigkeiten kommen ohne Hilfsmittel nicht aus, in dieser Hinsicht sind sie gleichwertig; der Einsatz dieser Mittel widerspiegelt jedoch ihre graduelle Verschiedenheit. Die benötigten Geräte ermöglichen eine Steigerung des Arbeitsrhythmus und dadurch die Schaffung eines Überschusses. Sie sind die Voraussetzung für eine quantitative Veränderung, die in der technischen Revolution ihren Höhepunkt findet. Das Herstellen benötigt Werkzeuge, die bei der Entstehung einer Dingwelt eine qualitative Veränderung der Natur bewirken. Gegen den gängigen Fortschrittsglauben, der an der Weiterentwicklung der technischen Hilfsmittel auch einen höheren Stand der Arbeit erkennen will, nimmt Arendt an, daß den Arbeitsgeräten eine bloß sekundäre Funktion im Arbeitsprozeß zukommt, da sie trotz technisch bedingter Abnahme einzelner Arbeitsschritte den Menschen nicht gänzlich ersetzen können.

Aus der unterschiedlichen Einstellung zum menschlichen Faktor ergibt sich eine weitere Differenz zwischen Arbeiten und Herstellen. Die entscheidende Größe, in deren Form der Mensch im Arbeitsprozeß wahrgenommen wird, ist seine Arbeitskraft. Durch die Arbeitsteilung im Arbeitsprozeß werden Menschen untereinander austauschbar, da ihre Fähigkeiten ausschließlich als wertneutrale Arbeitskraft einsetzbar sind. Dementsprechend bleibt die Arbeit, unabhängig von dem sie

Ausführenden, qualitativ gleich. Im Unterschied dazu setzt das Herstellen eine spezifische Ausbildung des Menschen voraus, die bis zu einem Punkt mit einem gewissen künstlerischen Niveau einhergeht. Jeder Herstellende ist individuell wahrnehmbar und prägt das Endprodukt in einer spezifischen Weise. Auf überindividueller Ebene herrscht nicht Arbeitsteilung, sondern Kooperation.

Mit der eindeutig vollzogenen Unterscheidung von Arbeiten und Herstellen setzt Hannah Arendt auch polemische Akzente zur Arbeitstheorie von Karl Marx, insbesondere zu dessen frühen Schriften. Während Marx zugunsten des durch den unpersönlichen Arbeitsprozeß nicht implizierten Menschen plädiert, betont sie den individuellen Charakter des Einzelnen gegenüber seiner Anonymität innerhalb einer (proletarischen) Masse.

Die Teilung der Arbeit war in den Städten zwischen den einzelnen Zünften und in den Zünften selbst zwischen den einzelnen Arbeitern gar nicht durchgeführt. Jeder Arbeiter mußte in einem ganzen Kreise von Arbeiten bewandert sein, mußte alles machen können, was mit seinen Werkzeugen zu machen war. [...] Daher findet sich bei den mittelalterlichen Handwerkern noch ein Interesse an ihrer speziellen Arbeit und an der Geschicklichkeit darin, das sich bis zu einem gewissen bornierten Kunstsinne steigern konnte. Daher ging aber auch jeder mittelalterliche Handwerker ganz in seiner Arbeit auf, hatte ein gemütliches Knechtschaftsverhältnis zu ihr und war viel mehr als der moderne Arbeiter, dem seine Arbeit gleichgültig ist, unter sie subsumiert.⁵

Diese Ablehnung des rationalisierten Arbeitsprozesses, der ausschließlich auf Effektivität und Produktivität eingestellt ist, enthält gleichzeitig eine Abwendung von dem utilitaristischen Denken der Gegenwart. Arendt zeigt des weiteren, daß auch gesellschaftliche Systeme, die sich ideologisch nicht explizit auf Marx beziehen, dessen theoretische Ausführungen verinnerlicht haben und sich dadurch von programmatisch sozialistischen Gesellschaften kaum unterscheiden. Es ist ein Paradoxon moderner Zeit, daß ideologische Spuren zugunsten von wirtschaftlichem Denken verwischt werden, auch wenn sie in dem offiziellen politischen Diskurs mitgeführt werden. Doch kann mit der Kritik Arendts auch der

⁵ Marx, Karl, „Die deutsche Ideologie“, in Marx (1953): 382.

Inhalt ideologischer Auseinandersetzungen hinterfragt werden, selbst nach dem Zusammenbruch der osteuropäischen sozialistischen Herrschaftssysteme. Denkbar wäre eine Aufarbeitung öffentlicher Stellungnahmen während und nach dem Kalten Krieg bzw. der Herrschaftsdiskurse in Ost und West.

In der Parallele zwischen Arbeiten und Herstellen wird gleichzeitig eine hierarchische Anordnung der beiden Tätigkeiten zugunsten des Herstellens angedeutet. Gleichzeitig soll die eindeutige und detaillierte Unterscheidung der beiden Tätigkeiten verdeutlichen, warum der Arbeit, die in der Moderne mit dem Herstellen gleichgesetzt wird, eine übermäßig bestimmende Rolle zugeschrieben wird.

Diese Differenzierung kann auch über den eigentlichen Kontext hinaus eingesetzt werden, zumal in der Diskussion um die theologische Begründung der Arbeit, wo eine begriffliche Klärung auch die Ambivalenz der christlichen Einstellung zur Arbeit näher beleuchten kann. Ausgehend von der alttestamentarischen Schöpfungsgeschichte wird die Vertreibung Adams aus dem Paradies und seine anschließende Verdammung zum mühsamen Broterwerb allgemein als Strafe Gottes interpretiert:

[...] verflucht sei der Acker um deinetwillen! Mit Mühsal sollst du dich von ihm nähren dein Leben lang.⁶

Von kirchlicher Seite wird im modernen Gespräch um zeitgeschichtliche Phänomene wie die Arbeitslosigkeit und die Einstellung des heutigen Menschen zur Arbeit, zu ihrem Erwerb bzw. Verlust eine dogmatische Neubewertung angestrebt. Der durch göttlichen Willen abgesicherten Verknüpfung von Arbeit und Mühsal, die keiner Auflehnung gegen diesen Zustand Raum läßt, wird der ursprüngliche Schöpfungsakt Gottes als semantisches Äquivalent entgegengehalten, um die menschliche Arbeit in der Parallelsetzung zur Genesis aufzuwerten.

Aber dieser negative Aspekt, die Arbeit als Mühsal, enthält dennoch nicht die eigentliche Kernbedeutung der Arbeit für den Menschen. Vielmehr steht auch in der Bibel an erster Stelle noch vor und über dem Hinweis auf die Mühsal der Gedanke, daß Arbeit ein Schaffen sei, ein Hervorbringen, etwas Kreatives, durch das der Mensch Gott ähnlich wird. Wenn nämlich die biblische Schöpfungsgeschichte als ein Siebentagewerk

⁶ Genesis 3,17.

Gottes dargestellt wird, dann bedeutet das im Umkehrschluß, daß im menschlichen Arbeiten etwas Ähnliches geschieht wie in der *Schöpfertätigkeit Gottes*. [...] Die Arbeit als solche ist also nicht etwas, was sich als Fluch Gottes erst aus der Sünde ergäbe, sondern nur ihre Härte und Schwierigkeit. In der Arbeit als Tun, als Weltgestaltung, als Entfaltung von Kreativität, wird der Mensch dem wirkenden Gott ähnlich.⁷

Die Hochwertung des nach dem Angesicht Gottes geschaffenen Menschen und der Schluß, daß demnach auch seine Tätigkeiten synonym zu denen des Schöpfers zu verstehen seien, lassen sich mit der Argumentationskette Hannah Arendts widerlegen. Auch dieser Betrachtung liegt eine Identifikation von Arbeiten und Herstellen zugrunde. Während der Akt Gottes zeitlich auf sieben Tage begrenzt und eindeutig unwiederholbar ist, gleichzeitig als „*creatio ex nihilo*“ eine qualitative Steigerung der Materie bis hin zur Krone der Schöpfung bedeutet, ist das menschliche Schaffen iterativ auf eine bloße Umformung der vorgegebenen Stoffe ausgerichtet. Die im Bibeltext genannte agrare Lebensform dient der auf niedrigster Stufe angesiedelten Erfüllung von Lebensnotwendigkeiten (der Ernährung) und nicht zur Schaffung dauernder Werte. In einer zeitlich festlegbaren Gegenüberstellung ist die Arbeit des Menschen zyklisch, das heißt auf Wiederholung angelegt. Gottes Schöpfertätigkeit dagegen ordnet sich linear an: an jedem der sechs tätigen Tage vollzieht sich ein eigenständiger Akt, der am nächstfolgenden Tag von einem völlig anderen abgelöst wird.

Die somit widerlegbare theologische Argumentation zeigt gleichzeitig die Risse eines ideatischen Konstrukts auf, das für die gegenwärtige Zeit immer mehr an Bedeutung verliert. Nicht allein die Verweltlichung des öffentlichen Lebens (in krassem Gegensatz zum Mittelalter, das von der Kirche beherrscht war), auch die jahrhundertealte Überlieferungstradition von Denkmustern führen dazu, daß eine Adaptation dogmatischen Gedankenguts anachronistisch wirkt. Ein solches Argumentationskonstrukt bewirkt schließlich auch seine eigene Außerkraftsetzung, da es in einer logischen Weiterentwicklung seinen eigenen Standpunkt angreift: wenn des Menschen Arbeit der Schöpfung Gottes gleich ist, verliert der Schöpfer selbst seine Sonderstellung im Weltsystem. Die Genesis ist nur noch ein Fließbandprodukt, begründet in

⁷ Kerber, Walter, „Arbeit als Fluch? Sozialethische Perspektiven“. In: Kerber (1984): 56.

der allmächtigen Arbeitskraft, und der Mensch wiederum wird seiner knechtischen Rolle als Arbeitstier nicht enthoben, sondern darin bestätigt. Nicht als eine Apologie der Arbeit, eher als Blasphemie wäre dieses Argument zu verstehen, dessen Fragwürdigkeit auch in der von uns ad absurdum geführten Logik deutlich wird.

In der Schöpfungsgeschichte wird jeder einzelne Schritt (außer dem zweiten Tag) selbstreflexiv von der gleichlautenden Bemerkung begleitet: „Und Gott sah, daß es gut war.“⁸ Diese Selbstbestätigung und die damit einhergehende Erfüllung kommen jedoch der weltlichen Arbeit abhanden; sie müssen ihr quasi zugeführt werden, um dadurch den arbeitenden Menschen seiner Würde nicht zu entledigen:

Im Kerngehalt bedeutet Arbeiten also ein Wirken, eine Tätigkeit, und nur das Mißlingen wird als schmerzlich erfahren. Arbeit hat deshalb nicht nur Nutzwert im Hinblick auf andere Ziele, sondern der Arbeitsvollzug selbst vermag dem Menschen eine gewisse Befriedigung und Erfüllung des Lebens zu vermitteln. Das Bewußtsein, etwas *Sinnvolles* und *Bedeutendes* zu leisten und dafür Anerkennung zu verdienen, bildet die Grundlage für ein berechtigtes Selbstwertgefühl des Menschen.⁹

Auch die theologische Argumentationskette kommt um die Tatsache nicht herum, daß gewisse Arbeitsbereiche von dieser natürlichen Selbstherrlichkeit ausgeschlossen werden. Die Widersprüche, die dadurch freigelegt werden, weisen zurück auf die von Arendt festgestellten Kritikpunkte, z. B. im Fall der Haus(frauen)arbeit.

Dabei muß aber heute besonders darauf hingewiesen werden, daß die *Verengung* des Arbeitsbegriffs auf die bezahlte *Lohnarbeit* zu verheerenden Auswirkungen im Selbstgefühl und öffentlichen Bewußtsein führen kann. Die Tätigkeit der Hausfrau im Haushalt, die Erziehung der Kinder, der ehrenamtliche Dienst in einer privaten oder öffentlichen Institution sind echte Arbeit, auch wenn dadurch die Lohntüte nicht besser gefüllt wird.¹⁰

Die offenbaren Widersprüche lassen sich, zum Unterschied von der zitierten Argumentation, nicht durch die darin vermutete begriffliche Eingrenzung von Arbeit auf Lohnarbeit erklären, sondern vielmehr, mit

⁸ Genesis 1 (die Verse 4, 10, 12, 18, 21, 25, 31); mit geringen Abweichungen in 1,4 und 1,31.

⁹ Kerber, Walter (1984): 55.

¹⁰ Ebda: 58.

Hannah Arendt, durch eine Übertragung des Arbeitsterminus aus dem privaten Bereich in den öffentlichen. Da in die entstandene Lücke kein anderer Begriff eingefügt wurde, bezeichnet Arbeit im heute üblichen Gebrauch sowohl private als auch öffentliche Tätigkeiten, die jedoch unterschiedlich bewertet werden. Daraus resultieren auch die sozialen und politischen Auseinandersetzungen um den Status der Hausarbeit und der Kindererziehung in einer von Arbeitsethos geprägten Gesellschaft. Zusätzlich kommt in der Arendt'schen Sichtweise eine (auch für den frühen Feminismus charakteristische) polemische Einstellung zu dieser sozialen Problematik, die dazu geführt hat, daß die Autorin auch als Befürworterin der genderorientierten Studien angesehen wurde.

Die hierarchische Anordnung von Arbeiten und Herstellen zugunsten des Herstellens bedeutet für Hannah Arendt nicht eine Herabsetzung oder Entwürdigung der Arbeit. In dem Unterkapitel „Die Fruchtbarkeit der Arbeit im Unterschied zu ihrer vermeintlichen Produktivität“ wertet sie die Arbeit in Verknüpfung mit ihrer vorgegebenen Naturhaftigkeit auf.

Die lineare zeitliche Abfolge des Herstellens ist dem menschlichen Leben eingeschrieben, doch setzt es eine Einstellung voraus, die sich von der naturhaften Umgebung zugunsten der artifiziell geschaffenen Dingwelt absetzt. In der Verbindung zur Natur zeigt sich jedoch jener Teil des Daseins, der den Menschen mit seiner Umwelt gleichschaltet und ihn dieser einverleibt. Nicht Distanz und Differenz wie im Herstellen, sondern Nähe und Implikation sind für die Arbeit charakteristisch.

Der Segen der Arbeit, den man neuerdings „Arbeitsfreude“ nennt, ist die menschliche Art und Weise, der Seligkeit des schier Lebendigen teilhaftig zu werden, die wir mit allen Kreaturen teilen. Und ein in der Arbeit sich verbrauchendes Leben ist der einzige Weg, auf dem auch der Mensch in dem vorgeschriebenen Kreislauf der Natur verbleiben kann, in ihm gleichsam mitschwingen kann zwischen Mühsal und Ruhe, zwischen Arbeit und Verzehr, zwischen Lust und Unlust mit derselben ungestörten und unstörbaren, grundlosen und zweckfreien Gleichmäßigkeit, mit der Tag und Nacht, Leben und Tod aufeinanderfolgen.¹¹

In dieser Bezugsetzung zur Natur erkennt Arendt eine weitere Dimension der Arbeit, die deren Bedeutung für das menschliche Leben ausmacht. Die Arbeit wird von vielen Theoretikern, so auch Locke und

¹¹ Arendt (1960): 97.

Marx, als *die* weltbildende Fähigkeit des Menschen angesehen. Diesem Ausgangspunkt stimmt auch Arendt zu, sie weicht jedoch in ihrer weiteren Argumentation von den Vorgängern deutlich ab. Nicht in der verneinten Identifikation von Arbeiten und Herstellen, die den liberalen und marxistischen Theorieansätzen zugrunde liegt, sieht sie die anthropologische Dimension der Arbeit, sondern, im Zuge deren Parallelsetzung zur Prozeßhaftigkeit von Naturphänomenen, in ihrer Gleichsetzung mit der Zeugungsfähigkeit des Menschen. Dafür widerlegt sie den Ansatz Marx', der die Arbeitsproduktivität als Größe seines Systems betrachtet, indem sie dieser die Fruchtbarkeit entgeghält.

Mit dem Einfügen dieses neuen Begriffs in ihre Argumentationsfolge leistet Arendt einen doppelten Beitrag zur angestrebten polemischen Auseinandersetzung. Zum einen bestätigt sie die Kernrolle der Arbeit im menschlichen Leben, die auch im Gegensatz zu dem Herstellen weitergeführt wird; Arendt wendet sich nicht gegen die Arbeit allgemein, sondern gegen deren theoretischen Überdimensionierung durch Locke und insbesondere durch Marx. Doch setzt sie dieser Tätigkeit die menschliche Dimension, die ihr im Laufe der übermäßigen Theoretisierung abhanden gekommen ist, wieder ein. Nicht abstrakte Größen wie Arbeitskraft, Arbeitsprozeß und Arbeitsteilung stehen im Mittelpunkt ihrer Betrachtungen, sondern der Mensch als Individuum und als Teil eines Ganzen, d. h. der Mensch in seiner Natürlichkeit und seiner Naturhaftigkeit. Als solcher verfügt er über jene Fähigkeit des Zeugens, die ihn biologisch den anderen Arten gleichstellt und ihn auch von diesen abhebt dadurch, daß er damit Voraussetzungen schafft bezüglich seiner sozialen Dimension. Durch die Zeugung kommt er der Natur, die im Arbeiten bzw. Herstellen in unterschiedlichen Maßen verfremdet wird, wieder näher. Dieses Plädoyer einer idealen Rückkehr zur Natur und zur Naturhaftigkeit des Lebens wird von Arendt im Sinne einer humanistischen Denktradition angeführt, die gerade im Zeitalter einer kontinuierlichen Distanzierung von der Ursprünglichkeit menschlicher Phänomene wieder zu Wort kommt.

Diese Rückkehr zum Ursprünglichen geht einher mit einer Aufwertung der ins Private abgeschobenen gesellschaftlichen Dimension der klassischen Geschlechterbeziehung, die der Frau durch ihre Konzentration auf das Arbeiten (Hausarbeit, Kindererziehung) den Zugang zum Herstellen verwehrt. Arendt übt keine unmittelbare Kritik an der

klassischen Rollenverteilung, sondern bestätigt den privaten Charakter der weiblichen sozialen Stellung durch die Nennung der Fruchtbarkeit als Hauptdimension des Arbeitens. Die Arbeit als Tätigkeit des privaten und nicht des öffentlichen Raums, die nunmehr der Frau zufällt, wird weder herabgesetzt noch in ihrer Bedeutung negiert; vielmehr erhält sie einen exklusiv weiblichen Charakter durch ihre Gleichsetzung mit dem Zeugungsakt.

Auch mit dieser Betrachtungsweise reiht sich Arendt in eine schon bestehende Traditionslinie ein, die sie jedoch abweichend interpretiert. Die theologische Begründung der Arbeit durch den Fluch Gottes widerlegt sie durch deren Einordnung in das Denksystem griechischer Philosophie und erklärt die eigentliche Verwünschung als die nunmehr der menschlichen Gattung auferlegte Mühsal des Arbeitens bzw. des Zeugens:

[...] Und auch die Strafe der Austreibung aus dem Paradies bestand nicht im Arbeiten und Gebären als solchen, sondern der Fluch bewirkte, daß die Arbeit hart und die Geburt schmerzhaft wurden.¹²

Sie enthebt dadurch die Arbeit der negativen Bewertung und stellt sie erneut der Zeugung gleich. Darin wird sie auch von Marx bestätigt, der in der „Deutschen Ideologie“ in der Betrachtung familiärer und wirtschaftlicher Verhältnisse den Zeugungsakt ebenfalls anspricht und ihn unter die „Produktion des Lebens, sowohl des eignen in der Arbeit wie des fremden in der Zeugung“¹³ einreihet. Nicht in der Parallelsetzung, sondern in der Interpretation geht Arendt eigene Wege, die auch eine feministisch orientierte Lektüre möglich machen, da auch der moderne Feminismus auf Mythen und Vorstellungen zurückgreift, die eine ursprüngliche, matriarchalische Gesellschaft thematisieren.

Mit dem offensiv angedeuteten Bezug auf den privaten Raum (der keinen „Rückzug ins Private“, sondern eine Aufwertung der in Privatheit durchgeführten Arbeit mitmeint) grenzt Arendt das Individuum von dem Zugriff des Staates ab, ähnlich den liberalen Ansichten der Neuzeit. Ihre Befürwortung des Privaten erklärt sich jedoch nicht aus der Abgrenzung von Erwerbsrecht, Eigentum und Besitz, sondern aus der Privatheit der Arbeit selbst.

¹² Arendt (1960): 340 (Fußnote 53).

¹³ Marx, Karl, „Deutsche Ideologie“, in: Marx (1953): 356.

Nun ist ja zweifellos nichts „privater“ als die Körperfunktionen, in denen sich der Lebensprozeß manifestiert, und zwar sowohl die Funktionen des Aneignens und Ausscheidens von Nahrung wie die der Fortpflanzung; es ist in diesem Zusammenhang bemerkenswert, daß die „Tätigkeiten“, die selbst in einer „vergesellschafteten Menschheit“ als unbezweifelbar „privat“ respektiert werden, Vorgänge sind, die von dem Lebensprozeß selbst diktiert werden.¹⁴

Arendts Annahme, daß die private Sphäre des Individuums ausgegrenzt werden kann von der Einwirkung des Staates, darf vom heutigen Standpunkt aus und nach den geschichtlichen Erfahrungen des 20. Jahrhunderts zu den Utopien gezählt werden. Das imaginäre Big-Brother-Überwachungssystem eines von Orwell beschriebenen totalitären Mechanismus ist von der Wirklichkeit abgelöst worden.¹⁵ Die von Marx angestrebten vergesellschafteten Systeme haben jedoch eigene Möglichkeiten entwickelt, um die Beobachtung und Kontrolle des Einzelnen systematisch zu betreiben. Zwei Jahrzehnte nach Arendts „Vita activa“ unterzieht ein sowjetischer Dissident genau dieses Verhältnis einer eingehenden Kritik und identifiziert die Überlagerung von privat und gesellschaftlich am Beispiel des „Intimlebens des Kollektivs“. Alexander Sinowjew beschreibt diese subtile Form von Freilegung der Privatsphäre durch die Übergriffe der Arbeitsverhältnisse auf das Einzelleben der Arbeitenden.

Das Leben des Kollektivs erschöpft sich nicht in der gemeinsamen Produktions- oder Dienstätigkeit. Es schließt auch eine gemeinsame gesellschaftliche Tätigkeit verschiedenster Art mit ein (Versammlungen, Abendveranstaltungen, Reisen) und außerdem persönliche Beziehungen, die auf dieser Grundlage erwachsen (Klatsch, Einladungen, Liebesbeziehungen, gemeinsame Trinkgelagen, lokale Gruppen, Mafias, wechselseitige Bürgschaft, gegenseitige Dienste). Diese verleihen den Beziehungen innerhalb des Kollektivs den Charakter der Intimität. [...] Das ist sehr wichtig für das Verständnis all dessen, was in der kommunistischen Gesellschaft vor sich geht. In ihr, möchte ich betonen, ist nicht der einzelne Mensch Träger

¹⁴ Arendt (1960):100 f.

¹⁵ Zur Rezeption Orwells durch die kritisch denkenden Intellektuellen der kommunistischen Staaten merkt Milosz an: „Orwell hat sie fasziniert durch die scharf beobachteten Einzelheiten, die sie sehr gut kennen, und durch die Form der an Swift gemahnenden Satire“. In: Milosz (1954): 53.

des Persönlichkeitsprinzips, sondern eine ganze Institution. Der einzelne Mensch ist nur eine Teilpersönlichkeit, ein Anspruch auf Persönlichkeit, ein Protest gegen den Verlust der Persönlichkeit, die bloße Erinnerung an eine Persönlichkeit. [...] ¹⁶

[...] Infolgedessen bleibt vom Intimleben eines Menschen nichts übrig, was dem Kollektiv unbekannt wäre (angefangen bei dem Zustand seines Verdauungstraktes bis hin zu seinen Liebesangelegenheiten). ¹⁷

Sinowjew stellt kein theoretisches Konzept und keine literarische Utopie, sondern den real existierenden Kommunismus des Ostblocks der siebziger Jahre dar. In den Achtzigern greift die Kontrolle des Staates viel stärker in das Leben der Bürger ein, in Rumänien z. B. durch die planmäßig durchgeführte Geburtenkontrolle und die ärztlichen Pflichtuntersuchungen in den Arbeitsbetrieben, insbesondere an jungen Menschen. Ein weiteres Beispiel einer solchen Kompetenzüberschreitung ist in der VR China zu finden, wo der Kinderwunsch heute offiziell eingeplant wird und eine Familie für „normüberschreitende“ Erweiterung Strafe zahlen muß.

Paradoxerweise lassen sich mit Hannah Arendt die Grenzen zwischen der kommunistischen Arbeitergesellschaft und der modernen Wohlfahrtsgesellschaft leichter verwischen als allgemein angenommen wird. Selbst in Gesellschaften, die von Rechtsstaaten getragen werden und auf eine soziale Marktwirtschaft bauen, kann der gewaltsame Eingriff des Staates in die Privatsphäre seiner Bürger nachgezeichnet werden. Für die bundesrepublikanischen Verhältnisse kann die gesetzliche Einschränkung der Abtreibung (§ 218) als befremdlich betrachtet werden, da private Entschlüsse unter öffentlichem Druck getroffen werden müssen. Die für unmündig erklärten Bürgerinnen sollten sich gesetzlich Entscheidungen vorschreiben lassen, die nicht unmittelbare gesellschaftliche Relevanz haben. Die Begründung hierfür wird einer ansonsten für ihr straffes hierarchisches und autoritätsgläubiges System kritisierten Institution entlehnt: mit den konservativen moralischen Vorbehalten der katholischen Kirche füllt ein demokratisch organisierter Staat eine verbindliche gesetzliche Lage aus. Diese Zusammenführung wirkt, zumal aus der Sicht

¹⁶ Sinowjew (1982): 197 f.

¹⁷ Ebda: 199.

Hannah Arendts betrachtet, bedenklich, und relativiert den in politischen Diskursen angeführten Ost-West-Vergleich.

Die Überbetonung der Arbeit als dominierende Tätigkeit in der modernen Gesellschaft impliziert auch weitere zeitgeschichtliche Erscheinungen. Eine davon ist der Konsum, an dessen Beispiel Hannah Arendt ebenfalls eine ideologieunabhängige Kritik erstellt.

Der zyklische Verlauf der Arbeit und ihre naturähnliche Prozeßhaftigkeit führen zu einer ansteigenden Erzeugung von Gütern, die ihrerseits – denselben Naturgesetzen folgend – verzehrt werden müssen. Die Konsumkapazität ist jedoch individuell begrenzt, während die Arbeitskapazität der Gesellschaft potentiell unbegrenzt ist. Ein Ausgleich von Produktion und Konsum ist nur in nationalökonomischen Rahmen möglich; um diesem Rhythmus folgen zu können, entwickelt sich der Gebrauch von Dingen zum Verbrauch.

Diese geänderte Haltung gegenüber der Dingwelt führt zu einem Statuswechsel der Dinge selbst. Da ihnen keine Dauerhaftigkeit eingeschrieben werden muß, werden sie zu einfachen Konsumgütern degradiert und sind jederzeit gegeneinander austauschbar. Auf der Zeitachse führt das ansteigende Konsumbedürfnis zu einer radikalen Veränderung: nicht mehr die Dauer, sondern die Flüchtigkeit tritt in den Vordergrund, sowohl auf die Dinge selbst bezogen als auch auf den Umgang mit ihnen.

Die moderne liberale Gesellschaft wie auch die Arbeitergesellschaft kommunistischer Prägung verfolgen eine Steigerung der Produktion, sei es durch das Postulat einer Leistungsgesellschaft einerseits oder durch die Raffung der üblichen Fünfjahrpläne in eine kürzere Zeitspanne andererseits. Für Hannah Arendt liegt die Erklärung dieses Umstands nicht in der ansonsten oft zitierten Industrierevolution, sondern in der Arbeitsteilung und der gegenseitigen Austauschbarkeit der Arbeitskräfte im Arbeitsprozeß. Dieser wird dadurch auf ein mechanisches Reproduzieren reduziert, da er den Menschen nicht als „homo faber“, sondern nur als „animal laborans“ impliziert. Die Erleichterung und Befreiung der Arbeit haben jedoch keine umwälzenden sozialen Folgen, da eine Emanzipation der Arbeiterklasse allein durch Freistellung von der Arbeit nicht möglich ist. Im Sinne Arendts können nur die im öffentlichen Raum eingesetzte Zeit und die Fähigkeit des Einzelnen zu politisch wirksamen Entscheidungen führen; die aus der produktionsfreien Zeit

entstandenen Freiräume werden heute jedoch mit Hobbys ausgefüllt und im streng privaten Sinn gebraucht. Der Konsum greift dadurch auch in die Freizeit ein und ermöglicht die Entstehung einer konsumierbaren Kulturform, der Massenkultur.

Diese Zeiterscheinung wird von der Tatsache begünstigt, daß der reflektierte Umgang damit abhanden gekommen ist. Auch intellektuelle Tätigkeiten subsumieren sich dem Arbeitsbegriff und müssen ein Einkommen sichern können. Das freie Gedankenspiel verkommt zur hobbymäßigen Freizeitbeschäftigung. Ein utilitaristisches Raster läßt alle „unproduktiven“ Tätigkeiten verkommen; an ihre Stelle tritt die leicht anzueignende Variante der Surrogaten. Auch Marx hatte diesen Zustand gesellschaftlicher Entwicklung als erstrebenswert angesehen, indem er künstlerische Äußerungen ebenfalls in die Freizeit verbannt sehen wollte:

In einer kommunistischen Gesellschaft gibt es keine Maler, sondern höchstens Menschen, die unter anderem auch malen.¹⁸

Die Massenproduktion von Kultur in Form diverser Volks-, Sport- und anderer Feste und ihr ebenfalls massiver Konsum führen zu einem Verlust des Zeitgefühls. Nicht die Zeit selbst, sondern die Muße ist es, die abhanden kommt, und die für Kulturgenuß vorausgesetzt wird. Übrig bleibt eine Surrogatenkultur, die den Anschein hoher Kunst mit dem allgemein zugänglichen Inhalt verbindet.

Mit diesen Kritikansätzen Hannah Arendts lassen sich auch publikumswirksame Medienprogramme der heutigen Zeit eingehender betrachten. Die Unterordnung der Kultur gegenüber der sozialen Problematik in kommunistischen Ländern findet hier ebenfalls einen kritischen Spiegel vorgesetzt. Arendt verwirklicht einen ideologiefreien Diskurs und eröffnet Gedankengänge, die zu zeitkritischen Auseinandersetzungen anregen können.

Mit ihrem Plädoyer für die „vita activa“ und deren bewußt wahrgenommenen politischen Dimension schreibt Hannah Arendt aus ihrer Zeit heraus gegen die totalitären Erfahrungen des 20. Jahrhunderts. Sie bietet analytische Kategorien, die soziale und politische Gegebenheiten differenziert beleuchten, und ignoriert ideologische Standpunkte. Die gebotene Distanz, aus der scheinbar entgegengesetzt agierende

¹⁸ Marx, Karl, „Die deutsche Ideologie“, in Marx (1953): 475.

Gesellschaftssysteme betrachtet werden, sichert ihrem Ansatz Aktualität und macht ihn zu einem möglichen Ausgangspunkt für die kritische Beobachtung zeitgeschichtlicher Umstände.

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THE RELATIONSHIP BETWEEN TRANSLATION AND GENDER

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Abstract

Diese Studie stellt ein interdisziplinäres Forschungsgebiet vor, das sich im Schnittpunkt der Übersetzungswissenschaft und der Gender-Studien befindet. Früher wurde die Übersetzung als Transfer zwischen Sprachen aufgefasst. Heute vertritt man eine andere Auffassung. Die Übersetzung wird heutigentags immer mehr als Transfer zwischen Kulturen, sogar Ideologien betrachtet. Dies kann einerseits mit den verschiedenen Konnotationen, andererseits mit den unterschiedlichen sprachlichen Ausdrucksmitteln im Zusammenhang stehen. In Bezug auf den Ausgangstext werden oft männliche Rollen assoziiert, während die Übersetzung mit weiblichen Rollen verkleidet wird. Die Unterschiede in den grammatischen Systemen machen es möglich, daß die Übersetzungen auch ein ideologisches Plus ausdrücken, also durch sie werden auch politische Ideologien vermittelt. Da die Sprachen mit unterschiedlichen grammatischen und lexikalischen Mitteln auf die Geschlechter referieren, hängt der Ideologische Transfer von der Natur der Ausgangs- bzw. Zielsprache ab, aber auch von der Richtung der Übersetzung. Die Rolle des Übersetzers wird dadurch verantwortlicher, indem er den Ausgangstext auch aus dem Aspekt des Gender zu analysieren hat. Es muß unbedingt entschieden werden, welche politischen Ideen im Text in der Zielsprache ausgedrückt werden, wie der Text in der Zielsprache auf die Leserschaft auch in diesem Zusammenhang wirken soll.

Introduction

Within one language community people are linked by the language they speak. Since the collapse of Babel, language has cut off people of one speech community from those of another. It means that linguistic barriers separate participants of communication; they are confined to their own worlds, since information sent out in one language cannot be picked up by a monolingual communicator of another language. To bridge the gap

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between these different linguistic worlds a bilingual communicator is needed who possesses both these languages, thus mediates between them and removes the barriers.

In the 21st century, translation is no longer regarded as a cross-linguistic transfer the only aim of which is to remove linguistic barriers and transmit information. In addition to this, the activity of translation is described as a cross-cultural transfer (Vermeer 1986) that implies a transfer of cultural knowledge (Tellingner 2005, Lendvai 2005) as well as a transmission of political ideas (if ideology is understood in its broader sense). It means, “a translator must possess in-depth knowledge of the ideas, beliefs, and values that connect to the languages being translated” (Nissen 2002). The objective of the present study is to bring together *translation* and *gender studies*, the latter being defined as a theoretical work in the social sciences or humanities that focuses on issues of sex and gender in language and society. In addition, gender studies often addresses related issues including racial and ethnic oppression, postcolonial societies, and globalization (en.wikipedia.org/wiki/Gender_studies). This writing focuses on the way gender is expressed in languages in general and in the language of the original and that of the translated text in particular, and intends to testify the following:

- participants of the translation process can be associated with masculine and feminine roles, and this approach reflects views on social hierarchy;
- linguistic categories of gender (grammatical, pronominal and social gender) do play a role in transmitting ideas about women and men when translation takes place between languages that express these categories by different structural means.

1. Translation as *les belles infidels*; manifestation of gender differences in metaphors

Translation scholars often express the view that there is a qualitative difference between the activity of the author and that of the translator. What the original contains is natural, truthful and lawful, but the translation is derivative and secondary, thus often artificial, false and treasonous. That is why the translated text is often referred to as the replica of the original and is often regarded as echoes in musical terms or copies and portraits in painterly terms. Ever since Popovič published his book

entitled *The poetics of translation*, the result of this act of writing is called a metatext, a variety of the original, giving information about a text that existed previously. (Popovič 1980; Lőrincz 2005).

The idea that there is a relationship between translation and the sexes goes back to the 17th century and this thought has appeared during the history of translation several times. It happened because the original writing and its translation had often been endowed with masculine and feminine attributes. The sexualization of translation first appeared in the French tag *les belles infidels* – like women ... translation should be either beautiful or faithful. “The tag is made possible both by the rhyme in French and by the fact that the word *traduction* is a feminine one, thus making *les beaux infidels* impossible. This tag owes its longevity ... more than phonetic similarity: ... it has captured a cultural complicity between the issues of fidelity in translation and in marriage” (Chamberlain in Venuti 2000). This metaphor can be explained as follows: Marriage is a contract between man and woman. Translation can also be regarded as a contract between the original and the translator. Thus, fidelity is a kind of implicit contract between translation as woman and original as man. In the same way as the precondition of a happy marriage is the wife’s fidelity, the precondition of a good translation is also fidelity, that is, faithfulness from the part of the translator to the original. When a wife is unfaithful to her husband, she is accused of being guilty of infidelity. There might be cases when a translator can also be accused of infidelity, but the writer of the original can never commit such a crime. So the author of the original can never be accused of infidelity. In addition, what does the translator have to do in order to guarantee the originality of his/her work? The answer to this question was: the translator has to become part of the family and possess masculine roles, incur paternal duties in relation to the text. He is figured as a male, and the text itself has to be figured as a female protected by the translator. This metaphor of translation reflects power relations, that is, domination and subversion, social inequality, and this means conveying political ideas. As suggested by the metaphors mentioned before, translators and women have been the “weaker figures” in their respective hierarchies. In the same way that translators are handmaidens to authors, women are inferior to men. “Because they are necessarily ‘defective’, all translations are ‘reputed females’”(Simon 2005:1). It follows from this statement that women and translators are inferior to men and authors.

2. Gender differences in actual practices of translation

The previous part of the study has attempted to describe how the sexualization of translation can be expressed by metaphors which go back to the 147th century. This part intends to point out the ways gender difference has been present in the activity of language transfer. On the one hand, translation was associated with females because in the course of history it was the specific form of writing women were allowed to do. When in the Middle Ages, women were excluded from the privileges of authorship, translation was the only form of public expression for them. During the English Renaissance, women were encouraged to translate religious texts. At the same time, they were forbidden to do any other kind of public writing. Therefore, translation became, and in the 19th and 20th centuries continued to be a kind of apprenticeship for them. On the other hand, "translation was an important part of the social movements in which women participated, such as the fight against slavery. First-wave feminism was closely associated with this movement. Women have translated in order to build communication networks in the service of progressive agendas and in the creative renewal of literary traditions" (Simon 1996: 2). Women made translation an expression of their political convictions. The choice and manner of the text women translated reflected feminist principles. Some feminist translators even suggested that women's texts should be translated only by women translators, and men's texts by men. Chamberlain pointed out the following: "Working within the conventional hierarchies . . . the female translator of a female author's text and the male translator of a male author's text will be bound by the same power relations: what must be subverted is the process by which translation complies with gender constructs" (Chamberlain 1992: 72). It has to be remarked that this solution could not be a long-term one.

Feminist interpretation left its marks on the Bible, the most important and widely read text of the Western culture¹.

Many consider that the Bible suggests feminine inferiority. That is why it is open to challenges of interpretation and of translation. One of the

¹ In the new projects of the Bible translation there is a conjunction of gender and language issues. The reason for placing the Bible into a feminist frame is to counterbalance the masculine bias and at the same time protest against the injustice, women were subjected to.

most powerful examples criticized by feminists is the Creation story, the first example testifying feminine inferiority. The example concerns the meaning of the Hebrew word *adam*, which can mean both a male person (man) or any human person (man). Adam is the name of the first human created by God. According to common understanding, the first being was created man, and the second, female being was derived from him. This interpretation suggests that God intentionally used dual nature of the Hebrew word (*God created "man" in His image and they were "man" and "woman"*) (Genesis 1: 26-27) to indicate male headship. However, recent interpretations of the Bible argue against the exclusively masculine identity of the word *adam/man*. Another, widely accepted understanding of the Creation story is as follows: the creature God made out of clay was at first neither masculine nor feminine. It was a creature not yet sexed. As Tribble points out, "The sexual identity of humankind would have been a later attribution, following its division into two sexes" (Simon 1996: 117-118). One popular version of the Bible emphasizes the inferiority of Eve, thus the subordination of woman to man. Other interpretations emphasize that woman is equal in power and glory with man. In the case of recent Bible translations, the idea of equality between man and woman had a great impact on the translated version. The feminist interpreters of the Bible use gender-inclusive (neutralized) language in reference to human beings (men and women). They consider it politically correct language in reference to males and females that promotes protection and equality between the sexes. The first gender-inclusive translation of the Bible was the New Revised Standard Version published in 1993, which has never been very popular. The New Living Translation, published in 1996 by Tyndale was the first English translation to use gender-neutral language that received more acceptance. Another gender-inclusive translation was made in 1996, but it was so sharply attacked by evangelical scholars that the publication in North America was axed. Using gender-inclusive language means the following: Instead of *all men*→*all people* is used. The third person singular masculine pronouns (*he, him, his,*) are avoided and substituted by the third person plural pronouns (*they, them, their*). Opponents of Gender Inclusive Translation associate this solution with losses, claiming that the avoidance of the third person masculine pronouns and a more general equivalent of *man* result in losing the personal impact of some of the statements. Examples illustrating generalization are: *a man's mind*→*the human mind*; *the*

Lord directs his steps→*the Lord directs the steps*; *If a man loves me*→*Those who love me*; *my Father will love him*→*My Father will love them*; *we will come to him*→*we will come to them*; *make our home with him*→*make our home with them*; *when I became a man*→*when I became an adult*; *sons of God*→*children of God* ([http:// instructor.pbi.ab.ca/StevenIbboston/RevScrip/Gender.html](http://instructor.pbi.ab.ca/StevenIbboston/RevScrip/Gender.html)). As we can see, GIT means that some specific words for males are translated to be gender neutral. Especially the noun *man* is eliminated. This word in English refers to both *man* and *humanity*. Both the Hebrew word *ish* and the Greek word *aner* are specific terms for males and they can only mean *man*, as opposed to *adam* and *anthropos*, which are more general terms for *man* or *humanity*. Masculine references are to clarify what the original text meant in English. Those who oppose to gender inclusive translations of the Bible state that the noun *man* has to be used on the grounds that those who speak English will realize when *man* refers to *male* and when it refers to *humanity*. Adherents of the gender inclusive translations argue that although it first came forward out of a feminist agenda, it is not a gender issue, but a translation issue. When *men* is rewritten *people*, the meaning is generalized, a generally accepted transfer operation is carried out. *People* is a dynamic equivalent to *men*. Since the idea of dynamic equivalence is accepted in translation studies, it is widely used in all English translations.

3. Gender differences in languages

Languages can be classified according to whether they show grammatical gender or not. (Corbett 1991). There are *grammatical gender languages*, for example Russian, German, Spanish and so on, which mark gender on nouns or their modifiers. This category can be signalled on pronouns and verbs too through agreement with the gender of the nouns with which they are syntactically associated. There are cases when gender marking in languages is arbitrary, but in other cases it is motivated by the biological sexes. Gender marking in a language can include masculine, feminine and neutral. There are languages in which pronouns present the only evidence for gender, for example English. Such languages are labelled as *languages with pronominal gender systems*. In contrast to this, there are languages without any grammatical means of signalling gender. Hungarian belongs to this group. It has no grammatical means for showing gender, but it does not mean that gender reference is impossible. Hungarian expresses on the

lexical level (on the level of words) what gender languages signal morphologically, on the level of grammar.

3.1. Connotations based on grammatical gender

Grammatical gender is often cited as a merely formal category. In spite of this, it seems to have a great impact on the way of thinking and on what Jakobson calls “the mythological attitude” of a speech community: He points out that the gender of inanimate nouns often prompts metaphoric interpretations and personifications. For example, Russians are prone to personify the weekdays interpreting Monday, Tuesday and Thursday as males and Wednesday, Friday and Saturday as females without realizing that this distribution is due to morphological facts, namely the masculine ending of the first three names (понедельник, вторник, четверг) and the feminine ending of the second (среда, пятница, суббота). In contrast to this, Friday is masculine in some Slavic languages, which accounts for the fact that the Friday ritual of these communities differ. Sometimes superstitions are due to the gender of nouns. A fallen knife for Russians means that a male guest will arrive while a fallen fork indicates the arrival of a feminine guest (Jakobson in Venuti 2000: 117). Translation problems may arise when a word is masculine in one language but feminine in another. For example, *sin* (*die Sünde*) is feminine in German but masculine in Russian (грех), or *death* is feminine in Russian (смерть) in Russian, but masculine in German (*der Tod*). Death is associated with masculinity in English as well. We can illustrate this by an example taken from a published translation of a collection of Hungarian folk tales. The tale is entitled *A halál és a vénasszony/Death and the Old Woman* in which Death wants to take the old woman away. The story goes like this:

... azonban a vénasszony sajnálta otthagyni a gazdagságot, kérte hát a halált, könyörgött neki, hogy ne vigye még el egy darabig. ... De a halál azt mondta, hogy már beírta a nagy könyvebe, ... (1997: 36).

In the translation, Death appears as masculine:

*... but the old woman was reluctant to leave her wealth and so she asked Death, pleaded with **him**, not to take her away for a while yet. But Death said that **he** had already entered her in the big book, ... (Adams 1997:37).²*

Because Hungarian language lacks the grammatical category of gender, it is impossible to refer to previously mentioned nouns with reference to their gender. As regards this tale, like the English readers, the majority of Hungarian children would also imagine *halál/Death* as a man, because they associate death with power usually characteristic for men. It happened not by chance that while reading the translation of German tales Russian children were astonished to find that death thought of as woman was pictured in German as man. In the latter case, it would have been important from the part of the translator to insert an explanation.

3.2. Translation strategies based on gender differences

When a Hungarian text is translated into English or Russian, difficulties may arise for the translator. They may be caused by the fact that total unmarkedness for gender is contrasted with the various degrees of gender markedness. In Hungarian, it is possible to construct whole paragraphs without indicating whether the character denoted by the subject of the sentence is a male or a female. Let us consider the following text:

Fügét is vett. Mazsolát is vett. Mélyhűtött őszibarackot és málnát is vett. Be volt rúgva. Hangosan dudorászott, miközben a segédek és kisasszonyok mértek, csomagoltak, számoltak. (Örkény 59)

***Kopp** bought the figs and raisins, deep-frozen peaches and raspberries. **He** was intoxicated. As the assistants and salesgirls weighed, wrapped or reckoned, **he** hummed a tune. (Sollosy 53)*

Regardless of the translator's intention, the target language text will be more specific. Both the Hungarian and the English readers know from previous paragraphs that the character mentioned is Lukács Kopp. He goes

² The sample sentences demonstrated in the study were gained as a result of examining Hungarian, English and Russian novels as source language texts and their published translations.

shopping for the first time in his life and is overwhelmed by the big choice offered by the shop. Although the readers have the background knowledge necessary for the understanding of the plot, the translator is unable to translate this passage into English without inserting the subject and at the same time specifying the gender of the character. In the first sentence of the paragraph the name of the character is added, in further cases the masculine personal pronoun is inserted. So the translator cannot avoid supplying the reader with information about the gender of the character. In the Russian translation of the same paragraph, the gender markedness is more conspicuous, because it is also expressed by the verb inflections.

Он купил фиги. И изюм. И свежезамороженные персики и малину. Он опьянел от покупок Он напевал себе под нос нечто бравурное, пока продавцы взвешивали, упаковывали, подсчитывали. (Воронкина 286)

These examples illustrate that the translator's decisions are determined by the direction of translation. When they translate from Hungarian into English, automatic specification of gender takes place. When the direction of translation is reversed, they use intentional specification which requires careful consideration. Instead of English personal pronouns, proper names and generic names appear in the translated texts several times. For example:

He looked at her. She was serene and unyielding. (Christie 78) → Edward hosszasan ránézett. Dorothy fenséges volt és kérelhetetlen. (Borbás 61)

The English pronoun is specified by the proper name **Edward** and **she** by the proper name **Dorothy**. Using first names may suggest intimacy, while using surnames or both names may give the impression of distance. That is why the translator has to weigh several factors before applying this type of intentional specification. It also might occur that the characters do not have proper names in the original. The author refers to them only by personal pronouns. In such cases, translators insert generic nouns like *a fiú / the boy, a kisfiú / the young boy, a férfi / the man, az öregember / the old man* etc. It has to be remarked, that besides gender specification these nouns carry

additional meanings as well. They may convey supplementary information about the gender or age of the character or carry other additional meanings, which is a problem concerning the translator's decision-making (Klaudy 2003: 322-329).

When a language that shows grammatical gender in a way unavailable to a pronominal gender language, difficulties may arise. The translator has to decide how to supply the information about the sex of the person in question. Such cases also require careful consideration from the part of the translator, who can resort to applying *intentional specification*. This phenomenon can be illustrated by some examples taken from a Russian novel and its Hungarian translation.

- *А кто она такая? Спросил Иван. (Булгаков 510)*
- *És ki az az asszony? - tudakolta Iván. (Szöllősy 137)*

... мастер и незнакомка полюбили друг друга так крепко... (Булгаков 510)

...a Mester és az ismeretlen nő olyan erősen megszerették egymást, ... (Szöllősy 137)

Russian marks gender morphologically both on the personal pronoun and the adjective. The translator cannot express this information on the level of grammar. That is why the noun *asszony/woman* denoting a feminine human being is inserted in the first example. In the second the meaning of a feminine noun is transferred by an adjective + noun construction containing the noun *nő/woman*. At the same time, adding the nouns *asszony* and *nő* intensifies the focus on the fact that the referent is a female. Seen from an ideological perspective, Hungarian readers in this case might interpret these equivalents in translation to be more related to 'women's matters' than it was intended in the original.

Conclusion

The translator is a special reader in the sense that he/she transmits his/her own reading experience to the target language readers. While reading, the translator's and the author's horizons meet on the same level and a kind of dialogue is created between the two voices. It is important to remark here that the translator's reading ability is much more than mere analytical

reading. The translator, who is a privileged reader, studies the original, reads it several times and interprets it on the basis of his/her linguistic knowledge and knowledge of the world including cultural and ideological views. Translators have to analyse the original from the point of view of grammatical gender as well as connotations and political ideas based on gender (Kegyessné Szekeres 2005). As a result, the translation might transfer not only linguistic, but also cross-cultural and political ideas. In comparison with the source text, a translation is always a culturally and ideologically enriched text.

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FORUM

BUSINESS, A GAME OF STRATEGY. GAME THEORY IN PRACTICE

Roxana Bianca Bobîrcă*

Abstract

This paper offers a brand new perspective on how game theory influences players actions in business. The general scope of this analysis is to stress the importance of game theory, as an useful instrument for prediction, regarding the way future events might take place. Game theory focuses directly on the most pressing issue of all: finding the right strategies and making the right decisions. I decided to take into consideration this subject because game theory could become a highly efficient instrument for managers, as long as they use it cautiously (taking into consideration the limits of this instrument).

Game theory, by its very nature, offers a rational perspective and in a society that has developed an aversion to such things, this will be sufficient reason for some to criticise it. Research suggests that good managers are well-informed, multi-skilled and flexible in their approach to problem-solving. (Kelly, 2003 : 3). Considering that this statement was proved in practice I suggest that managers should regard game theory as an useful instrument, mainly because of it's benefits:

- ◆ game theory offers a trilateral methodology for understanding the way future events take place;
- ◆ game theory allows the formulation of predictions;
- ◆ game theory delivers prescriptions and recommendations for a proper judgement (support for decision making process);
- ◆ using game theory in order to manipulate/influence players;

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- ◆ using game theory for developing and implementing efficient strategies.

Game theory is concerned with the actions of decision makers who are conscious that their actions affect each other. Game theory is not useful when decision makers ignore the reactions of others or treat them as impersonal market forces (Rasmusen, 2001).

The best way to understand which situations can be modelled as games and which cannot is to think about examples like the following (Rasmusen, 2001):

1. OPEC members choosing their annual output;
2. General Motors purchasing steel from USX;
3. Two manufacturers, one of nuts and one of bolts, deciding whether to use metric or American standards;
4. A board of directors setting up a stock option plan for the chief executive officer;
5. The US Air Force hiring jet fighter pilots;
6. An electric company deciding whether to order a new power plant given its estimate of demand for electricity in ten years.

The first four examples are games. In (1), OPEC members are playing a game because Saudi Arabia knows that Kuwait's oil output is based on Kuwait's forecast of Saudi output, and the output from both countries matters to the world price.

In (2), a significant portion of American trade in steel is between General Motors and USX, companies which realize that the quantities traded by each of them affect the price. One wants the price low, the other high, so this is a game with conflict between the two players.

In (3), the nut and bolt manufacturers are not in conflict, but the actions of one do affect the desired actions of the other, so the situation is a game none the less.

In (4), the board of directors chooses a stock option plan anticipating the effect on the actions of the CEO.

Game theory is inappropriate for modelling the final two examples. In (5), each individual pilot affects the US Air Force insignificantly, and each pilot makes his employment decision without regard for the impact on the Air Force's policies. In (6), the electric company faces a complicated decision, but it does not face another rational agent.

These situations are more appropriate for the use of decision theory than game theory, decision theory being the careful analysis of how one person makes a decision when he may be faced with uncertainty, or an entire sequence of decisions that interact with each other, but when he is not faced with having to interact strategically with other single decision makers. Changes in the important economic variables could, however, turn examples (5) and (6) into games. The appropriate model changes if the Air Force faces a pilots' union or if the public utility commission pressures the utility to change its generating capacity (2001).

What game theory has to offer

Game – theoretic models allow economists to study the implications of rationality, self-interest and equilibrium, both in market interactions that are modeled as games (such as where small numbers, hidden information, hidden actions or incomplete contracts are present) and in nonmarket interactions such as between a regulator and a firm, a boss and a worker and so on (Gibbons, 1997:127).

To find a way of bringing together competition and cooperation, we turn to game theory. Game theory has the potential to revolutionize the way people think about business. This is because the fundamental ideas of game theory are so powerful, and because business offers so many opportunities for applying them (Brandenburger & Nalebuff, 1997).

Some scholars think that game theory evokes a war image of the marketplace something close to a battlefield. This point of view is quite wrong and it's also contradicted in practice because today you have to listen to customers, work with suppliers, create teams, establish strategic partnerships - even with competitors.

Game theory asserts that the human behaviour represents a mixture between co-operation and competition (co-opetition) that allows a simple lead for an opportunity or a trap in what concerns our relationships with humans. In other words it helps us take the best decision.

Game theory is the science of strategic decision making an important tool for understanding the relationships that are made and broken in the course of competition and cooperation. For managers, or those who interact with management, it is simply an alternative perspective with which to view the process of problem-solving. It is a tool, which, like all others, is

best used by those who reflect on their own practice as a mechanism for improvement (Kelly, 2003 : 2).

Game theory helps managers to expand the conceptual framework within which they operate and in doing so, encourage them to develop more powerful generic problem-solving skills. To find new solutions to familiar problems that have not been satisfactorily resolved, by giving practitioners a deeper understanding of the nature of incentives, conflict, bargaining, decision-making and cooperation (2003 : 1).

If we believe that game theory is not a part of our lives we must refresh our minds. Lawyers use game theory for selecting their jury, notorious investment firms use game theory for predicting market trends and also political leaders believe that game theory can help them develop good strategies in their political campaigns. I consider that in business everybody should know the principles of prisoner's dilemma, because it shows when we must co-operate and when we have to compete.

Before the arrival of this theory, economists thought that firms can afford to ignore the effects of their behaviour upon the actions of their competitors. This was acceptable only when dealing with the perfect competition and monopoly. Today, business people have heard about the opportunities revealed by game theory, McKinsey initiated a practice in the game theory field and famous firms like Xerox, Bear Stearns, PepsiCo consider that game theory is a powerful tool in the business arena.

In essence, game theory represents a tool for understanding the way decisions influence each other and from this point of view I think managers have a lot to learn from this theory but only if they use it for clearing their judgement not as a substitute for experience in business. Game theory has been successful in describing, at least in part, what it is to be a decision maker today and this tool is for those who are willing to risk knowing more.

Nowadays game theory or the way competitor act, react and interact in their struggle to maximize their profits has become a competitive tool in the world of business.

Business as a game

Business is a game, a different type of game I'll say, it's not like the game of chess or cards. In business your success it's not some other person loss, there can be many winners.

The game of business

- ◆ it's not a win-lose situation (games with zero sum)
- ◆ besides law there are no other rules
- ◆ the game has five parts (players, added values, rules, tactics and scope)
- ◆ the players might try to change the game in their advantage
- ◆ success is guaranteed only when we play the right game

Business is co-operation when it comes to creating a pie and competition when it comes to dividing it up. In other words, business is War and Peace but we must add that it's simultaneously war and peace. As Ray Noorda, founder of the networking software company Novell, explains: "You have to compete and cooperate at the same time."

In fact, most businesses succeed only if others also succeed. The demand for Intel chips increases when Microsoft creates more powerful software. Microsoft software becomes more valuable when Intel produces faster chips. It's mutual success rather than mutual destruction. It's win-win (Brandenburger & Nalebuff, 1997).

Describing a Game from a game theory perspective

The essential elements of a game are players, actions, payoffs and information—PAPI, for short. These are collectively known as the rules of the game, and the modeller's objective is to describe a situation in terms of the rules of a game so as to explain what will happen in that situation. (Rasmusen, 2001)

Trying to maximize their payoffs, the players will devise plans known as strategies that pick actions depending on the information that has arrived at each moment. The combination of strategies chosen by each player is known as the equilibrium. Given an equilibrium, the modeller can see what actions come out of the conjunction of all the players' plans, and this tells him the outcome of the game (2001).

Game elements – from a business perspective

When talking about business as a game we must analyse the map of business as a game (the value net/network). The map of business as a game is a diagram which offers a visual representation of all the elements of a business (see Figure 1).

The Value Net shows all the possible players and the relationship of interdependence between them. In other words, the map of business as a

game offers a clear representation of how players mix co-operation and competition. Usually firms compete in order to dominate one or more elements of the network.

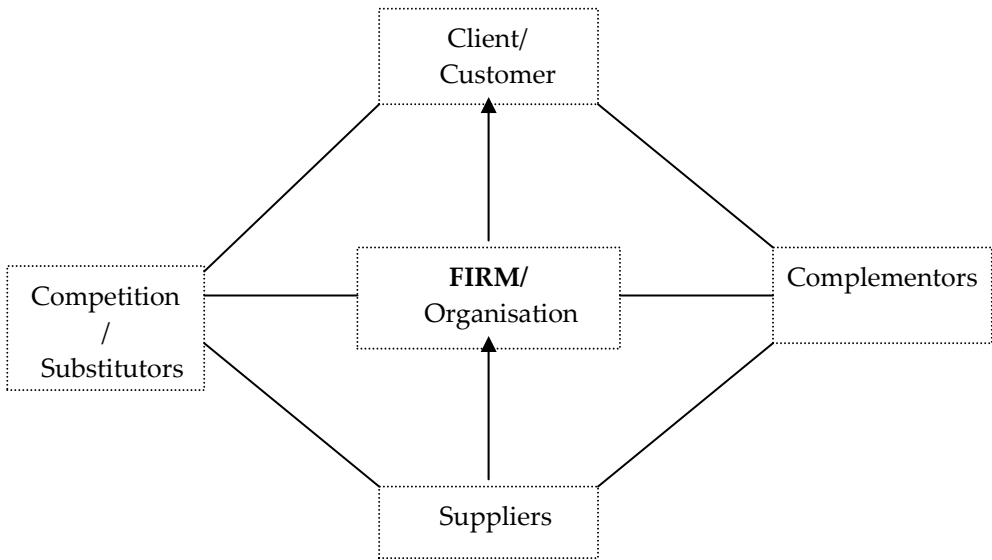


Figure 1. Value net of a firm

Source: Brandenburger & Nalebuff, 1997: 45

Every game has a number of five components or parts : players, added values, rules, tactics and scope (see Table 1).

Table 1. Game parts

PLAYERS
ADDED VALUES
RULES
TACTICS
SCOPE

Source : Brandenburger & Nalebuff ,1997: 31

These parts of the game together with the value net/network offer a conceptual framework for applying game theory to business it also provides a complete set of levers.

1. **Players** - customers, suppliers, rivals, allies ...

If business is a game, who are the players and what role do they play? First we can identify the clients/customer and then competitors. Besides clients and competitors we can observe another important group of players: suppliers and complementors.

One player could complement your business if your customers appreciate your product more when they buy the product of the other player. A player is your competitor when customers appreciate less your product when they have the product of the other player. Usually firms/organisations could play the role of the competitor and also of the complementor for their clients or for their suppliers. In these conditions, suppliers, clients/customers and complementors are partners in business. Players act like complementors when they create the market and like competitors when they divide or share the market.

Do you want to be a player?. It's the natural question to ask yourself when you consider entering a game. Sometimes the answer is not so obvious because anytime a player enters a game, he changes it.

The game after you've entered it isn't the same as the one you first saw. In physics, this effect is known as the Heisenberg principle - you can't interact with a system without changing it. There's a Heisenberg principle in business, too: it's the way you change a game by joining it (Brandenburger & Nalebuff, 1997).

2. **Added values** - what each player adds to the game (taking the player out would subtract their added value).

From experience, I might say that the concept of added value is not always very clear, especially for students, so I decided to explain it using a game, after all we are talking about games here. I believe the example above is easily accepted by the general audience.

The concept of added value comes from the game of cards :

Case 1

- one player has 30 black cards

- 30 participants have one red card each (every participant has a red card)
- one red card and one black card (only as a pair) value together \$ 100
- negotiations take place between the player and every participant
- how much will everybody gain?

Case 2

- the situation is the same like in case 1, so every participant has one red card
- player which has 30 black cards breaks 3 black cards
- so the gain is smaller with \$300

In the first case, the added value of the player which has 30 black cards is \$3000 and the added value for every participant that has a red card is \$100. The total added value for this game is \$3000. In the second case, the added value of the player which has 27 black cards is \$2.700 and the red card for three participants has a zero added value.

The concept of added value shows how the game changes when another player comes in. When a player leaves the game his added value disappears. In conclusion, we might say that the added value represents the size of a pie with you in the game minus the size of the pie without you. The added value is an essential concept in a game because everything you can gain depends on it.

3. Rules - give structure to the game

Usually when we talk about changing a game we think about changing the rules. This process is not always necessary or true as these rules are respected by the business people. Many of these rules are clearly established as custom rules, they have evolved to help ensure that trading practices are fair, that markets keep operating, and that contracts are honored. To step outside these rules would be to risk legal penalties or exclusion from the market.

The rules that I refer to are :

- ◆ Custom rules
- ◆ Contract - law

But there are other rules of the game that it can make sense to change. Many of these rules are the ones found in contracts. Your contracts with customers and suppliers shape your transactions with those players in ways that extend far into the future. As a consequence, these rules that

produce positive results in a particular business must be adapted in order to fit in other business sectors.

4. **Tactics** - moves to shape the way

- how players perceive the game
- how they play

In business games there are tactics to reduce misperception, or tactics to create or maintain misperception. These tactics can revise existing rules, or devise new ones.

It's perceptions of the world, regardless of whether they are accurate, that drive behavior. Mike Marn, management consultant at McKinsey, recounts a striking example: "One price war in industrial electrical products started when an industry trade journal mistakenly inflated the total market volume by 15%. The four major players all thought they had lost market share and dropped prices to recover what was really never lost" (Brandenburger & Nalebuff, 1997).

Perceptions play a central role in negotiations. Buyers and sellers often have different views of the pie; sellers portray what they have to offer as valuable, while buyers remain skeptical (1997).

Change people's perceptions, and you change the game!

5. **Scope** - the bounds of the game: expand or shrink

The games we play are not isolated although many believe the contrary and fail in analysing the game in isolation thinking that there can't be a bigger game. Every game is linked to other games: a game in one place affects games elsewhere, and a game today influences games tomorrow.

When you dislike the game you are currently playing you might consider changing the game. No matter how successfully you've seized your current opportunities, new ones will appear that can be best utilized by changing the game. There is no end to the game of changing the game.

Conclusion

Game theory is a tool to be incorporated into your way of thinking. In business, you might say that the unexamined game is not worth playing (1997).

Game theory represents an abstract model of decision making not the social reality of decision making itself. Therefore, while game theory

ensures that a result follows logically from a model, it cannot ensure that the result itself represents reality, except in so far that the model is an accurate one (Kelly, 2003 : 8).

Game theory is an especially valuable tool to share with others in your organization. The clear and explicit principles of game theory make it easier to explain the reasoning behind a proposed strategy. It gives you and your colleagues a common language to discuss alternatives. By letting others in on the process you've used to reach a strategic decision, game theory helps you build a consensus.

Students of politics, and economics may find this approach to game theory more accessible than the usual format of books on the subject.

Seven issues addressed in Game Theory:

1. What does it mean to choose strategies "rationally" when outcomes depend on the strategies chosen by others and when information is incomplete?
2. In "games" that allow mutual gain (or mutual loss) is it "rational" to cooperate to realise the mutual gain (or to avoid the mutual loss) or is it "rational" to act aggressively in seeking individual gain regardless of mutual gain or loss?
3. If the answers to 2. are "sometimes," then in what circumstances is aggression rational and in what circumstances is cooperation rational?
4. In particular, do continuing relationships differ from one-off encounters (one-night stands?) in this issue?
5. Can moral rules of cooperation emerge spontaneously from the interactions of rational egoists?
6. How well does actual human behaviour correspond to "rational" behaviour in these cases?
7. If it differs, then how? Are people more cooperative than would be "rational?" More aggressive? Both? (Dixit & Skeath, 2004 : 3).

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AN OVERVIEW OF BENJAMIN FRANKLIN'S MORAL AND ETHICAL THOUGHT. FROM RELIGIOUS TO CIVIL VIRTUES

Bogdan Lucian*

Abstract

L'article « Une perspective sur les pensées morales et éthiques de Benjamin Franklin. Des vertus religieuses devenues civiles », analyse la façon dont l'un des plus signifiants Déistes américains a adapté les vertus d'origine religieuse chrétienne (especiallement, mais pas nécessairement protestante) aux réalités de la société américaine de son temps, quand se posaient les bases de la société civile et du entrepreneurialisme moderne.

En éliminant les récits des miracles divins et gardant la structure éthique d'inspiration religieuse, l'assaisonnant tout cependant d'éléments laïques, Franklin nous a offert un modèle de conduite applicable aussi de nos jours, indépendamment de notre confession religieuse.

On January 17th, 2006, the tercentenary of the birth of the *first American*, as his biographers metaphorically dubbed Benjamin Franklin, was celebrated in Philadelphia, Pennsylvania. Since he had an eighty-four-year-long life, which was particularly active, in domains ranging from politics and administration to physics and technology and there is an extensive literature about these topics, we shall not focus our attention upon them, but move to a less-charted area by his biographers, namely that of Franklin's thought in the field of morals and ethics, but which is of prime importance for the study of the American philosophical tradition.

Accordingly, since most of the details of Franklin's early life can be traced from his *Autobiography*, we shall not bear too heavy an accent upon them, revealing only those aspects which contributed to the shaping of his character and, most importantly, stand at the basis of his system of moral and civic set of virtues, the latter being, in fact, the topic of inquiry of the paper herein.

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Thus, referring to Franklins' ancestry we shall only mention that his father, Josiah, who had sailed from Britain for New England, in 1682, married seven years later Abiah Folger, daughter of Peter Folger, one of the first settlers in New England, a Puritan mentioned in Cotton Mather's *Magnalia Christia Americana* as "a godly, learned Englishman". Benjamin was the fifteenth and youngest son of Josiah (who had seventeen children in all) and eighth child of Abiah.

As we shall see further, Puritanism had a determining influence upon Benjamin, who, though definitely not a religious practitioner (he will be one of the most representative American Deists), drew a large portion of his ethic and moral code from the Puritan values and virtues.

Speaking of young Benjamin's education, we must note that he only studied for a couple of years in the Boston Latin School, until the age of twelve, when his father, seeing his youngest son's great appetite for books, sent him as an apprentice along his elder brother, James, who had established a printing press.

The work as a printer's apprentice supposed a wider contact with more and better books than he could have had otherwise; young Franklin tried to value as much as possible this opportunity, finding every possible occasion for his readings (even skipping lunch breaks)¹. This proves us his thirst for knowledge, his determination and self-relying spirit. Practically, even if he was not provided with an extensive education, he did all his best to acquire one, reading everything he found at the printing shop, he could borrow, or he could afford buying, filling this way the void represented by the lack of an extensive formal, institutionalized education; and his later life proves us that he succeeded well in quenching his thirst for knowledge.

Let us remark the fact that, he had a variety of interests, reading books concerning aspects ranging from Arithmetic, Geometry and Navigation, to the classical works of Socrates and Xenophon and the political philosophy of John Locke. And, as he recollects, though at the beginning of his enquiries, young Franklin did not limit himself to take information for granted in a positivistic manner, but tried, as much as his (by then very limited) knowledge allowed him, to be a critical, doubtful and investigative reader.

¹ Franklin, Benjamin (1996), *The Autobiography of Benjamin Franklin*, Mineola, NY: Dover Publications, 12

Coming back to James Franklin's newspaper, *The New England Courant*, the second one to appear in America, preceded only by *The Boston News-Letter*, we need to evoke an incident occurring in its existence, which is important both for our analysis of the personality of Benjamin Franklin, and for the status of the press in the colonies at that time: though the American press was comparatively speaking the freest in the world, a political and religious article published in James's paper was deemed by the Assembly as "turning religion into derision" and "bringing offense" to His Majesty's government. Consequently, James was imprisoned for one month and he had to withdraw from formal direction of the newspaper, which was allowed to appear under the signature of Benjamin Franklin².

This incident, having occasioned so long an absence of Benjamin's brother at the helm of the printing press, meant the former was in charge during the period; this was, though unexpected and certainly not desired, a good occasion for the young apprentice to assume higher responsibilities and also for his administrative skills to unveil, as he not only surveyed the application of the rules established by his crafts master, but brought several improvements to them.

Moreover, one must not ignore taking into account that, working from such an early age, develops both labor skills and, thus, proficiency in the specific field of activity of the young employee, but also, by responsabilizing the individual, stimulates his entrepreneurial spirit and initiative. And, in Franklin's case, it definitely will not take long for these to manifest.

Thus, at seventeen years of age, Benjamin decided to leave Boston and find employment elsewhere. This can be deemed as a manifestation of a genuine American spirit: not contented with his, let us say, inherited status and appreciating he could do more with his life, he decided to go on his own, leaving, at seventeen years of age, for New York, then settling in Philadelphia, where his printing skills could earn him a living; by the age of twenty-four, thanks to his industriousness and practical spirit he had his own printing press, which lasted for some two decades, until Franklin gave up involvement in business.

But let us not think that this hyperactive character thought only of personal enrichment, as this was definitely not the case: therefore, along

² Tocqueville, Alexis de (1997), *Democracy in America*, University of Virginia, 583

with friends at the Junto, a political debate and policy-making club of which he was one of the founders, Franklin established the first public library in Philadelphia. This initiative was due to provide wider access to books to those who, as Benjamin in his youth, had the desire to read and enrich their knowledge, but no financial possibilities for acquiring their personal copies of a still rare and expensive merchandise.

We also must bear in mind that, as Max Weber had pointed it out, Protestantism (Franklin was born as a Calvinist, which got him acquainted to many of its dogma; nevertheless, at a higher age, as he embraced Deism on a wider extent, he will have rejected certain ones) promotes actions performed for the sake of the community in which the believers live; the emoluments of success are to be used not only for personal gratification, which, if wrongly and intemperately fulfilled, could lead to moral decadence, but also for doing an useful deed towards the community.

Note that success is seen as being a sign from the Deity that man is part of the *electi* few; this thesis is backed by a comprehensive theological and dogmatic reasons and justifications, but the Weberian argumentation this is not the topic of our inquiry, I having brought under attention merely to remind the fact that Protestant ethics gave a significant thrust forward to the development of entrepreneurial activities, thus eventually leading to the capitalist society; Franklin's set of virtues will be tending towards quite a similar goal, though from a definitely less dogmatic position.

But the idea of making the emoluments of success not only the spoils of their achiever, but of the entire community can also be related to Franklin's highly active civic spirit: he, undoubtedly, had in the background of his mind the religious incentive for acting for the benefit of his brethren; even though, he was not acting from a religious impulse, but from an adapted version, a secularized one (let us not forget he was a Deist, but we shall deal with this a bit further). For him, as Paul Conkin has noticed³, civism and acting for the public good were intrinsic virtues, detached from religion (but not entirely devoid of it, and definitely in no contradiction to it).

Consequently, he perpetrated the establishment of the Union Fire Company, the first volunteer firefighting unit in America, meant to protect property from a, by then, common cause of its destruction and of the

³ Vid. Conkin, Paul K., *Puritans and Pragmatists. Eight Eminent American Thinkers*, (1968), New York&Toronto: Dodd, Mead&Co., 73-108

Academy and College of Philadelphia (which later merged with Pennsylvania State University). Moreover, while in the city public administration, he used his position and technical genius to bring a series of improvements to public utilities or establish new public services. These, due to bring a higher degree of comfort to the lives of his fellow citizens, are expression of Franklin's care for the community, philanthropy, on one hand and, on the other, of his restless spirit in pursuing the achievement of his moral goals (which included the struggle against idleness and pointless waste).

This is, mainly, the point where Franklin brought an innovation to the field of morals: from the religious values, advocated by the Puritans (and, to a certain extent, by Christianity in general), he derived a series of sheerly secular virtues, elaborating a moral code of conduct intent to adapt religious values to the requirements and goals, both of modern society, and of the citizen who, by sticking to them, has a greater chance of attaining happiness.

Referring comprehensively to Franklin's moral thought we cannot stop to take a glance at his *Poor Richard's Almanack*, a collection of aphorisms, some of them collected from the folk, many made up by himself, published by installments, in a period of twenty-five years, in over ten thousand copies⁴. The *Almanack* was meant to be a means of educating the public at large, to provide people with handy, directly applicable sayings; some of them (this does not mean that they are few) can be seen as a series of tips, of hints for improving one's life.

If we are to take a closer look at the *Almanack*⁵, we can see that several aphorisms have religious origins, or, at least, display similitudes to their Biblical counterparts, namely the Proverbs of Solomon. They tackle on more occasions with similar subjects, such as the need for temperance and frugality, wisdom or the permanent need of being informed, the benefits of industriousness and the mischiefs brought by laziness and reckless behavior, or the immorality of extra-marital affairs.

Nevertheless, unlike their counterparts of religious origin, Franklin, addressing his work not only to pious people (as were the Puritans), but also to those having less contact with religion, which also needed to be

⁴ Becker, Carl L., (1931), "Benjamin Franklin", in *Dictionary of American Biography*, Volume 3, New York: Scribner's,

⁵ Vid. *The Heath Anthology of American Literature*, vol. 1, pp. 711-720

educated and taught. Thus, he made Poor Richard speak in the plainest language possible; moreover, he used play-upon-words and humor wherever it was possible, making the text gain significantly in accessibility and attractiveness, being therefore more appealing to the widest categories of readers possible.

And the form of the publication, that of an almanac, by maintaining a constantly high interest of the readers during a long time span and by providing not exhaustive, but pertinent pieces of information, helped the achievement of this goal far better than it would have been had he published at once an all-inclusive book..

But he did not limit himself to a transposition of already known aphorisms to a secularized form. He also put a great deal of work in collecting and elaborating a series of aphorisms specifically adapted to the daily realities of a democratic society promoting self-reliance, such as were the American colonies of the time and are the U.S. and even, to various extents, many nations of nowadays'. Therefore, a significant part of these aphorisms still find their applicability and an only numerically lesser part even entered into the common language, being often quoted in the very form Franklin's wit gave some two centuries and a half ago.

And let us not forget that Franklin was definitely not the man to write about something he did not believe in; on the contrary, the ideas expressed through the series of almanacs and in other occasions are, if we look at the second part of his Autobiography, a reflection of his very own thoughts concerning the questions of morality, the system of secular virtues, derived from primarily Christian ones and his ethic code of proper behavior.

But, prior to deepening ourselves in the inquiry of Franklin's system of virtues, let us bear in mind that he was one of the most significant American Deists and say a few words about this particular, originating from Enlightenment thinking, way of approaching God, creation and the world at large.

At first, let us remember that Deism⁶ pleads for an uninvolved God, stating the famous clockmaker hypothesis: God designed the world, established the rules according it should go on, set down the basic principles, created it, then He left it to be going further on its own, without His further intervention, somehow, metaphorically saying, as once the

⁶ For details upon Deism see William C. Plancher, "Rational Religion in the United States", 1983, reproduced in *Deism and America*, www.sullivan-county.com

clockmaker gave the final touch to the clock, his creation, it does no longer require any intervention from his behalf.

Deism promotes a state of awe of man towards his Creator and towards all products of His creation, as being part of a mechanism of divine origin; nevertheless, unlike classical, dogmatic approaches of the problem of Divinity, but having a common trait with Puritanism, in the rejection of the idea of miracles; but Deists take the idea one step further, perceiving the world as being a rational body, which goes on according to elaborate, precise rules, which reign supreme (a normal approach if we take into account the fact that enlightened thinkers considered practically everything could be rationally explained).

Referring ourselves to the importance Deists attribute to prayer, let us say that, even if Deism practically rules out the idea of direct intervention of the Divinity in every day's problems of the world, the act of praying retains its importance for the individual, but as a form of meditation having positive effects upon the one's inner life, contributing to the general improvement of his or hers state of mind. Moreover, it pleads for the exploration of the inherent religious knowledge in each person, or the natural religion, with the aid of reason, practically the best instrument of inquiry available to humankind.

And it was quite a normal thing for Franklin to adhere to the Deist conception, as, though he had been a Calvinist since childhood, which we have seen, he never adhered unconditionally or entirely to its precepts and dogma. But, nevertheless, he never quit Calvinism entirely or explicitly⁷. Therefore, Deism was the best form of religious belief that suited him, as the rationalistic approach was a method suiting most adequately his technically-prone mind.

Mainly, Franklin was against Calvinist determinism, which stated the destiny of man in the after-life was pre-settled even whilst the individual retains liberty of action in the earthly world. In this, he saw a, most probably, an incompatibility with the idea of omniscience and omnipotence of God.

Nevertheless, he accepted the idea of His existence; his conception of the Deity was that of an infinitely good and wise God, therefore rejecting the idea of evil – every action had a reason and a purpose; every moment of

⁷ Anderson, Paul Russel; Fisch, Max, (1939), *Philosophy in America from the Puritans to James*, New York and London: D. Appleton Century, 125

existence was, consequently, the best as it could have been. Had it been anyhow different, universal equilibrium would have been breached, and this event could by no means take place in the real world. Practically, in his *Dissertation on Liberty and Necessity, Pleasure and Pain*, Franklin, who was only nineteen when he published it, had completed the shift towards a scientific determinism, which was, unlike its Calvinist counterpart, not theologically, but rationally fundamented.

However, unlike the case of more thinkers and, especially scientists of the era, who cultivated reason above anything else, elevating it to the state of cult, rejecting all religious grounds, Franklin's thought definitely was not devoid of moral issues. But, on the contrary, as we have previously seen, he showed deep concern for the problem of moral and ethical virtues, in an original form, rooted in religion and deriving from it the parts concerning the appropriate, ethical conduct one was due to adopt, but detached from its metaphysical and theological background.

Consequently, it would be significant to bring into attention a letter Benjamin Franklin addressed to Cotton Mather's son⁸, in which the former greatly praised the great preacher's *Essays to Do Good*, deeming that one of the most important things in one's life is to adopt a conduct placing good deed as its groundwork; the best kind of reputation any one could attain was that of a *doer of good*, which, besides, was the best archetype of citizen.

And let us remark his consistency, perseverance and devotion to the idea, by not forgetting that he had expressed virtually the same thing more than three decades previously, through Poor Richard's words: "Strive to be the *greatest* Man in your Country, and you may be disappointed; Strive to be the *best*, and you may succeed: He may well win the race that runs by himself"⁹.

From this aphorism we may also trace another moral idea, namely that you do not do good only for others to be seeing and appreciating your deeds (and their doer). It is by no means a contest with someone else or an exhibitiv display, but a personal strife, done for no outer purposes; the gain is in the inner mind of the good doer, who may improve himself as a man in the process.

Let us mention the fact that his system of morality had a scientific structure, which was conceived so as to be quasily universally applicable.

⁸ *ibidem*

⁹ Quoted in *Heath Anthology*, p. 715

This way he could promote not merely a list of ways people should act in given situations, telling people what to do, which was, undoubtedly, a far easier achievable, but less consistent thing, but he succeeded in establishing a moral guide in the more comprehensive, broader sense, namely of how, in what manner, certain things one needed to perform could be done.

Arriving now back at Franklin's *Autobiography*, whose second part is dedicated specifically to his moral system, we may see that he gave a personalized interpretation of the Puritan virtues, from a perspective largely detached from Calvinism and associated to the naturalistic spirit of the Age of Reason¹⁰. Moreover, as early as from its first pages, one may with ease remark the fact that this code is also designed as a mechanism for promoting a code of conduct which proves useful for attaining most requirements for a happy, or as close as possible to happy, life, not contenting itself to the inner mind, but reaching extensively the material field, by promoting a spirit of industry and greater attention to business, corroborated with temperance.

The promotion of this conduct needs to be inoculated to the individual at an age as early as possible, not merely in order for him or her to benefit for a longer time in his or hers lifespan of the acquired knowledge and modes of behavior, but also because the strength of outer influences upon one's character decreases with the evolution in age.

Let us note that the best means in achieving this purpose is represented by education, which not only that is performed at the appropriate early age, but also, generally, has a strong impact upon one's character and, thus, a longer-lasting, remnant effect. Moreover, education is performed upon broader numbers, so that all, or at least most of the members of a community, if properly educated, will share the same set of values and will behave according to the same rules.

We must also remark that, unlike religious precepts, which generally lay also on a coercive element for determining their subjects to stick to their conduct, damnation in the after-life being the thing to be abhorred by believers and avoided by the according avoidance of the dogmatic commandments, Franklin's system of secular virtues has no such component, or at least not in an explicit form. In order to adopt a proper conduct, people are not compelled, but, instead, they are offered a set of

¹⁰ P.R. Anderson and M.H. Fisch, *op. cit.*, p. 129

advantages they gain access to if they observe the appropriate way of acting.

One important personal asset Franklin advocates for, though not included in his system of thirteen virtues, as it can easily be absorbed in other ones, but is nevertheless worth mentioned distinctively, is represented by the desire one can (and for his own good, has to), cherish for reading, studying, as a means of self-cultivation, especially (as was young Benjamin's case) if organized forms of education are scarce or inaccessible. Reading can make one evolve, not only intellectually, but also socially, as it may lead to the gain of a personal competency and, consequently, providing a competitive advantage upon someone less informed.

Moreover, reading may be seen as the most useful means of enjoying one can find, as it both provides instruction during one's spare time and keeps the dedicated, passionate reader away from frolics of any kind, to be saying it the Franklin's way. And it can be done quasily at any age, from late childhood to maturity, being even better if reading something useful becomes a constant habit, exercised wherever a few spare moments are available.

In order for one to be fully able to exercise virtue, it is by far better for him to be stimulated by an appropriate family background, a special role playing one's wife (or husband, we could add) – in Franklin's aphoristic words, "He that would strive must ask his wife". And, as he remarks a little further¹¹, it is best for family life when its component members not only get along well one with another, but, furthermore, when they share, as was Benjamin and Deborah's case, the same set of values, pursuing the same goals and cherishing the same virtues.

Let us remark, that Franklin also promotes the idea that, when exercising faith, one should not stick dogmatically to his or her religion, but, whenever possible, select and borrow, without giving up one's initial faith, as many elements that he or she finds good for oneself, from those religious confessions which promote these positive elements. Such was, for instance, the case of Franklin's view upon Presbyterianism, which, basing itself on Paul the Apostle's Epistle to the Philippians, advocated truth,

¹¹ Franklin, B., *Autobiography*, p. 62

honesty, justice, love and the praise and permanent thinking upon virtue and its accomplishment.

Franklin was definitely not a proselyte of Presbyterianism, as he saw that this was a religion like any other, which, though promoting a partially different system of virtues and commandments than its predecessors – it had only five points, which referred themselves to keeping the Sabbath day, being diligent in reading the holy Scriptures, attending duly the public worship, partaking of the Sacrament and paying due respect to God's ministers – was not the moral system, detached from mandatory faith, he was looking for.

Let us remember Professor Andrei Marga's remark, namely that "Puritan values remain indispensable" to Franklin, though, at the same time, he gave morality "an utilitarian groundwork and provided it with an empirical basis"¹².

And this is the point where, following Franklin's thought, we arrive at his "bold and arduous project of attaining moral perfection"¹³. This was based on the idea that one should set as ultimate objective the want to live without committing any fault at any time. This supposed constant and permanent struggling to conquer all inner and outer causes leading to committal of fault, this meaning, respectively, natural inclination towards something inappropriate, custom to do things in a wrongful way and, respectively, any vitiating company from someone else, who is either vitiate or mischievous and, consequently would detour the former person from his or her good faith.

Here we must note that Franklin was not suggesting that one should promote the idea of failure-less life against someone else's will or habits, but merely, if those were evidently wrong, this latter should be avoided, in order not to alter the good doer. It is a by far more attenuated way of perceiving things than in Solomon's Proverbs, where it was stated, for instance in Chapter 29.15, that, "The rod and reproof give wisdom; But a child left to himself causeth shame to his mother". Whilst the Holy Writ promotes the correction of someone else's failure as a supreme goal, Franklin's view is by far more, let us say, democratic and integrating itself by far better in a society which guarantees liberty of religious thought: you

¹² Marga, Andrei, *Reconstrucția pragmatică a filosofiei*, (1998), Iași, Polirom, 94

¹³ Franklin, B., *Autobiography*, 63

may think wrongfully if that is your will, I will limit myself to avoiding you, in order not to be influenced by what I deem as wrong for me.

However, adopting an entirely failure-proof conduct is by no means an easy thing, as, generally, one can concentrate his or her thought but on one thing at the time, which means scores of others are left unchecked and, consequently prone to error. And, if not dealt with at the appropriate moment, leaving an error, or even worse, a series of errors perpetuate themselves, whilst dealing with merely one aspect, it can have, all in all, even more detrimental effect than not having done anything from the very beginning.

Franklin seized this possible problem from the very beginning and envisaged an ingenious solution: since it was pointless improving merely one aspect of one's conduct as all of them had to be covered and it would have been a quasily-impossible task to tackle them all at the same time, he elaborated his system of thirteen virtues to be dealt with sequentially: one virtue at the time, to each of them being dedicated one week's length. Consequently, a slight improvement in all thirteen identified domains could be achieved in the according number of weeks. Afterwards, the cycle was resumed.

To be more precise, the specific mode of action Franklin imagined consisted in drawing, each week, a table with each column representing the weekdays and, accordingly, each line, a virtue. The header of the table contained the virtue the week was dedicated to; every deed of the week had to be performed in such a way as not to breach it. Each evening, Franklin put down in the table the failures in respecting the precepts of each virtue, marking them with a spot.

The purpose was, at the end of the week, to have the line dedicated to the proposed virtue empty of spots, failure-less, that is. And, by putting down failures in observing the other virtues, he could identify with ease which domain required more further attention; the system permitted, consequently, both a retrospective and a prospective analysis, of great use in evolving towards moral perfection.

But we have come this far and have spoken merely at the theoretical way about Franklin's system of thirteen moral virtues, without evoking them specifically. It is true, that this way we could focus better on their background and genesis, but it would be a great loss to be speaking of something without pointing it out specifically. Consequently, this is the

very thing we shall do *infra*, taking into consideration each of the thirteen virtues¹⁴.

1. *Temperance: eat not to dullness, drink not to elevation.* This is a basic requirement, especially if we think that, in the undesirable case when food consumption overrules other goals one might have, he or she will be distracted from their fulfillment. Moreover, excesses of alcohol, if occurring repeatedly, are a most sure way of wrecking one's social, professional and family life.

2. *Silence: speak not but what may benefit others or yourself; avoid trifling conversation.* Practically, we could call the virtue of silence temperance in speech, considering the fact that it promotes limitation of unnecessary conversation. The latter can easily lead to waste of time, which could endanger the observance of several other virtues. And if we think further upon Franklin's definition of silence, we may see that he also was definitely against speaking anything that may be detrimental in any way either to others, or even to the speaker him- or herself.

3. *Order: Let all your things have their places; let each part of your business have its time.* This is a definitely secular virtue, as it has practically no correspondent in the Christian commandments; nevertheless, it is an excellent way of improving one's efficiency, benefiting highly to his or her activity. Thus, the practice of order is able to boost up professional achievement. And, if everyone acts orderly, in the meaning of fulfilling their duties at their appropriate time, not only the individuals, but also the community at large will thrive. Therefore, a secular virtue can lead to the easier fulfillment of a goal set by Protestant religion.

4. *Resolution: Resolve to perform what you ought; perform without fail what you resolve.* If viewed from the secular perspective, it suggests observance and fulfillment of assumed duties and respecting the required standards of quality for the products of one's work. However, if diligently applied it can yield benefits in the religious field as well, by strengthening one's determination in acting without failure in respecting the precepts of that particular religion. We can perceive with ease that resolution has a very wide range of possible applications; therefore, its cultivation is highly beneficial.

¹⁴ Basing ourselves on Franklin, B., *Autobiography*, 55-73, and on Marga, A., *op. cit.*, 93-95

5. *Frugality: make no expense but to do good to others and yourself; i.e. waste nothing.* No valuable resource is to be wasted, as long as it can be put to a practical use; this resource can be destined to fulfill either its owner's need, or, even better from the moral standpoint, someone else's. Therefore, consumption for its own sake is pointless, as long as one could do something good instead. Moreover, being frugal relates itself to the idea of modesty or humility, deterring expenditure on unnecessary luxuries. Let us note that it is an attenuated form from what Jesus Christ's "One thing thou lackest: go, sell whatsoever thou hast, and give to the poor, and thou shalt have treasure in heaven: and come, follow me"¹⁵ ; this form is, however, better adapted to Franklin's (and our) secular society, promoting not absolute poverty, which too few would willingly endure, but the rational employment of unneeded surplus, which can be serviced for good deeds with virtually no discomfort.

6. *Industry: lose no time; be always employ'd in something useful; cut off all unnecessary actions.* This virtue has deep roots the Puritan conception, according to which time was to be used either for work, or for prayer. Franklin is not that radical, as there are other good uses of employing time, as well. However, he maintains the idea that, as we only have limited time, every moment is to be used with a purpose; idleness is to be avoided. But being industrious does not limit itself to be doing anything. Unimportant things and unnecessary actions are to be suppressed, as they represent a waste of time which could be more valuably used for a different purpose.

7. *Sincerity: use no hurtful deceit; think innocently and justly; and if you speak, speak accordingly.* We may trace this virtue's origins back to the book of Exodus¹⁶, where the holy commandment "Thou shalt not bear false witness against thy neighbor" is stated. However, the Bible raises itself only against falsehood and hurtful deceit, whilst Franklin takes things a little further, by promoting an innocent, thus univitiated and good-faithful thought; moreover, he supports thinking in the spirit of justice (for, it is known, one can be unjust and misdemeanant even while using only truths and the law itself, as was the case of the Pharisees). And every spoken word needs to conform itself to the imperatives of sincerity, in order for one to be able to say that he does promote sincerity. We can remark a

¹⁵ Mark, 10.21

¹⁶ More precisely, Exodus, 20.16

common point with the virtue of silence, namely not saying anything that could be hurtful to anyone; however, we have to conclude that we need both virtues to be exercised together, as one's silence does not necessarily comprise that he has an innocent thought; he might just conceal his lack of sincerity.

8. *Justice: wrong none by doing injuries, or omitting the benefits that are your duty.* This, as we may see, is a sequel to the previous virtue which concerned among others justice of thought; the virtue of justice promotes effective acting in a rightful, unimpairing from any points of view, way towards anyone. Obviously, committing any grievous act towards someone else is an act definitely to be avoided, abhorred and repelled. And there is also the passive way of being unjust that needs to be avoided, namely omitting the benefits others are entitled to form one's behalf. Let us note that, stated this way, this virtue can be seen as standing at the basis of interpersonal trust and, if everyone is to act according to it, society is to benefit greatly. But even if exercised only by oneself, it still can yield a series of advantages, especially by providing better ground for peace of mind and avoiding possible causes for others' revengeful thoughts.

9. *Moderation: avoid extreams; forbear resenting injuries so much as you think they deserve.* Formulated this way let us note that it refers itself more to the moderation of otherwise strong emotions. Note that it appears as a normal thing from Franklin's behalf, as he had already promoted moderation in other domains through the expression of the previous virtues, to focus now his attention upon a specific field. Exercising moderate emotions and having them under personal control proves itself to be a great virtue, as it can significantly reduce the harm one feels if injured and, accordingly, lead to a swifter recovery. Moreover, avoiding granting injuries the previously-thought importance is a way of educating one's mind, therefore being a useful preparative for facing future mischiefs, which will be, consequently, overcome with more ease.

10. *Cleanliness: tolerate no uncleanness in body, cloaths or habitation.* Though we may trace innumerable links towards the Hebrew tradition promoting cleanliness in the Old Testament, we can with ease remark that still in Franklin's times there were significant problems with numerous people who did not consider filth as a problem and, consequently, they had to be taught the advantages of being clean and living in an accordingly clean habitation. Therefore, elevating at the rank of

virtue avoidance and zero toleration of uncleanness was a significant step forward and an excellent way in its promotion.

11. *Tranquillity: be not disturbed at trifles, or at accidents common or unavoidable.* It is by far better for the achievement of virtually any purpose to have peace of mind and no unnecessary worries, as this way difficulties are overcome far easier and involving less mental strain. Moreover, common or unavoidable accidents are no longer perceived as insurmountable obstacles, but, on the contrary, are dealt with in tranquility. Let us remark that, not only Christianity, but virtually every religion endorses attaining peace of mind, as the best possible state in earthly life. Salvation is about the promise of an after-life, undoubtedly; however, as de Tocqueville has pointed it out¹⁷, acquiring peace of mind can be truly beneficial in our present lives even without taking into account the heavenly one. And this is Franklin's aim: promoting the advantages of attaining tranquility and the desire to attaining it even in the secular perspective.

12. *Chastity: rarely use venery but for health or offspring, never to dullness, weakness, or the injury of your own or another's peace or reputation.* We see here that Franklin secularized entirely the conception of venery; he gives no mention of the marital status the partners should have and, moreover, rightfully considers venery as a necessary element for one's health. However, its desire should not turn itself into a weakness for the one who should contain its desires and by no means exercise venery to dullness. Nevertheless, he is not devoid of morality; on the contrary, he advocates having intercourse only whenever there is no chance of endangering one's or another's reputation, a generous view, comprising both clerical and secular domains as they are generally intertwined in the community.

13. *Humility: imitate Jesus and Socrates.* Even whilst reaching a high social status, one should bear in mind Jesus' words, "But he that is greatest among you shall be your servant"¹⁸ and by no means abuse of his or her standing or have an offensive stance based on relative superiority towards his or her brethren. This is what Christianity teaches us to do. And what Socrates' ethical philosophy tells us is that we should promote justice, love, virtue and self-knowledge. Consequently, Franklin's idea of humility

¹⁷ Tocqueville, A. de, *op. cit.*, p. 424

¹⁸ Matthew, 23.11

was definitely not one that self-submissive as "whosoever smiteth thee on thy right cheek, turn to him the other also"¹⁹, but one supporting life in equilibrium, peace with one's peers, no over-reacted exaltation of the self and trying to know oneself better, avoiding as long as possible hasty reaction.

Now, let us note that, as a Deist, Franklin did believe in Jesus, but as in the creator of a new ethical system, and not in the Christ of divine origin, the Savior²⁰. Consequently, he saw the Gospels as a book expressing Jesus' teachings, comparable therefore and on the same earthly level with the ethical philosophy of Socrates; just as the latter's thought came to us through his disciples and followers, including Plato, Aristotle, Antisthenes and Aristippus, we are acquainted with the former's from the work of Matthew, Mark, Luke and John. And, as we have seen before, Franklin was taking what he saw as best from every source he thought adequate, in elaborating his moral code of conduct.

But Franklin's intention went beyond creating a set of rules one should obey just for the sake of it; his purpose was for its follower to gain a habit in observing the virtues, so that, from a given point onwards, they, and not any contrary conduct, will be the regular mode of acting.

Moreover, he did not arrange the virtues at random, but so as the accomplishment of one's requirements will help to the easier attainment of the following ones. Let us remark that the thirteen virtues constitute an integrative whole, all of them having to be observed with equal diligence for one to be able to consider him- or herself as a virtuous person.

And, speaking of the thirteen virtues as a whole, we also may notice that, they are expressed in an extensive, comprehensive form, for one to be able to find with ease the appropriate way of conduct in any given situation. However, we could, to be keeping the parallel to the Christian system, where the Ten Commandments are synthesizable in the idea of universal love, "thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind; and thy

¹⁹ Matthew, 5.39

²⁰ For details upon Deism, vid. Plancher, William C., "Rational Religion in the United States", 1983, reproduced in *Deism and America*, www.sullivan-county.com, last updated 01-06-2004

neighbor as thyself”²¹, synthesize Franklin’s system of secular, civil virtues in three important requirements: be temperate and calculating in whatever domain, be determinate and industrious whenever willing to achieve or produce anything and do good, whilst avoiding evil, whenever possible.

This comes forth from Franklin’s original prayer, demanding from the powerful Goodness, bountiful Father and merciful Guide wisdom and the discovery of what his true interest ought to be, strength in resolution; thanking for the divine grace would be performed through kind offices towards his brethren, God’s “other children”.

And, in a similar way a religious person meditates with daily periodicity upon the good and bad deeds he has done and, consequently should be glad of and, respectively, repent for, Franklin elaborated a scheme of the employment of daily time, which included both the part of employing himself in the daily business and that of meditation upon the achievements and setbacks in the pursuit of virtue.

Approaching the end of our overview of Franklin’s thought, let us remark that, from certain points of view, his moral conduct also anticipated the relativist approach, by promoting avoidance of direct contradiction of others’ ideas and of radical, strong expressions, such as certainly or undoubtedly, but preferring I conceive, I apprehend or I imagine instead, by far more attenuated forms, which leave room for correcting any future discovered error or for any better interpretation. And, moreover, this thing is definitely in accordance to his system of virtues, to the virtue of silence to be more precise, as it promotes not saying anything that could be harmful to anyone.

To conclude, let us say that Franklin’s moral system could be considered as an important milestone in the transition from the Puritan tradition to a secular (though, by no means devoid of religion, wherefrom it is rooted, but maintaining the conduct advocated by religion without its elements of piety) view upon morals, a more earthly one and, even more important, adapted in high proportion to the American civil society; and his system of virtues is not only adapted to society, but it also promotes its development and, if properly applied by ever increasing numbers, shapes its characteristics accordingly, bringing in an even higher degree of virtue,

²¹ Luke, 10, 27

which, as Professor Marga notices, has as finality taking a further step towards "the happiness of life"²².

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BOOK REVIEW

Andrei Marga, *Die kulturelle Wende. Philosophische Konsequenzen der Transformation. Cotitura culturală. Consecințe filosofice ale tranziției.* (Cluj University Press, 2004)

Vasile Muscă

Durch sein letzt erschienenes zweisprachiges Buch, *Die kulturelle Wende. Philosophische Konsequenzen der Transformation. Cotitura culturală. Consecințe filosofice ale tranziției.* (Cluj University Press, 2004) erscheint uns Professor Marga in einem Wendepunkt seiner philosophischen Beschäftigungen. Die größte Wende die wir in den letzten Jahren erlebt haben war natürlich die, die mit dem vorigen Buch vollbracht wurde, *Religia în era globalizării* (Cluj, Ed. Fundației pentru Studii Europene, 2003). Damals hat sich die philosophische Interessensphäre des Professors Marga durch die Einverleibung einer neuen Thematik, die Diskussion über die religiöse Situation unserer Epoche, welche als Epoche der Globalisierung definiert wird, beachtlich erweitert. Jetzt, nach einer neuer thematischen Erweiterung, erscheint Professor Marga dem Leser als ein sehr angewandter Analyst der Transformation welche die osteuropäischen Staaten durchmachten oder noch durchmachen – wie der Fall Rumäniens ist – auf ihrem Weg zur Demokratie und eine freie Marktwirtschaft.

In diesen Seiten kann der Leser, die bei uns einzige und in der osteuropäischen Literatur eine der wenigen, philosophisch und wissenschaftlich fundierte Vorstellung des Problemkomplexes welche die Transformation mit sich bringt finden. Mit diesem Buch gerät die Problematik der Transformation aus den Händen einer meist ideologisch und wissenschaftlich abgeratenen Journalistik die außerdem sehr wortreich in ihrer Genügsamkeit ist, in die Hände der philosophischen Interpretation und der soziologischen Analyse mit bewiesener wissenschaftlicher Kompetenz. Die fundierte Forschung welche die Basis dieses Buches darstellt, wurde in systematische theoretische Verallgemeinerungen mit breiter philosophischer Basis verarbeitet. Dies ist auch der Sichtpunkt aus dem der Autor selbst einen wahren Beitrag seines Buches zur allgemeinen Diskussion betrachtet. „Man hat – bemerkt Professor Marga – das was

geschehen ist, zu wenig theoretisiert. Die Reportage, der subjektive Aufsatz und die kontextuelle Meinung hatten den Vorrang. Es wurde viel zu wenig gearbeitet um Konsequenzen zu ziehen was die politische Philosophie und die Gesellschaftstheorie betrifft.“ (S. 378) Professors Marga letztes Buch will diese Lücke unserer Forschung füllen.

In der traditionellen Geschichtsphilosophie comteschen Richtung unterscheidet man gewöhnlich unter drei Arten von Epochen: a) Gleichgewichtsepochen; b) Labilitätsepochen; c) Übergangsepochen. Die letzteren führen, wie der Name schon sagt, von einer zur anderen. Unter all diesen drei Epochen bleibt die letztere wegen ihres konstruktivem/destruktivem Aktivismus die interessanteste für das philosophische Denken. Diese Übergangsepochen sind viel Komplexer als die anderen und stellen deshalb wahre Herausstellungen für das Denken dar, und haben im Laufe der Zeit interessante und neue Verallgemeinerungen auf dem Gebiet der theoretischen sowie sozialen und politischen Philosophie herausgebracht. Professor Marga behauptet, dass ein Phänomen solcher Größe wie der Übergang der in einigen Ländern Zentral- und Südosteuropas gerade stattfindet, die Diskussion in der sozial-politischen Philosophie für immer verändern kann – „Ich betrachte also – schreibt der Autor eine Definition seiner Position versuchend – die 1989 Wende und der Übergang aus den Gesellschaften Zentral- und Südosteuropa, als Test für die Philosophie und unterstreiche die Konsequenzen.“ (S. 340).

Die intellektuelle Generation der auch Professor Marga angehört sowie der Verfasser dieser Zeilen und alle andere die schon die 40-Marke überschritten haben, war vor 1989, zur Zeit der ideologischen Diktatur des Marxism-Leninismus, welche die ideologische Basis für die politische Diktatur der Arbeiterklasse und der kommunistischen Parteien bildete, einer Grundvoraussetzung für jede Möglichkeit eines Philosophierens beraubt: die Freiheit des Denkens. Außerhalb dieser ist kein wahres philosophieren möglich. Die Geschichte hat aber der erwähnten Generation eine Art Gegenleistung gebracht, ein wahrlich seltenes Privilegium: die Möglichkeit Zeuge eines Systemwechsels zu sein, das was wir gewöhnlich eine Revolution nennen, sowie die darauf folgende Übergangszeit. So etwas passierte nur wenige male im Laufe der menschlichen Geschichte. In der Antike genoss Plato dieses Privileg, da er, wie er selbst in einem seiner Dialoge erzählt, Zeuge manches geschichtlichen Umbruchs gewesen ist

welches einen wahren Revolutionscharakter hatte. So etwas durften auch die großen Vertreter des deutschen Idealismus genießen, von Kant bis Hegel, die den historischen Ablauf der französischen Revolution erlebten, und darin, auch wenn vom Weitem, durch ihr Denken, sogar in solchem Grade verwickelt waren, dass man behaupten konnte, dass der deutsche Idealismus eine deutsche Theorie der französischen Revolution darstellt.

Dieser Zustand des Zeugen einer Revolution und Übergangszeit bringt für den Philosophen unbezahlbare Vorteile mit sich. Solche Epochen haben das Werden und die Veränderung im Vordergrund, und diese sind, egal aus welchem Gesichtspunkt betrachtet, Sinnvoller als die dauerhafte Stabilität einer Gleichgewichtsepoche oder die unnützen Besorgnisse einer Labilitätsepoche. Sie bringen das vorher Unbemerkte ans Tageslicht, klären und erklären die Mechanismen des sozialen Lebens. Deshalb ist ein revolutionärer Umsturz auf sozial-politischer Ebene fast immer auch ein entscheidender Impuls für die Verallgemeinerungen der Philosophie.

Wir müssen noch bemerken, dass die Geschichte Rumäniens über eine Art besondere Erfahrung der Übergangszeit verfügt. Beginnend mit 1821 oder auch mit 1848, also mit dem schwachen Anfang seiner Moderne, hat sich das Land unter den immerfortwährenden Zeichen der Reform und der andauernden Übergangszeit konstituiert, Reformen die im Prinzip ohne Inhalt geblieben sind und Übergangszeiten die nie Enden wollen, einfach weil sie noch nicht angefangen haben oder stecken geblieben sind und nicht weiterführen können. Eigentlich hat die Übergangszeit nie aufgehört, sondern sie wurde durch einen Amatorismus der Reformen ersetzt, der die Reform zu einem großen Produzenten von „Formen ohne Inhalt“ verwandelt hat, um die Terminologie von Maiorescu und der Junimea-Bewegung zu verwenden. Dies hat einer Schüler Maiorescus bester Faktur, ich spreche von C. Rădulescu-Motru ein konservativer in sein politisches Denken, dazu verführt auszusagen, dass: „Die Reformen die die Politiker in Rumänien durchzuführen sind alle dem Anschein nach zum Nutzen der heutigen Generation und eigentlich zum realen Nachteil aller zukünftigen Generationen“ (*Cultura română și politicianismul*). Wie schon gesagt wurde, die nationale Geschichte scheint sich zu entpersonalisieren, sie reduziert sich zu einer einzigen Epoche ohne festen Inhalt und eigentlichem Zweck, eine ewige Übergangszeit.

Professor Margas Buch versteht sich als eine Polemik gegen solch eines Verstehens des Übergangs und der Reform, und promoviert klar und

verantwortungsvoll die Idee eines Überganges welches klaren inhaltvollen Reformen zugesteht die Rumänien endlich auf dem Wege einer klar aufgenommenen Modernität setzen soll, und die als solche, auch ein rationell voraussehbares Ende hat.

Im Lichte seiner letzten Werke, *Filosofia unificării europene* (2003), *Religia în era globalizării* (2003), und die jetzige, *Die kulturelle Wende. Philosophische Konsequenzen der Transformation* (2004), ist Professor Marga im „postmetaphysischem“ – um ein Wort seines „Meisters aus der Ferne“, ich meine J. Habermas, zu benutzen – Moment der Evolution seiner Auffassung. Anders gesagt, wahrscheinlich das Moment der Zuschmiedung seiner eigenen Auffassung in und der Philosophie, welche dann alle Bemühungen seines Denkens rechtfertigen. Die Aufnahme einer solchen Aufgabe setzt ein paar Schwierigkeiten vor welche das Denken Professor Margas zu überwinden hat.

Die Philosophie bewegt sich heute, so wie unsere ganze Existenz übrigens, auf glitschigem Boden welches einem unter den Füßen zu verschwinden droht. Die ruhige Stabilität der klassischen Epoche, als ein Spinoza in seiner einzelgängerischen Abgeschlossenheit ruhig die Sätze seines Systems „more geometrico“ mit derselben Bedachtsamkeit verfeinern konnte wie er seine Linsen schleifte, ist für immer verschwunden. Unsere Welt ist einem permanenten Werden verfallen welches ihr ständig die Form und den Inhalt wechselt. Damit die Philosophie in einer solchen Welt, die sich auf den Koordinaten des Wechsels und des Werdens befindet, gerade stehen kann, muss sie sich auf etwas oder auf jemand stützen, weil sie ansonsten einem Betrunkentem gleicht. Dieser Vergleich mit einem Betrunkentem könnte den ästhetischen Sinn einer Klasse von selbsternannten Edelmännern durch eine bestimmte Vulgarität verletzen: den Anreiz dazu habe ich in einer der berühmten Tischreden Luthers gefunden, in welcher er besagte, dass diese Welt sich zu jedem Anlass wie ein betrunkenener Bauer verhält: du setzt ihm ins Sattel auf der einen Seite und er fällt auf der anderen runter. Nicht anders als die Welt erscheint auch ihre Philosophie. Sie scheint nicht immer im Sattel der Lage zu sitzen. Angesichts der immer wachsenden und sich immer verändernden Anforderungen, muss die Philosophie immer anderen Herausforderungen wirksame Lösungen bieten, nicht nur theoretische sondern eher praktische.

In ihrer Geschichte hat die Philosophie immer wenn sie nicht selbst weiterkommen konnte Bündnisse abgeschlossen, ohne dadurch gleich in einem Dependenzverhältnis zu geraten. Diese Bündnisse können ihr helfen oder auch schaden. Heutzutage scheinen besonders zwei Akteure an einem Bündnis mit der Philosophie interessiert zu sein. Sie sind die Theologie und die Politik. Aber man muss auch gleich die verschiedenen Arten von Verhältnis sehen, welches die Philosophie mit diesen beiden, die Theologie und die Politik unterhält. Während die Philosophie in der Umgebung der Theologie nur aufsteigen konnte, und reiner geworden ist, also von diesem Verhältnis einen Nutzen gezogen hat, ist im Verhältnis mit der Politik genau das umgekehrte passiert. Hier ist die Philosophie abgestiegen, ist zur Ideologie degeneriert, ohne jeden Bezug zu einem wissenschaftlichen Wahrheitsanspruch, von momentanem unredlichem Klaninteresse bestimmt. Solch eine Politik ist sogar keine Politik mehr, sondern nur ein verlustbringender Politizianismus, dessen Nachfolgen zu seiner Zeit, verantwortungsvoll von C. Rădulescu-Motru angeprangert wurden.

In der folgenden Entwicklung müsste sich Professor Margas Denken zwischen diesen beiden Seiten dieses Dilemmas wählen: eine postmetaphysische Philosophie im Dependenzverhältnis welche entweder für die Theologie oder für die Politik arbeitet. Komplizierter noch, erscheint die Findung eines Kompromisses welches diese versöhnen könnte. Die letzten Bücher Professor Margas zeigen Anzeichen nach denen er sich für jede dieser zwei Richtungen entscheiden könnte. Dies bleibt allerdings für die Zukunft offen. Das Band welches wir hier Vorstellen ist allerdings polemisch, manchmal offen, manchmal versteckt, gegen jede Politik die sich in ihren Bestrebungen nur ideologisch motivieren lässt, gerichtet. Der Autor Argumentiert wirkungsvoll für eine Politik die ihre Kraft aus einer unlösbaren Allianz mit der Wahrheit zieht, das einzig Mögliche welches ihr einen wissenschaftlichen Status verleihen kann und durch welche sie sich entscheidend im Raume einer argumentativen Rationalität einschreiben kann.

Dementsprechend erscheint bei Professor Marga die Idee einer Philosophie deren Aussagen in der sozial-politischen Erfahrung getestet werden können. Ist dieser Eingriff in der Materie *der zweiten Welt, der hiesigen Welt*, um ein platonisches Wort zu gebrauchen, der größte Fehler den eine Philosophie die, um Ciceros Wort zu verwenden (*Tusculane disp.V, IV*), aus dem Himmel auf die Erde abgestiegen ist um in den Häusern und

Städte einzudringen? Kann die Philosophie, so wie die Aufklärung glauben wollte, durch ihre theoretischen Mittel die sozial-politische Atmosphäre der Menschheit verbessern, so das jeder das Stück welches ihm zusteht aus der großen Torte der Glückseligkeit als Zweck der Geschichte in Ruhe genießen kann?

Vielleicht ist es nur Ehrgeiz und Fehler, jedenfalls ist es ein edler Fehler, welcher die Verbesserung der Welt an sich versuchen will, und einer der vergeben werden kann da er unter dem Prestige solcher Namen wie Plato oder Kant steht. Professor Margas Buch enthält den klaren Anstoß zu einer Philosophie die nicht über die Hemmung das Neue der sozial-politischen Erfahrung der Menschheit zu konzeptualisieren stolpert und ihre theoretischen Hauptaussagen in der Geschichte praktisch testet.

Aber wie schon gesagt, all dies hängt von der weiteren Evolution Professor Margas philosophischem Denken. Es besteht kein Zweifel, dass diesem Buch weitere folgen – wir wünschen dem Professor Marga eine große Endzahl – um daraus das immer klarer Umrissene Bild seiner Auffassung herauslesen zu können.

BOOK REVIEW

Sergiu Mișcoiu, *Le Front national et ses répercussions sur l'échiquier politique français* (Cluj-Napoca, Efes, 2005, 135 p.

Laura Herța Gongola

Out of the numerous academic works concerning extremist parties, Sergiu Miscoiu's *National Front...* strikes us from the very introduction by the self-assumed effort to accomplish a 'well-rounded' analysis of the issue rather than to refer to some particular details of it. Does the author succeed in this challenging mission? In order to answer this question, one must acknowledge the defining nature that the author attributes to the Front National that of a political phenomenon. In Miscoiu's understanding, the Front National is a political phenomenon by three basic characteristics the mechanisms of its explosive growing, its duality (as "a synthesis of both various traditions and the contemporary anti-system currents", p. 4), and the unpredictability of the consequences that it generates.

Keeping in mind this founding definition, Miscoiu approaches the Front in a rather well-inspired three-part structure. The first part ("Conditions") begins with a long (maybe even too long) chapter in which the author broadly describes what the French literature defines as the "conditions de possibilité" ("the conditions of possibility") that allowed the explosion of the National Front (FN) in the middle of the 1980s. The scrupulous description of the social and economic environment leads us to the author's conclusion that the crises that took place in the 1970s were socially acknowledged by the French society only in the middle of the 1980s (pp.7-20). This engendered a number of particular popular expectations, most especially that of restoring the Welfare State of the 1950s-1960s. The political shift from the right wing to the left in 1981 (analysed in the second chapter), seen by the "people" as a major step towards this restoration, proved to be a false promise. At the same time, as the author indicates, the French political parties undertook a process of "re-orientation", meaning that, in an effort to enlarge their electoral base, they "slowly abandoned their extremes" (pp. 24-25). A keen reader could find here the key to understanding the Front's political outburst as a correlation

between the step-by-step opening of a left-right two-sided political space (demonstrated by the analysis of the evolution of the four main parties, pp. 24-37) and the realisation of the long-lasting nature of the social and economic crisis, as described in the previous chapter.

If the ideological and electoral space are prepared, it remains to be seen whether a new political party can gain sufficient strength in order to conquer it. The "phenomenological story" of the National Front is thus dissected by the author in the next 61 pages of the second part (suggestively called "Décryptages"). The schematic but comprehensive "Radiography" (the third chapter of the book) of the Front is composed of a critical history of its origins and evolution and of an analysis of National Front's themes and ideology. Miscoiu puts forward a sociological explanation of FN's programmatic positions, as the Front has always followed its authoritarian but charismatic leader, Jean-Marie Le Pen, rather than an orthodox political line. Moreover, Miscoiu shows that the entire programmatic scheme of the party is built around this leader's personal capacity to make inspired and unchallengeable changes in the public discourse of the Front (pp. 53-63). But the part in which the author succeeds the most in demonstrating the rightness of the phenomenological definition of the FN is to be found in the fourth chapter (pp. 64-74). The Front is depicted as a "sophisticated synthesis" of the traditions of what was commonly described as being the extremist right wing; the Front is thus a political building with the unique capacity to gather, in a heteroclitic but paradoxically coherent melting-pot, the traditionalist, the fascist, the nationalist and the national-socialist currents. In Miscoiu's view, the various post-war predecessors of the Front (analysed in the last part of this chapter, pp. 70-73) have failed precisely because they were unable to benefit from the experience of the anti-establishment parties of the past.

The fifth chapter, dealing with the Front's electoral dynamics, is trying to illustrate this assumption by separating the political history of the FN into two periods the "pre-electoral" period and the electoral period (pp. 75-82 and 82-99). The conclusion is that the Front became able to benefit from the general societal crisis (presented in the first part) only from the moment when it became capable of using to a large extent its synthesising capacities. The pinnacle of FN's success is, without any doubt, the 2002 presidential election, when Jean-Marie Le Pen was able to participate in the second round. But Miscoiu does not deal with the "2002 momentum" as

with something peculiar for the FN, but integrates it in the general evolutionary trend that he has analysed in the whole book, as "a response of the people to the societal crisis and the political and civic demission".

If the reader is not convinced yet, the author deepens the analysis in the third and last part called "Confluences". Its two chapters ("The National Front neither Right Wing nor Left Wing?" pp. 100-109, and "The Left Wing and the Right Wing Facing the Front", pp. 110-119) present the reactions and the counter-reactions of the French political parties who suddenly found themselves confronted by a "political phenomenon". The French noun *bouleversement* seems to describe in the best manner the evolutions of the political spectrum of the 1990s: the decay of the Communist Party, the vacillations and the dismembering of the centre-right wing Union for the French Democracy, the oscillation and the hesitations of the Socialists (which finally proved to be fatal for the former Prime Minister and presidential candidate in 2002, Lionel Jospin), and the Pyrrhic victory of Jacques Chirac in the same troubled year are all circumscribed to a scheme-play in which the Front seems to be, at the same time, an arbitrator and a butcher.

Finally, I have to draw attention to the most original element of Miscoiu's analysis the logical and step-by-step demonstration of the existence of the "two Fronts" (pp. 102-107). There is an imaginary one, which occupies only the far right wing of the electoral spectrum; it served for the left wing as a fascist enemy and a scapegoat for nearly two decades but proved to be equally dangerous for it as for the "collaborationist" right wing. And there is a real Front, anticipated, in the early 1990s, by only a few scholars and NGO activists and endowed with the power to collect votes and to support the popular discontent from the very extreme left to the very extreme right of the political spectrum. Miscoiu thus succeeds in showing that the Front is, once more, rather a phenomenon than a party with a regular evolution, who, in the author's words, "does not cease to teach us precious lectures" about the vulnerable character of the contemporary political systems.

BOOK REVIEW

Yves-Charles Zarka, *Faut-il réviser la loi de 1905 ?*, Presses Universitaires de France, 2005, 207 p.

Val Codrin Tăut

Il est sinon impossible, pourtant difficile, de résumer une loi car celle-ci ne peut être présentée seulement dans son esprit mais également dans sa lettre. Notre enquête ne vise pas le plan juridique mais, plutôt la manière dans laquelle l'instrumentalisation légale de la laïcité et de ses corrélats conceptuelles tels la neutralité de l'État ou la séparation du public et du privé est rendue fonctionnelle par cette acte. Donc, en dehors des aspects purement procéduraux ou administratifs, pour notre analyse les points essentiels de la loi de 1905 peuvent être extraites des premiers deux articles :

Article I. La République assure la liberté de conscience. Elle garantit le libre exercice des cultes sous les seules restrictions édictées ci-après dans l'intérêt de l'ordre public.

Article II. La République ne reconnaît, ne salarie ni ne subventionne aucun culte. (...)¹.

On observe que dans ceux deux articles il y a une ambiguïté concernant la position de l'État. Celui-ci doit garantir quelque chose qu'on a lui interdit de reconnaître. Cette oscillation est peut-être explicable par le contexte historique dans lequel s'est constituée la loi de 1905.

Dans son article intitulé «Genèse de la loi de 1905», Jean-Paul Scot montre que la « scène originaria » de la laïcité a été un champ de tension. Le décret de 21 février 1795, confirmé par la Constituante du 23 septembre 1795 abolit les privilèges ecclésiastiques. Le Pape réagit et condamne les droits de l'homme et la Révolution. Napoléon, conscient de l'importance de la religion pour le peuple français, négocie avec le Saint Siège et en 15 juillet

¹ P. 179.

1801 s'adoptent les 17 articles du Concordat. Selon cet accord l'État devrait reconnaître la religion catholique et sa subordination au Pape. Mais, cette équilibre des forces ne dure pas longue temps car le 8 avril 1802 Napoléon introduit dans le texte du Concordat, d'une manière unilatérale, un règlement de police des cultes. En 1806 Napoléon va manifester son comportement ambigu vis-à-vis de la laïcité en imposant le « Catéchisme à l'usage de toutes les Eglises », règlement qui rendrait officiel le culte divin de l'empereur.

Tenant compte de ce petit morceau d'analyse historique la conclusion qui s'impose est qu'au lendemain de la Révolution Française la séparation entre l'État et l'Église a la même signification que la neutralisation du religieux opéré à la fin des guerres confessionnels. Donc la laïcité c'est moins un principe ou un concept mais un espace de légitimité politique. Pour se donner un fondement inébranlable, l'État a du défricher un domaine qui lui soit propre et sur lequel exercer son monopole.

René Rémond dans « Les raison d'une révision » nous rappelle que la loi de 1905 n'a pas été jamais appliquée en totalité et que l'événement de sa promulgation n'a pas été reçu avec chaleur, car le Saint-Siège a eu la même position qu'au lendemain de la révolution. Une autre difficulté a provenu du retour de l'Alsace et de la Lorraine, dont la population a proteste vis-à-vis de la loi. Pour éviter un blocage juridique la République Française a réalisé en 1923 un accord avec le Saint-Siège qui équivalait à une reconnaissance du catholicisme. Un autre moment important est l'instauration après 1945 d'un système de protection sociale. Même si la loi concernant la séparation prévoyait expressément « la non reconnaissance des cultes », le souci d'équité sociale a conduit les autorités à prendre acte de l'existence des certaines catégories des travailleurs et a instauré un régime spécial pour eux. Pour réaliser cela l'État a du créer une commission consultative auprès du ministère de la Sécurité sociale pour examiner les requêtes et pour se prononcer sur leurs bien-fondé, fait qui implique que l'État a du intervenir pour hiérarchiser les cultes. Le troisième point sur lequel la laïcité ne s'est pas applique intégralement dans le sens prévu par la loi, est l'école. L'idée selon laquelle la République ne subventionne aucun culte a été démentie par une loi promulgue en 1959 par le premier ministre de l'époque, Michel Debré qui stipulait que le budget publique participe a une partie des dépenses de fonctionnement de l'enseignement prive pour harmoniser les deux systèmes d'enseignement.

Pour Jean Baubérot et Henri Pena-Ruiz cette histoire dispersée de la laïcité ne menace pas son contenu normatif. Pour eux la III^e République prolonge et solidifie la distinction entre le pouvoir temporel et spirituel. C'est pour cela qu'ils s'opposent à tout changement de la loi concernant la séparation des Églises et de l'État. Modifier la loi de 1905 signifie pour ces deux auteurs risquer la liberté individuelle, l'égalité et l'intégration républicaine. Les deux auteurs considèrent que la laïcité relève « d'un effort de mise à distance des traditions, quelles qu'elles soient », pour les soumettre « à une approche critique mué par la seule exigence de justice, impliquant liberté et égalité pour tous ». Donc, présenté d'une manière synthétique, l'argument pour maintenir l'actuelle forme de loi est qu'elle rend possible l'exercice critique dans l'espace public. Cela signifie que la laïcité est l'opérateur qui bloque le manifestement de certains rapports du pouvoir inhérents à l'espace privé. Et pourtant pour les deux auteurs le sens de la loi de 1905 ne réside dans cet interdit d'exprimer publiquement une position religieuse mais dans le fait que la religion perd le monopole sur l'espace public. Cela ne signifie que l'État soutient l'athéisme car l'État ne peut et ne doit pas fixer une norme spirituelle.

Même si ces arguments sont assez forts pour nous convaincre du caractère nécessaire de la loi de 1905, il est pourtant évident qu'on doit tenir compte de quelques éléments qui vont dans le sens contraire. En premier lieu il est évident que la laïcité est une notion dont le sens a changé au cours du XX^e siècle. En outre, comme on l'a pu le voir il y a un caractère ambigu et peu fonctionnel de la notion de non reconnaissance.

La position de Christian Delacampagne dans « Adopter la loi à notre temps » est qu'une réforme de la loi de 1905 est nécessaire parce que il faut la rendre mieux adaptée à notre époque. Mais cette réforme doit se faire en conservant un principe intouchable : la séparation de l'espace public et de l'espace privé et de son corrélat qui affirme que la religion ne relève que de l'espace privé. En ce qui concerne les modèles contemporains de la laïcité il y a deux versions : d'un part une laïcité américaine dans laquelle l'individu peut affirmer publiquement sa appartenance religieuse, et une laïcité française qui s'efforce de maintenir le caractère laïque de l'espace public. Le modèle en faveur duquel Christian Delacampagne construit sa argumentation c'est le modèle français. Donc, pour lui, la loi de 1905 doit être reformée car le domaine de son application s'est transformé. La transformation la plus ample qui est envisagée par Delacampagne c'est le

changement de la distribution des religions. Au moment de la promulgation de la loi, la structure confessionnelle de la France était constituée par la suite : catholicisme, protestantisme, judaïsme. Aujourd'hui cette répartition a été radicalement modifiée car on parle aujourd'hui d'un rapport catholicisme – islam. Le point important ici c'est pas la question formelle de ce changement mais, plutôt, le fait que l'islam est une religion différente. Selon Delacampagne ce caractère différentiel est lié aux éléments qui composent son profil spécifique.

En premier lieu l'islam n'est pas pensable en dehors de la langue arabe. Sans doute toute religion est liée intimement à une certaine langue originaire mais en ce concerne l'islam le rapport à sa langue d'origine est plus forte, aspect qui est visible dans le fait que la prêche ou la lecture du Coran est délivré par l'imam dans la langue arabe.

Le deuxième motif qui positionne l'islam dans une certaine position excentrique c'est l'absence d'une autorité centrale rendant ainsi difficile ou impossible toute négociation avec l'État. En France il existe un Conseil français du culte musulman mais il semble qu'il n'est pas reconnu par toutes les communautés islamiques de l'Hexagone.

En plus islam représente un refus de la séparation entre politique et théologie car il est assez clair que l'islam ne s'accomplit seulement comme théologie mais aussi comme système socio-politique. Cela est possible parce que l'herméneutique que l'islam opère sur soi il signifie un retour des versions fondamentalistes.

Pour Christian Delacampagne ces caractéristiques de la religion islamique sont autant des arguments pour la révision de la loi de 1905. La première proposition de modification se réfère au titre V (art 25-28) qui traite de la police des cultes. À son origine la loi a prévu un espace bien défini à l'intérieur duquel une manifestation religieuse pourra avoir lieu. Selon Delacampagne la religion catholique est une plus territorialisée que l'islam qui a une espace d'action qui ne se réduit aux seuls lieux de culte. Autre question, plus importante que la dissémination dans l'espace de la religion musulmane, c'est le fait que à l'intérieur de l'islam il y a des positions manifestement en désaccord avec les lois de la République les exemples sont liés au statut des femmes, l'éducation des enfants notamment des filles. En plus, il ne faut pas oublier que dans l'islam se sont manifestés de nos jours des véritables incitations à la haine contre les déviants (comme les homosexuels) ou contre les ennemis (les valeurs

occidentales). Pour que la police des cultes prévue par Delacampagne soit fonctionnelle il faut que la totalité du culte se déroule en français. La deuxième série des modifications se réfère à au titre IV art (18-21) qui concerne le financement des cultes. Dans les conditions établies par la loi de 1905 on court le danger d'un financement de l'extérieur de l'islam. C'est pour cela que la formation des ministres de culte et l'aménagement des mosquées doivent être mises en charge par l'État

Yves Charles Zarka dans « Nouvelles conditions du rapport des religions à la laïcité » considère que la loi de 1905 représente l'un des éléments les plus importants du républicanisme français, fait qui explique la prudence des politiques en ce qui concerne une possible révision de cette loi, geste qui pourra prendre le sens d'un ébranlement des fondements même de l'État républicain. Mais ce statut symbolique de la loi de 1905 ne signifie pas que celle-ci n'a pas un caractère ambigu, voir difficilement utilisable aujourd'hui.

Selon Zarka il n'y a pas de religion qui serait a priori disponible pour la laïcité, car la religion est toujours une forme totalisante, mais il existent pourtant des religions compatibles avec la laïcité. Cette compatibilité avec la laïcité signifie que la religion quitte volontairement le domaine du politique pour retrouver ses sources spirituelles originaires. Donc selon la conception de Zarka la laïcité a besoin pour s'accomplir d'une théologie de la séparation. Pour le christianisme la théologie de la séparation est apparue au cours d'un long processus historique qui comme jalon principal les Lumières. C'est pour cela que c'est l'islam qui pose aujourd'hui le problème de la laïcité car cette religion n'a pas accompli le travail critique de lui-même.

La nouvelle position de l'islam en France exige la mise en œuvre des nouveaux mécanismes capables d'aider l'intégration républicaine de la religion musulmane et en même temps une remise en question de la laïcité de non-reconnaissance. Cela ne serait possible que en opérant une critique du principe de la neutralité de l'État que la notion de laïcité présuppose. La neutralité de l'État signifie la limitation de sa sphère de compétence au seul domaine politique. Selon Zarka le principe de la non-reconnaissance ne fut jamais fonctionnel car l'État a dû à maintes fois interagir avec la religion. Donc le passage à la laïcité de reconnaissance ne signifie pas une neutralité :

L'État ne serait plus conçu comme indifférent aux religions – il ne l'a d'ailleurs jamais été – mais pourrait intervenir dans les domaines où cette intervention concerne une question politique et relève donc directement de son domaine, soit qu'il s'agisse de garantir l'effectivité de la liberté de culte, soit qu'il s'agisse des procédures de nationalisation d'un culte nouveau, soit encore qu'il intervienne contre la discrimination des membres d'une collectivité religieuse particulière².

En partant de ces réflexions Zarka propose les grandes lignes d'un accord entre religions et laïcité. En premier lieu, la religion doit renoncer à la perspective unilatérale, c'est-à-dire elle ne doit plus se construire sur le binôme vérité-erreur mais elle doit se fonder sur la liberté de conscience et sur la dignité de l'homme. En plus, suivant le principe de la distinction sphère publique – sphère privée il faut mettre en place une coexistence non hégémonique des religions. Troisièmement il faut assurer une conformité entre les valeurs religieuses et les droits fondamentaux supposés par les démocraties constitutionnelles. Dans d'autres mots « il doit y avoir une subordination des valeurs culturelles et historiques qui sont celle d'un culte particulier aux principes universels de la dignité de l'homme et des droits fondamentaux »³. Cette subordination doit se faire comme critique herméneutique du texte sacré lui-même qui devrait permettre de distinguer les aspects fondamentaux d'une religion des récits purement historiques.

La construction du livre s'est voulue systématique. C'est pour cela que la plus grande partie est consacré au débat des arguments pour et contre la révision. Malgré cette structure logique il semble que les parties adverses n'ont pas un véritable territoire de dispute. Ceux qui soutiennent que la forme actuelle de loi doit rester inchangé adoptent une perspective normative, tandis que les arguments pour la révision se meuvent dans un espace factuel. Il semble donc qu'il y a deux usages du mot révision d'un part un renoncement à la laïcité, d'autre un renforcement de celle-ci. Si à une première vue on peut croire qu'on assiste à une tension argumentative cette impression se dissipe immédiatement car les belligérants se retrouvent sous un même drapeau. Tous les auteurs présents dans ce livre affirment la même chose c'est-à-dire l'universalité de la laïcité.

² P.169-170.

³ P. 172

Selon nous, un véritable débat concernant la laïcité doit en premier lieu préciser les conditions de possibilité de cette notion. La stratégie adoptée par Delacampagne et Zarka, stratégie que nous jugeons insuffisante, se déroule en deux temps. Premièrement ils désactivent tout contenu politique de la religion. Ensuite, ils légitiment cette manœuvre invoquant le caractère « originaire » de la religion qui, selon eux, est a priori incompatible avec l'action politique. Selon cette optique toute intersection du politique et du théologique ne représente que l'oubli de l'origine du dernier. Les deux auteurs n'expliquent pourtant selon quels critères on peut distinguer l'originaire religieux de son double dégénéré. Il faut donc se demander, comme la fait jadis Carl Schmitt, où s'arrête la fausse théologie et où commence la théologie chrétienne correcte, absolument apolitique.

BOOK REVIEW

Charles Hampden-Turner, Fons Trompenaars, *Au-delà du choc des cultures. Dépasser les oppositions pour mieux travailler ensemble*, Editions d'Organisation, 2003.

Veronica Mateescu

« Au-delà du choc des cultures. Dépasser les oppositions pour mieux travailler ensemble », livre écrit par Charles Hampden-Turner et Fons Trompenaars, « [...] des spécialistes reconnus des questions interculturelles [qui] dirigent le centre de formation et de conseil en management interculturel Trompenaars-Hampden Turner (THT) »¹, a paru en 2004 aux Éditions d'Organisation, Paris, dans la collection *Manageris*, étant une traduction de « best-seller anglais »² *Building Cross-Cultural Competence : How to create wealth from conflicting values* (publié en 2000 par John Wiley&Sons, Ltd.).

L'impression générale donnée par le livre est celle d'un manuel extensif de training dans le domaine du management interculturel. Autrement dit, le livre semble viser plutôt ceux qui n'ont pas le temps à le lire que l'environnement académique. Pour remédier ce petit inconvénient, les auteurs ont opté pour un style d'écriture qu'ils appelaient « l'humour sérieux » (p. XXXI). Ce style est caractérisé par l'utilisation de dessins adéquats pour les thèmes abordés, par l'analyse/l'interprétation de films célèbres et de livres obligatoires de la bibliographie d'un étudiant diligent et par l'appel aux événements médiatiques connus. L'appel aux histoires et aux films « emblématiques » (p. 23) pour une culture est expliqué par des auteurs ainsi : « Une histoire est un moyen très puissant de transmettre une culture. D'ailleurs, elle adopte souvent une structure proche de celle du mythe et de l'archétype culturel. » (p. 24) Ces histoires et films « idéalisent leurs valeurs préférées tout en intégrant des valeurs contraires » (p. 23). Tout au long du livre, on est, donc, accompagné par des films plus ou

¹ Ces informations peuvent être trouvées sur la dernière couverture du livre.

² Précision faite sur la première couverture du livre.

moins célèbres et par des récits dont les auteurs consacrent une partie importante dans l'économie de l'ouvrage (les films sont présents dans une plus grande mesure que les récits, en existant même une rubrique de filmographie, insérée après celle de bibliographie – p. 411-412). Ainsi, on peut trouver décrits des films et des récits comme : *Le Train sifflera trois fois* de Fred Zinnemann vs. *Les Misérables* de Victor Hugo (p. 24-30) que les auteurs considèrent comme représentatifs pour la dimension *universalisme-particularisme* ; *Casablanca* et *Ikiru* (Vivre) d'Akira Kurosawa (p. 96 -104) pour la dimension *individualisme-collectivisme* ; le roman *La lettre écarlate* de Nathaniel Hawthorne et le film *La Garçonnière* (p. 163-174) pour la dimension *vision d'ensemble-vision de détail* ; *Le Septième Sceau* d'Ingmar Bergman vs. *La Ballade de Narayama* de Shohei Imamura (p. 286-293) pour la dimension *motivation endogène- motivation exogène* etc. Les auteurs citent aussi des poésies ; par exemple, pour la valeur *temps séquentiel* de la dimension *temps séquentiel- temps synchronique*, sont cités des vers de *Chien du ciel* du poète victorien Francis Thompson (p. 328). Il semble que les *différences culturelles* aient tendance à s'intégrer dans la *culture générale* et que les auteurs en aient eu une assez bonne intuition.

Méthodologiquement, l'écriture est tributaire au structuralisme. Les auteurs prennent et développent un thème de Ferdinand Tönnies (1887), thème qui a été fait célèbre par Talcott Parsons. En utilisant un appareil conceptuel assez lourd qui génère, tout seul, des paradoxes, le livre plonge au milieu de différences culturelles en s'efforçant de dépasser les inconvénients économiques du relativisme.

Hampden-Turner et Trompenaars attaquent le sujet de différences culturelles en utilisant la méthodologie du dilemme. Ils justifient ce choix méthodologique par leur croyance dans l'existence d'un « nombre limité de dilemmes authentiquement *universels* » (p. XXXI), « en dépit de la diversification des réponses culturelles, parfois discordantes et hostiles » (p. XXXI). Ainsi, ils ont identifié « six de ces "dilemmes archétypiques" » (p. XXXI), les réponses à ces dilemmes en générant six dimensions « de la diversité culturelle » (p. XXXII) : [1] universalisme / particularisme ; [2] individualisme / collectivisme ; [3] vision de détail / vision d'ensemble ; [4] statut social acquis / statut social attribué ; [5] motivation endogène / motivation exogène et [6] temps séquentiel / temps synchronique.

Le livre est structuré en douze chapitres, en comprenant aussi quatre annexes. Les chapitres sont conçus après la même logique : pour chaque de

six dimensions sont alloués deux chapitres. Ainsi, le chapitre impair présente le dilemme – sa définition, son mode d'évaluation –, les raisons qui déterminent le positionnement de la culture américaine sur une ou autre extrême de chaque dimension, les meilleurs et les pires aspects (quand la valeur est « poussée trop loin ») des valeurs opposées de chaque dimension, le choc des cultures et les conflits qui en découlent au niveau de l'entreprise, dans la religion, l'éthique, la politique, la science, la philosophie et la société³. Le chapitre pair présente des histoires que les deux auteurs considèrent « emblématiques » (p. 23) pour une certaine culture, en continuant avec des études de cas du monde de l'entreprise, l'accent étant mis sur la modalité dont la réconciliation des valeurs a créé de la richesse pour l'entreprise respective⁴.

Les annexes contiennent des informations plus détaillées sur la méthodologie de recherche utilisée par les deux auteurs, sur les origines théoriques (très éclectiques) et pratiques de celle-ci et sur la modalité de réconcilier les différences culturelles dans le but de la création de richesse pour une entreprise (dans ce sens-là, les auteurs présentent un exercice de réconciliation qui peut être fait par toute personne intéressée). En ce qui concerne la méthodologie utilisée dans le but de l'évaluation de la « compétence transculturelle », « compétence acquise » et « [...] expression actuellement à la mode dans le monde du conseil en entreprise [que] cet ouvrage tente de mettre sous les projecteurs » (p. XXIV), l'annexe 3 offre des informations sur le questionnaire utilisé jusqu'à présent (qui, pour chaque dilemme offrait seulement 2 variantes possibles de réponse) et sur le développement d'un nouveau questionnaire qui comprend 5 variantes de réponse, en offrant, ainsi, aux personnes interrogées la possibilité de choisir « [...] soit une seule solution, comme dans l'ancien questionnaire,

³ La problématique du choc des cultures au niveau de l'entreprise est abordée constamment, pour chaque dimension, mais les autres niveaux mentionnés varient d'une dimension à l'autre.

⁴ Les études de cas sont intéressantes, les auteurs en utilisant, parfois, des exemples de leur activité comme consultants et auteurs de livres dans le domaine du management interculturel. On peut trouver, ainsi, comment les deux auteurs, en se confrontant avec un conflit généré par l'opposition entre des valeurs universalistes et des valeurs particularistes – un potentiel conflit entre Trompenaars - Hampden Turner Group et Samsung, qui avait utilisé, sans avoir les droits d'auteurs, pour des buts propres, une version traduite d'un des livres de deux auteurs – l'ont résolu par la réconciliation des valeurs opposées, en créant de la richesse pour chaque de deux parties impliquées (p. 38-40).

soit une réconciliation qui utilise des séquences alternatives ou encore le compromis. » (p. 385), en réduisant, donc, la polarisation des réponses, provoquée par l'obligation d'un choix claire seulement entre 2 réponses. La dernière annexe traite, brièvement, à titre d'exemple, les éventuelles interactions possibles entre trois de six dimensions : *universalisme - particularisme* et *individualisme - collectivisme* ; *universalisme - particularisme* et *statut acquis - statut attribué* ; *individualisme - collectivisme* et *motivation endogène - motivation exogène*, en montrant les résultats de ces interactions : des principes différents d'ordre social trouvés à la base de la culture civique d'un certain pays, une certaine typologie de la culture d'entreprise etc. (p. 393-399).

La logique de la construction du livre a structuré chaque dimension autour de valeurs binaires. Les auteurs ont essayé de dépasser les inconvénients de cette approche, en postulant que seulement la réconciliation des valeurs opposées pourrait créer de la richesse pour les entreprises, en générant des cercles vertueux, tandis que le conflit de ces valeurs créerait des cercles vicieux (représentés dans ce livre par des serpents – p. 56). La principale conclusion / découverte tirée / faite par les auteurs, « après dix-huit ans de recherches transculturelles » (p. XXI), conclusion un peu naïve⁵, est celle que « les différences entre les cultures ne sont ni arbitraires ni fortuites. En fait, les valeurs de l'une sont l'*image inversée* des valeurs de l'autre [...] » (p. XXI).

⁵ Cette « découverte » est le résultat de l'appareil conceptuel que les auteurs utilisent.

BOOK REVIEW

Donatella Schmidt, *Antropologia del grigio. L'altro visto dall'altro (The grey of our days or the way we perceive the other)*, Unipress Publishing House, Padova, 2001

Loredana Baba

Could it be that human life is so uniform in the way we perceive “the other” that we limit ourselves to see it as plain and grey? Is everything coming to a bottom-line of acceptance, a tolerance born out of the curiosity of discovering the *self* by defining a foreign *self*? What is the purpose of the XXI century anthropology then? What can be defined as its subject in a period in which, apparently, the whole catalogue of subjects pertaining to anthropology closes in a checked and done, a closed road, where too many questions have been taken into discussion and answered to? Apparently everything that had to be said was already said therefore the subjects of anthropology have become a grey and uniform matter. But still there is an answer to the problem in question, brought forth by Donatella Schmidt, PhD. Prof. at the University of Padova, in the introduction of the anthology that raised our interest. The Anthropology of the XXI century has to become aware of the whole scale of diversity in matter of *multicultural* problems, such as: *acceptance, tolerance, cohabitation with “the other”*, which becomes an “*other*” time and time again, in the perspective of a reference point, at the same time fixed and always changing, inside a medley society, that had become grey as a whole, due exactly to the problems raised before, the *other* that constantly becomes *another*.

The volume *Antropologia del grigio, L'altro visto dall'altro*, published under the Unipress Publishing House, Padova, in 2001, raises to our attention eleven studies out of which five are written in English meanwhile the other six in Italian. The national diversity of the researchers that bring their contribute to this volume, covering a large scale of subjects, proves once more the multitude of anthropological versions accepted by the contemporary world, thus showing a great mosaic of colours behind the grey imposed by a society that inflicts a conformity of rules in living with the other. The homogenous frame of all the articles of the volume picture

the relativity of the concept of alterity, or to be more exact the way we define the other, when we ourselves can become one, and are the other in relation with our subjects of study.

The articles of the anthology are all inscribed in the line of an ethnology of return, a reflexive ethnology, if we can say so, a meditation upon our society having a double reference, that of the researcher, and that of the researcher as an outsider, who both perceives and studies the situation of having to get in touch with, and adapt to, a new *modus vivendi*. We can find this line of interpretation in the articles of Okechukwu Anyadiegwu, *Black and White: mixed marriages between Nigerians and Italians*, of Dipak R. Pant, *European integration and global processes: as an Asian anthropologist sees it*, and of Ahmed M. Sceek Nur, *Lettere*.

A more classical perspective is offered by Francesco Spagna, who in his article *Strange love: considerazioni dal punto di vista dei nativi americani*, situates the "other" in a historical context. Donatella Schimidt's paper, *Il posto degli stranieri nell'orazione cantata dei Guarani*, frames "the other" in the ritualistic dimension, meanwhile Amedeo Boros finds a way to rehabilitate meanings and values to an already too crowded today, full of too many and fast changes, in his article *L'Io dell'Altro: l'extraneus*.

The third approach of the volume shifts once again the perspective of the anthropological observation towards that „other" which, for centuries had shared a physical space, not necessarily a cultural one, with foreign societies, physical space seen as both *locus extraneus* and *locus familiaris*. This can be seen in the works of Joseph Athickal, *Chi è l'altro?: la minoranza cristiana nello stato del Kerala*, of Silvie Vignato, *Un medium patetico: rapporti di vicinato e riti tamil a Medan*, of Emiko Otake, *Otherness Within: buraku-min in Japanese society* and of Ion Cuceu, *Sângeorzul – a Mana Ritual in the Romanian Folklore*, The research of Silvia Vignato and that of Prof. Dr. Ion Cuceu concentrate on the description and interpretation of rituals, be it religious in the first case or agrarian in the second, mythical rituals if we perceive them in their archaic valences.

The article of Cristina Balma Tivola, *Sguardi da condividere: sulla rappresentazione del pensiero „altro" nel cinema etnografico*, draws attention to the importance of ethnographic cinematography in the study of anthropology, this being a modality of rendering in a complete manner a discourse that in the video and audio recordings was seldom an interrupted and discontinuous and incomplete. This particular article has

raised our attention through the attempt of putting the camera in the hands of native informers in order to stimulate a better understanding of the native spirit, giving more freedom of expression to the native voice. The perspective of the other was emphasized in a better picturing of the true native way of being, without the blockage that a strange figure, taking notes and frames, would undoubtedly bring in the behavior of the subjects. And still debates are raised on the subject of the scientific validity of such visual evidence recorded by native informers picturing the inside point of view. The skepticism, with which such anthropologic evidence, based on an inside observation of the native behavior, is regarded, brings us to the conclusion that such materials are considered still but another act of culture, just like any other audio-video material, and not as scientific evidence. It can be considered a material of study, which has to be seen and interpreted by the authoritative eye of specialists in order to give it scientific validity.

The present anthology reunites the work of some researchers that have seen and felt anthropology as their own destiny. The articles gathered in here breathe of personal experience and scientific authority, a personal insight drawn to the limits of critical analysis, translated in a specialized technical language that has behind a long and minute research. The human interest in defining *alterity* and the current problem of a worldwide cohabitation with “the other” brought forth by globalization, as well as the scientific truth that we can find in the articles of the present volume are in themselves letters of reference that would justify a translation of this anthology in Romanian as well.