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E C O N O M I C S A N D I.T.

SCIENTIFICS

IN MEMORIAM ADRIAN MARINO

ADRIAN MARINO – THE EUROPEAN SPIRIT

ANDREI MARGA [*]

Excerpt from "Filosofia unificării europene", Editura EFES, Cluj-Napoca, 2003, chapter "Identitatea etnică la români", pp. 304-309

How do the Romanian intellectuals relate to the European approach? If we take into account the public expressions (press, books, etc.), then we can identify fairly quickly some well shaped prototype attitudes: *the passeistic nationalism; the conservative nationalism; the utopian European; the opportunistic European; the pan European*.

The Romanian nation was formed late (without being singular from this point of view), and its formation came up against serious obstacles, which it had to overcome, starting, in a somewhat forced manner, from the outskirts of society. However, the edge of society created *the mentality of isolation and solitary fight.*

The *passeistic nationalism* positions itself, in a completely unreflexive way, in this mentality that it reprises as some sort of supreme wisdom. It sees only enemies around it and calls for mobilization. Paradoxically, however, it reprises this mentality long after the fight has been won, and when there are other issues on the agenda: achieving performance in knowledge, democratisation, living conditions. Why does it do this? Because, - put in simple terms – it is nothing but a diversion. The nationalistic agitations

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from more than one century ago (which, in the context of those days, was not without reason!) is visibly the work of the old secret services, and afterwards, as usual, the action of the demagogues. Many intellectuals practice it from various reasons: secret obedience towards those services, lack of professional competitiveness, absence of communication skills in foreign languages. For them, the new Europe, with supranational structures, is evil itself.

The *conservative nationalism* does not allow itself to be caught in the trap in which the passeistic variant falls. Too attached still to the old regime that instrumented nationalism as a last legitimacy, it cannot exit nationalism. All it sees around are old habits and scenarios and it mobilises information in order to prove, somehow against the mainstream and achieving thus the aura of respectable gravity, that Europe is inevitably the same, namely the old one, that the effort of changing it is at best a naïveté. As any discourse opposed to change, its discourse is successful, especially with the unwarned minds and with the poor and misinformed population, which is anything but limited in numbers.

However, as an effect of cultural retardation, our intellectual scene is always influenced by the *utopian European*. He read the critique of Europe in a rush, from Hegel to Nietzsche and Spengler, which he understands inside the narrow view of the East, as con-figured by Berdiaev. On such bases, he self-sufficiently proclaims: the liberal, industrial and pragmatic Europe represents the abandonment of the true Europe and it deserves nothing but criticism. Under the guise of a "superior understanding", ultimately only postulated, the utopian European thinks that the old philosophy about Europe does not need any more confirmation and that the optimal Europe belongs to the past.

The *opportunistic European* knows that for Europe either, the guidelines are no longer in the past. He regards attentively the European unification in progress and its successes are appreciated. But, probably, caught up in the conditioning of the former regime, maybe uninformed, maybe tired, he keeps silent in the decisive moments, and takes his silence as a sign of intellectual equilibrium, or even as a superior apolitical mentality. He is vehement in the

private sphere, and in the public one hides under any pretext ("I only deal in science", I "do not deal in politics", etc.). As much as possible, he takes advantage of the opportunities created by the new Europe (scholarships, travels, etc.), but does not make any public gesture in its favour in difficult contexts.

In recent years among those already mentioned, the *pan European* has made an entrance. He is convinced that something has fundamentally changed in the civilization of the world. That Europe is no longer the economic, political or cultural centre of the world. That the European unification is for the Europeans a condition of relevance, and maybe of salvation. But the European unification – he is nonetheless convinced – is not possible without *liberation from nationalism*. And this liberation is not equivalent with reprising the old cosmopolitan visions. It is not, in any case, done through silence. The pan European knows that analyses, coupled with public stands and, in effect, *efforts to rebuild or even build institutions are necessary now.* But the pan European does not succeed in making the idea of European unification perceptible enough and convincing enough within the ranks of a poorly informed population, already under attack from the demagogues. *The real link between the issues of life, the political approaches and the European unification is hard to be made convincing in Romania, at least for now.*

In the intellectual environment, this link has been conclusively made by Adrian Marino, who profiles a new tradition in the Romanian culture. His reflections elaborate, in the context in which Europeanisation has become a practical matter, on modernist, synchronistic, pro-European options that form the basis of his vast work. I believe that, in Romania, after Eugen Lovinescu, no one has defended more profoundly, and with a more comprehensive culture the project of modernity emerged in the European culture than Adrian Marino.

I will not expand here the discussion on this aspect of his work. I would like to briefly call forth the major options of Adrian Marino's pro-Europeanistic thinking. These refer to the ascendance of the current Romanian pro-Europeanism in the Romanian tradition;

to the conceiving of the European culture; to the conception of the Romanian culture and the practical actions to be done for Romania's European integration.

When reflecting on the Romanian political orientation, with a precise knowledge of the 1848 controversy regarding Romania's major direction, Adrian Marino speaks about the *"priority of the Euro-Atlantic integration"*[1] and about *"bringing Europe home"*, in the homes of the country citizens. He supports his convictions with multiple arguments – political, economic, cultural – but also with investigating the Romanian intellectual history. Adrian Marino attempts, with the well-documented study *Luminile româneşti şi descoperirea Europei* (*The Romanian Lights and the Discovery of Europe*) – included in the volume *Pentru Europa (Pro Europe)*, the first reanalysis of Romanians' reflexive relating to Europe, and the anthology *Revenirea în Europa (Return to Europe)* is the first picture of the contemporary points of view on Europeanisation. Explicitly, with sufficient reasons, he finds the most profound ascendance in the Enlightenment, whose lesson is also his fundamental message: *"we should trust ourselves, and overcome our shyness, blasé feelings and scepticism, as the chances are on our side. The process of creative emulation represents the best verification of our own forces."*[2]

Adrian Marino strongly emphasizes the importance of the awareness, not only historically speaking, but also speaking from the point of view of principles, formed in the case of the Romanians at the end of the 18th century, that *"history actually makes changes of content, that breaking from the past is not absurd and arbitrary, but necessary and positive, motivated by ideals imposed evidently and in all authority."*[3] He adequately finds the ultimate resources of the anti-Europeanised attitude in thracianism, to which the volume *Pentru Europa* addresses one of the most prominent criticisms in the Romanian culture, completely

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[1] Adrian Marino, *Revenirea in Europa. Antologie*, Aius, Craiova, 1996, p. IX

[2] Adrian Marino, *Pentru Europa. Integrarea Romaniei. Aspecte ideologice şi culturale*, Polirom, Iaşi, p. 183

[3] Ibidem, p. 164

exploiting Herodotus's famous fragments and drawing the line under the sombre consequences that the Thracian ideology had in the Romanians' lives.

In opposition with the current conceptualisations, which reduced Europeanisation to the mere sharing of Western welfare, without changing the institutions, the mentalities, the patterns of behaviour, or which consider that the mere spreading of one's own literary works is enough to allow one to speak about Europeanisation, Adrian Marino forged a comprehensive, clear and precise concept of Europeanisation. This concept is essentially cultural. "*Europe… -* he writes in *Pentru Europa – forms an ideally thought out and barrier-free unit"*[4]. Its geographic frontiers are, consequently, dependent on the participation to the European culture. This means, naturally, reflexivity and works of reflexivity, but not only that, but, primarily, institutions that ensure inalienable rights of the individual, political pluralism, democratic building of the political will, factual knowledge, intellect controlled by experience, and, after all, an economic productivity and living conditions that surpassed long ago the limit of mere survival.

With a background in literary studies, where his work already represents a major land mark in our culture, Adrian Marino, following in the footsteps of the prominent intellectuals, approaches Europeanism from a significant and critical distance in relation to its abridged reprises (aestheticised, technicist, etc.) which continue to be most widespread in Romania.

Thorough knowledge about the national traditions of the Enlightenment, a solid foundation in the world culture, the correct perception of the contemporary Romanian realities, the moral verticality make Adrian Marino the author of one of the most qualified diagnoses of Romania's situation at present, in which the Euro-Atlantic integration has become an objective for action. At the same time, he is, as *Pentru Europa* convincingly proves, one of the intellectuals who analysed most comprehensively the premises of our integration. He rightfully dismantled the façade Europeanism,

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[4] Ibidem, p. 113

materialized in mere "festive manifestations". He showed that this is not about reinventing the wheel and that seeking original forms at any cost, as long as they are one's own, is wrong. The impact of the "forms", to which E. Lovinescu made reference, is programmatically defended by Adrian Marino. The current solution for Romania – he shows – consists of *"inevitable import of 'forms' which – over time – and especially under conditions of stability, continuity and democratic development – will generate their corresponding 'content'. All the political ability will consist of merely organizing and stimulating this historical process. This will be reprised more and more in our times as well. It is the only possible realistic, constructive and lucid solution."*[5] Adrian Marino defends the idea according to which Europeanisation is a politically-led process, which implies political actions, and disproves the "apolitical attitude" under which many have hidden their opportunism. He is the supporter of delimiting the intellectual trends, but he is opposed to explicitly replacing arguments with appealing to the police, and to the state force in general, in order to defend a conception[6]. *He argued in favour of the idea of keeping the national specificity under the circumstances of Europeanisation, but showed that this specificity survives only if associated with learning from better experiences.* In the good tradition of liberalism, he showed that attentivism, rooted in the mentality generated by the eastern socialist distributive state, is nowadays, following the proclamation of individual liberties, profoundly counterproductive. Adrian Marino, with *Pentru Europa*, called on a *"cultural counter-effort"* equivalent with establishing, in the place of the sombre morale (turned, in the meantime, into come sort of habit based on the rule of superficiality), of a *"morale of things well done"*, which means, before all, *"calculated prediction and methodical planning"*, together with the passion for *"details and minute organization"*.[7] Eventually, more clearly and more energetically than anyone, Adrian Marino showed that neither the leftist culture nor the rightist one are a solution for Romania,

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[5] Ibidem, p. 154
[6] Ibidem, p. 38
[7] Ibidem, p 28

as neither are they so for any Eastern country. A culture based on a balance of values, individual liberties, pluralism, European integration, democratic institutions remains the solution, even though this culture does not always enjoy the intellectual support of its rivals. *"Between two totalitarianisms –* concludes Adrian Marino in his excellent essay *Rightist Culture, Leftist Culture or Centre Culture – the centre culture alone represents the spiritual freedom, the democratic truth and the real integration in Europe. This Romania is our ideal and not another one"*.[8]

English version by Raluca Moldovan

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[8] Ibidem, pp. 146-147

A PATRIARCH OF MILITANT EUROPEANISM: ADRIAN MARINO

OVIDIU PECICAN [*]

The resurrection of Europeanism as ideology in post-communist Romania was done in villa from downtown Cluj, in the surroundings of the library of a great scholar who had reached the biological – but not psychological, old age, in the years following the 1989 overthrow. Back then, after two years during which Ion Iliescu and his collaborators had thought that the autochthonous revolutionary impetus could be quenched by a Gorbachev-like government of the perestroika–glasnost type, the arresting of the last USSR president, his stormy release and the dissolution, in 1991, of the communist colossus in the east threw the Romanian decision-makers into a persistent state of confusion for the years to follow. The voice that was distinctly heard, for those who chose to listen to it, putting forward the natural orientation towards the European Union – not only in the field of Romania's external alliances, but also as a pattern of civilisation, was that of Adrian Marino. Through a series of articles, studies, essays and responses to surveys, the up-to-then literary critic and the encyclopaedic hermeneutist articulated, between 1991 and 1994, what would later become the contents of the first Europeanist book-manifesto in post-communist Romania. As a result of fortunate circumstances, Silviu Lupescu, who had been up to that moment the editor of the European Institute in Iaşi, inaugurated, in 1995, the activity of his new publishing house, Polirom, with the volume entitled *Pentru Europa. Integrarea României. Aspecte ideologice şi culturale*. *(Pro Europe. Romania's Integration. Cultural and Ideological Aspects).* This books appears to be, moreover, the last book he published during his lifetime,

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the second edition being published – in a revised and completed form, these very days, to mark the festive ten-year anniversary of the Polirom publishing house.

This decade has had enormous significance for Romania and for the autochthonous Europeanism, whose patriarch Marino was. Throughout this time, the accession to power of the Democratic Convention in 1996 firmly steered the country on a course towards NATO and the European Union. From then on, owing to Marino's ideas – which the previous decision-makers had not been willing to listen to and grasp their prophetic nature – the pro-western political orientation became the aim consciously pursued by all the responsible public forces and all the realistic opinion leaders. However, nobody in the official circles rushed to acknowledge the historical merits that the thinker from the Cluj neighbourhood of Grigorescu had acquired. Through some bitter irony, the party on whose behalf he had once been imprisoned and confined to his home for many harsh years, the PNȚCD (Christian Democrat Peasant Party), which had acceded to power, did not call on his services in the frontline of its dignitaries, as it would have been right and fitting to do. On the contrary, the predicaments inside this party made the scholar resume even more determinately his daily pondering on papers and books, allowing him to produce the six-volume book entitled *Biografia ideii de literatură (The Biography of the Idea of Literature).* Meanwhile, however, a publishing house from Craiova unveiled a valuable completion to *Pentru Europa*, the anthology of the post-war Europeanist Romanian thought entitled *Revenirea în Europa (Return to Europe).* In an exceptionally generous and bright fashion – considering the myriad of works published after December 1989 -, Adrian Marino had found, copied and gathered between the covers of this volume some of the most important texts by Romanian authors written in favour of the accession to the EU and the adherence to the European values.

As course leader of the "European Idea" module at the Faculty of European Studies ever since its establishment in 1994, I was anxious to include the two books, as soon as they were published, among the course reference titles, being glad to be the beneficiary

of an effort of re-establishing a tradition of my own that had once been represented by other prestigious voices as well. Thus, they have become the fundamental bibliographical guidelines for the generations of Europeanists trained in the specialised university centre of Cluj. Established by the then rector of the university, the philosopher Andrei Marga, the faculty had the privilege of inviting Adrian Marino to accept the awarding of an excellency prize on January 13, 1997, when he gave a lecture to a room full of people. The fully deserved praises by Andrei Marga, Nicolae Paun and myself expressed the publicly assumed awareness of the value that Adrian Marino represented for the Cluj community, for Romania and for the solid foundations of the present-day studies of Europeanism in our country.

The real emulation that the father of our studies of Europeanism stirred through his books and public speeches was reflected in the books written by the Cluj intellectuals in the field of Europeanism. The fact that Marino himself included in the second edition of *Pentru Europa* a specialised bibliography dispenses me of the obligation of repeating the most significant titles. I only want, in this context, to make a confession: the second part of my volume, *Europa, o idee în mers (Europe: An Advancing Idea),* contains an anthology representing a short, but important attempt to recreate the context of our inter-war Europeanism studies. It is inspired by the model of Marino's anthology, who made reference to the contributions of the subsequent period, trying to be a completion to it by reminding an obliterated tradition from the interwar period. Far from being alien to such attempts, the writer presently and comprehensively commented upon them in the press.

Unfortunately, such a feverish and authentic intellectual life, enormously stimulated by the scholar's personal example, then aged seventy, did only overcome a certain marginality through some spiteful retorts prone to creating polemic. Acknowledged by the 1980's generation of writers and celebrated as an honorary leader of ASPRO (Asociaţia Scriitorilor Profesionişti din România/ Association of the Romanian Professional Writers), hosted by some

journals from Bucharest – from *22* to *Cuvântul (The Word)* - Marino remained outside a certain centrality where he deserved to be through his work. The recognition acquired within the bodies of the civil society – the prize of the Faculty of European Studies of Babeş-Bolyai University in Cluj, the ASPRO prize, the honorary membership in the "Pro Europa" League – show the fields where he received the most immediate and highest acknowledgement of Adrian Marino's cultural contribution. It is, nevertheless, the most important niche, I daresay, because in this space, less subject to official 'moulding' and to the specific reactions of the paper gods of the day, the unbiased contact with the scholar's vigorous work has taken place.

As one of those who, beginning with 1990, was one of the discreet witnesses of the last fifteen years of the scholar's life, I can only emphasise the amazement that his appearance stirred at every meeting. Talking fast, calling on baroque gesticulation, modulating his voice with inflexions full of the most diverse connotations – in a Călinescu-like manner, stressing the vowels and even reaching some high tonalities, - Adrian Marino was a spectacular and protean character. He assumed the attempt to reshape a historical party, he took it upon himself to build up a Transylvanian daily that was essential for the democratic debate, but he especially chose to try to embody a new character, neither popular nor comfortable: the democratic ideologist of an era of democratic construction that claimed to be post-ideological.

Nowadays, we can see that he succeeded in that metamor-phosis as well. Taking his leave from us, Adrian Marino – the former assistant of Călinescu, the former prisoner of the Gulag, the former literary critic, the former ideologist of our Europeanism – leaves behind a wide and complex cultural inheritance, that is difficult to accurately assess at present because of its magnitude and force.

English version by Raluca Moldovan

HONORARY PROFESSOR SPEECH

GENTECHNIK UND DER VERFASSUNGSRECHTLICHE STATUS DES EMBRYOS

WERNER JOEL[*]

Inhalt

Huxleys Utopie

Im Jahre 1932 veröffentlichte der englische Schriftsteller Aldous Huxley einen Zukunftsroman, den er *Brave New World* nannte und der in Deutschland zuletzt den Titel *Schöne neue Welt* erhalten hat.[1]

In der schönen neuen Welt des Jahres 632 nach Ford hat der Staat die Fortpflanzung seiner Bürger mittels biologischer Manipulation selbst in die Hand genommen. Der Zufall bei der

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[1] Aldous Huxley, *Schöne neue Welt*, in der Übertragung von Herberth E. Herlischtka, Hamburg 1953.

Fortpflanzung ist ausgeschaltet. Zahl und Eigenschaften seiner neuen Bürger richten sich nach dem gesellschaftlichen Bedarf.

„Die „herrlichen Geschöpfe", welche die neue Welt bevölkern, sind gentechnische Kunstprodukte. Sie sind fabrikmäßig in Serien geklont, im Brutapparat entwickelt, am Fließband genährt und durch automatisierte Pädagogik nach Maßgabe der jeweiligen sozialen Bestimmung aufgezogen"[2], mit erhöhtem Aggressionspotential, mit optimierter Servilität usf. .

So lebt nun ein jeder in schönster Selbstzufriedenheit. Er kann, was er mag, und mag, was er kann. In totalitärer Obhut gewährleistet sein konfektioniertes Glück die Stabilität des Systems.

In der schönen neuen Welt scheinen unsere Alltagswünsche in Erfüllung gegangen zu sein, doch all die Apparate, Organisationen und Medikamente, die das uneingeschränkte irdische Glück sichern sollen, haben zugleich mit zerstörerischen Leidenschaften auch das ausgerottet, was den Menschen auszeichnet: Freiheit, Liebe, Glauben, Kunst …

Wahrscheinlich werden wir nicht 600 Jahre warten müssen, bis die naturwissenschaftlichen Kenntnisse vorliegen, um Huxleys Utopie Wirklichkeit werden lassen zu können. Die Entwicklung ist rasant. 1998 hat James Thomson die ersten embryonalen Stammzellen des Menschen gewonnen und damit die Grundkraft der Entwicklung des Menschen freigelegt, 2001 wurde das menschliche Erbgut im wesentlichen entschlüsselt, 2002 gelang die erste Synthese eines künstlichen Virus aus seinen molekularen Bestandteilen, 2003 die Zucht künstlicher Spermien im Labor und 2004 der erste erfolgreiche Klonvorgang am Menschen. Damit rückt die Möglichkeit näher, das Erbgut des Menschen neu zu gestalten.

Damit wiederum könnte die Menschheit ihr Zeitalter in absehbarer Zeit abschließen. Wendet sie ihre neuen gentechnischen Erkenntnisse schrankenlos auch auf den Menschen an, dann

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[2] Josef Isensee, *Der grundrechtliche Status des Embryos,* in Otfried Höffe, Ludger Honnefelder, Josef Isensee, Paul Kirchhof (Hg.), *Gentechnik und Menschenwürde,* 1. Auflage Köln 2002, 37.

ist bald nicht mehr nur seine biologische Existenz - durch Massenvernichtungsmittel - gefährdet, sondern auch seine biologische Essenz.[3]

Die gegenwärtige Rechtslage

Die rasante Entwicklung der Forschung und ihre unabsehbaren Folgen haben auch Gesetzgeber auf den Plan gerufen. So sind in Deutschland die Fragen der menschenbezogenen Biotechnik in einem Embryonenschutzgesetz geregelt.[4]

Es verbietet unter genauer Darlegung der Tatbestände missbräuchliche Anwendung von Fortpflanzungstechniken und missbräuchliche Verwendung menschlicher Embryonen, es untersagt eigenmächtige Befruchtung, eigenmächtige Embryonenübertragung und künstliche Befruchtung nach dem Tode, und es droht schließlich auch Strafe an für künstliche Veränderung menschlicher Keimbahnzellen, Klonen sowie Chimären- und Hybridenbildung.

„Das Embryonenschutzgesetz steht nicht beziehungslos neben der Verfassung". Es konkretisiert deren Auftrag an alle staatliche Gewalt, die unantastbare Würde des Menschen zu achten und zu schützen (Art.1 Absatz1).[5]

1990, als das Embryonenschutzgesetz erlassen wurde, waren die wirtschaftlichen und medizinischen Verheißungen der neuen Bioforschung im Prinzip zwar bekannt, aber noch nicht so aktuell wie heute.

Der Fortschritt, den die Forschung inzwischen gemacht hat, lässt nunmehr die Konsequenzen des strengen Embryonenschutzgesetzes auch im internationalen Wettbewerb offenbarer werden. Und nun zeigt sich, dass seine Akzeptanz in Deutschland zurückgeht. Bisherige gemeinsame ethische Positionen werden zunehmend kritisch

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[3] Josef Isensee, ebd. 39, Johannes Rau, *Der Mensch ist jetzt Mitspieler der Evolution geworden,* in Frankfurter Allgemeine Zeitung vom 19.5.2001, 45.
[4] Gesetz zum Schutz von Embryonen vom 13.12.1990 (BGBl. I 2746), geändert durch Art. 22 G. v. 23.10.2001 (BGBl. I 2702).
[5] Josef Isensee, a.a.O. (Fn. 2), 44.

hinterfragt. In 2002 wurden bereits die Einfuhr und Verwendung bis dahin begründeter Stammzellenkulturen grundsätzlich erlaubt. Weitere Gesetzesänderungen stehen zur Diskussion. Bundeskanzler Gerhard Schröder tritt in diesem Zusammenhang für „eine Politik gegen grundsätzliche Verbote ein, weil sie nicht nur unrealistisch, sondern auch unverantwortlich seien. Deutschland könne es sich im Zeitalter des europäischen Binnenmarktes nicht leisten, Lizenzfertigungen und Anwendungslösungen nur zu importieren. Was nützt in Deutschland ein Verbot, wenn gen- und biotechnische Forschungen überall sonst erlaubt sind?"[6]

Die Verfassung als Maßstab

Im Mittelalter hätte man jede hoheitliche Regelung, wie sie in der Gentechnik ansteht, am Maßstab der Bibel gemessen. Heute aber leben wir in einem säkularen Staat. Religiöse Überzeugungen mögen den Einzelnen leiten, sie sind für die Allgemeinheit nicht mehr bindend.

In einem säkularen freiheitlich demokratischen Staat muss sich jedes Gesetz am Maßstab der Verfassung messen lassen. Sie ist das ranghöchste staatliche Gesetz. In ihr hat das Volk verbindlich seine Vorstellungen darüber niedergelegt, wie es regiert werden will. Jedes neue Gesetz muss mit der Verfassung in Einklang stehen. In Deutschland wie in vielen anderen freiheitlichen Demokratien sehen diese auch ausdrücklich den Schutz der Menschenwürde und der Grundrechte vor.[7] Gesetze über die Forschung und Anwendung der modernen Biotechnik und Biomedizin müssen diese beachten. Neben der Wahrung der Menschenwürde geht es vorliegend vor allem um die Grundrechte auf Leben und körperliche Unversehrtheit sowie auf Forschungsfreiheit.

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[6] Von vielen Presseverlautbarungen nur Ludwig Watzal, *Editorial* in: Aus Politik und Zeitgeschehen, Beilage zur Wochenzeitung Das Parlament, B23-24 vom 1.6.2004, 2.

[7] vgl. Fn. 9

Zum Schutz der Menschenwürde

Art.1 Abs. 1 der deutschen Verfassung bestimmt:

„Die Menschenwürde ist unantastbar. Sie zu achten und zu schützen ist Verpflichtung aller staatlichen Gewalt."[8]

Es geht um eben die Würde, die auch nach der Allgemeinen Erklärung der Menschenrechte der Vereinten Nationen anzuerkennen ist (Präambel und Art. 1), die nach der Charta der Grundrechte der Europäischen Union zu achten und zu schützen ist (Präambel und Art. 1) und die in Artikel 1 Abs. 3 der rumänischen Verfassung als höchster Wert aufgeführt ist.[9]

Es ist die Aussage berechtigt, in dem Pluralismus der Weltanschauungen bringt die Menschenwürde das ethische Grundanliegen der modernen Welt zum Ausdruck. Auf sie können alle Forderungen nach Humanität bezogen werden. Da sie für alle Menschen ohne Unterschied gilt, wird sie gerne und vermehrt als Grundlegung für alle politisch-gesellschaftliche Ordnung herangezogen. Gegenwärtig „steht die Menschenwürde im Zentrum der ethischen und rechtlichen Auseinandersetzungen um die Stellung des Menschen in der technischen Zivilisation".[10]

Wenn ich also auch auf die Erörterung der Rechtsfrage in Deutschland abstelle, so dürfte diese doch im Grunde dieselben Probleme wie anderenorts ansprechen.[11]

Die Folgerungen, die aus Artikel 1 Abs. 1 der deutschen Verfassung gezogen werden, können nicht widersprüchlicher sein.

Den einen verwehrt die Menschenwürde wichtige Gentechniken wie das Klonen, die Präimplantationsdiagnostik und das Experimentieren mit Stammzellen.[12]

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[8] Das Grundgesetz für die Bundesrepublik Deutschland vom 23.5.1949.

[9] vgl. den diesbezüglichen internationalen Verfassungsvergleich bei Peter Häberle, *Die Menschenwürde als Grundlage der staatlichen Gemeinschaft*, in Isensee/ irchhof (Hg.) *Handbuch des Staatsrechts*, Bd. 1, § 20,Rdnr. 4

[10] Johannes Reiter, *Menschenwürde als Maßstab*, in Aus Politik und Zeitgeschehen, Beilage zur Wochenzeitschrift Das Parlament, B23-24/2004, 6.

[11] Aktuell die Diskussion in der Schweiz um das am 28.11.2004 zur Abstimmung gestellte Stammzellenforschungsgesetz, vgl. z.B. *Die Menschenwürde des Embryos – ein Missverständnis?* in Neue Zürcher Zeitung vom 27.10.2004, 9

[12] s. unten, Kapitel *Auswirkungen auf die Gentechnik*

Den anderen gebietet die Menschenwürde sie geradezu. Sie verlange, dass der Mensch die Lenkung der eigenen Geschicke selbst in die Hand nehme, dass er dem bisher in Kauf genommenen persönlichen Zufallsunglück der Natur entgegenwirke, schlechte Eigenschaften ausmerze, Erbleiden ausschließe, bisher unheilbare Krankheiten heile, körperliche Benachteiligungen rückgängig mache.[13]

Die Darstellung der Standpunkte zeigt schon, dass einer Verfassung nicht die unmittelbare Antwort auf alle anstehenden Probleme zu entnehmen ist. Grundlegend und hoch abstrakt bedarf sie immer wieder der Interpretation.

Wir müssen uns daher den Fragen zuwenden: Was bedeutet rechtlich die Menschenwürde, wem kommt sie zu und welche Konsequenzen hat dies?

Der Begriff der Menschenwürde hat eine bedeutende Geschichte.[14] Unter dem Eindruck vor allem der Menschen verachtenden totalitären Regime findet er nach dem Zweiten Weltkrieg vermehrt Eingang in das nationale und internationale Recht. Auf die Allgemeine Erklärung der Menschenrechte der Vereinten Nationen von 1948, die EU-Grundrechtscharta vom 7.12.2000 sowie die deutsche und rumänische Verfassung wurde bereits hingewiesen. In vorliegendem Zusammenhang sei auch genannt das „Übereinkommen zum Schutz der Menschenrechte und der Menschenwürde im Hinblick auf die Anwendung von Biologie und Medizin: Menschenrechtsübereinkommen zur Biomedizin des Europarates" vom 4.4.1997. In seinem Artikel 1 ist die Menschenwürde verankert. Die Präambel betont die „Notwendigkeit der Achtung des Menschen sowohl als Individuum als auch als Mitglied der menschlichen Gattung" und spricht von der „Anerkennung der Bedeutung der Wahrung der Menschenwürde".

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[13] statt vieler der Nobelpreisträger James D. Watson, *Die Ethik des Genoms, Warum wir Gott nicht mehr die Zukunft des Menschen überlassen dürfen*, in Frankfurter Allgemeine Zeitung 26.9. 2000, 55 und Friedhelm Hufen, *Erosion der Menschenwürde?* In Juristenzeitung, 2003, 313 - 318

[14] Vgl. den Überblick bei Johannes Reiter, a.a.O.(Fn. 10), 6 ff.. und weiter Otfried Höffe, *Menschenwürde als ethisches Prinzip*, in Otfried Höffe, Ludger Honnefelder, Josef Isensee, Paul Kirchhof (Hg.), *Gentechnik und Menschenwürde,* 1. Auflage Köln 2002, 111, 122ff.

In Deutschland bezeichnet die Menschenwürde in dem ersten Artikel der Verfassung ihren „höchsten Rechtswert". Sie bildet die grundlegende Rechtfertigung des Staates, sie zeigt seine oberste Zielbestimmung auf und sie ist auch die Mutter der einzelnen Grundrechte wie z.B. des Gleichheitssatzes, des Rechtes auf Leben und körperliche Unversehrtheit, des Elternrechtes oder der Forschungsfreiheit.

Es gibt verschiedene Ansätze, die Menschenwürde zu begründen. Trotz der sich daraus ergebenden Schwierigkeit kann sich der Jurist ihrer inhaltlichen Bestimmung nicht entziehen. Anderenfalls liefe das ihm aufgetragenen Schutz- und Achtungsgebot des Art.1 der Verfassung ins Leere.[15]

Nicht zuletzt die gemeinsamen schrecklichen Erfahrungen, die zum Schutz der Menschenwürde in so vielen Rechtsdokumenten geführt haben, führten in Deutschland zu einer weitgehenden Einigkeit über einen Kernbestand ihres juristischen Gehalts.[16]

Die Menschenwürde ist den Menschen nicht von anderen Menschen oder einem Gemeinwesen verliehen oder eingeräumt worden. Sie ist vorgegeben. Sie kommt den Menschen als Mitglied der Gattung Mensch zu. Als unantastbar ist sie keinen Abwägungen mit anderen Werten zugänglich.

Weiter bestand weitgehende Einigkeit darin, die Menschenwürde zu umschreiben mit der von Kant entlehnten Formel *Zweck an sich selbst* oder der vom Bundesverfassungsgericht gegebenen Interpretation *Dasein um seiner selbst willen*.[17] Diese sog. Objektformel (Der Mensch darf nie zum bloßen Objekt werden) schließt ein die Stellung und die Anerkennung des Menschen als eigenes Subjekt, die Freiheit zur eigenen Entfaltung und den Ausschluss von Instrumentalisierung, als sei er eine verfügbare Sache.[18]

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[15] Christian Starck, in: v. Mangoldt, Klein, Starck, Grundgesetz I, 4. Auflage 1999, Art.1 Abs. 1,Rn. 1.
[16] Ernst-Wolfgang Böckenförde, *Menschenwürde als normatives Prinzip*, Juristenzeitung 2003, 809, 811 f
[17] Entscheidungssammlung des Bundesverfassungsgerichts, Bd. 88,203 (252)
[18] s. Fn. 16

Verworfen sind damit zunächst all die Würdeverletzungen, die sich mit dem Schutz der Menschenrechte gedanklich spontan verbinden: Folter, Sklaverei, Ausrottung bestimmter Menschengruppen, Geburtenverhinderung, Verschleppung, unmenschliche, erniedrigende Strafen, Brandmarkung, Vernichtung unwerten Lebens oder Menschenversuche.

Gleichzeitig ist mit der Objektformel aber auch ein Leitfaden für weitere Konkretisierung und inhaltliche Bestimmung gegeben. Als nähere Bestimmung der dem Würdeschutz des Art.1 unterliegenden „Kernzonen" mögen die von Wolfram Höfling genannt sein: 1. Achtung und Schutz der körperlichen Integrität; 2. Sicherung menschengerechter Lebensgrundlagen; 3. Gewährleistung elementarer Rechtsgleichheit; 4. Wahrung der personalen Identität.[19]

Die bisher herrschende Auffassung über den absoluten und gleichen Schutz der Menschenwürde ist seit kurzem in Deutschland Gegenstand einer neuen Auseinandersetzung. In ihrem Mittelpunkt stehen die Thesen von Matthias Herdegen, die er in einer neuen Lieferung zu dem sehr angesehen Kommentar zum Grundgesetz von Maunz/ Dürig vorstellt.[20] Er zieht nicht in Zweifel, dass die Menschenwürde „allen Menschen als Gattungswesen" zukomme und auch „nicht an irgendwelchen geistigen und körperlichen Fähigkeiten des Einzelnen oder sozialen Merkmalen" hänge. Aber „trotz des kategorialen Würdeanspruchs aller Menschen sind Art und Maß des Würdeschutzes für Differenzierungen durchaus offen, die den konkreten Umständen Rechnung tragen".[21] Nicht das „Ob" des Würdeschutzes will er in Frage stellen, sondern nur das „Wie". Hieraus folgt für ihn, dass die Intensität des zu gewährenden Schutzes der Menschenwürde von der Entwicklung des menschlichen Lebens abhängig sei. Dieser gestufte, sich mit zunehmender Entwicklung verstärkende Schutz bedeute einfach, dass er in den

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[19] Wolfram Höfling, *Kommentierung des Art. 1 (Schutz der Menschenwürde, Menschenrechte, Grundrechtsbindung)*, in: Michael Sachs (Hg.), Grundgesetz, Kommentar, München 2002, 78-115, 87.
[20] Matthias Herdegen, in: Maunz/Dürig, Kommentar zum Grundgesetz, Art.1 Abs.1, Rdnr. 48 ff (Stand Febr. 2003)
[21] Ebd. Rdnr. 50

frühesten Stadien des menschlichen Lebens weniger weit reiche als beim Embryo im Mutterleib oder bei dem schon geborenen Menschen.[22]

Die Folgen für den Achtungs- und Würdeschutz des am Anfang seiner Entwicklung stehenden Menschen – aber konsequenterweise auch für den älter werdenden und für den dem Tode entgegensehenden Menschen – sind erheblich. Zum Beispiel bezieht sich nach Herdegen die Achtung der Menschenwürde meist auf das Subjekt zwischenmenschlicher Beziehungen. Diese seien aber in einem frühen Stadium menschlicher Entwicklung nur schwer erlebbar, so dass zu diesem Zeitpunkt bei der Annahme von Würdeverletzungen große Zurückhaltung geboten sei.[23]

Ernst-Wolfgang Böckenförde unterzieht den gestuften Schutz der Menschenwürde einer Fundamentalkritik.[24] „Ein so gesehener Würdeschutz ist für viele Abstufungen und Variationen offen. Über seine eigene Relativierung führt er aber notwendig auch zur Relativierung der Unantastbarkeit der Menschenwürde selbst, wiewohl der Anschein erweckt wird, diese bestünde fort… Letztlich geht es um den Freiraum für die Gewährung und den Abbau von Würdeschutz nach Angemessenheitsvorstellungen des Interpreten".[25]

In der Tat bedeutet Herdegens Lehre eine Perversion des Anliegens, mit dem die Menschenwürde in das nationale und internationale Recht eingeführt worden ist. Seine kosmopolitische Strahlkraft gewinnt der Menschenwürde-Begriff nämlich aus seinem Zweck, vor allem die Schwachen und Unterdrückten vor der Willkür der Starken zu schützen. Der Logik entspräche es, den Schutz zu verstärken je schwächer der Träger der Menschenwürde ist. Das aber ist bei Herdegen gerade nicht gewährleistet.

Wenn jemand Träger der Menschenwürde und der Menschenrechte ist, dann kann es immer nur um den notwendigen und möglichen Schutz gehen. Dieser mag für ein Kind im einzelnen

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[22] Ebd. Rdnr. 56,65-66, derselbe, *Die Menschenwürde im Fluss des bioethischen Diskurses*, in Juristenzeitung, 2001, 773, 774
[23] Ebd. Rdnr. 65-67
[24] Ernst-Wolfgang Böckenförde, in Frankfurter Zeitung vom 3.9.2003, 33 und 34
[25] Ebd. 33

anders aussehen als für einen Erwachsenen, indem er beim Kind z.B. besondere strafrechtliche, soziale oder erzieherische Vorkehrungen einschließt, sich beim Erwachsenen bevormundender Eingriffe in dessen Selbsthilfekraft enthält usf.. Aber ein gestufter Schutz, der sich nicht am Notwendigen und Möglichen orientiert, ist mit dem Gleichheitssatz der Verfassung nicht zu vereinbaren.

Zu den Grundrechten auf Leben und Forschungsfreiheit

Aus dem Schutz der Würde des Menschen leiten sich die in der Verfassung im einzelnen formulierten Grundrechte ab. Diese überführen die universalen Menschenrechte in positives staatliches Recht, präzisieren sie und geben Raum und Anhaltspunkte für oft schwierige Abwägungsprozesse.

Grundrechte sind einmal Abwehrrechte des Privaten gegen Eingriffe des Staates. Für jeden Eingriff in eine Grundrechtsposition, z.B. für eine polizeiliche Anordnung, bedarf es einer gesetzlichen Grundlage, und der Staat muss sich rechtfertigen.

Grundrechte begründen zum anderen Schutzpflichten des Staates gegenüber Übergriffen zwischen Privaten. In dieser Intention ist z.B. das Embryonenschutzgesetz ergangen.

Im Bereich der Gentechnik spielen vor allem die Grundrechte auf Leben und körperliche Unversehrtheit (Art.2 Abs. 2) sowie die Forschungsfreiheit (Art. 5 Abs. 3) eine Rolle.

Das Recht auf Leben ist nicht mit der Menschenwürde gleichzusetzen. Das Leben ist nur die vitale Basis der Menschenwürde.

Die Menschenwürde selbst ist unantastbar. Sie unterliegt keiner Abwägung mit anderen Rechtsgütern. Das Leben hingegen ist unter bestimmten Voraussetzungen antastbar und einer Abwägung mit anderen Rechtsgütern zugänglich, z. B. im Falle der Notwehr.

Das Recht auf Leben und körperliche Unversehrtheit kann unter Umständen mit der Forschungsfreiheit in Widerspruch treten, dann nämlich, wenn das Erkenntnisinteresse des Forschers einen Eingriff in das Leben oder in die körperliche Unversehrtheit eines Menschen erfordert.

Möglich ist auch, dass dasselbe Grundrecht von mehreren Menschen zu Lasten eines von ihnen reklamiert wird. Kranke berufen sich auf ihr Recht auf Leben und körperliche Unversehrtheit, die medizinische Forschung kann ihnen aber nur über gefährliche Versuche an anderen Menschen helfen, denen dieselben Rechte zustehen.

In diesen Fällen gilt: „Ein Freiheitsrecht gibt niemals Herrschaft über andere. Dieser Elementarsatz der Verfassungsordnung … gewährt jedem der rechtsbeteiligten Menschen eine gleiche Freiheit und fordert für jede Wahrnehmung eines Freiheitsrechtes die Achtung vor der gleichen Freiheit des anderen".[26] Dieses Freiheitsverständnis wurzelt in der Garantie der Menschenwürde, die jedem einzelnen Menschen um seiner selbst willen zukommt.[27] Es ist Grundlage für ein friedliches Zusammenleben.[28]

Der Beginn des verfassungsrechtlichen Schutzes

Der Würdeschutz der Verfassung und die Anwendung der Grundrechte setzen die Existenz eines Menschen voraus. Für die hier zu behandelnden Fragen der Biotechnik und der Biomedizin zum Beginn des Lebens scheiden sich die Geister der Juristen schon an der Frage, ob ein Embryo[29] überhaupt ein Mensch im verfassungsrechtlichen Sinne ist.

Die Meinungsunterschiede haben außerordentliche Konsequenzen.

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[26] Paul Kirchhof, *Genforschung und die Freiheit der Wissenschaft*, in Otfried Höffe, Ludger Honnefelder, Josef Isensee, Paul Kirchhof (Hg.), *Gentechnik und Menschenwürde*, 1. Auflage Köln 2002, 9

[27] Paul Kirchhof ebd.

[28] Siehe Art.2 Abs.2 der deutschen Verfassung. Im Anschluss an den Würdeschutz in Art.1 Abs.1 fährt Abs. 2 fort: *Das deutsche Volk bekennt sich* **darum** *zu unverletzlichen und unveräußerlichen Menschenrechten als Grundlage jeder menschlichen Gemeinschaft, des Friedens und der Gerechtigkeit in der Welt.*

[29] Der Begriff „Embryo" wird hier im Sinne des § 8 Embryonenschutzgesetz (s. Fußnote 4) gebraucht: „Als Embryo … gilt bereits die befruchtete, entwicklungsfähige menschliche Eizelle vom Zeitpunkt der Kernverschmelzung an, ferner jede einem Embryo entnommene totipotente Zelle, die sich bei Vorliegen der dafür erforderlichen weiteren Voraussetzungen zu teilen und zu einem Individuum zu entwickeln vermag".

Ist der Embryo kein Mensch, dann ist er eine Sache. Es käme ihm nicht Menschenwürde zu, er wäre nicht Träger von Grundrechten. Er stände zur willkürlichen Verfügung der Eltern, sodann mit deren Gestattung zur Verfügung der Ärzte, Forscher, Unternehmer und sonstiger Nutzer. Diese hätten die Freiheit, über den Embryo als Gegenstand ihres jeweiligen Interesses zu verfügen.[30]

Damit wäre prinzipiell das rechtliche Tor geöffnet zum „Verbrauch" von Embryonen, zur Veränderung des Erbgutes, zur Selektion des Nachwuchses, zur Züchtung von Menschen.

Ist hingegen der Embryo Mensch, dann wäre er auch Träger der Menschenwürde und Subjekt der Grundrechte. Er wäre der schrankenlosen Verfügung anderer entzogen. Deren Grundrechte auf Elternschaft, Forschung und wirtschaftlicher Nutzung endeten nämlich vor der grundrechtlichen Position des neuen Lebens. Freiheitsrechte geben nämlich, wie gesagt, niemals Herrschaft über andere.

Wann also beginnt das Leben, das die Menschenwürde und das Recht auf Leben begründet?

Nach hergebrachten Sprachverständnis gehört zu den Menschen ein jeder, der Menschenantlitz trägt. Eine solche Begriffsbestimmung entspricht unserem Bedürfnis nach möglichst sinnlicher Wahrnehmung, indessen sie trägt heute nicht mehr. Die Naturwissenschaften haben uns nämlich die frühesten vorgeburtlichen Stufen der Entwicklung des Menschen sichtbar gemacht. Hier lässt sich noch kein Menschenantlitz erkennen, kein Herz und kein Hirn; unter dem Mikroskop ist nur ein kleines Zellhäufchen zu sehen.

Lässt sich unter diesen Umständen noch eine so subtile Bestimmung treffen, zu welchem Zeitpunkt und unter welchen Bedingungen exakt Leben einsetzt?

Der Philosoph kann sich unter Umständen damit begnügen, die Unmöglichkeit festzustellen. Dieser Weg ist dem Juristen verwehrt. „Das Leben erlangt den verfassungsrechtlich vorgesehenen Schutz nur, wenn und soweit es definiert wird".[31]

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[30]Hierzu und zum Folgenden: Josef Isensee, a.a.O.(Fn. 2), 52 ff
[31] Josef Isensee a.a.O. (Fn. 2) 54 und Christian Starck a.a.O. (Fn. 15)

Soll es nun nicht der Jurist der Natur anheim geben, ihre Phänomene selbst zu bestimmen? Das ist nicht möglich, die Natur definiert nicht. Sie überlässt es dem Menschen, gewisse Früchte als Äpfel zu bezeichnen, andere als Birnen und beide dem Oberbegriff Obst zuzuordnen. Nicht die Natur, der Mensch ist der Herr der Begriffe.

Sollte es dann nicht der besonderen Kompetenz von Naturwissenschaftlern überlassen bleiben, das Leben zu definieren? Sie sind es doch, die über Zellverschmelzungen und Zellteilungen zu Beginn des Lebens, die weitere Entwicklung und schließlich das Absterben der Zellen am Ende eines Lebens am besten unterrichtet sind.

Indessen, auch dies ist nicht möglich. Die besondere naturwissenschaftliche Kompetenz erstreckt sich nur auf die Frage, was **ist**. Die festgestellten naturwissenschaftlichen Gegebenheiten sind alsdann die Grundlage für die weitere hier anstehende normative Frage, was **sein soll**: Ab welchem Entwicklungsstadium soll man einem Wesen den besonderen, für Menschen vorgesehenen verfassungsrechtlichen Schutz angedeihen lassen?[32]

Es geht also nicht um die Definition des Lebens im biologischen Sinne, sondern um die des Lebens als verfassungsrechtliches Schutzgut.[33]

Als Kriterium des Lebensanfangs bezeichnen manche die Annahme des ungeborenen Kindes durch die Mutter. Sie wäre es, die Leben auch im rechtlichen Sinne vermittelte.

Wäre es so, dann wären alle extrakorporal gezeugten Embryonen, die nach der Entscheidung der Frau nicht zur Implantation kommen, aber vielleicht trotzdem später einmal auf Grund weiterer Forschungen eine Entwicklungschance haben, grundrechtlich ungeschützt. Sie wären für den beliebigen Gebrauch und Verbrauch verfügbar - als grundrechtslose Parias, Sklaven oder Ersatzteillager für Organe. Die Verfassungsordnung „wäre ad absurdum geführt."[34]

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[32] Josef Isensee a.a.O. (Fn.2) 55 f, Ernst-Wolfgang Böckenförde, a.a.O. (Fn. 16) 810
[33] Joseph Isensee ebd.
[34] Josef Isensee ebd.

Indessen, die Verfassung verleiht niemandem, auch nicht der Mutter, die Macht, Grundrechtsfähigkeit zu verleihen oder abzuerkennen.[35] „Die Geltung der Grundrechte ist allgemein, gleich und objektiv." Sie hängt nicht von subjektiver Willkür ab. Sie ist begründet in der Verfassungsordnung, deren Grundrechte keine Herrschaft über andere geben.[36]

Manche möchten den Schutz der Menschenwürde und der Grundrechte nur menschlichen Lebewesen zukommen lassen, die den Status einer Person erreicht hätten, also etwa Ichbewusstsein entwickelten, fähig wären zur Selbstbestimmung oder Interessen erkennen ließen. Nur für personales Leben sei der Schutz der Menschen- und Grundrechte begründet.[37]

Die Anforderungen, die man an das Vorliegen der besonderen personalen Qualitäten knüpft, können sehr unterschiedlich sein. Der Nasciturus würde wohl regelmäßig von vornherein als Träger des Würde- und Lebensschutzes ausscheiden. Selbst die Geburt reichte meistens nicht aus. Die zeitliche Schwelle zur Grundrechtsfähigkeit müsste in das erste oder vielleicht auch in ein späteres Lebensjahr gelegt werden. Während des Schlafes und im Koma müsste der Schutz der Verfassung konsequenterweise vorübergehend entfallen, für den Geisteskranken wäre er auszuschließen.

Die Feststellung der genannten personalen Qualitäten ist mit so viel Unsicherheit behaftet, dass schon ihre juridische Fixierung Willkür darstellte und mit einer Rechtsetzung unverträglich wäre.[38]

Vor allem aber steht eine Auffassung, die ein schützenswertes Menschenleben von Selbstbewusstsein, Selbstbestimmungsfähigkeit und Interessen abhängig macht, mit dem Wortlaut der deutschen Verfassung - und der verschiedenen Menschenrechtserklärungen und -konventionen - in Widerspruch. Art.1 der deutschen Verfassung schützt nicht „die Person", sondern „den Menschen" ohne irgendeine

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[35] s. Fn. 31
[36] Josef Isensee, Fn. 22
[37] U.a. Horst Dreier in Dreier (Hrsg.), *Grundgesetz*, Art. 1 I Rdnr. 50 mit weiteren Hinweisen
[38] Josef Isensee, a.a.O. (Fn. 2) 56

Einschränkung.[39] Der Verfassungsgesetzgeber traf diese Entscheidung 1949 bewusst im Hinblick auf das Schicksal von Menschen, deren Leben mittels willkürlicher Definition als lebensunwert verworfen worden war.[40]

Wenn es vorliegend auch nicht um „Leben" im biologischen Sinne geht, so kann sich doch die Definition des Rechts nicht über die biologischen Gegebenheiten hinwegsetzen. Vielmehr knüpft sie an sie an. Umstritten ist jedoch, welche Gegebenheiten für die Definition maßgebend sind. Nach in Deutschland noch herrschenden „Lehre beginnt»Leben«mit der **Verschmelzung von Ei- und Samenzelle**. Damit greift sie auf den frühestmöglichen Zeitpunkt zurück, den Anfang des Anfangs. Der sachliche Schutzbereich wird so weit wie möglich gezogen".[41]

Wenn tatsächlich *das Dasein um seiner selbst willen* oder *der Zweck an sich selbst* wahr bleiben und nicht eine inhaltsleere Deklamation werden sollen, dann muß diese Anerkennung auch vom ersten Beginn des menschlichen Lebens an bestehen.[42]

Gegen diese überwiegende Auffassung wird eingewendet, dass der Grundrechtsschutz nur einem individuellen Angehörigen der Spezies Mensch zukommen könne. Von einem solchen könne man aber nur ab der sog. Individuation sprechen, wenn die Zellentwicklung geraume Zeit nach der Verschmelzung von Samen- und Eizelle eine Ausbildung von Mehrlingen nicht mehr zulasse. Bis dahin gehe es nur um einen „Präembryo".[43]

Die abschließende genetische Prägung und die dadurch begründete Individualität werden jedoch bereits mit der Befruchtung

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[39] Ernst-Wolfgang Böckenförde, a.a.O. (Fn. 16) 811, Christian Starck, a.a.O. (Fn. 15) Rdnr. 17, Wolfram Höfling, *Zygote-Mensch-Person*, in Frankfurter Allgemeine Zeitung vom 10.7.2001, 8

[40] – Eine grundsätzliche philosophische Auseinandersetzung mit solchen Lehren findet sich in Robert Spaemann, *Sind alle Menschen Personen? Über neue philosophische Rechtfertigungen der Lebensvernichtung,* in ders., *Grenzen, Zur ethischen Dimension des Handelns*, Stuttgart 2001, 417 ff

[41] s. Isensee, a.a.O. (Fn. 2), 57, auch Matthias Herdegen, a.a.O. (Fn. 20), Rdnr. 61 f mit weiteren Zitaten

[42] Ernst-Wolfgang Böckenförde, a.a.O. (Fn. 16) 812

[43] Werner Heun, *Embryonenforschung und Verfassung – Lebensrecht und Menschen-würde des Embryos*, in Juristenzeitung 2002, 517, 520 ff

festgelegt. „Offen ist in der frühen Phase lediglich, ob sich das Genom in einem oder in mehreren Lebewesen verkörpert. Mithin besteht kein Hindernis für die grundrechtliche Deutung, sogleich ein individuelles Lebewesen anzunehmen und, falls es zu einer Teilung kommt, eben deren zwei." Individualität bedeutet nicht notwendig genetische Einzigartigkeit. Trotz Fehlens der genetischen Einzigartigkeit sind auch Zwillinge grundrechtsgeschützte Individuen, ebenso wie dies einmal geklonte Menschen wären.[44]

Auch die Nidation bildet keinen Grund, dem Embryo noch außerhalb des Mutterleibes den verfassungsrechtlichen Schutz zu versagen. Die Implantation der extrakorporal befruchteten Eizelle bildet nur eine von vielen notwendigen Bedingungen für die eingeleitete weitere kontinuierliche Entwicklung des Embryos. Ein verfassungsnormatives Selektionskriterium, das über den Status als würdeloses oder würdefähiges Subjekt entscheiden soll, stellt die Nidation nicht dar.[45] Der Embryo „wird um seiner selbst willen geschützt, nicht um der Mutter willen". Die Frucht im Reagenzglas bedarf sogar des besonderen Schutzes durch die Rechtsordnung, weil die leibliche Schutzbeziehung zur Mutter nicht besteht.[46]

Dem normativen Ziel der Effektivität des Würde- und Lebensschutzes dient auch nicht dessen Verlegung auf den Zeitpunkt der Geburt. Im Strafrecht und im Zivilrecht hat dieser Zeitpunkt seine besondere Funktion für spezielle Regelungen. Sie ist nicht maßgeblich für den verfassungsrechtlichen Lebensschutz, der allbezügliche Geltung beansprucht. „Vielmehr müssen sich Straf- und Zivilrecht ihrerseits an der Verfassung messen lassen, ob sie das von ihr geforderte Schutzniveau erreichen.

Die Geburt eignet sich auch schon darum nicht als Kriterium für den Beginn des verfassungsrechtlichen Lebens, weil sich ihr Zeitpunkt heute in weitem Spielraum ärztlich manipulieren lässt".[47]

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[44] Josef Isensee, a.a.O. (Fn.2), 58, weiter Wolfram Höfling, a.a.O. (Fußnote 39)
[45] Wolfram Höfling, a.a.O. (Fn. 38)
[46] Josef Isensee, a.a.O. (Fn. 2), 59 f
[47] Josef Isensee, a.a.O. (Fn. 2), 61, vgl. auch Christian Starck, a.a.O. (Fn. 15), Rdnr. 18

Eine weitere Erwägung zu dem Beginn des Lebens als verfassungsrechtliches Schutzgut: Es geht es im Grenzfall um die Freigabe zum Töten. Im Zweifel ist für das Leben zu entscheiden. Daher trägt jeder, der den Beginn des Menschseins auf einen späteren Zeitpunkt als den der Kernverschmelzung legt, die Last der Rechtfertigung. Der Rechtfertigungslast kann jedoch keiner genügen, weil die strikte Kontinuität des biologischen Prozesses eine andere Fixierung als auf die Kernverschmelzung nicht zulässt.[48]

„Willkürfrei und folgerichtig ist die Anknüpfung an die Verschmelzung".[49] Damit wird der Schutz der Menschenwürde und der Grundrechte entsprechend ihrem Sinn der Willkür auch von Definitoren entzogen.[50]

Der verfassungsrechtliche Schutz des Embryos in vitro

Ist der Embryo im Reagenzglas ein Mensch, so kommt ihm nach in Deutschland herrschender Lehre der unantastbare und keiner Abwägung mit anderen Rechtsgütern zugängliche **Würde**schutz nach Art. 1 Abs. 1 der Verfassung zu und der **Lebens**schutz nach Art. 2 Abs. 2 der Verfassung.[51]

Das deutsche Bundesverfassungsgericht drückt diesen Gleichlauf von Menschenwürde und Lebensschutz so aus: *„Wo menschliches Leben existiert, kommt ihm Menschenwürde zu*".[52] Damit wird eine Differenzierung ausgeschlossen zwischen Menschen, die Würde besitzen, und solchen, denen diese bestritten wird.

Diese Lehre wird in Frage gestellt. So vertrat etwa die deutsche Justizministerin Brigitte Zypries im Oktober vergangenen Jahres in einer viel beachteten Rede die Ansicht, der Embryo in

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[48] s. Robert Spaemann, *Verantwortung für die Ungeborenen*, in ders. a.a.O. (Fn. 39), 367,368

[49] Josef Isensee, a.a.O. (Fn.2) 61

[50] Christian Starck, a.a.O. (Fn. 15) Rdnr. 17

[51] Art. 1 Abs.1 wurde schon oben zitiert. Art.2 Abs. 2 lautet: "*Jeder hat das Recht auf Leben und körperliche Unversehrtheit...In diese Rechte darf nur auf Grund eines Gesetzes eingegriffen werden.*"

[52] Entscheidungen des Bundesverfassungsgerichts, Bd. 39, 1, 41

vitro genieße zwar den Lebensschutz nach Art.2 Abs.2, aber nicht die Menschenwürde. Die „lediglich abstrakte Möglichkeit", dass er sich zu einem Menschen entwickeln könne, reiche für die Zuerkennung von Menschenwürde nicht aus.[53] Erst über die „Brücke" der weiblichen Gebärmutter gelange der frühe Embryo vom Lebensschutz zum Würdeschutz. Die bisherigen strengen Bestimmungen des Embryonenschutzgesetzes könnten also gelockert werden.

Die Position der Justizministerin ist eine Variante der bereits behandelten und verworfenen Ansicht, die zwischen Personen und bloßen Menschen unterscheidet und nur ersteren den verfassungsrechtlichen Schutz von Würde und Leben zuerkennt. „Das bedeutet zwingend: Bestimmte Angehörige der menschlichen Gattung werden durch einen definitorischen Akt vom Geltungsbereich der fundamentalen Norm des Grundgesetzes ausgeschlossen. Würdelose Menschen kennt die Verfassung aber nicht".[54]

Mit dem Schutz seiner **Würde** nach Art. Abs. 1 der Verfassung ist der Embryo wie jeder Mensch in der Rechtsgemeinschaft willkommen. Auch im frühesten Stadium ist er nicht bloße Biomasse. Es findet seinen Wert in sich selbst. Es darf nie instrumentalisiert werden, nie zum bloßen Objekt werden, nie nur Mittel zum Zweck sein.

Auch der verfassungsrechtliche Schutz des **Lebens** kommt dem Embryo wie jedem Menschen zu. Aber wie bei jedem Menschen kann der Entzug seines Lebens nach gesetzlicher Maßgabe gerechtfertigt sein, ohne dass die Tötung die Menschenwürde des Opfers beeinträchtigte, Art. 2 Abs.2 der deutschen Verfassung. Die strengen Voraussetzungen, die dabei zu beachten sind, mögen bisherige gesetzliche Bestimmungen zeigen: Notwehr, polizeilicher Todesschuss zur Rettung von Geiseln, die Inkaufnahme des Todes von Soldaten und Feuerwehrleuten im pflichtgemäßen Einsatz für die Allgemeinheit.

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[53] Statt vieler Pressemeldungen nur Margarete van Ackeren, *Embryo verliert an Schutz,* in Rheinische Post vom 30.10.2003, 1
[54] Wolfram Höfling, a.a.O. (Fn. 38)

Die Verbindung von Menschenwürde und Lebensschutz begründet somit keine absolute Sperre für den gentechnischen Zugriff auf den Embryo. Doch stellt sie hohe Anforderungen an die Rechtfertigung eines möglichen Zugriffs. Sie sollen im folgenden mit erörtert werden, wenn es darum geht, an Hand einiger Beispiele die Folgen aus der hier vertretenen Rechtsauffassung darzustellen.

Auswirkungen auf die Gentechnik

1. Schutz der Menschenwürde vor Beginn des Menschseins

Das Embryonenschutzgesetz verbietet eine Reihe von Maßnahmen, die vor Beginn eines zu schützenden Lebens liegen, aber außerordentliche Auswirkungen auf sein späteres Dasein haben:

- °Embryonen zu erzeugen, die nicht durch den Zweck gerechtfertigt wird, die Schwangerschaft der Frau herbeizuführen, von der die Eizelle stammt,
- °Keimbahnzellen künstlich zu verändern,
- °Menschen zu klonen,
- °Chimären und Hybriden zu bilden.

Diese Eingriffe in die allgemeine Freiheit und die Forschungsfreiheit bedürfen einer Rechtfertigung. Diese liegt in der dem Staat aufgetragenen Schutz der Menschenwürde, die unter Umständen auch vorbeugendes Eingreifen verlangt und der nicht nur individuellem Leben gilt, sondern auch der Gattung Mensch.[55]

„Die Gewähr der Menschenwürde begründet nicht nur Berechtigungen, sondern auch Verpflichtungen, und zwar dahin, dass die Menschen sich nicht selber entwürdigen, ihre Nachkommen nicht züchten wie Nutztiere, die Zeugung nicht von den Personen der Eltern ablösen und — in der Art der»Brave New World«- verzwecken und industrialisieren. Zu der Achtung, die der Mensch sich selber schuldet, gehört, dass er das humane Erbgut nicht mit tierischem >>kreuzt<<."[56]

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[55] Josef Isensee a.a.O. (Fn. 2), 69 f
[56] Josef Isensee, a.a.O. (Fn. 2) 70

2. Stammzellforschung

Die einzelnen Zellen des menschlichen Körpers tragen in sich den kompletten Satz der Erbinformation. Die meisten Zellen sind jedoch im Laufe der Entwicklung der befruchteten Eizelle bis zum erwachsenen Menschen so weit spezialisiert, dass sie trotz kompletter Erbinformation nur noch bestimmte Funktionen im menschlichen Körper wahrnehmen können: Die Leberzelle bildet nur Leberzellen und die Hautzelle nur Hautzellen.

Naturwissenschaftler forschen nunmehr nach solchen Zellen, die in ihrer Funktion noch nicht bis ins Detail festgelegt sind, die alle oder viele Entwicklungsmöglichkeiten in sich tragen.

Sie haben sie in den sog. Stammzellen entdeckt. Von diesen versprechen sie sich, dass bei entsprechender Implantation die unterschiedlichsten Gewebe des menschlichen Organismus wieder hergestellt werden können. Entsprechend spezialisiert sollen sie Schädigungen an Organfunktionen beheben, etwa die der Entgiftungsfunktion der Leber oder der Insulinfunktion der Bauchspeicheldrüse. Darüber hinaus sind die erzeugten Gewebe auch ohne Implantation für die pharmakologische Forschung von Interesse.

Man unterscheidet **totipotente** Stammzellen, die sich als Menschen entwickeln können. Sie sind damit Embryonen.[57]

Dann gibt es **omnipotente** Stammzellen. Sie haben nicht die Fähigkeit, sich zu einem Menschen zu entwickeln, sie können sich aber zu allen einzelnen Organen entwickeln.

Und schließlich gibt es **pluripotente** Stammzellen, die sich nicht zu allen, aber doch zu vielen menschlichen Organen weiterentwickeln können.

Stammzellen kann man zunächst in geborenen Menschen bzw. Föten finden. Man spricht dann von **adulten** Stammzellen. Ihre Gewinnung ist ethisch unproblematisch. Schon seit rd. vierzig Jahren werden aus dem Knochenmark gewonnene Stammzellen in der Krebstherapie eingesetzt. Auch für Hauttransplantationen kommen sie in Frage. Jedenfalls am Mausmodell wurde gezeigt,

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[57] s. Fn. 29

dass sich diese adulten Zellen auch zu Zellen anderer Gewebearten entwickeln können: Knochen- und Knorpelzellen, Sehnen-, Muskel- und Leber- sowie Nervenzellen. Ihr Potential ist noch nicht ausgeforscht.

Viele Forscher bevorzugen jedoch **embryonale** Stammzellen. Ihre Gewinnung ist aber mit der Tötung des Embryos verbunden. Man spricht von verbrauchender Embryonenforschung. Einer therapeutischen Verwendung konnten diese Stammzellen bisher noch nicht zugeführt werden. Von ihrer Erforschung verspricht man sich jedoch bessere Einsichten in den Aufbau und die Entwicklung von Zellen als bei der Verwendung von adulten Stammzellen. In vielen Jahren seien weiter Therapiemöglichkeiten zu erwarten, die adulte Stammzellen nicht zu erbringen vermöchten.[58]

Zur verfassungsrechtlichen Bewertung diesbezüglicher Forschungen sind zwei Alternativen zu unterscheiden:

1. Die künstliche Herstellung von Embryonen, nur um sie zur Gewinnung von Stammzellen zu verbrauchen, ist als schwerer Verstoß gegen die Menschenwürde des Embryos verboten. Dieser wird von vornherein voll instrumentalisiert. Er wird nur hergestellt, um ihn anschließend für die Gewinnung von Stammzellen zu verbrauchen. Nichts von einem *Dasein um seiner selbst willen*, kein Willkommen des neuen Menschen in der Rechtsgemeinschaft.[59]

2. Anders stellt sich für manche die Rechtslage dar, wenn Embryonen nicht zum Zwecke einer verbrauchenden Stammzellforschung hergestellt werden, sondern zur Einleitung einer Schwangerschaft mittels künstlicher Befruchtung, sie – die Embryonen – aber später doch nicht implantiert werden können. Sollen diese „verwaisten" oder „überzähligen" Embryonen dem Absterben überlassen bleiben oder für eine therapeutisch orientierte Forschung zur Verfügung stehen?

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[58] Christian Geyer, Joachim Müller-Jung, Frank Schirrmacher und Christian Schwägerl, *Die Heilungsversprechen sind utopisch, Was drängt deutsche Forscher so zur Eile? Warum reichen Tierversuche nicht aus? Warum menschliche Embryonen? / Ein Gespräch mit Oliver Brüstle und Otmar Wiestler*, in Frankfurter Allgemeine Zeitung vom 13.6.2001, 58 f (Brüstle und Wiestler sind Wissenschaftler, die im gesetzlichen Rahmen an importierten embryonalen Stammzellen forschen)

[59] Ernst-Wolfgang Böckenförde, a.a.O. (Fn. 16), 813, Paul Kirchhof, a.a.O. (Fn. 26) 26ff

Die künstliche Fortpflanzung mittels sog. In-vitro-Fertilisation ist eine im Rahmen des § 1 Embryonenschutzgesetzes anerkannte Methode zur Erfüllung eines sonst nicht zu verwirklichenden Kinderwunsches. Das in der Rechtsverantwortung der Eltern eingeleitete Verfahren, in deren Obhut auch der Embryo übergeben wird, liegt im Sinne der Familie und deren verfassungsrechtlichem Schutz (Art.6 Abs.1 der deutschen Verfassung). Das Kind wurde um seiner selbst willen gezeugt und nicht in Instrumentalisierungsabsicht für Forschungs- und andere Zwecke.

Daher, so folgern Böckenförde und Kirchhof [60], ginge es bei den verwaisten Embryonen nicht primär um den Würdeschutz des Embryos nach Art. 1 Abs. 1 der deutschen Verfassung.[61] Nach Christian Starck sind sie mit menschlichen Leichnamen vergleichbar.[62]

In diesem Falle erlaube die Verfassung dem Gesetzgeber, „das Verfassungsgut der Heilung schwer erkrankter Menschen gegenüber der Verwerfung von Embryonen abzuwägen und zugunsten der medizinischen Forschung und Heilung zu entscheiden".[63]

Hierzu formuliert Kirchhof unter Berücksichtigung eines „nachwirkenden" Würdeschutzes des Embryos und auch in dem Bestreben, der missbräuchlichen Erzeugung von Embryonen entgegenzuwirken, die These:

„Sind nicht implantierte, nicht die Lebensbedingungen von Nidation und Mutterschaft vorfindende Embryonen vorhanden, erlaubt die Verfassung dem Gesetzgeber die Wertung, diese Embryonen nicht bloß zu verwerfen, sondern auch zur Heilung schwerkranker Menschen einzusetzen, wenn erstens das Entstehen der Embryonen verlässlich dokumentiert, zweitens ernste und gewichtige Heilerfolge gegenwartsnah zu erwarten, drittens schonendere Forschungsalternativen nicht verfügbar und viertens die Eingriffe treuhänderisch tätigen Menschen anvertraut sind."[64]

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[60] Ebd.
[61] Ebd.
[62] Christian Starck, *Hört auf, unser Grundgesetz zu zerreden* in Frankfurter Allgemeine Zeitung vom 30.5.2001, 55
[63] Paul Kirchhof, a.a.O.(Fn. 26) 27
[64] Ebd. 34

Nach Böckenförde[65] kann der Abwägungsprozess gegenwärtig nicht zu Lasten des verwaisten Embryos ausgehen. Die Grundrechte auf Forschungsfreiheit und Gesundheit rechtfertigten nicht die Tötung eines Menschen – und der Embryo sei ja ein Mensch -. Weiter ginge es bei dem Forschungsinteresse z. Zt. nicht um das gegenwärtige Leben oder die aktuelle Gesundheit von Menschen, sondern nur um ungesicherte Erwartungen, vielleicht einmal Heilmittel für bislang nicht heilbare Krankheiten zu gewinnen. Und schließlich sei das Potential der adulten Stammzellen, deren Erforschung keinen ethischen und rechtlichen Bedenken unterliege, noch lange nicht ausgelotet. Solange aber die Geeignetheit milderer Mittel zur Diskussion stehe, schlösse dies den Verbrauch der Embryonen aus.

Die Darlegungen Böckenfördes und Kirchhofs, die den „verwaisten" Embryo in vitro grundsätzlich einem Abwägungsprozess aussetzen, sind inkonsequent, und der Vergleich Starcks ist unzutreffend. Wenn der Embryo ein Mensch ist und jedem Menschen ohne Unterschied der volle Würdeschutz zukommt, dann schließt Art. 1 Abs.1 der Verfassung jede Abwägung aus. Jeder Mensch muss sterben, aber vorher rechtfertigt kein fremdes Forschungsinteresse und kein fremdes Heilinteresse seine Instrumentalisierung, hier: seine Tötung vor dem Eintritt des natürlichen Todes. Auch „Todesnähe macht aus Betroffenen keine Leichname".[66]

Wenn in dem Zeitraum nach der Entstehung des Embryos und vor der Embryonen-Implantation die Mutter stirbt, von der die befruchtete Eizelle stammt, oder sich dauerhafte medizinische Hindernisse für die geplante Schwangerschaft ergeben, dann ist der grundsätzlich zu wahrende Zusammenhang zwischen dieser Mutter und dem Embryo gelöst. Hier könnte der verwaiste Embryo einer Frau implantiert werden, die sich ein Kind wünscht und es auf natürliche Weise nicht empfangen kann. Dazu bedürfte es aber einer Änderung des Embryonenschutzgesetzes.[67]

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[65] Ernst-Wolfgang Böckenförde, a.a.O. (Fn.16) 813
[66] Wolfram Höfling,a.a.O. (Fn. 39)
[67] Christian Starck, a.a.O. (Fn.61)

Von diesem Fall abgesehen, bleibt nichts anderes übrig, als überzählige Embryonen „ihrem Schicksal zu überlassen".[68] Sie teilen das Los vieler Embryonen beim natürlichen Befruchtungsvorgang.

3. Präimplantationsdiagnostik (PID)

Kaum weniger aktuell und brisant als die Stammzellforschung ist eine mit einem Eingriff in den Embryo verbundene Präimplantationsdiagnostik (PID). Sie findet statt im Rahmen einer extrakorporal vorgenommenen künstlichen Befruchtung.

Der Frau werden mehrere Eier entnommen, die „in vitro", also im Labor, befruchtet werden. Bei einem der so gezeugten Embryonen werden nach den ersten Zellteilungen eine oder mehrere Zellen entnommen, um diese auf genetische Defekte oder z.B. auf die gewünschte geschlechtliche Disposition hin zu untersuchen. Eine Möglichkeit, festgestellte genetische Defekte zu heilen oder ein nicht gewünschtes Geschlecht umzuwandeln, besteht nach dem Stand gegenwärtiger medizinischer Erkenntnis nicht. Ziel dieser Art der PID ist mithin eine Aussonderung defekter oder aus anderen Gründen unerwünschter Embryonen. Man lässt sie als früheste menschliche Lebewesen absterben statt sie, um ihre weitere Entwicklung zu ermöglichen, der Frau zu implantieren.

Damit wird der in vitro hergestellte Embryo von vornherein nicht als solcher, als Subjekt und *„Zweck an sich selbst"* anerkannt und gewollt, sondern abhängig von bestimmten Eigenschaften und Merkmalen, die er hat oder nicht hat. Nur unter dieser Voraussetzung wird ihm von vornherein eine Chance zum Weiterleben als Mensch eingeräumt.

Deutlicher kann nicht zum Ausdruck kommen, dass dem Embryo in diesem Falle eine menschliche Würde nicht zugebilligt wird, sondern nur ein an bestimmte Eigenschaften gebundener Wert. Hieraus folgt die Notwendigkeit, in solchen Fällen eine PID zu verbieten.

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[68] Beschluss der Zivilrechtlichen Abteilung des 56. Deutschen Juristentages in : Verhandlungen 56.DJT, Bd. II, K 240,6, zit. nach Isensee a.a.O. (Fn.2), 73

Das Selbstbestimmungsrecht der Eltern, besonders der Frau, wird hierdurch nicht verletzt. „Ihre Entscheidung, ob und wann sie einen Kindeswunsch und wie sie ihn – womöglich auf dem Weg der In-vitro-Fertilisation - verwirklichen wollen, ist frei und selbstbestimmt. Nur müssen sie, wenn sie ein Kind wollen, es als solches wollen und nicht nur als ein Kind mit bestimmten Eigenschaften. Wie nämlich schon oben gezeigt (Abschnitt: Der Beginn des verfassungsrechtlichen Schutzes), hat der Embryo sogar gegenüber der Mutter „Eigenstand". Der Selektion von Embryonen, die eben Menschen in nuce sind, ist der Weg verlegt. Sie sollen nicht Verfügungsmasse in der Hand von Eltern oder Dritter werden.[69]

Versicherungen soll es auch nicht erlaubt sein, indirekt Druck auf die Eltern auszuüben, grundsätzlich eine PID der geschilderten Art anzuwenden, indem sie Versicherungsschutz für ein Kind von einer früheren Präimplantationsdiagnostik abhängig machen.

Die Selektion und Tötung von Embryos mit genetischen Defekten würde überdies gegen Art.3 Abs. 3 Satz 2 der deutschen Verfassung verstoßen: *Niemand darf wegen seiner Behinderung benachteiligt werden*.

4. Klonen

Der Begriff Klonen bezeichnet Techniken, die die genetisch identische Vermehrung von Zellen oder ganzen Organismen zum Ziele haben. Klonierungstechniken werden bereits seit Jahren in der Forschung und in der Tierzucht angewandt. Die aktuelle Aufmerksamkeit, die diesen Techniken entgegengebracht wird, beruht auf der ethischen und gesellschaftlichen Brisanz, die sich aus der konsequenten Adaption dieser Techniken an den Umgang mit menschlichen Zellen und den damit gegebenen Anwendungsmöglichkeiten im Humanbereich ergibt.

Die verschiedenen Klonierungstechniken bedürfen einer differenzierenden verfassungsrechtlichen Erörterung. Es seien einige bekanntere zur Diskussion gestellt.

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[69] Ernst-Wolfgang Böckenförde a.a.O.(Fn 16) 814

Im Februar dieses Jahres berichteten die Medien[70], das südkoreanische Forscher 16 Frauen insgesamt 242 Eizellen entnommen, deren Zellkerne entfernt und sie durch Zellkerne Erwachsener ersetzt hätten. Statt einer natürlichen Befruchtung hätten die Koreaner die Zellen mit Chemikalien zur Teilung angeregt, was in 30 Fällen gelungen sei. Es habe aber nur eine neue Stammzelllinie entwickelt werden können.

Dies ist eine der angewandten Techniken, die unter den Oberbegriff *therapeutisches Klonen* oder besser: *Forschungsklonen* fallen.

Die südkoreanischen Forscher hätten auch versuchen können, die mit neuen Zellkernen ausgestatteten Eizellen sich als Embryonen weiter entwickeln zu lassen und einer Frau zur Austragung eines eineiigen Zwillings des Zellkernspenders zu implantieren. Der Fall des Klonschafs Dolly zeigt, dass dies grundsätzlich möglich erscheint. In einem solchen Falle spricht man vom *reproduktiven Klonen*.

Einig ist man sich heute in der Ablehnung des reproduktiven Klonens. Viele Tierversuche – auch der des Schafes Dolly – haben nämlich gezeigt, dass technische und biologische Besonderheiten das erfolgreiche Klonen von Primaten und Menschen ausschließen.

Nicht nur der Ethiker, auch der Verfassungsjurist kann sich mit dieser möglicherweise zeitgebundenen Argumentation nicht begnügen.

Das grundlegende Argument gegen das reproduktive Klonen besteht darin, dass sie den geschaffenen Menschen instrumentalisiert. Er wird Objekt einer Fremddisposition über seine genetischen Anlagen. Er ist bloßes Mittel zum Zweck der Befriedigung eines Fremdinteresses, sei es z.B., dass man wie die Raelianer-Sekte auf diese Weise sein eigenes Fortleben ermöglichen[71]

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[70] Kurlemann, Lenzer, van Ackeren, *Erstmals Menschen geklont*, in Rheinische Post vom 13.2.2004, 1

[71] Andreas Rosenfelder, *Keiner will sterben, Unsere Revolution: Ein Gespräch mit dem geistigen Führer der Raelianer,* in Frankfurter Allgemeine Zeitung vom 31.12.2002, 33

oder dass man die Menschheit um tüchtige Ingenieure, tapfere Soldaten und tiefsinnige Philosophen bereichern möchte oder auch – wie der italienische Arzt Severino Antinori – um sich als Wissenschaftler in der Öffentlichkeit zu profilieren.[72] Wie das Interesse im Einzelnen auch gelagert sei, der neue Mensch wird nicht geschaffen um seiner selbst willen. Und das ist mit seiner Würde nicht zu vereinbaren.

Und nun zum therapeutischen Klonen.

Der Deutsche Bundestag hatte am 20.2.2002 Partei übergreifend die Bundesregierung aufgefordert, eine Konvention der Uno anzustreben, die nicht nur das reproduktive, sondern auch das therapeutische Klonen weltweit verbietet. Die Uno hat die Verhandlungen hierüber im November 2004 abgebrochen, weil die Meinungsunterschiede in der internationalen Gemeinschaft zu groß seien.[73]

Die Charta der Grundrechte der Europäischen Union verbietet in ihrem Art. 3 nur das reproduktive Klonen von Menschen, gibt therapeutisches Klonen also frei. Hieraus können sich Widersprüche zu den nationalen Verfassungen der Mitgliedstaaten ergeben.

Der verfassungsrechtlichen Beurteilung des therapeutischen Klonens sei ein häufig in Betracht gezogenes Verfahren therapeutischen Klonens zugrunde gelegt. Seine ersten Schritte sind die gleichen wie beim reproduktiven Klonen. Der Zellkern eines Kranken wird in eine entkernte weibliche Eizelle transferiert und ein Klonbaby erzeugt. Diesem Embryo, der genetisch mit dem Patienten identisch ist, werden Stammzellen entnommen. Der Embryo wird dabei getötet. Aus den Zellen wird Gewebe gezüchtet, das dem Kranken implantiert werden soll, aber auch für pharmakologische Untersuchungen in Frage kommt. Wegen der genetischen Identität schließt man Abwehrreaktionen des Körpers des Patienten aus.

Dieses Verfahren unterliegt zunächst denselben verfassungsrechtlichen Bedenken wie die Forschung mit embryonalen Stammzellen. Das Embryonenopfer ist nicht zu rechtfertigen. Es

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[72] *Chronik des Klonens*, in Frankfurter Allgemeine Zeitung vom 28.12.2002, 2
[73] Neue Zürcher Zeitung vom 20./21.11.2004, 1

kommt hier hinzu, dass auch die Instrumentalisierung von Frauen als bloße Eizellspenderinnen verfassungsrechtlichen Bedenken unterliegt.

5. Allgemeines zu der verfassungsrechtlichen Beurteilung von Gentechniken

Die vorstehenden Abschnitte behandeln nur wenige Beispiele von vielen denkbaren Fallkonstellationen im Zusammenhang mit der Gentechnik. Die Auswirkungen der hier grundsätzlich vertretenen Ansicht vor allem auch auf hier nicht erörterte Fälle werden für manche als zu hart und nicht hinnehmbar erscheinen. Dem ist entgegenzuhalten, dass niemand den Staat von der Verfassungsverpflichtung entbinden kann, die Menschenwürde zu schützen. Indessen kann der Staat einem verfassungsrechtlich missbilligten Tun auch auf andere Weise entgegenwirken als mit dem Mittel der Strafandrohung. Hierauf hat das Bundesverfassungsgericht im Zusammenhang mit dem Schwangerschaftsabbruch aufmerksam gemacht.[74] In Betracht kommen z.B. allgemeine Aufklärung, Beratung, soziale Hilfe und dgl.. Im Rahmen des Notwendigen und Möglichen steht dem Gesetzgeber ein Beurteilungsspielraum bei der Auswahl der Maßnahmen zu. Die Rechtswidrigkeit als solche darf er jedoch nicht in Frage stellen. Befürchteter Verlust der wirtschaftlichen Konkurrenzfähigkeit gegenüber „großzügigeren" Staaten ist sicherlich kein Grund, von im übrigen gebotenen Schutzmaßnahmen abzusehen.

Warnung vor der Entsolidarisierung der Menschheit

Die verfassungsrechtliche Beurteilung der Gentechnik am Embryo bildet nur einen Aspekt, den uns die Lebenswissenschaften zu ergründen aufgegeben haben.

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[74] Entscheidungssammlung des Bundesverfassungsgerichts Bd. 39,1 (45), zurückhaltend mit weiteren Literaturangaben: Dieter Lorenz, Recht auf Leben und körperliche Unversehrtheit, in Isensee/Kirchhof (Hg.), Handbuch des Staatsrechts, Bd. IV, § 128, Rdnr. 59

Zu derselben Zeit, in der hier über den Beginn des Lebens nachgedacht wird, wird anderenorts über das Ende des Lebens gesprochen.

Bestehen dort Forschungs- und Heilungsanliegen, den Beginn des Lebens möglichst spät anzusetzen, um vorher möglichst frische „Biomasse" zu gewinnen, bestehen hier Anliegen, den Tod möglichst früh anzusetzen, um möglichst noch frische Organe für Forschung und Transplantationen zu erhalten.

Die Entwicklung darf nicht dazu führen, dass der Kreis der Leistungsfähigen und Mächtigen, derjenigen also, die sich in Staat und Gesellschaft regelmäßig selbst helfen können, die Definitionshoheit über das menschenwürdige Leben gewinnen und ein solches Leben auf ihresgleichen beschränken.

Käme es dahin, dann dürfte sich der Behinderte, dessen Geburt auf Grund einer Präimplantationsdiagnostik hätte verhindert werden können, nur als „fahrlässig nicht verhinderter Unfall" betrachten. Stephen W. Hawking, einer der bedeutendsten zeitgenössischen Physiker, wäre zeitig selektiert worden. Und jeder ältere Mensch wäre gedrängt, sich zu fragen, ob er es verantworten kann, der Allgemeinheit noch länger auf der Tasche zu liegen oder ob er sich nicht doch besser einer der ausgezeichneten Sterbehilfen anvertrauen sollte. Was all das bedeutet, kann man den ängstlichen bis empörenden Reaktionen Behinderter entnehmen, wenn auf akademischer Plattform über den Wert oder Unwert ihres Lebens gesprochen wird.

Der erste Schritt zur Entsolidarisierung der Menschen wäre getan. Weitere würden folgen. Menschenqualität und Lebenswürdigkeit würden definitorisch begrenzt auf die Angehörigen der eigenen Rasse und die der eigenen Klasse, auf die der eigenen Religion und des eigenen Stammes, auf die noch Leistungsfähigen usw. . All diese Versuche hat es schon gegeben und gibt es. [75]

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[75]vgl. aktuell die letztlich auf Definitionen des Lebenswertes beruhenden Intentionen menschenverachtender Anschläge oder z.B. Anne Zielke, *Das Horoskop der Gene, Längst werden Menschen wegen ihres Erbgutes diskriminiert: Ein Besuch bei Opfern in Amerika*, in Frankfurter Allgemeine Sonntagszeitung vom 3.2.2002, 23

Um ihnen entgegenzuwirken, sind der Schutz der Menschen-würde und die Substanz der Grundrechte nach der deutschen Verfassung „demokratiefest" (Art.19 Abs.2, Art. 79 Abs. 3). Sie sind demokratischer Mehrheitsentscheidung entzogen.

Immer neue naturwissenschaftliche Erkenntnisse werden die Rechtswissenschaft auch in Zukunft vor das alte Problem stellen: Darf der Mensch, was er kann? Mit der Entscheidung über die Definition des Lebens als verfassungsrechtliches Schutzgut wird die Richtung der weiteren Entwicklung bestimmt. Menschenwürdig ist: Im Zweifel für das Leben, den Anfang seines Anfangs, das Ende seines Endes und während des Lebens keine Instrumentalisierung als nützliche oder nicht nützliche Sache. Schon Huxley warnte.

POLITICS AND INTERNATIONAL RELATIONS

LES FONDEMENTS CULTURELS, ARGUMENTS DU PROCESSUS DE L'INTÉGRATION EUROPÉENNE

NICOLAE PĂUN

RÉSUMÉ. L'étude met en évidence les fondements culturels du processus d'intégration européenne et soumet au débat des arguments culturels pour la modernisation et l'européanisation de la société roumaine. Elle reprend le débat tradition - modernité qui a fait une carrière intéressante tout au long du XIXème siècle ainsi qu'au début du XXème siècle et souligne la rupture, la parenthèse tragique introduite par le régime communiste dans l'évolution culturelle et profondément européenne de la Roumanie. Elle plaide pour une deuxième modernisation et européanisation par la culture dans la nouvelle période historique commencée en 1989 et introduit dans le débat le potentiel pratiquement inépuisable de l'intellectualité, de l'élite, dans le processus de l'intégration européenne de la société roumaine.

L'Europe n'est pas seulement un continent des nations engagées sur la route de l'unification ou de la convergence éco-politique et culturelle, mais plutôt une zone strucurée par une véritable géologie des sédiments de l'histoire culturelle, arrangés d'une façon entrecroisée, dissonantes ou parfaitement superposés[1]. Par cette assertion, George Therborn veut dire que l'espace culturel de l'Europe s'est créé sur un fondement de systèmes culturels qui assurent et reproduissent du savoir, des normes et des valeurs. Il induit la perspective d'un modèle culturel européen dressé sur un

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[1] George Therborn, *European Modernity and Beyond*, S.A.G.E, London, Thousand Oaks New Delhi, 1995, p. 207

entrecroisement intime, profond, visible ou moins visible des récipients communiquants. Cette projection est soutenue par beaucoup d'intellectuels, mais il faut aussi dire qu'il y a une autre vision historiographique de l'Europe: celle des ruptures et des clivages culturels[2].

Je ne me suis pas proposé d'analyser l'exceptionnel héritage et la grande diversité culturelle et historique européenne; je veux dire seulement que c'est là la motivation et l'argumentation d'une appropriation - par tous les habitants de l'Europe - du processus d'intégration.

L'historiographie contemporaine déploie un grand nombre de cléfs d'inteprétation de l'heritage et du projet culturel européen. La plupart tient compte de la dimension historique, politique et géopolitique du nôtre continent.

Le politologue norvégien Stein Rokkan a rédigé un ambitieux plan socio-scientifique sur la carte de l'Europe[3]. Il emploie un axe géopolitique – respectivement géo-économique – est-ouest et nord-sud, les deux insérés dans une vision historique. Selon Rokkan, la dimension géo-culturelle est obligatoirement liée à celle religieuse, en passant par le suprême protestantisme du Nord, traversant des régions mixtes, puis celles du catholicisme national pour arriver aux régions du catholicisme contreréformiste du sud. De ouest à l'est, la dimension géo-culturelle traverse des périphéries culturelles (celles maritimes d'Islande et Norvège par la Bretagne, l'Ecosse et le pays des Galles), puis des nations-empires maritimes (la Grande-Bretagne, la France, le Danemark, le Portugal, l'Espagne), la ceinture des ville (la Hanse baltique et les cités italiennes), les Etats ruraux continentales (le Suède, la Prusse, la Bavière, l'Autriche) et les Etats-tampon de Finlande jusqu'à la Hongrie et la Yougoslavie.

Pourtant, Rokkan ommet le monde au-delà de la frontière du grand-schisme de 1054 (mille cinquant-quatre) et laisse au-dehors de la construction culturelle des régions importantes: celles de la Méditerrannée antique, grecques, puis le sud-est européen, c'est-à-dire, plus ou moins, le monde de l'orthodoxie. Cette différenciation nord-sud – avec ses limites – correspond aux différences entre la civilisation méditerranéenne antique et celle

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[2] Neagu Djuvara, *Intre Orient şi Occident*. Ţările Române la începutul epocii moderne, ed. Humanitas, Bucureşti, 2002, p.8

[3] S. Rokkan, *Eine Familie von Modellen für die vergleichende Geschichte Europas*, in "Zeitschrift für Soziologie", nº 9/2, 1980, p. 123

des barbares, donc aux différences entre l'Empire romain et les tribus germaniques. De plus, au Moyen-Age, cette différence devient plus évidente, fondée sur l'usage du droit romain. Il faut sans dout mentionner que nulle des frontières des nouveux Etats modernes de l'Europe ne se superposaient parfaitement sur cette démarcation nord-sud, mais, pourtant, les différence culturelles concernant l'histoire ancienne, la langue et la législation s'impose, l'une contre l'autre.

Les mêmes différences culturelles nord-sud, considérables, sont devenues la base commune d'un certain dialogue pendant le siècle de la Réforme et de la Contre-réforme, lorsque les conflits majeurs de l'Europe commencent à se développer sur une ligne Est-Ouest plutôt que Nord-Sud, c'est-à-dire qu'ils étaient générés par des Etats rivaux et non plus par les différences culturelles[4].

Dans ce contexte, j'embrasse l'opinion des spécialistes[5] qui nient à la construction identitaire roumaine le sens sémantique de "périphérie culturelle-politique" et optent pour celui de "espace de confluence" de la culture et de la civilisation européenne.

L'espace roumain – et je peux l'affirmer sans la moinde émotion, car les arguments historiques et culturels sont bien évidents – a toujours été intégré géographiquement à l'Europe, à l'Europe centrale et orientale, ayant produit un culture spécifique pour ce coin du monde[6]. Sans minimiser l'heritage culturel sud-est européen, post-byzantin, il ne faut pas négliger les structures occidentales dont le poids a augmenté d'une manière sensible, corelées à la modernisation du XIXe siècle qui a touché et changé la totalité de la société roumaine.

C'est connu et analysé par l'historiographie pourquoi la Transylvanie, le Banat et la Boukovine – provinces occidentales et nordiques de Roumanie – sont entrées plus tôt et plus vite dans le processur d'européisation, pendant que les provinces sudiques et estiques – la Vallachie, la Moldavie – allaient se moderniser seulement après le traité d'Andrinople de 1829. Jusqu'à 1880 –

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[4] *ibidem,* p. 128

[5] voir Daniel Barbu *Bizanţ contra Bizanţ,* ed. Nemira, Bucureşti, 2001; Lucian Boia, *România, ţară de frontieră a Europei,* ed. Humanitas, 2001; Nicolae Iorga, *Bizanţ după Bizanţ,* ed. Enciclopedică Română, 1972; E. Lovinescu, *Istoria civilizaţiei române moderne,* ed. Ancora, Bucureşti, 1924; C.C. Giurăscu, *Formarea statului naţional român unitar,* Bucureşti, 1975; Charles and Barbara Jelavić *Formarea statelor balcanice,* ed. Dacia, Cluj, 1999

[6] P.P. Panaitescu, *Introducere la istoria culturii româneşti,* ed. Ştiinţifică, Bucureşti, 1969, p. 205

année de la reconnaissance diplomatique de la Roumanie par les Etats européens – la culture et la civilisation appellée "occidentale" dominait la société roumaine au nord et au sud des Carpathes.

En partant de ces fondements d'un visible développement à l'européenne[7], le concept d' «occidentalisation» s'est imposé d'un manière graduelle et parfois sinueuse tout au long des XIXe et XXe siècles. Malgré les quelques chutes dans le "prémoderne", la révolution des moeurs et de la mentalité des Roumains a été cataloguée par l'historien Neagu Djuvara (lauréat de l'Académie Française) comme la plus rapide et la plus spontanée des tous les peuples orthodoxes de l'Europe sud-orientale[8].

Les acquisitions occidentales, surtout celles culturelles, ont permis l'ouverture, dans la société roumaine, au XIXe siècle, d'un vrai chantier du changement qui, par ses conséquences, nous fait enregistrer un ample processus de transition culturelle qui allait d'un vague Moyen Âge tardif jusqu'à la modernité la plus éclatante[9]. En même temps, l'économie change son visage et peut désormais être appellée "capitaliste"[10]. Le style de vie change, on abandonne les kaftans de l'Orient en faveur des vêtements à l'européenne, les idées orientales sont changées pour celles de l'Occident. Si la minorité éduquée, possédant un peu de conscience politique, a été la véritable avant-garde de la modernisation, il ne faut pas ignorer l'espace rural, le monde du paysan qui représentait la majorité de la population. Il faut préciser aussi qu'au-delà de l'immobilisme et de l'obscurantisme d'une société fortement traditionnelle, une certaine individualisation des options culturelles peut être retrouvée.

A-côté de la ville, le village roumain est devenu un accélérateur de la modernisation. On rencontre ici des paysans qu'on a mis en possession des terres dès 1864, sachant lire et écrire, les ouvriers, les employés d'une corporation forestière ou pétrolière – tous forment une autre société que l'ancienne. Il y a une élite rurale, familière des écoles normales de type occidental; il y a une aristocratie soit libérale, soit conservatrice, qui a relevé le modèle politique occidental, même si sans y ajouter des jugements politiques; il y a des intellectuels, assez nombreux, constituant

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[7] voir Nicolae Bocşan *Contribuţii la istoria iluminismului românesc,* ed. Facla, Timişoara, 1986

[8] Neagu Djuvara, *op. cit.,* p. 9

[9] Lucian Boia, *Istorie şi mit în societatea românească,* ed. Humanitas, Bucureşti, 1987

[10] voir Ştefan Zeletin, *Burghezia română. Originea şi rolul ei istoric,* Bucureşti, ed. Culturală Naţională, 1923 (reed. Humanitas, 1991)

l'élite des petites villes. On voit donc un véritable front commun dressé contre les coutumes ancestrales et contre les clichées qui doit agir à l'intérieur d'un monde rural dominé par une atmosphère patriarcale et par un autoritarisme pas de tout idyllique. Les ferments du capitalisme – l'idéologie libérale et les institutions modernes récemment projetées – changeront, de toute façon, la société dans son ensemble.

Il faut aussi dire que dans le processur de modernisation on peut rencontrer deux acteurs: l'occidental, qui offre le modèle, et le roumain, qui l'assimile. L'imitation même suppose un choix et un degré de compatibilité avec le modèle choisi[11]. La société roumaine était devenue – dans la seconde moitié du XIXe siècle – capable d'agir et réagir dans le monde moderne, occidental, et cela a été continué tout au long de la première moitié du XXe siècle. En quelques décennies, on a adopté l'une des plus modernes constitutions de l'Europe, celle belgienne, puis le modèle universitaire français, le système financier et des chemins-de-fer allemand, et d'autres institutions qui ont généré des disputes dans les milieux culturels et politiques. C'étaient des débats où s'impliquaient sans réserve les intellectuels, participant, de cette façon, à l'édification d'un nouvel Etat.

Revenons à 1880, moment de la reconnaissance diplomatique de la Roumanie par l'Europe. Seulement 50 ans séparaient cette date de 1829, l'année du traité d'Andrinople, et déjà on pouvait remarquer l'intégration et l'adaptation effective aux demandes et au rythme d'une Europe dont le développement était impressionant dans ce siècle que nôtre continent appelle "classique".

Rejoindre l'Europe et le modèle occidental a été fait par une politique consciente, par une entière practique sociale, politique et culturelle. Cette stratégie est devenue plus véridique par le dialogue des deux principaux courrants politiques de l'époque: le conservatisme et le libéralisme, par leur compétition et leurs produits intellectuels. Les susdites disputes arrivaient toutes – même si par des voies diffé-rentes - à une seule conclusion: le consentement sur la modernisation. Les désaccords se produissaient sur les moyens et le rythme[12].

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[11] Lucian Boia, *op. cit.,* p. 13

[12] à voir une entière littérature historique, politique et culturelle, où on peut citer les ouvrages de Titu Maiorescu, P.P. Carp, Gherea, Eminescu, apoi Ion C Brătianu, Kogălniceanu, I.G. Duca, Al. Marghiloman, N. Filipescu, etc. Histoire contemporaine: Gh. Platon, I. Bulei, I. Agrigoroaie, N. Bocşan, ou I. Maier, *Studii de modernizare a României. Între pacea de la Adrianopole şi urcarea pe tron a lui Carol al II-lea 1829-1930,* in "România în obiectiv, limbă şi politică. Identitate şi ideologie în transformare", ed. Krista Zach, München, 1998.

Cette "intégration" européenne de Roumanie était une réalité à la fin du XIXe siècle. On s'étonnait, à l'époque - tambien qu'aujourd'hui - devant la rapidité d'un tel changement. À 1920, seulement un siècle séparait la Roumanie européenne et occidentale de la Roumanie orientale, ottomane. La capacité de récupération s'est transposée dans les institutions, législation, q changé la vie quotidienne et les mentalités. Cette modification profonde, culturelle avant tout, était fondée sur quelques paradigmes; autrement dit, elle est devenue une formule de succès d'autant plus facile que c'était l'élite culturelle et politique du pays qui soutenait la transition rapide, accélérée, intuituivement soutenue par la population des villes et des villages.

Sur cette base de modernité déjà acquise, la Roumanie d'après l'a "grande guerre" aggrandie de point de vue territorial et dont les frontières sont reconnues à Versailles[13] a une nouvelle physiognomie. D'autres problème surgissent, concernant surtout à une nouvelle idée de modernisation. On devrait mentionner l'introduction du droit de vote universel, l'expropriation et la réforme agraire, l'apparition du système politique pluraliste, l'unification des structures institutionnelles, etc. Cela explique les grandes disputes autour du concept de modernisation qui confrontent les noms de Ştefan Zeletin, Eugen Lovinescu – homme de lettres -, Dimtrie Gusti - sociologue -, Nicolae Iorga – historien et premier-ministre -, Alex. Lapedatu, Ioan Lupaş – historiens -, Ionel Brătianu – premier-ministre, Gheorghe Vintilă – premier-ministre aussi -, I.C. Filitti – historien et juriste – et de tant autres dont l'activité culturelle se déployait (scientifiquement, politiquement, culturellement) dans les instituts du pays, dans les 3000 journaux et revues, dans la société académique, dans le Parlement. Cela nous a été prouvé par Zigu Ornea[14], historien qui, pendant les années '80 analysait le message de la modernisation dans les années '20 – '30 et sa réception dans une société roumaine nourrie, à cette époque-là, par le dialogue entre la tradition et la modernité.

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[13] Gheorghe Gheorghe, *Tratatele internaţionale ale României, 1919-1939,* vol. I et II, ed. Ştiinţifică şi Enciclopedică, Bucureşti, 1980; Pascu Ştefan Marcel, *Bibliografia Unirii Transilvaniei cu România* in Anuarul Institutului de Istorie, Cluj-Napoca, tome XIe, 1968, pp. 171-258; Bold Emilian, Dobrinescu Valeriu-Florin, *Conferinţa de pace de la Paris 1919-1920, in* "Românii şi istoria universală I", coord. I. Agrigoroaiei, Gh. Buzatu, V. Cristian, Univ. Al. I. Cuza, Iaşi, 1986; Lucian Leuştean *România, Ungaria şi Tratatul de la Trianon,* 1918-1920, ed. Polirom, Iaşi, 2002.

[14] Zigu Ornea, *Tradiţionalism şi modernitate în deceniul al treilea,* ed. Ştiinţifică şi Enciclopedică, Bucureşti, 1980

Le paysage du débât – culturel, après tout – était complété par les idées sur la nation, sur ses facteurs constitutifs, le moment où le désir d'édifier la nation démontrait les ressources et la vitalité de l'entière société.

Il ne faut pas, quand même, négliger les problèmes. C'est vrai que les institutions politiques, économiques, sociales et culturelles, le parlementarisme, le système financier et bancaire, la Banque Nationale - c'est-à-dire ce visage européen et moderne – reflétaient une construction étatique synchronisée à l'Europe, mais le retard était visible dans la sphère économique, sociale, là où le niveau de réception de la modernité se confrontait à la plus grande résistance des mentalités, car celles-ci étaient encore ancrées dans une couche qu'on pourrait appeler prémoderne[15]. Cette double situation a déterminé deux types de discours: un premier, avancé et moderne – sorti de l'école de Lovinesco – qui plaidait pour le synchronisme, fût-il technocratique seulement, et un second rétrograde, attaché à un discours fondamentaliste orthodoxe, nationaliste ou extrêmiste.

Ce modèle de développement de la société roumaine – qu'on désigne par la formule «La Roumanie d'entre les deux guerres» - était perçu comme une véritable renaissance par les politiciens et les historiens fascinés par cette chance unique de la Roumanie de se moderniser et de se réintégrer dans une Europe qu'on a du lentement quitter à cause d'une situation géopolitique qui faisait que l'Asie domine le sud-est européen. Le riche héritage historique de chaque province de Roumanie, l'héritage moral de l'histoire des Roumains, la nouvelle société et la nouvelle économie, l'analyse philosophique de la culture roumaine étaient les sujets préférés par le monde académique.

Le débât sur le thème traditionalisme-modernité était une constante de l'époque et a donné naissance à des profondes implications politiques. Cette dialogie difficile entre l'occidentalisation et le monde archaïque a été analysée par le politologue Sorin Alexandrescu qui, dans son livre «Le paradoxe roumain» soulignait la précarité des institutions, le déficit démocratique dans les régions rurales et dans la mentalité des paysans; il observait le fait que l'architecture de l'Etat était assiégée par des questions de légitimité et qu'elle avait besoin de clarifications surtout après

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[15] Sorin Alexandrescu *Paradoxul român,* ed. Univers, Bucureşti, 1988, pp. 8-26; Lucian Boia, *Jocul cu trecutul. Istoria întreadevăr şi ficţiune,* ed. Humanitas, Bucureşti, 1998

1918[16]. "Comment était-elle, la modernité, perçue dans une Roumanie où le rapport urbain-rural penchait d'une façon accablante en faveur de la ruralité?" ou "Est-ce que les tensions du dialogue tradition-modernité étaient maîtrisées par cette société où la modernité devait se confronter chaque jour au prémoderne?" "Est-ce qu'on a su maîtriser les provocations idéologiques de l'époque?"

Le modèle roumain d'entre les deux guerres à le merite d'avoir capté dans sa structure l'essence de la modernisation du politique, du législatif et administratif, d'avoir flexibilisé et modernisé les structures capitalistes, le marché et la concurrence, la nouvelle construction culturelle et le domaine des mentalités. En même temps, ce modèle a été le prisonnier des différences entre le centre et la périphérie, du décalage chronologique de la modernisation des différentes régions de Roumanie, mais aussi du décalage historique de la modernisation de Roumanie auprès de l'Europe. Heureusement, malgré ce déficit, malgré le paradoxe roumain, le discours de la modernisation reflétait parfaitement la dynamique de l'Europe.

À l'offensive de modernisation de la Droite politique a succédé celle de la Gauche extrême, imposée par les Soviétiques, donc illégitime. Elle a été plus profonde et plus destructive, transformatrice dans le sens le plus négatif car on a essayé d'imposer un modèle idéologique, marxiste-léniniste toujours rejeté. Le communisme a fait la Roumanie sortir de sa voie de développement; l'entier acquis culturel, mental, économique a été arrêté, détruit, on a ré-orienté le pays, cette fois envers le stalinisme.

Après avoir été sortie de l'Histoire pour un demi-siècle, la Roumanie doit maintenant reprendre son démarche stratégique de modernisation et développement, re-rejoindre l'Europe, rouvrir le débât culturel, refaire son tissu social, promouvoir la réforme – commenceant par la morale – la projeter dans les profondeurs de la société, c'est-à-dire, bref, relever le grand défi - devenu sysyphique - de la même modernisation inaugurée le XIXe siècle. Les derniers 15 ans, malheureusement, la société roumaine n'a reçu de sa classe politique que des signes confus, populistes, volontairistes, des réformes ajournées et sans consistance. Ces contre-performances – expliquées par le très-très lent abandon du totalitarisme communiste, de l'économie contrôlée et par le manque de volonté compétitive – n'ont jamais permis à la société roumaine de s'ouvrir vers une sincère évaluation de la capacité du

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[16] *ibidem*, pp. 45-105

pays, de son potentiel humain et culturel, si nécessaire pour la modernisation actuelle. Sans un projet conçu et appliqué pour cette époque de transition, sans une dimension stratégique, les solutions salvatrices ne pouvaient pas se naître. On n'a fait que trop peu pour changer les mentalités dans une société où la simple adhésion de l'élite à l'idée d'européisation, son enthousiasme pour l'Occident des valeurs, ne suffit pas.

Le retard et les réformes ajournées nous font maintenant, en 2005, à l'heure de l'intégration européenne, nous demander si on est véritablement préparés pour s'assommer le devoir de la modernisation commencée au XIXe siècle, mais cette fois, dans son nouveau visage européen institutionnalisé.

La réunification du Continent par le processus d'intégration a une puissante motivation culturelle et est fondée sur des normes, valeurs morales et institutionnelles. D'ailleurs, dans son ouvrage „The Clash of Civilisations", de 1993, Samuel Huntington montrait que "la source principale d'un conflict dans le monde d'après 1989 ne sera plus idéologique, mais économique ou culturelle"[17]. A-côté de ces nouvelles positions on retrouve les opinions d'un Francis Fukuyama qui, lui-aussi, pour souligner le manque de valeurs morales à l'intérieur du communisme, considérait sa chute comme une "fin de l'Histoire"[18], raison de plus pour re-créer les fondements culturels de notre monde, aujourd'hui.

Lorsque Mathieu Périchaud se demandait dans quelle mesure l'unification de l'Europe est un pas vers la globalisation, son apanage ou son complément[19], Tomlinson lui répondait que la globalisation se trouve au contre de la culture moderne et qu'au milieu de la globalisation on retrouve les politiques culturelles[20]. Roland Robertson, discutant "la mythologie de la globalisation" (appellée d'une telle manière d'après Ferguson)[21] ré-introduit dans le débat le thème des fondements culturels[22], pendant que Viviane Reding, membre de la Commission Européenne, soulignait, à son tour, en 2004 - les jours du colloque "Les provocations de l'éducation en Europe" - que l'Europe est un espace plurilingue et

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[17] S. Huntington *The Clash of Civilisations*, 1993, p. 5
[18] Francis Fukuyama *The End of History and the Last Man,* Free Press, New York, 1992
[19] Mathieu Périchaud *L'Europe et la globalisation,* www.diploweb.com, 2001, p. 7
[20] John Tomlinson, *Globalizare şi cultură,* 2004, p. 9
[21] R. Robertson şi M. Featherstone, *Localisation, Globalism and Cultural Identity,* 1995, p. 25
[22] M. Ferguson, *The Mythology about Globalisation*, 1992, p. 69

pluriculturel, que l'Union Européenne est une union volontaire d'Etats ayant tous une histoire propre, particulière, des structures politiques, économiques et sociales spécifiques, chaque pays avec son patrimoine culturel et sa langue nationale. Personne ne conteste ces faits, ni le fait que nôtre continent est le berceau d'une civilisation exceptionnelle qui partage des caractérisiques communes tout en étant d'une diversité extraordinaire[23].

Autrement dit, le fondement culturel européen, avec ses traits spécifiques d'une région à l'autre, a joué et joue le rôle le plus important dans le processus d'unification de l'Europe; son but est de renforcer la cohésion et la solidarité des européens, car l'espace européen ne s'est jamais défini seulement par l'économique (Marché commun, monnaie unique).

C'est l'histoire qui reflète le mieux la culture et l'idéntité de l'Europe. La culture est la "mémoire génétiquement non-transmissible des européens; et elle est mémoire seulement si elle arrive à créer son propre modèle[24]".

Le démarche d'introspection dans les valuers culturelles européenne n'est pas gratuit; pour moi, la ré-création des identités et la valorification des fondements culturels européens son décisives à la fois pour l'intégration européenne de Roumanie et pour le futur de l'Europe.

En ce que concerne l'analyse de l'intégration européenne, Adrian Marino – homme de lettres et philosophe de la culture qui, malheureusement a quitté ce monde il y a deux semaines – évidentiait le fait que la seule contribution originelle de notre culture après 1989 était l'incipiente politiologie roumaine[25]. Peut-être cette définition est-elle trop critique; elle a, quand même, le mérite de signaler les risques de la précarité du projet culturel chez nous. Un historien comme Sorin Antohi nous invite à une nouvelle lecture de la culture roumaine faite à la fois par les moyens critiques traditionnels et par une infusion massive de références critiques et compétences occidentales[26]. Un politologue comme Cristian Preda, avec sa bien-connue rigueur, commente et amende le projet européen propsé par Adrian Marino, insistant sur la définition précise de "culture et valeur", "culture et societé",

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[23] Viviane Reding, *Les défis de l'éducation en Europe,* mai 2004
[24] Al treilea discurs – Adrian Marino în dialog cu Sorin Antohi, ed. Polirom, 2001, p. 58
[25] Adrian Marino, *op. cit.*, p. 112
[26] *ibidem*, p. 114

"comportements intellectuals", etc. Il montre que les suppositions libérales – comme le "policentrisme culturel" ou le "pluralisme des idées" – peuvent être facilement intégrés dans le language de bois si on ne va pas trouver les arguments nécessaires à les définir. Preda se demandait rhétoriquement comemnt définir les deux Roumanies actuelles: l'une, éthnicisre-nationaliste ey traditionnelle, rurale; l'autre, urbaine, pro-européenne et moderniste. Ou bien "Qu'est-ce que la Roumanie d'aujourd'hui?"[27] laissant le débât ouvert. M. Sora parle de la culture et l'intégration, des "fausses élites politiques" et de la mentalité roumaine d'être assisté par l'Etat. Nicolae Manolescu – dans le même contexte[28] – cherche les points de contact entre les identités culturelles nationales et européennes, etc.

Virgil Nemoianu, Matei Călinescu, Mircea Cărtărescu, Alexandru Paleologu, tand d'autres se rapportent avant tout à la culture lorsqu'ils analysent les provocations de l'intégration européenne. Dans le même domaine, culture-société-politique se situe Vladimir Tismăneanu, Andrei Cornea, Dan Pavel … .

L'introduction dans la paradigme de l'intégration européenne de l'argument culturel est essentielle. Le projet roumain – comme celui des autres pays de l'espace ex-communiste, comme celui des pays de l'Europe occidentale – est surtout un projet culturel. Pour que celui-ci s'accorde aux débâts et au rythme de l'Europe il est fort nécessaire de réprendre la discussion – voire la polémique – identitaire, de récupérer la dimension normative, morale et culturelle sans laquelle la modernisation et l'intégration européenne de la Roumanie ne serait possible.

La Roumanie a besoin plus que jamais d'un projet culturel et de ses intellectuels. Si, immédiatement après la chute du communisme, chez nous – comme partout dans l'Europe ex-communiste – les intellectuels ont senti le besoin de se justifier, en Europe centrale ils ont trouvé aussi les moyens de s'impliquer. Ils ont trouvé de solutions pour les pays dont la transition impliquait aussi un changement culturel. Mais en Roumanie, l'activité des intellectuels dans la transition politique du communisme à la démocratie a été modeste, sinon maigre. C'est d'ailleurs pourquoi soutenir le processus d'intégration de ce pays en Europe crée le besoin d'une sorte de messianisme comme celui décrit par

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[27] Cristian Preda, *Modernitatea politică şi românismul,* ed. Nemira, 1998, p. 242

[28] *Nostalgia Europei – volum în onoarea lui Alexandru Paleologu*, ed. Polirom, 2003, p. 85 et suiv..

Thomas Carlyle en 1883, quand il expliquait pourquoi l'intellectuel héroïque a toujours déterminé le cours de l'histoire moderne[29]. Pour Carlyle, écrire et agir politiqement allaient ensemble.

À la fin du XXe siècle, l'Europe reste le principal producteur d'idées dont le but est la ré-invention et la consolidation de la démocratie; cela confirme, sans doute, Carl von Lynee qui définissait «*homo europaeus*», cette formule suprême de «*homo sapiens*» comme "levis, argutus, inventor". L'Européen – avec majuscule – est l'égal de l'homme de science ou de l'intellectuel.

La Roumanie de l'année 2005 a besoin plus que jamais de l'implication et de l'apport des intellectuels. Cette seconde modernisation – en même temps qu'adhésion institutionnelle à l'Europe – a besoin d'un message culturel vigoureux (à cause d'une classe politique dont les performances sont bien modestes). Les intellectuels ont l'obligation morale, normative, de conduite et d'éthique sociale de soutenir le processus d'intégration européenne du ce pays.

L'intégration européenne de la Roumanie est, de l'autre côté, iminente et elle nous oblige d'assommer d'une manière impérieuse un changeemnt moral majeur. Il ne sera que positif. Tout simplement parce que la Roumanie d'aujourd'hui a dépassé l'âge des isolements politiques, économiques, culturels et intellectuels et parce qu'elle doit s'affirmer, et doit re-créer sa position et son identité dans la grande famille européenne.

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[29] Thomas Carlyle *Hero Worship and the Heroic in History,* London, 1893, pp. 144-152

GYPSY REACTIVE CULTURE[*]

GABRIEL TROC[**]

ABSTRACT. *Beginning with an overview of the "basic" knowledge on Gypsies, the article develops further around different aspects of the issue of the "Roma culture". The aim of the text is to clarify how a peculiar social and historical situation of this minority group has determined a specific form of its culture. Finally, the article puts into light the difficulties for the modernization of this group that are caused by the specific reactive form of its cultural traits.*

The subject of this paper is a minority ethnic group and its culture, a group which is in many respects perceived as being different from other minorities of Romania and of Europe. Namely, I will address the issue of the Gypsies, or the Roma, as they want to be called today. "Roma" is in fact the endo-name for various groups that were previously known as "Gypsy", as well as the political correct term today. It is a term that was proposed in order to take place of different names considered to have pejorative meanings, like *ţigani* in Romanian, *cigány* in Hungarian, *Zigeuner* in German and so on.

I chose the subject of the *Roma culture* because I think it could explain or at least clarify some of the important issues of today's situation of the Roma in Eastern Europe (and not only). But more than that, I think that the subject could raise at least some concern about the future place of this minority in the future Europe of 27 countries, as we Romanians, together with the Bulgarians, hopes to be very soon.

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[*] This paper was presented as a conference at the *Université Victor Segalen Bordeaux 2* in April, 2005.

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Let see, for the beginning, to whom one is referring to when speaks about the Gypsy. When speaking about the Gypsy we are referring mainly to a European ethnic group. We are finding Gypsy all over Europe and in a smaller proportion in United States and Middle East as well.

An important issue to be mentioned from the start is that they were historically considered as being in different ways as inferior to the rest of the population, as being at the bottom of society, a kind of lower European caste. This has to do with the fact that many of them (but not all, I have to underline) used to be nomadic and semi-nomadic groups. Consequently, they were perceived, for a long time, by the mainstream sedentary population as being somehow "alien". This perception was aggrandized by their specific economic activities and by the fact of being much poorer than other groups.

In Europe they are concentrated mainly in the Balkan and Central European countries. The largest groups live in Romania. Why Romania? - one might ask. There is a clear reason for this, and not one to make Romanians to be proud of. In Romania, more precisely in the old provinces of Moldavia and Walachia, the Gypsies were slaves for at least 400 years. (I will come back further on to this topic.)

As could be remarked, I spoke about "an ethnic group". However, the situation is much more complicated. And this because the so-called "ethnic group" is highly fragmented in various ways: in respect with their native languages (there are 47 known dialects in Europe), in respect with their history, with their habits, generally speaking with their "culture".

While coming to their numbers the situation is even more complicated. The numbers had varied over time, depending on various assimilation politics that the nation states imposed against the Gypsies, as well as on these states' ethnic politics. The numbers are all the time strongly divided between a low figure, provided by the state's censuses, and the high figures, estimated by the Gypsy elite and different experts. To give just two examples: in Romania the last census counts 530 thousands, while the experts are figuring between 1.5 millions and 3 millions. In Hungary the low are 600 thousands while the high numbers are one million. The global estimations in 2002 are between 6.4

millions and 11.2 millions[1]. The dynamics of the population growth is also hard to clarify. And this for the reason that the censuses made during communist times are particularly unreliable, because the gypsies were generally seen not as an ethnic group, but as a special group within the group of the poor (more precisely as "the poorest of the poor"[2]). So the numbers during the time of state socialism can be deduced only from the rubric of those who speak a *Romani* dialect. However, many of the Gypsies, or those considered to be Gypsy by the specialists and Gypsy elites, were not speaking gypsy language (or, for different reasons, were not recognizing this in the front of the authorities).

The question of the ethnicity of this group was intimately related with the search for its origin. That is why, in order to clarify the question of the "gypsy culture" I have to refer myself briefly to this subject.

The first place of their origin was considered to be Egypt, mainly because of the fact that when they arrived in Western Europe (at the end of 14th century in Germany) they present themselves using this appellative, "the Egyptians". It was a certain reason for this: Egypt was considered in the European imagination of the time to be the place of the ancient mysteries, of magic and exoticism and the Gypsy groups were performing different kind of entertainment activities connected with spelling the future, with witchcraft, with making tricks and magic and so on.

The second place of origin, which is considered by many to be the real origin, was India, more precisely the North Western part of the Indian subcontinent. Beginning with the 18th century, when Heinrich Grellman, a scholar from Tübingen, has advanced the theory, numberless efforts were made to trace different routes of the travel of the Gypsies, through centuries, from India to the Balkans. The linguistic argument played in this theory, and is still playing, a decisive role. This argument is based on the fact that some Romani dialects contain words that are very similar to a vulgar form of the old Sanskrit, namely a language that was spoken in the beginning of the first millennium in Northern India: *prakrit* language. While created by the non-Gypsy, this theory

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[1] For a detailed presentation of the figures by countries see Zoltan Barany, *The East European Gypsies*, Cambridge Univessity Press, Cambridge, 2002, p. 160

[2] Cf. Michael Stewart, *The Time of the Gypsies*, Westview Press, London, 1997, p. 6

was largely embraced by the Gypsy elites themselves. And this from the very beginning when, in the 19th century, George Borrow, a gypsy scholar, has set the bases for the most influential gypsy organization: Gypsy Lore Society, which was created in London in 1880. However, in respect with the language analyses, as is well-known, a lot of European languages have also Indian origins, so this method of proving the origin is not so convincing. Instead, we should see here the need of a population that was historically stigmatized to define itself in connection with an old and much praised civilization, fact that would give it a certain historical dignity.

A third hypothesis concerning the Gypsy origin is lesser impressive, and it was best formulated by a British scholar, Judith Oakely, in the '80s. She had remarked that the emergence of the Gypsy groups in Europe is contemporary with the disintegration of the feudal order. This is the moment when an important number of people – that remained without a master and had no property – started to move inside Europe looking for work. Of course, this is the well-known process of the formation of the proletariat. What is important for us here is the formation of a sub-class, namely what the Marxist were calling the lumpen-proletariat – those who posses nothing and have no peculiar skills – a sub-class that was condemned to extreme poverty. From these people – the argument of Oakely goes – some had found an economic niche to be exploited. But this niche (of the sort of different entertaining activities or petty metal work) required a specific group identity. In this context, some groups of people chosen to present themselves as ethnic groups (as we are calling it today) or as descendant, kin-related groups. So the "gypsiness", according to Oakely, might be an entirely invented ethnicity, produced in specific historical circumstances and having peculiar economic reasons.[3]

What we have to mention now is that all these theories on origin remain simple hypothesis. What we know from sure is that some of the ancestors of the present Gypsies came from Asia. We know they were present in the Byzantine Empire in the 11th century and we know that they spread throughout Europe beginning with the end of the 14th century. In almost all the Romany dialects

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[3] Cf. Judith Okely, *The Traveller-Gypsies*, Cambridge University Press, Cambridge, 1983, p. 13-15

there are Greek and Turkish words. A third massive language influence is from Romanian language. The reason for this is, as I already mention earlier, the long history of their enslavement in the Romanian provinces.

I will focus further a little bit on this subject, because it explains some important facts. First of all I should say that in Moldavia and Walachia the only category of people who used to be slaves were the Gypsies. Actually the word for slave (*rob*) was for long time synonym with the word "*ţigani*". As elsewhere, it was a slavery that functioned in a legal form based on the assumption of the natural inferiority of an ethnic/race group.

I have to say now that Romanian historiography was not much concerned with this subject, so there are very few researches in this respect. We don't know many things about the origin of this institution. The historians generally presumed that the Gypsies were the slaves of a worrier group – the Tartars – who often invades the Romanian provinces during Middle Age. The story goes that when the Tartars lost a battle their slaves, namely the Gypsies, remained under the same status, slaves of the local princes. However, there are no kind of historical proofs for the allegedly "gypsiness" of the Tartars' slaves. Instead the historical sources clearly speak about the fact that when a Romanian prince won a battle outside the border of the kingdom he brought with him large number of slaves. However, because in Moldavia and Walachia the only people who could be enslaved were the Gypsies, it is very likely that many foreign groups (Bulgarians, Turks and so on) had fallen in this category.

During history the economies of these provinces tended to rely more and more on slave labor. Therefore, the need for the Gypsies also increased. So we probably have here an interesting process of "Gypsy" formation as a result of a peculiar social structure of the proto-Romanian society. The fact of using the Gypsies in all the fields of economic activities is proven by the development of various form of owning the Gypsies. There were Gypsies that belonged to the prince (*ţigani domneşti*), there were boyars' Gypsies and monasteries' Gypsies. Some of them were settled (*ţigani vătrasi*), other were nomads, paying taxes to their owner. The economic activities performed by them were numberless: from agriculture works to domestic works. Their group classification names speak also about their occupation: gold seekers, woodworkers,

bear trainers, vessel makers, musicians, metalworkers, brick makers and so on. The slave system allowed their owner to sell them, to exchange them, to donate them, to divide the families, with the only restriction of not killing them, "without a very good reason". They did not have the right of mingled with the majority population, and the separation was very harsh. For instance, a non-Gypsy who wanted to marry a Gypsy would automatically become a slave.

Beside their use value, they had also a symbolic value: very often a prince was expressing his benevolence towards a boyar by donating him large group of Gypsies. In the same fashion he was expressing his gratitude to divinity: by donating large groups of Gypsies to the monasteries.

The slavery was abolished very late, only in the second half of the 19th century.

Now let see what this slavery system explains. It explains, of course, the big number of Gypsies within the Romanian territories. It explains also the variety of the groups that are found here and also the fact that many groups speak no kind of Romany dialect (the *Rudari*, the *Boyasi*). This was a huge puzzlement for all the attempts of classifying the Gypsies within the paradigm of Indian origin. It also explained the widespread of the Romanian-originated Gypsies presented now all over the world (they migrated *en masse* out of Romania after the abolition of slavery, phenomenon that is known as the great Kalderash migration). And of course, it explains the persistent representation in the mentality of the majority population of the Gypsy as the lowest strata of society.

After presenting this "basics" on Gypsies, we move now to the main issue of this article: the Roma culture.

To understand the Gypsy culture, and the way in which we could speak of "a culture", we have to remind the great variety of the groups that are falling under the name of "Gypsy". Being so largely spread and being subjects to diverse influences of their life-context, their pattern of behavior and their customs are also very diverse. However, different groups have at least in common a long history of poverty, exclusion and social marginalization, facts that determine, in my opinion, what I would call the *reactive feature* of their culture.

In discussing Gypsy culture we also have to bear in mind the fact that – being an oral culture – the inner representation of its traits came very late. However, the external representations, be that scientific or popular, were abundant. But all of these representations could be comprised in two overall perspectives. The first could be generally described as the romantic image of the "free Gypsy" – a people who lived close to the nature, being not subject to the predicament of civilization. There is the image of the wild Gypsy man who does not obey to the rules and the image of the beautiful and mysterious Gypsy women who has the gift of guessing the future, of spelling and of seduction. The other image is the image of the Gypsy as deviant or as delinquent, as a thief, a trouble maker, to wild to be civilized. These two images are often mixed together in the same text, narrative or even politics toward Gypsy population. The most famous (and should say, the most unfortunate) of this mixed representation was that of Dr. Robert Ritter, the Nazi director in the Ministry of Health of the Third Reich, who had the task of classifying the Gypsy. The two main perspectives received, under his classification, a racial bias. So he claimed that the "true" Gypsy were the Sinti nomads, who are wandering within Germany playing music (a true "Arian' gift, as they said; the Indian origin thesis is also present here), while all the other are racially "impure" Gypsies, considered together with all the physically and mentally disabled and who have to be sterilized. His views had directly influenced Himmler and his decisions concerning the Gypsies. The strange consequences of this view was that the nomadic Sinti were left to travel free in Germany until 1942, while Gypsies from the settled groups (including Gypsy soldiers, who were withdrawn from the front line) were imprisoned in concentration camps[4].

Let's go now to a third perspective, which was just recently developed within the field of anthropology. From an anthropological point of view - and I would mind here the name of an English researcher, who used to work with the Vlax Roma from Hungary, Michael Stewart – we should see the gypsy culture as a culture of resistance, a culture who has no central core (a book or a set of

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[4] Cf. Michael Burleigh; Wolfgang Wippermann, *The Racial State: Germany, 1933-1945*, Cambridge University Press, Cambridge, 1991, pp. 113-135

norms shared by all the groups), a culture whose elements should be seen as forms of reaction of the majority's way of life[5].

More precisely, because the Gypsies were subjects to a long history of marginalization, they developed behaviors and customs opposed to the mainstream, cultural forms that have a double function. First: to impose clear borders of the ethnic group against the majority population and second: to make possible an inner cultural space with specific values that makes the world of the Gypsy and their life-styles to be perceived as being better or more desirable than the world of the *Gadjo* (non-Gypsy). In short, *to produce a system of values that praised the marginal life as the real life*.

I have spoke until now somehow abstract about the Gypsy culture. Let see at this point some peculiar cultural traits that are specific to the traditional groups of Gypsies (more precisely, specific to some groups belonging to the Vlax-Roma and Nordic metagroups).

1. First and foremost we have to underlay the strong gender gap inside the groups. The gender gap is manifested in different ways: in the strong code of dressing, following the gender line, in the strong subordination of women to man in decision making, in the institution of the brotherhood of man (with less concern for the age differences), as opposed to the fragmented world of women. On the street in Romania you may still observe this gender gap in the form of the man, or group of men, going ahead, while women are following them at some steps behind, carrying the luggage and the small children.

2. The gender gap structures some other patterns of behavior and rules. I would mention here the pollution taboos, known as the *mahrimos* or *mahripe*. While those taboos are referring to both women and men, women are much more often the subjects of these rituals of cleanness and uncleanness and more often considered to be a source of pollution[6]. In respect with washing clothes, for examples, men clothes are never washed together with women clothes. The most polluted part of the human body is considered to be the

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[5] Cf. Michel Stewart, *op. cit.*, p. 13
[6] Cf. Lev Tcherenkov; Stéphane Laederich, *The Roma*, Schwabe Verlag Basel, 2004, Vol. 1. pp. 556-557

lower part of the women body. This is the reason why this part should be strongly covered, women dressing code imposing them to wrap up with many skirt, one over the other. From the same reason – the downside of the body being considered polluted – they are not wash their body in one and the same water. In this respect, making a bath (a tube-bath) is considered to be totally inappropriate. Of course, from this point of view the majority population is considered to be dirty. (We can see here how the reactivity works. In general Gypsies are considered to be dirty by the majority population, and they now it. At their turn, and according to Gypsy norm, the majority are considered dirty.)

3. Another element of the Roma culture is the enlargement of the ethnic category to the reign of animals. A much praised animal is the horse. Or, the horses could be "Gypsy horse" or "*Gadjo* horses" (foreign horses). A Gypsy horse, which is seldom sold, could be one that is borne by a "Gypsy mare", or - if coming from the outside world - it could become a Gypsy horse by breeding, more precisely, by being breed in its first months of life inside the household, or even inside the house, together with the children.

4. In what concerns the property: this is sacred inside the community and every crime is punished by an internal court or tribunal (called *Kris* to the Kalderash). Stealing from the *Gadjo*, on the other side, is not considered a crime. On the contrary, it is an action that is often praised. Generally speaking, to cheat, to steal, to beg outside the community is considered legitimate. The rule of making business with someone outside the community involves the compulsion not only for making the best deal, but to get something more than that, - to sell something, for example, with a much higher price than it worth. We may be tempted to consider this as a form of the most benign capitalist rule of trade. However, in Gypsy trade the symbolic dimension of trade is very important. Is important to cheat the *Gadjo* in order to prove that he is naïf, that he can not manage as the Gypsies do – generally speaking that the gypsy life is better than the non-gypsies'.

5. Also specific to the Gypsy culture is a certain understanding of what is considered to be the real Gypsy work, what they call *romani butji*, which means precisely Roma trade or

Roma craft. Irrespective to the actual content of trade or craft, *romani butji* suppose the following features: to act economically as a group (sometime as family), to be self employed and to move from place to place in order to meet the *Gadje* request. In addition I would add (fact that is not considered by the internal definition of the Gypsy work) a good knowledge of what it is needed on the market, or otherwise put, of the products that are scarce.

Let see now some of the consequences of this culture (only sketched here) for the modernization of the Roma groups. But we cannot understand this issue without taking into account the results of the socialist politics concerning Roma in Eastern Europe and its consequences for today.

If we look at the present figures we find that more than 80% of the Roma are living below the poverty line, and around 60% are living in extreme poverty, situation that is largely caused by the structural unemployment. During socialism almost all the Roma were forced to enter in the formal economy, in a way or another, so that many of them, after two generation, were integrated, while some of them were assimilated in the mainstream culture. However, against its Marxist-Leninist ideology, the real existing socialism has failed in its efforts to make a homogenous and egalitarian society. As is well known, the old hierarchies were replaced with new ones, in which Gypsies remained at its bottom. Even if they have a better situation than today, the Gypsies remained, during socialism, in the lowest positions, having the worst jobs in factories and agriculture, the overall remaining unskilled workers. Consequently, the long history of Gypsies marginalization had continued during socialism, and the public perception of the Gypsy as inferior has not changed essentially in these Eastern European societies.

It's no wander than, that after the collapse of communism the Roma were the first who lost their job and their social aids and the first who went out from what has remained from the socialist safety net.

Now, in respect with the Roma culture, as I sketch it, an interesting situation has been created (interesting, of course, only as a sociological phenomena, otherwise being a very sad reality). What it is all about? In the new so-called capitalist environment of

the postsocialism the Gypsies who managed and even succeeded during transition were precisely those who preserved at least some of the traits of the culture of resistance, as I called it. More precisely, the success stories are of those who could act economically as a group and who exploited the new trade opportunities in an environment with many lacks of formal regulation.

In Transylvania, for examples, some of the traditional gypsies travel in the countryside and buy cattle from the peasants, reselling them afterwards on the best regional market. They took advantage of the immobility of the peasants (who, if want to sell a cattle are going to the closest market). In the same time they resell (or exchange for other local products) to the peasants all kind of goods that are not provided by the formal trade system.

So, what we have now in Romania, and I suspect in other Eastern ex-communist countries as well, is a large group of half-assimilated Roma, which is living in extreme poverty and a small group – of mainly traditional factions – which is rich and get even richer day after day.

But what we have to underlay here is the fact that both of these groups are marginal groups and are similarly perceived by the majority population, fact that is maintaining a strong ethnic border between the different ethnic groups that are living in these countries, from one side, and the Gypsies, from the other side.

I would close my article with an hypothesis that I think has great chances to be proved as true (at least for the rural Roma): it seems that the more integrated a group of Roma was during socialism, the greater are the chances to be poor today, and the less assimilated a group remained, the greater are the chances to manage during transition or even to enrich in these times[7].

So, in respect with the desire for modernization and integration of the Gypsies in the contemporary society the issue of their culture is raising a big puzzlement. Defining themselves as an ethnic group, the Roma groups need to express this definition through their peculiar culture. But many of the forms of this culture are built, as we have seen, in sharp opposition with the mainstream values and lifestyles. Consequently, a successful

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[7] I have formulated this hypothesis as a result of a community research in Transylvania (see Gabriel Troc, *A State of Despair: Roma (Gypsy) Population during Transition. Transylvanian Case Studies*, in Studia Europaea, XLVII, 1-2, 2002, pp. 49-89)

integration clearly requires them to abandon some of their cultural forms – at least those that are the most "reactive". Is this possible – we have to ask ourselves – without loosing that difference that allowed them to be seen not only as the "poorest of the poor"? But, finally, is it feasible, from their point of view? And this last question is for the Roma not an abstract one, but a matter of life and death as a group. Because the Roma groups have a past recent history (during socialism and transition) that clearly shows them the fact that whenever the social condition became instable the only groups who succeed are those who maintained the reactive cultural form.

This puzzlement requires today, with the emergency imposed to Romania by the EU integration process, a quick solution, both from the part of the Roma elite and from the part of the majority's decision makers.

Bibliography

Barany, Zoltan (2002), *The East European Gypsies*, Cambridge Univessity Press, Cambridge

Burleigh, Michael; Wolfgang Wippermann (1991), *The Racial State: Germany, 1933-1945*, Cambridge University Press, Cambridge

Okely, Judith (1983), *The Traveller-Gypsies*, Cambridge University Press, Cambridge

Stewart, Michael (1997), *The Time of the Gypsies*, Westview Press, London

Tcherenkov, Lev; Stéphane Laederich (2004), *The Roma*, Schwabe Verlag Basel

Troc, Gabriel (2002), *A State of Despair: Roma (Gypsy) Population during Transition. Transylvanian Case Studies*, in Studia Europaea, XLVII, 1-2, 2002

COOPERATION CULTURE
– NOTIONS ON THE SIGNIFICANCE OF CULTURAL NORMS AND PRINCIPLES IN REGIONAL AND INTERREGIONAL COOPERATION-PROCESSES

Part II
Clash or Convergence of Cooperation Cultures?
The case of the Asia-Europe Meeting

HOWARD LOEWEN [*]

ABSTRACT. *The first part of this article was based on the thesis that different cooperation cultures exist. Taking into account empirical findings from norms and principles of regional cooperation of the European Union (EU) and the Association of Southeast Asian Nations (ASEAN) two different cooperation cultures could be identified: Whereas the EU favors a formal, binding and supranational cooperation-style, the ASEAN is based on informal, non-binding and therefore intergovernmental forms of interstate cooperation. The article at hand deals with the question if different cooperation cultures can account for cooperation problems between states from different world regions. In other words: Is there a clash or rather a convergence of cooperation cultures? I argue that cooperation problems encountered in the interregional cooperation process located in the institutional framework of the Asia-Europe Meeting (ASEM) cannot merely be explained by cultural factors. The inability of Asian and European states finding common positions concerning the juridification of finance, trade, and investment issues can rather be explained by combining cultural and material factors. Thus, the main finding of both articles is that culture and hard facts are to be analytical integrated if one wants to arrive at sound explanations of state behavior in interregional and international cooperation processes.*

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1 INTRODUCTION

1.1 The Argument

When German Chancellor Gerhard Schröder and 40 representatives of major German companies travelled to China in December 2003, the strengthening of trade and investment relations between the two countries were at the center of bilateral talks – for a good reason. After two decades of state-controlled economic liberalization the People's Republic of China reaps what is has sown: For instance, the industrial area of *Guandong* Province is now the largest and fastest growing of its kind in the world. The gross economic output of this province alone is equivalent to the gross national product of Russia. Yet, German and other European companies are underrepresented in the fastest and biggest growing market of the world economy. A case in point is the German foreign direct investment in China, which accounts for only 1,2 percent of total German FDI and mounts up to only 0,26 percent of total FDI in China (Deutsche Bank Research 2004: 1). On the whole, European trade and investment relations with East Asian countries are the weak link of the world economic triangle, consisting of Europe, East Asia and the Americas. Thus, the strengthening of this weak economic link in absolute and in relative – compared to transatlantic and transpacific exchanges – terms lies at the heart of the contemporary interest of both European and East Asian heads of state and governments to cooperate.

This explains why Asia-Europe economic relations are also complemented by a longstanding tradition of political interactions, which – apart from the various bilateral relations – basically took on two institutional forms: (1) The inter-organizational cooperation (EU-ASEAN) between the *European Union* (EU) and the *Association of Southeast Asian Nations* (ASEAN) dating back to the early 1970s and (2) the *Asia-Europe Meeting* (ASEM) established in 1996.

The institutional interactions between Asia and Europe are elements of a worldwide process of institution-building as a reaction to the growing political demands to manage the process of economic

globalization in the policy fields of global finance, investment and trade. The array of international institutions on the global, regional and now interregional policy-level is commonly referred to as the system of *global governance*. Interregional institutions like ASEM, the *Asia-Pacific Economic Cooperation* (APEC), the *East Asian Latin America Forum* (EALAF) and the *New Transatlantic Agenda* (NTA) link the three regions of the world economic triad, Europe, the Americas and East Asia. Moreover interregional institutions are a *novelty* in international relations: they establish a new policy-level in the multi-layered system of global governance, to which I will turn to later on in greater detail. In this paper I will try to answer the following questions:

- How do interregional institutions like the Asia-Europe Meeting (ASEM) contribute to the emergent structure of global govern-ance?
- Were Asian and European Leaders able to speak with one voice regarding global discussions on trade, finance and investment issues? Were they likewise capable of successfully implementing their ideas?
- Can factors like different historical and cultural traditions of the European and East Asian regions and thus regional organizations like EU and ASEAN account for the outcomes of interregional negotiations under the institutional umbrella of the Asia-Europe Meeting, or do we have to rely on material interest explanations?

Our analysis will show that political cooperation between Asia and Europe regarding the management of global cooperation problems in the issue-areas of trade, finance and investment is far from achieving its full potential. I will argue that this can be explained not only by the clash of incongruous cooperation cultures – that is Asian and European norms and principles of regional state-to-state interaction – but also by a clash of material interests that can be traced back to the different economic position of first world and developing countries and the ongoing nation-building processes in the latter. In the following analysis I will develop the argument as follows:

I will first explain (point 2) some key concepts, which are considered vital for the argument, such as Globalization, Interregional Cooperation, Transregional Cooperation and Global Governance. Then hypotheses on the function of interregional and transregional institutions as agents or mediators in the political management process of global issues like trade, investment and finance are theoretically deduced.

The next part (point 3) is devoted to the empirical evidence. After a short description of the development of EU-East Asia relations, namely the Asia-Europe Meeting (ASEM), I will put the contribution of Asia-Europe Cooperation to the management of global issues to a test by elaborating upon the contribution of ASEM to the discussion on global investment and trade rules in the *Organization for Economic Cooperation and Development* (OECD) and the *World Trade Organization* (WTO) and to the reform-debate on the international financial architecture after the Asian Crisis.

The last part (point 4) will derive at some empirical and theoretical conclusions. Here I will try to explain why ASEM-states don't speak with one voice at the global level of cooperation. In other words: We will have to answer the question if cultural or merely factors of pure material interest explain this phenomenon.

1.2 Conceptual and Theoretical Foundations

The structure of the international system after the end of the cold war is very much influenced by the process of globalization. According to Holm and Sorensen globalization can be defined as the intensification of economical, political and socio-cultural relations between states and societies in an increasingly borderless world (Holm/Sorensen 1995: 1). Important influencing factors of this dynamic process, which is without precedence in the history of international relations, are decisive innovations in transport, communication and information-systems since the mid-seventies (Diekheuer 2001: 27; Beck 1997; Seitz 1995).

Despite all theoretical and empirical considerations of the social, cultural and religious aspects and effects of globalization this process is first and foremost a material one: it denotes the

unprecedented growth of trade, foreign investment and financial transactions.

A few figures might illustrate this development:

Table 1:

World Trade 1984-2002 (in Billion USD)

	1984	1986	1988	1990	1992	1994	1996	1998	2000	2001	2002
Vol.	1909,4	2129,4	2826,6	3425,1	3685,6	4240,1	5257,2	5238,4	6048,3	5815,2	5904,7
Nom.*	+5%	+10%	+12%	+12%	+7%	+14%	+4%	-1%	+11%	-4%	+2%
Real*	+7%	+6%	+9%	+5%	+4%	+9%	+6%	+4%	+13%	-1%	±0%

* = Changes of nominal and real figures compared to the preceding year
Source: UNCTAD (2004): Development and Globalization: Facts and Figures, New York

The average growth rate of world trade per annum in the period from 1984 to 2002 amounts to 5,6%. This implies that the value of worldwide traded goods and services grew twice as fast as the world-gross-national-product, which only grew at an average of roughly 2,3% in the same period. Since 1970 world trade has quadrupled (UNCTAD 2004).

Global foreign direct investment (FDI) flows also have grown progressively in the past 30 years, with some declines in the early 1980s and the early 1990s. After climbing sharply in 1999 and 2000, investments fell considerably in the period 2001-2002. This decrease resulted primarily from weak growth and declining stock markets that effected a sudden decline of cross-border mergers and acquisitions (UNCTAD 2003).

Table 2:
Global Foreign Direct Investment 1970-2002 (in Billion US-$)

	1970	1980	1990	2000	2001	2002
Worldwide	12,9	54,9	208,6	1.393,0	823,8	651,1
DC	9,4	46,5	171,1	1.120,5	589,3	460,3
UC	3,4	8,4	36,9	246,0	209,4	162,1

Note: DC=Developed Countries; UC=Underdeveloped Countries
Data Source: UNCTAD (2003): World Investment Report 2003.

Similar developments can be observed on the financial markets: daily foreign exchange turnovers moved up from US$150 billion in 1985 to US$600 billion in 1990 and up to US$2000 billion in 1998, whereas the stock of global financial assets has quintupled (UNCTAD 2003).

As mentioned above, globalization stimulated the development of an interdependent and multi-layered governance structure in the international systems, called the system of global governance. In this system five levels of international policy making beyond the confines of nation states may be identified: a global level, an interregional level, a regional level, a subregional level, and a level of bilateral state-to-state relations (Rüland 1999: 133).

Interregional institutions establish a new policy-level in the system of global governance and basically assumes two forms: bilateral interregionalism like EU-ASEAN dating back to the 1970s and the new interregionalism or transregionalism that manifests itself in the establishment of APEC, ASEM, and EALAF that include member states from more than two regions and thus do not necessarily correspond with regional organizations. In comparison to old forms of interregionalism and due to their rapid institutional development, the new institutions gradually assume a status of independent actors in the international system. Furthermore, cooperation in these institutions covers not only economic, but also political and cultural issues (Rüland 2001: 6).

The multi-layered system of global governance

♦ **Global**, multilateral level (UN, WTO, IMF, G-8, global regimes like the Law of the Sea etc.)
♦ **Interregional** level (EU-ASEAN, EU-MERCOSUR, ASEAN-MERCOSUR, APEC, ASEM, EALAF)
♦ **Regional** level (EU, ASEAN, SAARC, NAFTA, MERCOSUR)
♦ **Subregional** level (Euroregions, Mekong Region)
♦ **Bilateral** level of state-to-state interactions

What does IR theory tell us about the functions of inter-regional institutions in the multi-layered system of global governance? I shall answer this question by deducing relevant hypotheses from the four main theories of International Relations, namely (neo-) realism, institutionalism, liberalism and constructivism.

According to neorealist theory, the imperative of survival presupposes that there are only two reasons why states cooperate with each other: *balancing*, which refers to an alliance against a prevailing threat, and *bandwagoning*, which is defined as an alignment of state with the source of danger (Waltz 1979, 1959). In that sense, power capabilities are the determining factor of states' choices. States have to take care that the rewards from cooperation are not dispensed in a way that might favour the other side (Müller 2002: 371). Taking into account the risk of cheating, relative gains considerations are the reason why states tend to balance rather than engage in bandwagoning behavior.

All of Waltz's realist predecessors and theoretical companions fall within the broad compass of balance of power arguments. Examples are George Liska, who suggests that "alliances are against, and only derivatively for, someone or something" (Liska 1962: 12) and Hans J. Morgenthau, who depicts international cooperation as "a necessary function of the balance of power operating in a multiple state system" (Morgenthau 1967: 175). For those traditional realists, international institutions are always a function of state power and interests (Carr 1964; 170-171).

Modifying this traditional view, Stephen Walt assumes that power alone cannot explain balancing behavior of states. Instead he proposes the concept of "balance of threat" as a better alternative than "balance of power", and argues that the level of threat against any state is affected by geographic proximity, offensive capabilities, and perceived intentions of adversary states (Walt 1987: 5; see also Walt 1997).

One subset of theorists in the neorealist vein developed hegemonic stability theory as an excellent way to link power distribution with the creation and stability of international institutions (e.g. Krasner 1985; Strange 1983). According to this approach,

international institutions are usually created or prevented by dominant powers during periods of hegemony. Another branch of neorealism maintains that relative gains concerns stop states from cooperating with one another. As your friends of today can be your enemies of tomorrow, and the benefits of cooperation can be translated into power capabilities, concerns about the distribution of gains obstruct the possibility of sustained cooperation (Grieco 1990; Mearsheimer 1994).

For a long time the most serious challenge to realist balance of power theorizing came from a theory that is firmly rooted in the rationalist paradigm as well. *(Neo-) Institutionalist* arguments (Keohane 1984; Keohane/Nye 2001) also start from the assumption of self-interested actors operating in an anarchic state system. Yet, the dogmatic neorealist assumptions are somewhat relaxed in neoinstitutionalist accounts. They often soften the relative gains hypothesis in admitting the desire of states to achieve absolute gains in welfare and security (Zangl/Zürn 1999).

Institutionalists maintain that growing international inter-dependence makes cooperation possible, and that empirical evidence exists to underline this argument (Keohane/Nye 2001: Schirm 2002). This argument reveals an important puzzle for realists, which Beth Simmons and Lisa Martin formulate as follows: "if governments are not likely to be constrained by the rules to which they agree, why do they spend time negotiating them in the first place?" (Simmons and Martin 2002: 195) Or even more simply: "why do states decide to restrict their freedom of action by signing regional treaties with other states?" (Schirm 2002: 1)

Institutionalist research of the last three decades provided a fruitful way to think about international institutions as helpful tools for states to overcome problems of collective action, high transaction costs or information deficits. The first step for states to be taken on the way to create an institution is "policy coordination", which requires that the actions of different states be brought into conformity through a process of negotiation. This is likely to occur when one state considers the action taken by other states as facilitating realization of its own objectives (Keohane 1984: 51-52).

Thus, policy coordination, or cooperation, by no means implies an absence of conflict.

In the 1980s, it was Keohane's *After Hegemony* (1984) and Stephen Krasner's edited volume on international regimes (1983) that compellingly showed how individually rational action by states could impede mutually beneficial cooperation. Moreover, these scholars argued, states that interact with each other develop norms that shape collective standards of behavior. Keohane included the notions of 'bounded rationality' and normative expectations in his work; however, he also neglected one important question: How can one think of policy coordination without considering the communicative processes that occur during the negotiations between states?

This question has been raised more thoroughly by a group of German scholars, lead by Volker Rittberger (esp. Rittberger 1990), taking into account the constellation of interests that underlie regime formation. A recent special issue of *International Organization*, one of the leading IR journals, takes a further step forward by focusing on questions of institutional design. Grounding their approach in the institutionalist tradition reaching back to Robert Keohane's and Stephen Krasner's work, the editors' basic position is that states self-consciously create international institutions to advance their own goals, and they design institutions accordingly (Koremenos, Lipson and Snidal 2001). However, they have to concede that rational design of international institutions can explain a lot about institutions, but not everything. Moreover, they agree that not all institutional change is the product of conscious design.

That is probably the reason why Robert Keohane already in *After Hegemony* suggested that

[a]ny act of cooperation or apparent cooperation needs to be interpreted within the context of related actions, and of prevailing expectations and shared beliefs, before its meaning can be properly understood. Fragments of political behavior become comprehensible when viewed as part of a larger mosaic (Keohane 1984: 56).

It is yet not absolutely clear what Keohane really meant by this suggestion. Referring to peoples' values and the willingness to promote widely accepted norms, the theory obviously adopts variables that lie outside the realm of the traditional institutionalist paradigm, which is rational-utilitarian in nature. However, already in the last two decades many supposedly realist or neoinstitutionalist accounts adopted categories that exceed the scope originally outlined by authors such as Waltz and Keohane. For example, Walt's theory—though pretending to be realist in nature—goes far beyond traditional accounts in that it refers to perceptions and ideas in explaining alliance formation. The same is true for Glenn Snyder's *Alliance politics* (1984, 1997), which introduces concepts such as norms, thereby softening his realist assumptions and contradicting the rationalist paradigm that dominated IR theory for the last decades.

We find the same inconsistencies in *liberal* theories, which look at domestic structures and processes to account for foreign policy changes of states (Czempiel 1981; Moravcsik 1997). Liberals consider institution-building as the result of a convergence of benevolent, cooperation-prone national interests, promoted by domestic coalitions for which such co-operation might bring gains (e.g. Risse-Kappen 1991). Choosing a special kind of institution then resembles the "loyalty a consumer might give to the store with the most competitive rates on its charged card." (Sterling-Folker 2000: 102).

A noteworthy branch of liberal approaches, which is also breaking out of the rationalist-utilitarian paradigm, is the theory of "democratic peace", originally developed by Immanuel Kant, but now an integral part of IR theorizing (esp. Doyle 1997; see also Oneal and Russett 2001). The main argument holds that democracies prefer peace to war because of peoples' basic preservation instinct and their unwillingness to maintain costly military armies (Russett 1990, 1993). With respect to alliances, democracies have certainly better prospects for developing long-lasting, friendly relationships (Risse-Kappen 1995, 1996; Starr 1997). NATO and the EU are the best examples for this argument.

The approaches described here – as all the others that have been explicated before – stop where social constructivism starts; while focusing on perceptions of states and norm-guided behavior, neorealism as well as liberalism and institutionalism neglect the interactive moment that is inherent in any social relationship, even on the interstate level. In contrast, constructivist theorizing recognizes that international reality is a social construction driven by collective understandings emerging from social interaction. The principal quality of structure, then, consists of the meaning ascribed to it by the agents whose practice reproduces and changes it (see especially the version formulated by Wendt 1999; also Adler 2002; cf. also Jepperson, Wendt and Katzenstein 1996: 33). Constructivism differs from the approaches mentioned before because in these theories collective interest is assumed as pre-given and hence exogenous to social interaction (see the critique in Wendt 1994: 389; Ruggie 1998: 118-119). In contrast, it argues that social interaction ultimately does have transformative effects on interests and identity, because continuous co-operation is likely to influence intersubjective meanings.[1]

Central to this branch of IR theorizing is the concept of *culture*. The term refers to socially shared knowledge or 'intersubjective understandings', incorporated in norms, rules, institutions and so on; identity also has an intersubjective quality, since it is always constituted by two kinds of ideas: those held by the Self and those held by the Other (Wendt 1999: 224; Katzenstein 1996: 2). Positive representations of the Other usually emerge from mutual respect and cooperation. In international relations, this means that a state's identity will often depend on notions of a group of states of which it is a member. In our case, it is representations of regions, the question of how deeply culture is internalized within the institutional context that helps us explain the practice of cooperation between Europe and Asia. Our argument is therefore that the concepts of interests and identity cannot be separated.

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[1] The term 'intersubjectivity', frequently used by constructivists, is equivalent to that of 'common knowledge', which is used in everyday language. Both refer to the beliefs held by individuals about each other.

They have to be analyzed in parallel. In international politics, identity can be treated as a property of states that generates behavioral and motivational dispositions.

In order to identify the link between interests and identity as factors sharing explanatory power in interregional cooperation processes, the following question will have to be answered in the empirical section of this analysis: If and to what extend do inter-regional institutions like ASEM contribute to the political management of globalization? Criteria to assess the functional performance of ASEM are its ability to set and rationalize the agenda of global multilateral organizations in the fields of investment, finance, and trade (Rüland 2001: 7-8; Dent 2004).

2 Europe-East Asia and the Management of Globalization: the Empirical Record

2.1 The Origins of the Asia-Europe Meeting

On the first of March 1996 twenty-five Heads of State and Governments and the President of the European Commission met in Bangkok on the occasion of the first Asia-Europe-Summit-Meeting. The participating states from East Asia were China, Japan, and Korea as well as seven ASEAN members, namely Brunei, Indonesia, Malaysia, the Philippines, Singapore, Thailand, and Vietnam. Europeans and Asian alike considered this summit a success, some observers even spoke of a "historical turning point in relations between the two regions" (Serradell 1996). This enthusiasm concerning the possibility of a intensified cooperation process between Europe and Asia proved to be right: In addition to the summit meetings, that were held biannually, Foreign-, Economic and Finance-ministers of the ASEM-member states convened annually. The second ASEM summit was hosted by the United Kingdom in 1998 and addressed the Asian financial crisis. The third ASEM summit was held in Seoul in 2000. In the course of this meeting the Asia-Europe Cooperation Framework 2000 and the Seoul Declaration on the inter-Korean peace were adopted. The

fight against international terrorism loomed large on the agenda of the fourth summit meeting, which took place in Copenhagen in 2002. The Asia-Europe Meeting is an informal forum for dialogue on economical, political and cultural matters pertaining to both regions (Forster 1999: 753; Loewen 2003: 83-85). The factor that triggered the initiation of ASEM most is the recognition that the economic relationship between the two regions needed to be intensified, indicating the economic possibilities existing within the triad comprising Europe, the Americas, and East Asia.

Let us take a look at some figures that confirm the "weak-link" thesis of 1996: In the period from 1980 to 1996 the value of goods and services traded between the EU and East Asia grew from US$68,3 billion to US$386,8 billion (which signifies an increase of 566,3%) compared to EU-North America trade that "only" increased from $131,6 billion in 1980 to $317 billion in 1996. This development clearly indicates that EU-East Asia Trade grew faster than the Trade-relations between the EU and North America. Yet, in absolute terms East Asia-North America trade relations are the most powerful in interregional trade relations ($533 billion). (Table 3). In relative terms (Interregional Trade shares to World Trade) this observation is confirmed: East Asia-North America trade shares amounts to 4,8%, EU-East Asia 3,5% and EU-North America 2,9%. (Table 4). Table 5 indicates that in the field of foreign direct investments (FDI) EU-East Asia FDI are in fact the weakest (3,4%) in comparison to East Asia-North America (6%) and EU-North America (12,4%).

These figures illustrate significantly the weak position of the EU-East Asia link in interregional economic relations. Nevertheless, EU-East Asia relations have in fact the greatest growth potential, since Europe and East Asia are the two most powerful economic regions of the world: On the basis of intra- and interregional trade interactions Europe takes the lead with 41,6% of total world trade, followed by East Asia (24,9%) and North America (19,4%) (Dent 1999: 376).

Table 3:

Interregional Trade Relations (Bill. US$)

	EU-East Asia	EU-North America	East Asia-North America
1960	3,9	12,7	5
1980	68,3	131,6	109,2
1996	386,8	317,3	533,7

Source: *International Monetary Fond, Direction of Trade Statistics, various editions;* Dent, Christopher (1999): "The EU-East Asia Economic Relationship: The Persisting Weak Triadic Link?", London, p. 376.

Table 4:

Interregional Trade shares to World Trade

	EU-East Asia	EU-North America	East Asia-North America
1960	1,5	4,7	1,8
1980	1,8	3,5	2,9
1996	3,5	2,9	4,8

Source: *International Monetary Fond, Direction of Trade Statistics, various Editions;* Dent, Christopher (1999): "The EU-East Asia Economic Relationship: The Persisting Weak Triadic Link?", London, p. 373.

Table 5:

Interregional Foreign Direct Investments (FDI) 1996

	Cumulative FDI (Bill. $)	Share in ΣFDI (global)
EU-North America	772	12,4%
East Asia-North America	371,1	6%
EU-East Asia	208,9	3,4%

Source: UNCTAD (1996), *Division on Transnational Cooperations and Investment database;* Dent, Christopher (1999): "The EU-East Asia Economic Relationship: The Persisting Weak Triadic Link?", in: *European Foreign Affairs Review*, 4, p. 377.

It is precisely this growth or welfare potential that lies at the heart of political initiatives to improve on EU-East Asia relations: In 1994, the European Commission issued its "New Strategy for Asia" thereby emphasizing the significance of revising the relationship with East Asia, and taking into account its economic, political and

cultural importance. Subsequent to a Singaporean proposal to hold an EU-Asia summit meeting, the first ASEM Summit was held in Bangkok in March 1996 thereby initiating a biannual summit routine (Roloff 2001: 273). The aim of cooperation is laid down in the Asia-Europe Cooperation Framework: according to this agreement political, economic and cultural dialogue is to be promoted within the relationship between Asia and Europe. The process of interaction supported or made possible the institutionalization of the Eurasian cooperation: The initiation of the Asia-Europe Foundation (ASEF) which aims at the inter-cultural perspectives of cooperation and the Asia-Europe Business Forum (AEBF) that encourages the cooperation of business leaders from both regions are cases in point. Furthermore an interlocking network of international and national nongovernmental organizations evolved that links ASEM to the international civil society (Loewen 2003: 141-147).

2.2 Contribution of ASEM to the Multilateral Dialogue on Trade (WTO)

The aim of the WTO is to organize international trade relations on the basis of binding agreements in order to control the practice of global trade and settlement of trade-disagreements. This involves all measures, which facilitate cutting down barriers impeding the free flow of goods, capital and human resources. These measures encompass tariff reduction and the application of the *most favored nation clause* (Neuschwander, Thomas 2000: 546).

How did the 25 European and Asian states contribute to the negotiations on the global trade accords?

At first sight Asia and Europe seemed to converge on finance and investment issues. As the *WTO ministerial conference in Singapore* (1996) approached the ASEM states spoke with one voice concerning a delicate topic that divided first and third world countries, that is the question whether to include the issue of labor-rights in the general negotiations on trade-related issues. All Asian and European countries agreed to continue the discussion of this topical issue not in the WTO but in the *International Labor Organization* (ILO). Thus the ASEM position can be identified in

WTO Singapore Ministerial Declaration (WTO 1996: Point 4):

> We renew our commitment to the observance of internationally recognized core labor standards. The ILO is the competent body to set and deal with these standards, and we affirm our support for its work in promoting them [...] We reject the use of labor standards for projectionist purposes, and agree that the comparative advantage of countries, particularly low-wage developing countries, must in no way be put into question.

Three years after the relocation of the issues of labor standards to the ILO it emerged again on the WTO agenda – pushed by western states that were eager to include the standards in an appropriate regulation scheme. As a consequence Asians and Europeans started to argue along the well-known lines all over again (EMM 2 1999: Point 20):

> Some Ministers proposed the need for further analytical work in conjunction with the ILO relationship of trade and core labor rights. A number of Ministers *expressed real difficulties* [Italics by the authors] with this issue.

These disagreements acquired some structural quality and eventually led to the complete inability of the EU and the Asian ASEM-states to agree upon position of mutual interest in the run up to the WTO Ministerial Conference in Seattle in 1999. Especially Asian along with other developing countries kept on pushing for a controlled liberalization round based on the Uruguay agreements which stood in stark contrast to the sectoral liberalization wanted by the United States and other developed countries (WTO, MT/MIN 1999, ST/33).

These case studies illustrate significantly the obvious failure of the Asian and European member states of the Asia-Europe Meeting to arrive at common positions on global issues in the areas of finance, investment and trade.

Now, how can we explain the inability of the Asian and European member-states to come to terms on these important issues of global governance?

2.3 Contribution of ASEM to the Multilateral Dialogue on Investment (OECD, WTO)

At the global level of governance a negotiation-process can be identified, which aims at the creation of global investment rules. These negotiations primarily took place in the *Organization for Economic Cooperation and Development* (OECD) and in the *World Trade Organization* (WTO). In the OECD-negotiation process, which was initiated in 1995 and terminated in 1998, the participating ASEM member-states were not capable of rationalizing and hence influencing the agenda of the so-called *Multilateral Agreement on Investment* (MAI) with a powerful common voice. The main critique of the Asian states concerning MAI was the equal treatment of foreign and local investors and the limited capacities of third-world countries to adopt regulation laws if the Agreement became effective.[2]

After the negotiations were declared as failed, new talks – initiated by the European Union – started at the level of the World Trade Organization. It is still in question if a global accord or agreement on investment codes is in sight (Yeo Lay 1997: 41):

> The EU is pushing for a global accord in the WTO to liberalize cross-border investments. "The EU wants Asia to loosen restrictions on foreign ownership and to co-ordinate investment regulations. Most Asian countries are, however, still wary of this global investment accord which they see as unfair, as it largely addresses the concerns of the developing countries. Hence, this is another area of disagreement which might hamper the Euro-Asia dialogue.

2.4 Contribution of ASEM to the Debate on the Reform of the International Financial System in the Aftermath of the Asian Crisis

The Asian Crisis, which hit Southeast Asia in 1997, led to the temporary collapse of the national economies involved. In the case of Indonesia the economic crisis even caused social upheaval

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[2] *Jakarta Post*, Mach 1st 1996 (cited according to Jürgen Rüland (1996): *The Asia-Europe Meeting (ASEM), Towards a new Euro-Asian Relationship?*, Rostock, p. 40).

and political transformation. Furthermore, the crisis was not simply the consequence of structural economic difficulties of Asian economies – lack of transparency in the banking-sector, which led to the uncontrolled placing of credits, exchange rates fixed to the dollar etc. – but is as well closely connected to structural weaknesses of the international financial system, which allows for the uncontrolled flow of extremely speculative short-term capital (Koch 1998: 222).

A case in point is the development of the currency-crisis in Thailand, the first country to be affected: Although Thailand had a quite sound economy, rumors that the Thai currency (*Baht*) was under pressure to devaluate led to massive international speculation against the former and consequently to the withdrawal of private capital. In the end the national reserve bank of Thailand had to decouple the Baht from the Dollar (Dieter 1998: 44). The consequences were disastrous: the exchange loss of the Thai currency in the period from July to September 1998 amounts to 36,7% of its former value (Lee 2000: 39). In the months to come speculative attacks against dollar-fixed exchange rates led to devaluations of the respective currencies in Indonesia, Malaysia, the Philippines and South Korea. The Currency crisis turned into a stock market and then into an economic crisis, which not only hit Asia but also Brazil and Russia one year later. Therefore me may conceive of the Asian crisis as a crisis of globalization (OECD 1999: 9).

The first institution to extend financial aid to the affected countries was the *International Monetary Fond* (IMF), which coupled its aid to the initiation of radical macroeconomic stabilizing measures in the most affected countries, such as the fundamental increase of interest rates. This caused an even more rapid downfall of the economies in question, since capital turned out to be more expensive for local entrepreneurs, of which many had to give up their businesses subsequently (Rüland 1999: 63).

In the light of these events, reform measures on how to avoid similar financial and economic crises in the future were discussed. Here are the two, most important ones:

1)	The **liberal argumentation** states that speculative attacks only occur, when national economies show significant signs of weakness. If markets were in equilibrium, no such attacks would take place. In other words: The "invisible hand" of the liberalized international economic system – like financial speculation – forces nation-states to initiate economic reform programs and restructuring measures in the malfunctioning financial sector. According to this line of argument a reform of the international financial architecture would not have any effect since the crisis was caused by a dysfunctional economic management at the national level.

2)	The other position calls for **intervention**. Not only at the national level, but also at the international level reforms are considered necessary. Especially the international finance system and its short term and therefore speculative capital flows have to be put under institutionalized control. A quite radical proposition even calls for the abolition of the International Monetary Fond and The World Bank, thus considering the decentralization and regionalization of financial conflict management as vital.

Now, I would like to draw attention to the test of the hypothesis stating that ASEM may contribute to this global dialogue on the restructuring of the financial architecture: In the financial statement of the final communiqué of the second ASEM summit in London in 1998 a convergence of interests was reached: Liberal positions – taken by the Europeans – were connected in innovative ways to interventionist concepts proposed by Asian ASEM countries. Let us quote from this communiqué of the second ASEM Summit (ASEM 2 1998):

(The Ministers) affirmed that they remained committed to addressing potential problems associated with international volatile capital movement.

This rationalizing-process on the reform of the financial architecture however was only short-lived: In the period between the ASEM 2 and ASEM 3 summit meetings no common position on the important question of controlling short-term capital-flows or

the reform of IMF could be achieved. Therefore there was no rationalizing- effect as a result of this debate under the institutional umbrella of ASEM and no agenda-setting effect on the discussion going on in the IMF. On the other hand it was evident that most of the ASEM states were eventually following a liberal or conservative course towards a reform of the international financial system, therefore conforming to the discussion that already took place on the level of the international Monetary Fund. In other words: There was no impetus from ASEM and the discussion of European and Asian on this issue made no difference. In this respect the Filipino scientist Alfredo Robles remarks suitably (Robles 2001: 17):

> Even more distressing for ASEM is the fact, that the inability to promote convergence on this matter did not prevent it from being taken up at the IMF, which suggests that there is no harm in circumventing ASEM as a forum before engaging discussions in a multilateral forum.

3 CONCLUSIONS

If we describe the relationship between Europe and Asia on the basis of the theoretical assumptions of the introductory part of this article, the most obvious finding would be that it cannot be conceptualized in terms balance of power behavior in the shape of alliance-building, as predicted by neorealists. The countries in the two regions do not belong to what Buzan et al. called a "security complex", i.e. a "set of states whose national securities are sufficiently interdependent that it is impossible to consider them separately." (Buzan 1998: 71)

When it comes to the question why ASEM was founded, neoinstitutionalists offer intriguing arguments. According to this theory, international institutions are able to reduce transaction costs among parties by opening up communication channels and providing relevant information. In a nutshell, a primary goal by many governments in the two regions seems to be the wish "to get to know each other better". ASEM could provide a new mechanism for the member countries to promote understanding

and resolve contradictions through negotiations. Already in the past, the grouping has spawned many cooperation projects on the so called non-governmental track-two level, meaning interaction between think tanks, journalists, scholars, and even the private sector. Yet, on the political level, it has not managed to escape from the stage of being a talk shop.

Constructivism—by offering concepts like culture, norms and identity—might be well equipped to explain this development. While the high density of social-communicative processes between East Asia and the United States – within the bilateral alliances of the United States and Japan, Korea respectively, but also in the context of APEC – affect and shape the identities and interests of the states in the region to a rising extent and certain qualitative new features of solidarity seem to emerge, the level of communication between East Asia and Europe is still low. Certain interest-shaping norms, such as the protection of human rights (i.e. the Myanmar question), are still hampering deeper cooperation.

European and East Asian countries differ in terms of history and socio-economic development, types of political systems and especially cultural values and norms. Culture indeed constitutes human behavior on the international, national and societal level, and it certainly influences the way states behave toward each other. Formal and informal principles or norms of state-to-state interaction do exist and they take on different forms in different world-regions like Europe and Asia. Let us take at look at the basic differences between European and East Asian **cooperation cultures** (Archaya 1997; Katasuma 2003):

1) Europeans focus state-to-state cooperation on aims and **outputs**. Cooperation is conceived of as a formal, rational and problem-solving sequence of necessary steps to reach a well-defined goal. Moreover the European states are willing to surrender parts of their sovereignty to the most formalized and rule-based supranational organization in the world, the *European Union*.

2) East Asians on the other hand tend to emphasize the **process of cooperation** and do not necessarily regard the outputs as important. Informal meetings, non-binding agreements and intergovernmentalism therefore lie at the heart of cooperation principles – often reffered to as the ASEAN-Way" – embodied in the *Association of Southeast Asian Nations*, the so-called "ASEAN-Way".

Hence, one possible explanation for the insufficient results of Asia-Europe cooperation is that ASEM is marred by a **clash of European and Asian cooperation cultures**. Antagonistic cooperation principles collide, when the Asian states have to decide upon **binding rules**, which stand in **complete contrast** to their own cooperation culture that favors informal and thus non-binding agreements. This was exactly the case when the ASEM member states were trying to find common positions on the formalization of global investment, finance and trade issues.

This in turn sheds light on the entanglement of identities and interests. Several Asian member states of the Asia-Europe Meeting are comparatively young states in the midst of nation-building processes that do not allow – in the view of social and political elites – for the erosion of sovereignty through the membership in a supranational institution. National resources are more likely to be pooled in order to build the basis for a sound economy, strong enough to face the tough competition on the world markets. This explains the intergovernmental nature of the *Association of Southeast Asian Nations* (ASEAN) that leaves all the decision-making to its member states, in sharp contrast to the supranational features of the European Union.

An explanation might then be that some Asian countries are Third World countries or at least take-off countries, which definitely have different interests than first world countries of the EU and North America. Established economies of Europe for example do not fear global competition because they are strong enough and therefore push the issue of liberalization to a maximum in global negotiations, like in the WTO. Third world countries like the

Philippines, or take-off countries like Malaysia, tend to only partially open up their economies in order to control or protect their comparatively weak economic and financial systems.

Concerning the overall question whether Asian and European states – assembled in the Asia-Europe Meeting – were able to find common positions on global issues like finance, trade and investment, thereby contributing to the stability of the global governance system, empirical evidence signifies that ASEM was in fact *not* capable to act as a rationalizer or agenda-setter of global organizations. Thus, ASEM made no contribution to the stability of the global governance system.

The explanation why this is so, seems to be convincing if we apply the concept of cooperation cultures to this case: Asians states and societies have different historical and cultural traits than European ones. Therefore the standards of international cooperation differ fundamentally. A clash of informal Asian cooperation principles with rule-based European concepts of cooperation appears inevitable if formal accords on global rules have to be negotiated as exemplified.

Yet, this argument only gathers momentum if we accept that interests and identities are intertwined in social reality and can therefore not be analyzed separately. I strongly believe that regional cooperation norms and informal rules constitute material interests, which in the case of the Asian states is their position as young states in the midst of nation-building and their – time and again correlating – status as developing countries that tend to clash with the material interest of first world countries like those of the European Union.

*In summary it may be said that variables like **cooperation culture** and **material interest** are not be analyzed discretely. As exemplified they are **linked empirically** and are therefore **both relevant factors to account for interregional cooperation problems** Asia and Europe face in the era of globalization. Future research on culture in the context of interregional relations should hence aim at the **analytical integration of both variables**.*

References

Archaya, Amitav (1997): „Ideas, Identity, and Institution Building, From the ASEAN Way to the Asia-Pacific Way?", in: *Pacific Review*, 10:1; pp. 319-346.

Aron, Raymond (1973): *Peace and War. A Theory of International Relations*, New York

Beck, Ulrich (1997): *Was ist Globalisierung? Irrtürmer des Globalismus – Antworten auf Globalisierung*, Frankfurt am Main.

Buzan, Barry (1998): "The Asia-Pacific: what sort of region in what sort of world?", A. McGrew and C. Brook (eds.), *Asia-Pacific in the New World Ord*er. London: Routledge, pp. 68-87.

Dent, Christopher (1999): "The EU-East Asia Economic Relationship: The Persisting Weak Triadic Link?", London, p. 371-394.

Dent, Christopher (2004): „The Asia-Europe Meeting and Inter-Regionalism. Toward a Theory of Multilateral Utility", in: *Asian Survey*, 44:2; pp. 213-236.

Deutsche Bank Research (2004): *Foreign direct investment in China – good prospects for German companies?*, Frankfurt am Main

Diekheuer, Gustav (2001): *Internationale Wirtschaftsbeziehungen*, München.

Forster, Anthony (1999): "The European Union in South-East Asia: continuity and change in turbulent times", in: *International Affairs*, 75:4, pp. 153-177.

Holm, Hans-Henrik/Sorensen, Georg (1995): *Whose World Order? Uneven Globalization and the End of the Cold War*, Boulder.

Jepperson, Ron/Wendt, Alexander/Katzenstein, Peter J. (1996): „Norms, identity and culture in national security", in: Katzenstein, Peter J. (Hrsg.): *The Culture of National Security: Norms and Identity in World Politics*, New York, pp. 38-78.

Katsumata, Hiro (2003): "Reconstruction of Diplomatic Norms in Southeast Asia: The Case for Strict Adherence to the "ASEAN Way", in: *Contemporary Southeast Asia*, Vol. 25, Number 1, April, pp. 106-107.

Keohane, Robert O./Nye, Joseph (1977): *Power and Interdependence. World Politics in Transition*, Boston.

Keohane, Robert O. (1989): "Neoliberal Institutionalism: A Perspective on World Politics", in: ibid. (ed.), *International Institutions and State Power. Essays in International Relations Theory*, Boulder, pp. 1-20.

Koch, Eckart (1998): *Internationale Wirtschaftsbeziehungen. Band 2: Internationale Wirtschafts- und Finanzbeziehungen*, München.

Loewen, Howard (2003): *Theorie und Empirie transregionaler Kooperation am Beispiel des Asia-Europe Meeting* (ASEM), Hamburg.

Martin, Lisa (1992): "Interests, Power, and Multilateralism", in: *International Organization*, 46, 4, pp. 765-792.

Mearsheimer, John J. (1995), "The false promise of international institutions", in: *International Security*, 19:3, pp 5-49.

Neuschwander, Thomas (2000): "WTO/GATT", in: Woyke, Wichard (ed.), *Handwörterbuch Internationale Politik*, Opladen, pp. 546-552.

Pou Serradell, Victor (1996): "The Asia-Europe Meeting (ASEM): A Historical Turning Point in Relations between the two Regions", in: *European Foreign Affairs*, 2, pp. 185-210.

Robles, Alfred (2001): *ASEM and Asia-Europe Relations. Between Investment Promotion and the Financial Crisis*, Observatori de Politica Exterior Europa, Working Paper, 9:10)

Roloff, Ralf (2001): *Europa, Amerika und Asien zwischen Globalisierung und Regionalisierung*, Paderborn.

Rüland, Jürgen (1999): „The Future of the ASEM Process", in: Stockhof, Wim/Van der Velde, Paul (Eds.), *ASEM. A Window of Opportunity*, Leiden and Amsterdam, pp. 126-151.

Rüland, Jürgen (2001): „ASEAN and the European Union: A Bumby Interregional Relationship", in: *ZEI Discussion Paper*, Bonn.

Seitz, Konrad (1995): "Die neue Welt der Geo-Ökonomie: Das globale Ringen um die technologische Vorherrschaft", in: Kaiser, Karl/Schwarz, Hans-Peter (Hrsg.), *Die neue Weltpolitik*, Bonn, S. 247-264.

UNCTAD (2003): World Investment Report 2003, New York

UNCTAD (2004): World Investment Report 2004; New York

Waltz, Kenneth (1959): Man, the State and War, New York.

Waltz, Kenneth (1979): *Theory of International Politics*, Reading.

Wendt, Alexander (1992): "Anarchy is what states make of it: the social construction of power politics", in: *International Organization*, 46:2, pp. 391-425.

Wendt, Alexander (1999): *Social Theory of International Politics*, Cambridge.

Yeo Lay Hwee (1997): "The Bangkok ASEM and the Future of Asia-Europe Relations", in: *Southeast Asian Affairs*, Singapore, pp. 33-45.

TO CHANGE OR NOT TO CHANGE? THE ROLE OF GREAT BRITAIN WITHIN THE NEXT EU ENLARGEMENT'S IMPACT UPON THE EUROPEAN NEIGHBOURHOOD POLICY[*]

SERGIU MIŞCOIU[**]

RÉSUMÉ. Si l'élargissement de 2004 de l'Union Européenne a affecté la politique extérieure de la Grande Bretagne d'une manière assez importante – par le fait qu'il a invité la Grande Bretagne à reconsidérer les alliances stratégiques avec la «Vieille Europe» et à s'efforcer de (re)construire ses liens avec les pays de l'Europe Centrale et Orientale – quel sera l'impact du nouveau élargissement sur la politique extérieure et de sécurité britannique? Dans cet essai, nous allons identifier les possibles scénarios concernant les attitudes politiques de la Grande Bretagne en relation avec le nouveau rôle que la Politique Européenne de Proximité devra jouer. Nous envisageons construire nos scénarios en nous reposant sur la Théorie des Complexes Régionaux de Sécurité et sur des hypothèses testées a priori concernant, entre autres, les poncifs du comportement britannique en politique extérieure.

If the 2004 enlargement of the European Union affected the British foreign policy in a rather important way – by inviting Britain to reconsider the strategic alliances with the 'old Europe'

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[*] This paper was presented in March 2005, in London, within the 2005 Anniversary Seminar on the Occasion of 125 Years of Diplomatic Relations Between Romania and the United Kingdom, organised under the aegis of the UK Foreign and Commonwealth Office, the School of Slavonic and East European Studies, and the Embassy of Romania in London, where it was awarded the Paul Beza Price.

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and to work harder on (re) building its bonds with the Central and Eastern European countries - what will be the impact of the next EU enlargement upon the British foreign and security policy? Within this essay, we will try to identify the possible scenarios concerning Britain's political attitudes with respect to the new role that the European Neighbourhood Policy will have to play. We envisage building our scenarios upon the Regional Security Complex Theory and upon pre-tested hypotheses concerning, among other variables, the patterns of the British foreign policy behaviour.

The first of these hypotheses is that Britain will act based upon a 'conservative' pattern, meant to ensure a balance of power between EU – with its European Neighbourhood Policy – and NATO – with its US leadership. In a second scenario, Britain will become actively committed to the EU agenda and will insure the co-leadership of the European Neighbourhood Policy with the fellow EU members France and Germany. Within this scenario, we will assist to a gradual distancing of Britain's relations to the United States and to a greater involvement of Britain within all the European policy areas, including the Neighbourhood Policy. A third scenario is that Britain will try to develop a new balance of power framework by becoming an arbitrator of the relations between the Eastern European countries and Russia (and thus replacing the US in this privileged position). Finally the *status quo* hypothesis suggests that only small and incremental changes could appear within Great Britain's foreign policy after the 2007 enlargement. This final scenario implies that the British position on the matter will be taken based either on the reason that there is no necessity and interest to change an already tested behaviour or on a political calculation concerning a possible greater change, followed by a stronger involvement within the European Neighbourhood Policy, only after Turkey's accession to the EU, meaning after 2010.

The theoretical and analytical foundations: Great Britain within the European Regional Security Complex
In studying British foreign policy aspects, one may rely upon various theories and paradigms, such as Realism, Neo-Liberalism

or Reflectivism. The main inconvenient would be that none of these theories is fully capable of explaining such a complicated mixture of processes and outcomes, as none of these theories could properly formulate assumptions capturing the concreteness of both the political and the geographical realities. A relevant analysis of the British foreign policy towards the European neighbourhood would be possible by applying the *Regional Security Complexes Theory* (RSCT) and by inscribing the British foreign policy discourses and acts within this theory. The RSCT is an inter-paradigmatic theoretical framework assessing and demonstrating that the structure of the international security is based upon the relations of interdependence established within regional blocks, including the Western European Complex, which entirely includes the EU 25 and the three candidate countries (Romania, Bulgaria, and Croatia) (BUZAN, 1983; BUZAN & WAEVER, 2003, 40-91; 343-75). Within the Western European RSC, the relations of interdependence are based upon the advanced cooperation in various fields and upon the economic and the would-be political integration. The Western European RSC is bonded with the Post-Soviet RSC (that includes the former USSR member states - minus the three Baltic States - which maintained to an important extent the relations developed within the Soviet period; JONSON & ARCHER, eds., 1996) by their traditions and their geographical proximity; they shape together a 'weak European super-complex' (BUZAN & WAEVER, 2003, 350), that goes, farer than de Gaulle suggested it, from the Atlantic not only to the Urals, but to Vladivostok. The advantage of the RSCT is that it combines a flexible theoretical approach with the empirically based researches upon the geo-political and cultural practices of the states and of the other regional actors.

Which are the place and the role of Britain within the Western European RSC? And in how does the RSCT explain the changes within the British foreign policy concerning the New European Neighbourhood caused by the new wave of EU enlargement? Great Britain is obviously on the verge of a thick balance between the transatlantic and the European solidarities (LINDSTROM, ed., 2003, 21-40, 91-103). While being more and more involved within

the European relations that consolidated the Western European RSC, Britain keeps however relying on its US long-time 'natural ally' with respect to its security. The RSCT allows us to capture and to explain Great Britain's hesitations between a 'traditional approach' (the transatlantic) and a 'modern' one (the regional).

The role and functions of Great Britain within the Western European RCS are a result of its geographical position (1), of its [international relations'] cultural traditions (2), and of the Cold War and post-Cold War European and international developments (3). If (2) is a half-variable dependent and (3) is a variable dependent (KEOHANE, 1989, 47), (1) is rather an invariable dependent. Thus, (1) could constitute a starting point in building an understanding of the political attitudes and discourses (2) that are, at their turn, dictated by (3). The emergence of the present geopolitical and geo-strategic British discourses about the European Union's Neighbourhood Area is thus explainable by the fact that Great Britain plays within the Western European RSC the role of a marginal or extreme element - as a result of (1) - and that of a connector with the North-American RCS, as well as, to a lesser extent, with the Asian and Middle Eastern Regional Security Complexes and Super-Complexes – as a result of (2). Thus, within the RSCT understanding, British foreign policy in the region faces multiple challenges by being only capable to control to a moderate extent the variable coordinates but still being able to use (1) and, more or less, (2) as 'strategic assets' (WALT, 1987, 75-9). By contrast to the discourses of France or of those of Germany, Britain still holds its insularity (1) as an asset and uses it in explaining its weak support for the EU's foreign and security policies, which fall, however, under (2) or/ and (3) (BATT et al., 2003). Geography seems to be a 'British ally' when dealing with the Neighbourhood Policy of the EU, as Britain considers that preserving the same special relations with some states such as US's NATO partner, Turkey, is a legitimate 'insular' political behaviour. Nevertheless, under the growing impact of the Western European RSC developments (3), Britain has continuously operated changes within its foreign policy allegiances and its attitudes concerning the defence communities, by being actively

involved within EU's security missions[1] and regional military cooperation, others that those strictly related to NATO. It seems that there is a progressive development towards an increasing British involvement in the issues related to the security and foreign policy of the Western European RSC, as Britain realises that, on one hand, geography cannot remain a permanent excuse for withdrawing when confronted to sensitive security issues on a regional level - invoking (1) may have an unexpected effect - and, on the other hand, regional challenges must receive regional solutions (BLAIR, 2000).

By including within the EU 28 Romania, Bulgaria, and, on a relatively longer term, Croatia, European Unions' Neighbourhood Policy would have to change dramatically. A new frontier with relatively unstable and not-fully-democratically-committed states is added to the one that the Baltic States and Poland have already added, whereas Cyprus by itself represents a challenge to the European security. In the early 1990s, the existence of a Regional Balkan Sub-Complex (BUZAN, 2003, 977-86) within the Western European RSC created a distinct security identity of the region, based upon instability and frequent interethnic conflicts (such as the ones in the former Yugoslavian republics, from Croatia to Macedonia; Serbia's and Macedonia's Albanian minority related issues; Greece's Macedonian issue; major minority related issues in Romania and Bulgaria). If the above-mentioned countries will join the EU, as they are already NATO members (except for Croatia), the Regional Balkan Sub-Complex will presumably reconfigure by encircling the four left states (Serbia and Montenegro, Bosnia and Herzegovina, Macedonia, and Albania). Further enlargement seems thus unavoidable, as the major objective for the EU is to stabilise and to secure the entire area.

On the Eastern frontier of the EU, it already seems that a 'New Iron Curtain' fell after Poland's and Baltic States' accessions. Belarus seems to have definitively swept under the Russian

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[1] Such as the one in Macedonia, see
http://ue.eu.int/cms3_fo/showPage.asp?id=584&lang=en&mode=g

dominance, whereas Moldova and Ukraine[2] are still vacillating (BUGAJSKI, 2004, 95-108, 79-95). The EU states have already agreed that protecting Europe of the 'Eastern criminal intrusions' from the Kaliningrad *oblast*, as a result of Poland's and Lithuania's voicing, is a matter of European security. It is however more than evident that there is an increasing security threat for the EU members coming from the proximity from at least two of the most insecure regions – the above mentioned Kaliningrad *oblast* and a province of which the only obvious status is that of crime exporter, Transnistria[3]. Romania's accession and its Moldavian sensibility, as well as Bulgaria's close connections with Russia will bring inherent challenges for the EU in a region where the Union will lay its longest external territorial border. A major risk concerns the incapacity of the 'New Iron Curtain' to offer a sufficient degree of protection against the *crime couloirs* that cross the Eastern side of the continent from the Baltic See to the Caspian one and from the Urals to the Danube Delta. The Western RSC seems to clash into the Post-Soviet RSC in a direct way, whereas during the beginning and the middle of the 1990s, a 'buffer' area maintained the EU countries farer and thus safer from the post-soviet insecure region.

The accession of the three countries would not change the macro-configuration of the Western European RSC, but would most certainly produce important developments concerning the way that both the European institutions and the member-states will deal with the forthcoming challenges aroused by the immediate vicinity of various sources of threat and instability.

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[2] It is not yet very clear if the December 2004 elections in Ukraine produced a major switch within this country's foreign policy. For Ukraine's energetic hyper-dependence on Russia, see BALCEMEDA, 1998.

[3] Several reports show that the mafias from Kaliningrad have been more active within the EU region since the neighbouring countries Poland and Lithuania have joined the Union. One may expect further dramatic developments of crime network related activities when Romania's neighbour, Moldova, will be in the immediate vicinity of the EU. See JONSON & ARCHER, 103-119.

EU's next enlargement: four scenarios for UK's foreign policy

As presented in the above section, British foreign policy is increasingly dependent on the developments that are taking place within the Western European RSC and particularly at its borders with the ex-Soviet region. The main challenge is to appreciate to what extent will the involvement of the British foreign policy in the European Near Abroad Policy-making be influenced by the changes produced as a result of the new wave of enlargement. By gathering as major premises (1), (2), and (3) – as presented in the first section, and by considering as direct variables the British domestic and foreign policy shifts within the last decade and the prospective shifts (a) and the capacity of the European Union to orientate the foreign policies of the member-states towards fulfilling common goals (b), four different scenarios are imaginable[4].

I. The conservative behaviour scenario

The first scenario is based upon the assumption that Britain will maintain the same pattern of behaviour within its foreign policy and will prefer to keep its transatlantic allegiances rather than to perform a more active role within the European Union's foreign policy. Traditional and cultural linkages (2) favour such a scenario, whereas September 11 and the Iraq War have consolidated the transatlantic solidarities. The failure of the opposition within the Labour Party to act consistently against Britain's official attitude towards the War in Iraq[5] had already demonstrated that the bonds between the US and the UK, as well as the political support for those bonds, are as tight and as strong as they were during the Cold War. Although Britain's official attitude towards the EU's Neighbourhood Policy may be one of a declarative support, UK's actual commitments are definitely based rather upon security arrangements within than upon EU's vague security policies –

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[4] It is obvious that virtually an infinite number of scenarios are designable; but the most of them may be included to some extent or another, within these four.

[5] Admitted even by the left wing of the Labour Party:
http://www.wsws.org/articles/2003/mar2003/blai-m20.shtml

CFSP and ESDP. Despite some political pressures, UK's behaviour in some specific cases, such as, for instance, the support for the US positions concerning the enquiries within the 'Food for Oil' recent scandal, is to be interpreted under the same lecture key – that of the 'American preference'.

Expanding the EU towards the East and the Balkans might reinforce the bonds between the UK and the US, as the UK may be increasingly aware that the enlargement wave might produce an 'insecurity tsunami' (3). As the EU structures are not highly reliable in terms of sheltering capacity (b), UK will continue to trust NATO and, particularly, the US, as the only long-lasting and efficient security arrangement. This scenario might be favoured by a major development of the criminal activities imported from the Post-Soviet RSC and from the former Yugoslavia via the new EU members (3). A spectacular development of the illegal activities, including that of the terrorist networking, could urge Great Britain to keep its isolation from the Continent by restricting its visa and custom policies and by becoming increasingly prudent in advising British investors to put their money into the countries that are situated at the borders of the Western European RSC. A Conservative Party's success within the spring 2005 elections (a) would most certainly contribute to such a scenario.

II. The 'Europhile' scenario

By contrast to I, the 'Europhile' scenario supposes a major shift within Britain's foreign policy. Without any doubt, some of the current developments may lead us to the conclusion that, if there is a time for such a switch, the actual moment is the most appropriate. As Great Britain is decided to secure its territory and that of if its neighbours and to cancel, on a longer term, any possibility of jeopardising the European Union's security cohesion, it will have to play a more active role within the EU. The entrance of Romania, Bulgaria, and Croatia in the EU would have an effect of 'awakening' upon Britain's foreign policy makers. They will be increasingly aware about their European priorities, as a result of a mixture of factors. Among those pro-active factors, further successes

of the military operations under the framework of the EU and, moreover, a general success of the European Constitutional Treaty in several referenda organised within the member states (b) could induce a growing confidence in the European destiny of Britain among the British officials and citizens. As a result, Tony Blair's efforts to obtain British citizens' support for the Constitution could be rewarded and, with the Europhile wave that will emulate, Britain's European commitment will gain legitimacy (a). Foreign policy will be thus based upon an increasing involvement within the European Neighbourhood Policy, as the new EU members do not share the same amount of scepticism concerning British traditional behaviour that the 'old Europeans' do. Different types of 'advanced cooperation'[6] could be settled between Great Britain and the new members, in an effort to enhance the regional dimension of the defence and security policies. Multiple cooperation procedures in some fields, such as crime prevention, corruption fighting, borders' integrated defence, could be actively developed. Britain will continue to 'look back' to the United States in matters related to the major common security interests, but its attention will be focused on the Western European RSC and the ways Britain could increase its security in the new geopolitical framework.

III. The 'balance-of-powers' scenario

If the first two scenarios consider Britain's relations with the US and with the EU, the third scenario is formulated within a broader perspective, which is far from being unspecific for the British foreign policy. In this third case, Britain's role within the Western RSC will be that of a balance-of-powers guardian (WALTZ, 1979, 122. Once the three South-Eastern European countries will join the EU, the main concern of the British officials would be that of maintaining the thin balance of powers between the three RSCs – the North-American, the Post-Soviet, and the Western European. Having been already irritated by NATO's intrusion into its former

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[6] According to the European Constitutional Treaty, the advanced cooperation procedures have to be developed in the areas where the integration must be stimulated, such as the CFSP.

area of dominance (especially in the Baltic States), Russia is susceptible to retaliate by a massive and state-controlled export of criminal networks (BUGAJSKI, 2004, 44-46). This could highly destabilise the Western European RSC, and eliminate it from the already fragile worldwide balance of powers, by re-establishing the Cold War structural framework, of which the 'rogue states' could take advantage (3).

In such a case, Britain's main objective could be to avoid a disastrous development. So, Britain will take profit of its rather neutral geographical position and of its ties within the Commonwealth (1) and act as an arbitrator between the existent and the would-be blocs. The British involvement within the European Neighbourhood Policy will be limited, so as Russia will not react against the progressive eastward EU's and NATO's enlargements by holding Great Britain co-responsible. British pressures in favour of Ukraine's and Moldova's emancipation and distancing of the Russian influence will thus be rather pale. At the same time, Britain will try to show a moderate degree of independence towards the United States and partially favour EU's policies that do not clash with the interests of the Post-Soviet RSC. Internal developments in the UK (a) would be less important, as the external developments will weigh more upon Britain's foreign policy decisions (3). In this scenario, UK will show a high degree of prudence in its foreign policy behaviour and will prefer to use as much as possible the various instruments provided by its diplomatic experience. The European Union will find itself in a delicate position, as other member states would probably try to imitate the United Kingdom in order to inhibit any tendency of clash between the would-be rival blocs. EU's capacity to orientate member-states' foreign and security policies (b), including the common Near Abroad Policy, will be in deep sufferance.

IV. The status quo scenario

The final scenario is the 'zero reaction' one. Or, one may say, the 'postponed reaction' one. If the 2004 enlargement brought 'another Europe' closer to the old one, the 2007 enlargement is just adding a plus to the already charged bill of the Union. There

will be little change within the geopolitical realities after only two or three among the fifteen states of the region will join the Union. Moreover, the two countries that are certain to join the Union in 2007, Romania and Bulgaria, do not represent by themselves or by their traditions and cultures (2")[7] some endangering factors for the Western European RSC. As for their neighbours, the potential insecurity that they will bring closer to the EU and to the UK is partially annihilated by the regulatory input that the EU will offer to the new comers. The risks brought by the globalisation and the international proliferation of crime and terrorism had already stroke the EU and the whole Western European RSC and the fact that two other countries join the economic (and vaguely political) European Union does not produce any change in what one may appreciate to be a new 'balance of threats' (WALT, 1987)

Thus, in this scenario, (1) and even (2) are definitely less important than (3). Even if the United Kingdom is a part of the Western European RSC, worldwide processes and events have a more important influence upon the foreign policy strategy than a proximity-based calculation. Even if a leftist wing of the Labour Party will prevail (an unlikely hypothesis for this moment) (a), the British foreign policy cannot be changed without the influence of a meaningful external development. And there are few chances that Romania's, Bulgaria's, and Croatia's accessions to the EU could bring this sort of spectacular evolutions. EU's Neighbourhood Policy is unlikely to receive a greater attention from the UK as a result of the new accession. On the other hand, Turkey's prospective accession after 2010 would certainly impact more on the member-states' foreign and security policies than the entry of the three European countries, as Turkey would open the Western European RSC to the Middle Eastern RSC. In this case, a change in the over-all strategy of the UK would make sense only if the international positions of the EU will suffer relevant modifications (3). Within this scenario, pro-*status quo* actions seem to be the only consistent foreign policy behaviour.

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[7] If (2) equals UK's traditional and cultural relations, we may consider other countries' political traditions as (2").

Conclusions

The four scenarios taken into consideration are not equivalent in terms of probability. In spite of the fact that there is a high degree of subjectivity when appreciating which one is more likable to become a reality – as Europhiles would certainly like to favour II, whereas the anti-Europeans would prefer I or III - one may try to evaluate their chances by combining the dependents - (1), (2), and (3) - with the direct variables – (a) and (b). A good dosage of luck and intuition would be however necessary for guessing the precise outcome.

The pro-European attitude of Britain seems not to spectacularly evolve, making II rather improbable, at least on a short term. Since an outburst of some severe crises within the EU's Neighbourhood Area, having a great impact upon the EU member-states, is rather improbable – especially after the recent evolutions in Ukraine, Britain's shift to a position of guardian of the balance-of-powers (III) is not probable. A combined sum of factors have already produced consequences by the 2004 enlargement and thus the 2007 one could speed up Britain's propensity for active participation within EU's Neighbourhood Policy. In this case, the 'do-not-care' fourth scenario is invalidated.

At this point, scenario no. I seems to be supported by the most credible premises. Britain's conservative approach with regard to its security policy was historically validated and empirically tested as rather fruitful. Even if the New Abroad of the EU will call for an increasing of Britain's participation to the CFSP and ESDP, UK's strategy is likely to be a combinative one, based upon the preservation of its arrangements with the US and on following a deviatory strategy for possibly acquiring, on a longer term, EU leadership's position in the security field. The sensitive issues of security brought by the three countries and added to those brought by the 2004 enlargement may reinforce Britain's complex and traditional strategy of maintaining both the transatlantic 'safety belt' and the Western European buffer zone. The Western European RSC related explanations seems to fit well within the conservative scenario.

In this essay, I have been trying to imagine an exercise that involved strategies and developments concerning Great Britain's foreign policy behaviour, as expected to evolve after the next wave of European enlargement. Using dependents and variables allowed me to sketch four possible scenarios and finally to weigh their degrees of probability. Other developments, which are not captured in this essay, are also possible.

Bibliography

BALCEMEDA, Margarita Mercedes (1998) "Gas, Oil, and the Linkages Between Domestic and Foregin Policies: The Case of Ukraine", *Europe-Asia Studies* (50, 2: 257-286)

BATT, Judy, LYNCH, Dove, MISSIROLI, Antonio, ORTEGA, Martin, TRIANTAPHYLLOU, Dimitrios (2003), "Partners or Neighbours: CFSP for a Wider Europe", *Chaillot Paper* (64: September)

BLAIR, Tony, *Speech by the Prime Minister, Tony Blair* (Zagreb: EU-Balkan Summit, 24 November)

BUGAJSKI, Janusz (2004), *Cold Peace. Russia's New Imperialism* (Westport, Connecticut, London: Praeger)

BUZAN, Barry (1983), *Peoples, States, and Fear* (Brighton: Wheatsheaf)

BUZAN, Barry & WAEVER, Ole (eds.) (2003), *Regions and Powers. The Structure of International Security* (Cambridge: University Press)

JONSON, Lena and ARCHER, Clive (eds.) (1996), *Peacekeeping and the Role of Russia in Eurasia* (Boulder: Westview)

KEOHANE, Robert (1989), *International Institutions and state power. Essays in International Relations* Theory (Boulder: Westview)

LINDSTROM, Gustav (ed.) (2003), *Shift or Rift? Assessing US-EU Relations after Iraq* (Paris: Institute for Security Studies)

WALT, Stephen (1987), *The Origins of Alliances* (Ithaca: Cornell University Press)

WALTZ, Kenneth (1979), *Theory of International Politics* (New York: Random House)

YUGOSLAV PEOPLES AND THE NATIONAL PROBLEM: ILLYRIANISM, YUGOSLAVISM, TITOISM

LAURA HERŢA GONGOLA[*]

ABSTRACT. *The article intends to explain the following notions: the Illyrianism, with particular focus on the Serbian and Croatian national movements and, implicitly, on the issue of Serbo-Croatian language, encompassing Vuk Karadžić's and Ljudevit Gaj's approaches on the matter, and the Yugoslavism, as outlined by Bishop Strossmayer in the 19th century, as well as defined by Iosip Broz Tito in the 20th century.*

Introduction

This article insists primarily on explaining the notions of *Illyrianism* (namely the Croatian movement within the Habsburg empire aiming towards the national problem) and *Yugoslavism*, as seen by Bishop Strossmayer and as formulated by Tito and the Communist party, as well as elaborating on Tito's formula for the Yugoslav peoples *rapprochement*. I mention that no focus is placed on Yugoslavism, as perceived within the Kingdom of Serbs, Croats and Slovenes, since this will make the preoccupation of another article.

Secondly, it tries to dwell on the difficulties that each of these political programs encountered, explaining the factors that led to their rejection.

The evolution of the Balkans, in general, and of the Yugoslav peoples, in particular, was greatly influenced by the great empires, either Austro-Hungarian and Catholic for the Croats and Slovenes, or Byzantine and Ottoman for the Serbs.

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"The wars, especially the Turkish expansion in the Balkans, and the multinational empires have modelled the destinies of south Slavs and have influenced the evolution of the territories occupied by them – territories in which, even nowadays, several cultures and peoples live together, where East meets West, Islam faces the Christian world and Catholicism coexists with Orthodoxism"[1]

The Serbs and the national movement: Garašanin and Karadžić

Throughout the 19th century, the Serbian national objectives were mainly stressing the idea of uniting all Serbs in one powerful and efficiently administrated state.

One project expressing this idea was drafted in 1844, by Ilija Garašanin[2], called *Načertanije* (Project). According to this document, Serbia's approach towards the national issue would outline it's mission to comprise all territories inhabited by Serbs, remaking Stefan Dušan's 14th century empire[3]. While Garašanin's envisagement towards the Serbian identity included the Macedonians or the non-Christian willing to convert to Orthodoxism, Vuk Karadžić's one expanded the meaning of Serbs to all speaking a similar dialect, including inhabitants of Dalmatia or around Ragusa[4].

Vuk Stefanović Karadžić was the reformer of the Serb language and he standardized the Serb alphabet, aiming primarily towards the "consistent secularisation of literary language and its total democratisation by opening up to the language of country dwellers"[5]. Karadžić was greatly influenced by Jernej Kopitar[6], a great Viennese

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[1] Bennet, Christopher *Sfârşitul sângeros al Iugoslaviei (Yugoslavia's Bloody Collapse. Causes. Course and Consequences)*, Editura Trei, Bucureşti, 2002, p. 34.
[2] Ilija Garašanin was the Minister of Internal Affairs of the Serbian principality. See, Bennet, *op. cit.*, p. 41.
[3] See Bennet, *loc. cit.*
[4] Ragusa Republic is today's town in Croatia, Dubrovnik, established in the 7th century and which remained independent up to the beginning of the 19th century. See Prevelakis, Georgios *Balcanii. Cultură şi geopolitică (Les Balkans. Culture et géopolitique)*, Editura Corint, 2001, pp. 79-81.
[5] The Language Reform of Vuk Karadžić [http://www.suc.org/culture/history/Hist_Serb_Culture/chc/Standard_Language.html]
[6] Jernej Kopitar had an outstanding role in Slavic comparative linguistics, he was the director of the Austrian Imperial Court Library of Vienna and is considered to be the

Slavist, who encouraged him to publish folklore and to work on a new type of literary language rooted in the speech of country folk and not urban dwellers. Kopitar himself addressed the issue of language, his linguistic reform trying to move towards the unification of all South Slavs.

Karadžić's reforms on the language gave way to strong reactions, based on two reasons. Firstly, the bourgeoisie was not eager to give the "noble" language and replace it with a countryside rooted one. Secondly, Karadžić's works were in *ijekavian* dialect, which was typical for western Serbia, Montenegro and Bosnia-Herzegovina, while in Vojvodina and large parts of Serbia the literary language was dominated by the *ekavian* and *stokavian* dialect[7]. Despite the sharp reactions, his reforms had a great impact among the Serbs[8].

The Croats and the national program:
The Illyrian movement

The *Illyirianism* was a political project which emerged within the Habsburg Empire during the first half of the 19th century. It aimed towards the ethnical, cultural and linguistic unification of all the South Slavs.

After 1815, Vienna had under its jurisdiction the territories of Slovenia, Dalmatia, Transylvania and the area of the Military Frontier[9], while Croatia and Slavonia were part of the Hungarian

pioneer of Slovene national consciousness-raising. For details, see, *inter alia*, Merchiers, Ingrid *Jernej's Kopitar's Role in the Development of a Slovene National and Cultural Awakening* [http://cf.hum.uva.nl/natlearn/balkan/athens_merchiers.html]

[7] The Language Reform of Vuk Karadžić
[http://www.suc.org/culture/history/Hist_Serb_Culture/chc/Standard_Language.html]

[8] "The Serbo-Croatian language is divided into three basic dialects […]The *kajkavian* dialect is today spoken in the northern-western parts of Croatia, the *čakavian* one in the northern coast area and in the islands of the Adriatic Sea, and the *štokavian* one in all the other regions. […] B. Jelavich, *Istoria Balcanilor (History of the Balkans)*, Institutul European, Iaşi, 2000, 1st vol., , p. 273.
See also Rusinow, Dennis *Popoarele iugoslave (Yugoslav Peoples)*, in Sugar, Peter F. *Naţionalismul est-european în secolul al XX-lea (Eastern European Nationalism in the Twentieth Century)*, Editura Curtea Veche, Bucureşti, 2002, p. 303.

[9] The Military Frontier (*vojna krajina*) was the area that the Habsburgs created at the border of the empire, based upon the stimulation of the imigration, where the inhabitants obtained the status of free peasants and the liberty to practise their religion, as an exchange for military service. See, *inter alia*, Bennet, *op. cit.*, pp. 34-48; Jelavich, *op. cit.*, pp. 271-274.

crown. The Romanian and Serbian populations in Banat and southern Hungary were under Hungarian administration[10].

Throughout the territories administrated by the Hungarian crown one important bond was the Latin language (it was the language of culture, of politics and of the Catholic Church). At the beginning of the 19th century one Hungarian measure was to replace the Latin language with the Hungarian one, both at governmental level and in the educational system. This attracted the Croatian opposition, beginning with 1830's.

One of the most prominent Croatian figure at this point was the founder of the Illyrian movement, Ljudevit Gaj. Strongly believing that the South Slavs were the descendants of the Illyr nation, therefore underlying a connection between the Croatians and the people inhabiting the area much more earlier than Hungarians and Germans, Gaj set up the first Croatian newspaper, in 1834, (which later would be called "The National Illyrian Newspaper") and he tried to standardize a Serbo- Croatian literary language which would lead to a form of unity of all South Slavic peoples. Gaj's objectives, as well as other Croatian intellectuals', were mainly focusing on the Slavic past and addressing the idea of a common Slavic culture which would serve as counterbalance against the Hungarian or German dominating intents.[11] Therefore, the Illyrian program stressed the fact that South Slavs descended from the same people and should, consequently, form one political unity.

In 1843, the term "Illyria" was abandoned, due to the vehemence of Hungarian politicians vis-à-vis this threatening Croatian political nucleus. The Illyrian program seemed even more subversive and dangerous since it was not exclusively based on Croatians or their relations with the authorities within the empire, but it included all South Slavic peoples, being centred, in fact, on Yugoslavism.

Both Serbians and Slovenes, though from different reasons, rejected the Illyrian program. On one hand, the Slovenes had a

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[10] Jelavich, *op. cit.*, p. 271.
[11] Ljudevit Gaj [http://www.cats.ohiou.edu/~Chastain/dh/gaj.htm]; Jelavich, *op. cit.*, pp. 271-274.

strong tradition of cultivating their own culture and language. The difficulties regarding a standardized Slovene literary language had different aspects: the existence of several dialects (which was solved by unifying them in a standardize language and also by the influence of Kopitar) and the social bipolarisation in this respect (the illiterate peasants and the urban upper classes speaking German or Italian). Once these obstacles were overcame (at the beginning of the 19th century, when a standardized Slovene language was accepted in the educational system, as well as in the administrative structures) the Illyrian program was considered too far-fetched[12]. On the other hand, the Serbs felt instantly that this program would place Zagreb in the middle of preoccupations, most of them were supporting Karadžić's ideas and were more focused on the myths attached to the Serbian medieval kingdom.

Bishop Strossmayer's Yugoslavism

The notion "Illyria" was put aside, and the movement was, throughout the second part of the 19th century, replaced by "yugoslavism". In fact, the Catholic bishop and politician Josip Juraj Strossmayer substituted the concept of *illyrianism* with the one of *yugoslavism*.[13]

Bishop Strossmayer's efforts were centred around the establishment of a Yugoslavian Academy of the Arts and Sciences (in Zagreb) which could create the premises of South Slavic unity all-encompassing Croats, Serbs, Bulgarians and Slovenes. According to his project/program the common language could have been based on the adoption of the *Ijekavian* speech of the *Stokavian* dialect.

In 1874, his political streamlines regarding a Yugoslavian national and political unity were comprised in his program, stressing the fact that the primary objectives of the common aspirations

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[12] See Rusinow, op. cit., pp. 302-303.

[13] Centrul de analiză şi documentare al fundaţiei naţionale pentru românii de pretutindeni Război în Balcani: Iugoslavia – primăvară sângeroasă la sfârşit de secol în Balcani (War in the Balkans: Yugoslavia – Bloody Spring at the End of the Century in the Balkans), Editura Aldo Press, Bucureşti, 1999, p.117.

and national efforts of Croats, Serbs, Bulgarians and Slovenes should be shaped in a free and independent Yugoslavian federation. It is very important to underline, at this point, Strossmayer's Yugoslav community, including southern Slavic peoples with, though different political history and consciousness, equal positions within the federation/confederation.

Just as Gaj's *illyrianism* was rejected, so was Strossmayer's *yugoslavism*.

Tito's Yugoslavism and Titoism

In post Second World War Yugoslavia, Iosip Broz Tito had a large popularity. Due to the Partisans' fights that he had led during the war against the Axis Powers, he could easily rely on the loyalty of his closest right hand men/party comrades, on the support of the numerous and powerful communist Yugoslav party and on most of the population, which saw in him the most competent and legitimate leader of the country, in the aftermath of World War II.

According to Guy Hermet, Tito's ambition and desire aiming towards the *rapprochement* of all Yugoslav peoples was carried out until the day he died. His strives were meant to create the preconditions of a strong and balanced federal identity, which would surpass divergent nationalities[14]. Therefore, all ethnic groups were encouraged to preserve their national identity and feel and identify themselves as Yugoslavs, at the same time.

Titoism was the creation of Edvard Kardelj and Milovan Djilas; in 1948, this was not meant to be a new ideology that would replace the Soviet one, but merely a different kind of socialism. Initially, "titoism" had the Kominform as enemy; later (namely after the Tito-Stalin break, in 1948, and up to 1956) it was considered a creation of American imperialism particularly in Moscow, but also in all the other communist capitals, within the Soviet block. The term "titoism", therefore, had a strong pejorative connotation and was considered a form of heresy in Moscow,

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[14] Guy Hermet, *Istoria naţiunilor şi naţionalismului în Europa (Histoire des nations et du nationalisme en Europe)*, Institutul European, Iaşi, 1997, p. 254.

while Tito was labelled as the "black sheep" amongst the other communist leaders in Eastern Europe, throughout the period of tensions between the Soviet Union and People's Federative Republic of Yugoslavia.

The very tense relations between Tito and Stalin had several issues as their basis. First of all, Tito's ideas concerning the creation of a Balkan union were threatening the Soviet Union's control/supremacy within the Eastern-European area. In 1947, Tito and Dimitrov have had several meetings, during which the primary focus was placed upon drafting certain conventions regarding forms of economic, political and military collaboration between Sofia and Belgrade. Both the Yugoslav and Bulgarian communist leaders were stressing the idea of a Balkan federal union, in which other communist countries, from the Eastern socialist block, could have been included. Stalin's strong reaction towards this idea was understandable: he couldn't allow his influence and role as "legitimate sovereign" of the Soviet Union, in relation with the other communist states, be threatened by any emergent form of counterbalance.

Secondly, even from 1920, the second Congress of the Communist International specifically stipulated that all decisions of the Congress, as well as the provisions/decisions of the Executive Committee, were to be mandatory for all the communist parties. Therefore, any actions undertaken by a communist party under the Soviet influence were supposed to receive, firstly and compulsorily, Moscow's approval.

Thirdly, Iosip Broz Tito has paid official visits to other Eastern European capitals, establishing friendly relations and obtaining personal "victories"[15]. Due to his determination and prestige, both in action and in speeches, he could have appeared as a rival for the Kremlin leader. Tito's propensity towards embodying the figure of leader, whether it was a Balkan federal union, in the late 40's, whether it was unity for Yugoslav peoples at the end of the Second World War, with "brotherhood and unity" as key elements, whether it was the non-alignment movement, later in the 60's,

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[15] Between 1946 and 1947, Tito negociated treaties with Albania, Poland, Czechoslovakia and Romania.

differently phrased his self-assuming position of leader, certainly attracted a lot of attention on him.

"[...] he reacted to events and initiated changes, thereby enhancing his personal prestige and confirming his role as an indispensable leader. While it is true that the Party supported him in this role and everyone acknowledged him as a charismatic figure, Tito himself was always aware of his role and persisted in it shrewdly, making it seem innate."[16]

The aspect that I consider worth analysing, at this point, is how much of Tito's Yugoslavism was a sincere, real concern for Yugoslavia's unity, a bonding concept for all Yugoslav peoples and to what degree it was just an euphemism for strengthening the Communist party control and Tito's personal power within an Eastern-European Communist state? According to Branko Mikasinovich, "The key to Tito's ability to hold together the various and divergent Yugoslav nationalities was his political maneuvering and liberal application of force."[17]

Another approach on the matter, expressed by other authors, says that Tito did not share the young communists' strong feeling of being Yugoslav. For Tito, Yugoslavia remained primarily a political idea, a tactic for the revolutionary conquest of power. During World War II, and especially during the conflict with Stalin that broke out in 1948, Tito's patriotism and concern for Yugoslavia's unity would increase, but would always remain subordinate to political expediency and personal power.

According to Christopher Bennet "titoism did not exist before it was invented by Stalin."[18] In other words, the Tito-Stalin conflict created the premises of the Yugoslav leader's formula of national communism. After Yugoslavia's exclusion from the Cominform, Tito continued to justify his position of deeply convinced communist, who would certainly not abandon the Marxist-Leninist thesis, but merely tried to apply the Soviet pattern by pursuing different paths of Socialism.

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[16] Djilas, Milovan *Tito, the Story from Inside*, London: Phoenix Press, 2000, p. 8.
[17] Mikasinovich, Branko, *Yugoslavia. Crisis and Disintegration*, Prometej, Novi Sad, 1994, p. 3.
[18] Bennet, *op. cit.*, p. 83.

As far as Tito's attitude towards the unity of all Yugoslav peoples is concerned, his speech in 1942 underlined that: "The Communist Party in Yugoslavia will continue to fight for a united, free and equal community of all Yugoslavia's nations."[19] The focus was repeatedly placed on the fact that no nation within Yugoslavia would play a central role, to the others' detriment, which was the pitfall of the inter-war period.

An extract from the Yugoslav Communist League Program, in 1958 outlined that: "Yugoslavia's unity is possible only on the basis of free national development and of total equality of Serbs, Croats, Slovenes, Macedonians, Montenegrins, as well as of the national minorities. This is why, modern Yugoslavia was born as a sovereign state, composed by equal and sovereign peoples. It couldn't even been created otherwise."[20]

Tito's main ideas regarding the social reorganization were based upon "brotherhood and unity" (*bratstvo i jedinstvo*), as the principle and as core elements that would put an end to all the injustice done by the pre-war period.[21]

According to Christopher Bennett, the concept of yugoslavism was translated by the fact that none of the Yugoslav nations was allowed to dominate the People's Federative Republic of Yugoslavia, as the Serbians did within the first organization of Yugoslavia, namely throughout the inter-war period. Therefore, the communist Yugoslavia was against all types of local nationalisms and it tried to cultivate a multinational, Yugoslav patriotism, based on the spirit of the national liberation fight during World War II; Tito saw nationalism as "bourgeois ideology".

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[19] Iosip Broz Tito's Article, *National Issue in Yugoslavia in the light of the National Liberation Fight* from 1942, in Rusinow, *op. cit.*, p. 261.

[20] Extracts from the Yugoslav Communist League Programme (1958), in Sugar, *op. cit.*, p. 262.

[21] Batakovic, Dusan T., *Nationalism and Communism: The Yugoslav Case*, [http:www.bglink.com/bgpersonal/batakovic/Montreal.html].

References

JELAVICH, BARBARA (2000) *Istoria Balcanilor (History of the Balkans)*, vol. I, Institutul European, Iaşi, pp. 267-291.

RUSINOW, DENNIS (2002) *Popoarele iugoslave (Yugoslav Peoples)*, in Sugar, Peter F. *Naţionalismul est-european în secolul al XX-lea (Eastern European Nationalism in the Twentieth Century)*, Editura Curtea Veche, Bucureşti, pp. 251-341.

BENNETT, CRISTOPHER (2002) *Sfârşitul sângeros al Iugoslaviei (Yugoslavia's Bloody Collapse. Causes. Course and Consequences)*, Editura Trei, Bucureşti, pp. 34-92.

BIANCHINI, STEFANO (2003) *Problema iugoslavă (La questione Jugoslava)*, Editura Bic All, Bucureşti.

PREVELAKIS, GEORGIOS (2001) *Balcanii. Cultură şi geopolitică (Les Balkans. Culture et géopolitique)*, Editura Corint, pp. 131-152.

MIKASINOVICH, BRANKO (1994) *Yugoslavia. Crisis and Disintegration*, Prometej, Novi Sad, pp. 1- 42.

DJILAS, MILOVAN (2000) *Tito. The Story from Inside*, London: Phoenix Press.

RIDLEY, JASPER (1994) *Tito*, London: Constable.

CENTRUL DE ANALIZĂ ŞI DOCUMENTARE AL FUNDAŢIEI NAŢIONALE PENTRU ROMÂNII DE PRETUTINDENI (1999) *Război în Balcani: Iugoslavia –primăvară sângeroasă la sfârşit de secol în Balcani (War in the Balkans: Yugoslavia – Bloody Spring at the End of the Century in the Balkans)*, Editura Aldo Press, Bucureşti, pp. 94-179.

HERMET, GUY (1997) *Istoria naţiunilor şi naţionalismului în Europa (Histoire des nations et du nationalisme en Europe)*, Institutul European, Iaşi.

BATAKOVIC, DUSAN T.: *Nationalism and Communism: The Yugoslav Case* [http:www.bglink.com/bgpersonal/batakovic/Montreal.html].

THE NEW SHEPERD: POPE BENEDICT XVI

IOANA OPREA[*]

Ratzinger, il primo giorno da Papa

"*Wojtyla mi dice: no aver paura!*"

RIASSUNTO. *Nella Cappella Sistina papa Benedetto XVI ha celebrato la sua prima Messa diffusa dagli altoparlanti in piazza San Pietro. Nel primo messaggio ai fedeli, Ratzinger ha ricordato il suo predecessore ("Ricordo ancora la sua mano forte, gli occhi sorridenti. Il suo pontificato fu un tempo di straordinaria grazia"), e ha confermato la sua fedeltà al Concilio Vaticano II ("Voglio affermare che proseguirò nel solco tracciato dal Concilio Vaticano II e nella fedeltà bimillenaria della chiesa"). Poi nel pomeriggio la prima uscita tra la folla, in piazza della Città Leonina, dove era il suo vecchio appartamento.*

Introduction

History teaches us to expect the unexpected, and the conclave offered an extraordinary mixture of old precedent and new paradox. For centuries, the man elected pope has surprised the public and often the cardinals themselves. Of 11 popes since 1830, only two were obvious favorites, Pius XII (1939) and Paul VI (1963). Highly favored cardinals usually generate enough opposition so that conclaves settle on lesser-known candidates, as happened with John XXIII in 1958 and John Paul II in 1978.

Another precedent is very important. Cardinals almost always elect someone who can guarantee that the Vatican bureaucracy will remain intact. The Curia can strategically exclude candidates who threaten it[1].

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[1] James M. Weiss, "Papal Politics", "The Boston Globe", 13 aprilie 2005.

New paradoxes made the current situation unusual. First, the cardinals were both older and newer: older because their median age was 71; newer because half of them have been cardinals for two to four years. Second, they were more diverse yet more uniform: diverse because no conclave has drawn members from so many nations, 53 in all. Yet their diversity seems superficial: Rarely have cardinals seemed so uniform in viewpoint. Differences among them are fewer than in any conclave in modern history. John Paul II, like the Eastern European governments he once opposed, demanded ideological conformity.

The most important paradox is yet to come.. The term "church of silence" once meant the church behind the Iron Curtain. John Paul II created a new "church of silence": the bishops, theologians, and Catholics he discredited for disagreeing with his views. They sought dialogue before more dogma, discussion before decision.

Two legacies will doubtless mark John Paul's successor: rigor in doctrine and demands for social justice. Liberals can expect continued frustration around issues of sexuality, bioethics, and roles for women in ministry. Conservatives can await further aggravation over rights for the poor and migrants, duties of richer nations toward emerging ones, the evils of free-market economies, consumerism, and the death penalty[2].

The church's resources have to deal with a lot of problems, as secularism accelerates in Europe and Protestant evangelicalism invaded South America. Dialogue with Islam is imperative, yet few cardinals are equipped for it.

These precedents, paradoxes, and priorities made this conclave as hard to predict as the one that elected John Paul II. The "formula" chosen, of a 70ish, magnetic personality, experienced in Vatican offices and pastoral settings, with political influence at home base, seemed the right one.

The New Sheperd
Joseph Ratzinger, a German-born cardinal and the Vatican's guardian of religious orthodoxy, was swiftly elected by the College of Cardinals as the 265th leader of the Roman Catholic Church. He chose the name Pope Benedict XVI.

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[2] Ibidem

Late in the first full day of a conclave of 115 voting cardinals at the Sistine Chapel, shortly before 6 p.m., white smoke streamed from a chimney over the hallowed chapel. The crowd of 20,000 in St. Peter's Square cheered at the indication a pontiff had been chosen. Within minutes, bells pealed in confirmation, and about an hour later, Cardinal Jorge Arturo Medina Estevez of Chile stood before the throng and heralded the news with the traditional Latin words " *Habemus papam"*—"We have a pope."

Ratzinger, who was born in the Bavarian mountain town of Marktl am Inn, celebrated his 78th birthday on Saturday. No one older has been elected pope since the 18th century. His election defied the opinion of some that the cardinals would choose a low-key, conciliatory churchman to follow Pope John Paul II, whose vigorous travels in a 26-year reign made the papacy a global attraction.

Pope Benedict XVI thinks the church is like a symphony orchestra. Both abide by strict rules designed to promote both majesty and mystery. Both have many parts but one glorious message; many players but one leader they all must follow[3].

Pope Benedict XVI, the first elected in the 21st century, takes over leadership of a church that is both deeply troubled and richly blessed. It is a church that, thanks to the long and rigorous ministry of Pope John Paul II, enjoys a stature and visibility in the wider world unprecedented in modern times. It is also a church whose scandals and divisions, deep and destructive, are now known in a way that would have been impossible before the global information age.

How Benedict XVI deals with these and a host of other challenges facing the church at the start of the Third Millennium could make a huge difference in the life of ordinary Catholics and may, indeed, determine whether significant numbers of Catholics remain in the community or find a spiritual home elsewhere[4].

Unlike other popes, most notably his immediate predecessor John Paul II, Benedict XVI was not an unknown when he ascended the papal throne. As Cardinal Joseph Ratzinger, he was the chief watchdog of doctrine during the last papacy, an enforcer

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[3] "Time magazine", 2 mai , 2005, p. 20
[4] "National Catholic Reporter", 30 aprilie, 2005

of what he determined was orthodoxy. He was an aggressive and severe head of the Congregation for the Doctrine of the Faith.

Academics are understandably worried that the Vatican under Benedict XVI will become even more closed off than it has been to dialogue with other disciplines, with individuals' experiences and with the body of knowledge that continually accumulates regarding the human person[5].

Catholics must recognize, however, that during the length of the John Paul II papacy and on into the events leading up to the most recent conclave, there was evidence aplenty that even among the cardinals' ranks significant differences exist about how the church should approach the modern world and the host of challenges and problems it faces.

Another sign that he might be seeking a posture of tolerance and of reconciliation came with the choice of name. St. Benedict, of course, is the founder of a tradition of monasticism that is generous and welcoming, and he personally exhibited a willingness to listen and to seek the ideas of others. Further, the last Pope Benedict, who reigned from 1914 to 1922, managed to bring an end to the bitter disputes between ultra-traditionalists and modernists at the beginning of the 20th century.

Whatever implications the name holds, the fundamental question to be answered is whether Benedict XVI will work to be the pope of all the people or only of that who applauded the severity of the former cardinal's action in the Holy Office.

An overview of Cardinal Ratzinger life

Cardinal Ratzinger was born into a traditional Bavarian farming family in 1927, although his father was a policeman.

At the age of 14, he joined the Hitler Youth, as was required of young Germans of the time, but was not an enthusiastic member.

His studies at Traunstein seminary were interrupted during World War II when he was drafted into an anti-aircraft unit in Munich.

He deserted the German army towards the end of the war and was briefly held as a prisoner of war by the Allies in 1945.

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[5] Ibidem, 29 aprilie, 2005

His supporters say his experiences under the Nazi regime convinced him that the Church had to stand up for truth and freedom.

Cardinal Ratzinger's conservative, traditionalist views were intensified by his experiences during the liberal 1960s.

In 1966 he took a chair in dogmatic theology at the University of Tuebingen[6]

He moved to Regensburg University in his native Bavaria in 1969, eventually rising to become its dean and vice-president.

He was named Cardinal of Munich by Pope Paul VI in 1977.

He had a run-away bestseller in 1986 with The Ratzinger Report, a book-length interview with Italian journalist Vittorio Messori. He is probably the lone official of the Roman Curia that most Catholics could actually identify, and a man about whom many of them hold strong opinions.

He is a hero to the conservative wing of the Catholic Church, a man who had the toughness to articulate the traditional truths of the faith in a time of doubt. To Catholic liberals, on the other hand, he is something of a Darth Vader figure, someone who looms as a formidable opponent of many of the reforms of which they have long dreamed[6].

It was Ratzinger, for example, who in the mid-1980s led the Vatican crackdown on liberation theology, a movement in Latin America that sought to align the Roman Catholic Church with progressive movements for social change. Ratzinger saw liberation theology as a European export that amounted to Marxism in another guise, and brought the full force of Vatican authority to stopping it in its tracks. He sought to redefine the nature of bishops' conferences around the world, insisting that they lack teaching authority. That campaign resulted in a 1998 document, Apostolos Suos, that some saw as an attack on powerful conferences such as those in the United States and Germany that to some extent acted as counterweights to the Vatican.

It was Ratzinger who in a famous 1986 document defined homosexuality as "a more or less strong tendency ordered toward an intrinsic moral evil." In the 1990s, Ratzinger led a campaign against the theology of religious pluralism, insisting that the traditional teaching of Christ as the lone and unique savior of

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[6] "The Columnist", 15 aprilie, 2005

humanity not be compromised. This effort culminated in the 2001 document Dominus Iesus, which asserted that non-Christians are in a "gravely deficient situation" with respect to Christians.

These are perhaps the best-known, but hardly the only controversial declarations of Ratzinger over the years. He once called Buddhism an "auto-erotic spirituality," and inveighed against rock music as a "vehicle of anti-religion."[7]

All this history has made Ratzinger a sign of contradiction for many people, Catholics and non-Catholics alike. As Benedict XVI, in other words, he is a pope who begins his ministry with both a strong base of support and a degree of baggage, in the sense that a broad swath of watchers will be expecting a hard-line, divisive pontificate.

Yet those who know Ratzinger have always been struck by the contrast between his public image and his kind, generous private side. In person, Ratzinger comes as almost shy, and bishops who have had dealings with him over the years almost uniformly testify that he is a good listener, interested in working collegially.

Ratzinger's life story in many ways sums up the experience of European Catholicism in the 20th century

As a young theologian, Ratzinger was the assistant, of Cardinal Joseph Frings at the Second Vatican Council (1962-65), Ratzinger was seen as part of the broad progressive majority[8]

In 1981, he was called to Rome by John Paul II to head up the pope's doctrinal office. Despite the heavy workload imposed by the position, he has also continued to publish his own works on theology, liturgy and cultural criticism.

Whatever one makes of his theological positions, Ratzinger is almost universally recognized as one of the preeminent Catholic intellectuals of his generation, a man of vast culture and refinement. He plays the piano in his spare time, and his brother Georg served as the director of the Regensburg choir. Ratzinger once said of Mozart that his music "contains the whole tragedy of human existence."

For those watching for clues as to how he intends to lead, those initial images of Pope Benedict XVI on the central balcony

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[7] Ibidem
[8] "Time magazine", 2 mai, 2005

of St. Peter's Square, beaming and waving, referring to himself as a "simple, humble worker in the vineyard of the Lord," were perhaps important indications. Every pope gets a honeymoon, a period in which the overwhelming Catholic desire is to see him succeed. While Benedict XVI may need that honeymoon more than most, to reassure sectors of Catholic and secular opinion with concerns about what it all means, those first images seemed full of promise in the world's largest Christian church.

Some say his 18 years as prefect of the Congregation for the Doctrine of the Faith, the church's guardian of orthodoxy, have been the intellectual salvation of Roman Catholicism in a time of confusion and compromise.

Others believe Ratzinger will be remembered as the architect of John Paul's internal Kulturkampf, intimidating and punishing thinkers in order to restore a model of church – clerical and dogmatic -- many hoped had been swept away by the Second Vatican Council, the 1962-65 assembly of bishops that sought to renew Catholicism and open it to the world.

In May 1985, Ratzinger notified Franciscan Fr. Leonardo Boff that he was to be silenced. Boff, a Brazilian, was a leading figure in liberation theology, a Third World theological movement that seeks to place the church on the side of the poor. Boff accepted Ratzinger's verdict and withdrew to a Franciscan monastery in Petrópolis, outside Rio de Janeiro.

Some days later, a sympathetic Brazilian bishop visited Boff to make an unusual proposal: Boff should study all of Ratzinger's writings, including the just-published Ratzinger Report (a book-length interview with an Italian journalist in which Ratzinger voiced gloomy views of church and world), and then draw up an indictment accusing the cardinal of heresy. It would be a theological form of fighting fire with fire.

The conversation was reported by Harvard theologian Harvey Cox in his 1988 book on the Boff case. According to Cox, Boff said he wouldn't subject anyone else to the kind of inquiry he had faced[9].

It seems that it is difficult to find a Catholic controversy in the past 20 years that did not somehow involve Joseph Ratzinger[10]. Part of that is the nature of the job, but no other 20th-century

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[9] "The Boston Globe", 30 aprilie, 2005
[10] Ibidem

prefect of the Congregation for the Doctrine of the Faith -- perhaps none ever -- has enjoyed Ratzinger's high profile or his centrality to the life of the church.

He is, above all, an intellectual. He completed his doctoral work in Germany on Augustine in 1953, then published his postdoctoral dissertation on Bonaventure in 1957.

He made the circuit of famous German theological faculties, receiving appointments in Bonn in 1959, Münster in 1963, Tübingen in 1966 and Regensburg in 1969. He was a theological adviser at Vatican II. Ratzinger's area was systematic theology, and he's said to believe his best writing was on the subject of eschatology (the doctrine of the last things).

Pope Paul VI made him archbishop of Munich in 1977, and on Nov. 25, 1981, John Paul II brought him to Rome as prefect of the Congregation for the Doctrine of the Faith -- formerly known as the Holy Office and before that as the Holy Inquisition.

Electing Ratzinger

Cardinal Ratzinger had a strong support within the College of Cardinals. Several cardinals told to mass media that his performance during the interregnum was brilliant, and went a long way toward resolving whatever doubts many electors might have had. As dean of the College of Cardinals, for example, Ratzinger presided at the funeral Mass of John Paul, delivering an eloquent homily that was interrupted by applause 12 times, a response that left him visibly emotional. Ratzinger also presided and gave the homily at the concluding Mass for the election of the new pope, on the morning of the day that the conclave began. Off stage, however, Ratzinger's role from the death of John Paul II to his own election was even more important.

He presided over 13 daily meetings of the General Congregation, the assembly of cardinals that worked through John Paul II's rules for the transition, and then listened to one another describe the problems in their local churches. By most accounts, Ratzinger did a superb job leading these sessions, allowing each cardinal to have his say and even inviting people who had not yet spoken to do so[13].

The experience of this interregnum is a reminder of a bit of conclave wisdom, which is that the camerlengo may govern the church in the absence of a pope, but the largest pre-conclave

platform belongs to the dean. Whoever holds that job enjoys a privileged opportunity to set the agenda and present himself to his brother cardinals.

Hence, the politics of the interregnum boiled down to this: Ratzinger entered with strong support, rooted both in his personal charm and his strong doctrinal stands, but needed to win over doubters concerned about his reputation for being aloof and authoritarian. His conduct during the two weeks from the death of the pope to the conclave went a long way to resolving those doubts.

None of this is to say that Ratzinger was actively campaigning to become pope. In fact, at least twice in recent years he had requested permission from John Paul II to leave office and retire to Regensburg, Germany. Yet if he had been running for office, one would say he ran a terrific campaign. He managed to hold onto his base, to put the matter in the terms of secular politics, while still attracting crossover voters.

The logic of the election

Aside from the political calculus, one can also pitch the "why" question on substantive grounds. What was it that the College of Cardinals saw in this man, Joseph Ratzinger, that convinced two-thirds of them to make him pope?

His intellectual accomplishment played some role. Ratzinger is among the most accomplished Roman Catholic theologians of his generation, a man widely acknowledged even among his detractors as a first-rate thinker and analyst. His masterpiece is usually considered to be 1968's Introduction to Christianity, a contemporary presentation of Christian faith. The book was no legalistic manual stuffed with rules and regulations; it was a meditation on faith that reached into the depths of human experience, a book that dared to walk naked before doubt and disbelief in order to discover the truth of what it means to be a modern Christian. Many found it exhilarating.

Despite the fact that the later Ratzinger, some believe, became more cautious and defensive, no one disputes that he has the intellectual acuity to be pope.

Another key point in his favor was that among electors Ratzinger was seen as being "in the curia but not of the curia," meaning that he came to the Vatican as a cardinal and was not

tainted by the normal alliances and political connections one normally makes coming up through the curial system. Consequently, he was seen as someone tough enough and who knew the curia well enough that he would be able to get it in hand. During John Paul II's reign, different curial offices were often seen as speaking too freely on their own and even at odds with one another. Ratzinger was seen as someone who would clean up such discordance.

Ratzinger also has spiritual depth. He has written a number of small books on the spiritual life considered instant classics, and when he celebrates the Mass his reverence is transparent. While detractors may argue that his theological stands are misguided or harmful, few dispute the nobility of his intentions.

Bibliography

AUSTIN P. FLANNERY: **Vatican Council II: The Conciliar & Post Conciliar Documents,** Costello Publishing Co, 1987, NY

CRISTIAN, VASILE: **Cronica unui esec previzibil**, Ed. Polirom, 2003, Bucuresti

"Times" Magazine, April 2005

"Lumea magazin", no.11, 2001

http://www.boston.com/news/globe/

http://www.natcath.com/

http://www.cnn.com

www.vatican.va/library_archives

CENTRAL AND EASTERN EUROPEAN POLITICAL PARTIES IN TRANSITION: WINNERS AND LOSERS

OVIDIU VAIDA [*]

ABSTRACT. *The transition to democracy that started in Central and Eastern Europe at the end of the 1980s brought challenges that the society or the state was not accustomized to cope with. Among the firsts actors that were in charge with the direction of transition were the political parties. Indispensable for democracies they had to face several difficulties, which affected them in different degrees. Eventually, not all of them managed to get to the end of the road. The article tries to make an inventory of tasks and responses the parties were facing.*

Introduction

The dissolution of communism in Central and Eastern Europe[1] brought challenges to the countries in the region that were never witnessed in other part of the world or in other periods of history. The broad framework was the transition from totalitarism to democracy and from centralized economy to market economy. In short, the phenomenon was called transition to liberal democracy. Within this framework, several smaller transitions were on the agenda: the building of new political institutions, the transformation of the already existing into democratic ones, the transition from Treaty of Warsaw to NATO or the necessary and painful steps needed for the EU integration[2].

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[1] I shall use the term "Central and Eastern Europe" for the following countries: Hungary, the Czech Republic, Poland, Slovakia, Romania and Bulgaria.

[2] Claus Offe uses the term "triple transition"; Claus Offe "Capitalism by Democratic Design? Democratic Theory Facing the Triple Transition in East-Central Europe", in Gyorgy Lengyl, Claus Offe and Jochen Tholen (eds.) *Economic Institutions, Actors and Attitudes: East Central Europe in Transition*, Working Papers, Budapest/Bremen, 1992, p. 14

Several actors or mechanisms had to change or to adapt themselves. Besides these, new actors appeared, new social mechanisms developed. Where the communist regimes preserved some institutions or methods belonging to a democratic and capitalist society, the transition was easier. Under some communist ruling pre-capitalist tools, such as small businesses in Hungary, or land possession in Poland could drive to an easier formation of entrepreneurial culture.

Democratic regimes found their being on actors as political parties or parliament, mechanisms as elections or the respect of human rights and regulations as constitutionalism or the rule of law. Every totalitarian regime, in its first days, while calling itself as democratic, tries to eliminate as much as possible of the tools the democracy uses. Parties are banned, parliaments turned into formal bodies, the rule of law becomes the will of the ruling elite. All these need only less than few years to be achieved. Totalitarian regimes usually associate the exclusion of democratic tools or behavior with the use of force, secret police and an atmosphere of terror. By contrast, the road from totalitarism to democracy seems to be more difficult and the process is more difficult as the period the totalitarian regime was in power is longer. That was the case of countries from Central and Eastern Europe.

Among the first steps the new regimes established in 1946-1948 in Central and Eastern Europe was the forbidden of the political parties, leaving open room for the maneuvers of the new ruling party, the Communists. That was the environment where in 1989-1990, new democracies were established and face the difficult road of their own consolidation. As several scholars showed, the modern democracy cannot exist without the political parties[3]. Moreover, the representative democracies could not function in the absence of parties. They are necessary to promote and structure political competition, to search for candidates, to offer policies, to watch the government and last, but not least, to connect the citizens with those in power.

Compared with other political actors, the political parties were facing two major difficulties in transition: emerged once with the beginning of democracy, they had to adapt themselves day by

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[3] For an account of the link between democracy and the political parties, see Cristian Pîrvulescu, *Partide şi sisteme de partide*, UCDC, Bucureşti, 2000, pp. 2-14

day, learning together with other institutions or parts of the society. On the other hand, the political parties had to play a leading role within the society and in the management of the transition[4].

Burdened with these tasks, the political parties acted and reacted differently: some manage to pass both of them. Others were less skilful, being overwhelmed by their roles and lost much of their original status or worse than that, disappeared from the political arena. The purpose of this study is to make an account of challenges, tasks and actions the parties went through their first years, assessing on how did they manage to do it.

Challenges

The origin

From the very beginning, the new political parties in Central and Eastern Europe faced a major problem: their origin. Seiler sums the theories dealing with the origin or genesis of political parties[5], adding to three proposed by LaPalombara and Wiener a fourth one. The later propose as way the parties appeared the institutionalist one, developed by Duverger, the historical and conflict perspective and the political development approach. Seiler concludes with Stein Rokkan's theory, which proposes the social cleavages and the conflicts caused by them as the origin of political parties. All these theories demonstrate that the formation of parties is a process that takes at least some decades and that parties appeared as a political answer of some social interests or mirroring some groups in the society. Clearly, it was not the case for the political parties from Central and Eastern Europe. Events took place so fast that there was no time for the parties to develop organically. On the other hand, communist regimes worked hardly to level the society, in some cases completely vanishing social groups[6]. That being the case, although one could not say that the society was without differences, the structures were too weak to generate groups with particular interests, looking to influence the political decision-making, process that eventually may end in the

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[4] In the management of transition the political parties were often confronted with a paradox: right wing parties had to take welfare measures, while left wing parties sometimes took the most liberal and capitalist measures

[5] Daniel Seiler, Partide politice din Europa, Institutul European Iaşi, 1999, p. 17

[6] Such as the kulaks, middle class land owners

formation of the political parties. The origin of the Central and Eastern European parties is not important as a process *per se*, but as Duverger put it in its major work, *The Political Parties*, "just as mea bear all their lives the mark of their childhood, so parties are profoundly influenced by their origins"[7]. Waller developed a list of parties according to their origin:

    a. Post-communist parties, parties that survived the dissolution of communism and transform themselves in socialist or social-democrat parties;

    b. Parties that were allowed during communist regimes, with no real power, such as peasant parties in Poland or Bulgaria;

    c. Historical parties, which existed before communism, but were banned and recovered after the communism fall, e.g. PNTCD or KPGN;

    d. Parties that stemmed from movements of dissent during communism's final years, as Bulgarian SDS or parties coming from Solidarity;

    e. Finally, parties that appeared in the first days of democratic transition, most of them belong to this later category.

Roles of political parties

Except the post-communist parties and the tolerated ones, bearing some knowledge of party work and organisation, the others were in the tough situation of not knowing exactly what to do and how to fulfill their roles. Schmitter argues that political parties should play four roles in a political system[8]: to structure the vote, by selecting candidates, mobilizing people for the campaigns and proposing policies and candidates for the voters; integration of citizens, by proposing ideas and values; government administration; combine citizens interests into politics or proposals. At least at the first one or to elections, mainly for lack of time, the political parties could not play properly their roles. That eventually damaged them, as well as the society itself.

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[7] Maurice Duverger, *Political Parties. Their Organisation and Activity in the Modern State*, Methuen, London, 1964, p. xxiii

[8] Philippe Schmitter, *Intermediaries in the Consolidation of Neo-democracies: the Role of Parties, Association and Movements*, Working papers, Institut de Ciencies Politiques i Socials, Barcelona, 1997, pp. 10-11

Different political circumstances

Peter Mair explored the conditions for the emerging party systems in Central and Eastern Europe[9]. He found out that at least four differences that occurred in post-communist societies and influence the pattern of party competition. Firstly, the post-communist democratisation is different, as compared with the ones in South Europe or that took place after World War II. Secondly, the electorate is different, more unstructured and unpredictable. The context of competition is different, in the third way, 7with a more fluid political class and with unstable institutional environment. Lastly, the pattern of competition is different, i.e. elites are more conflictual and adversial than usually. No matter their origin, their size, their organisation, all the parties had to develop under these circumstances. Handling and fulfilling these condition were major tasks for parties and those passing through them could be called the winners of the transition.

Volatility[10]

Volatility is the change in votes (percentages) and can be calculated as the sum of total votes that are gained (or lost) between two successive elections. Scholars have shown that volatility[11] in Central and Eastern Europe is much higher than in Western European countries[12]. Volatility is a sign of stability of party support. The higher the volatility is the lower party loyalties and voter identification with parties is. Because of weak links between parties and voters, the later tend to move and vote with other parties at the next elections. Usually, volatility is high when there are more parties inside a party system. Volatility affects the stability of parties in government (high figures show that parties in government may have to leave) and the parties themselves. When losing high percentage of votes, parties go through periods of crisis.

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[9] Peter Mair, "What is different about post-communist party systems?", *Public Policy*, no. 259, University of Strathclyde, Glasgow, 1996

[10] Volatility is a concept used for analysis of party systems. Although this study is not about party systems, it shall be used to show challenges that parties have to deal with in transition.

[11] An evaluation of the literature on volatility in Sarah Birch, *Electoral Systems and Party System Stability in Post-Communist Europe*, Paper prepared for presentation at the 97th annual meeting of the American Political Science Association, San Francisco, 30 August – 2 September, 2001, p. 5

[12] *idem*

Table 1.

Volatility in Central and Eastern Europe

Country	First-Second Election	Second-Third Election	Third-Fourth Election	Fourth-Fifth Election
Bulgaria - PR	10.94 (9.68)	20.92 (9.95)	25.10 (21.98)	33.07 (21.63)
Czech Republic)	19.56 (6.91	19.11 (16.11)	8.56 (7.62)	
Hungary – PR ballot	24.98 (23.87)	30.69 (29.39)		
Hungary – SM ballot*	26.79 (25.10)	23.43 (22.30)		
Poland	24.26 (17.86)	13.21 (12.26)		
Romania	56.52 (43.83)	16.34 (13.99)	30.88 (16.59)	
Slovakia	16.17 (8.55)	14.21 (12.77)	17.13 (9.42)	

Notes:
Figures in brackets represent volatility as a proportion of the total vote.
* Joint FIDESZ-MPP + MDF candidates are counted together with FIDESZ-MPP, whereas joint
MDF + FIDESZ-MPP candidates are counted together with the MDF.
Source: Adapted from Sarah Birch, *Electoral Systems and Party System Stability in Post-Communist Europe*, Paper prepared for presentation at the 97th annual meeting of the American Political Science Association, San Francisco, 30 August – 2 September, 2001

Answers

Facing the challenges mentioned above, the political parties had to go through several processes and to adapt themselves.

Lack of continuity

A rather curious effect of the transition on the parties was the fact that all governing parties lost the elections and have become opposition parties[13]. The major cause for this phenomenon was the price that the governing parties, usually the main ones, paid for the policies the governments had to implement during transition: privatisation, restructuring of the economies, which both produced unemployment, high inflation, and unpopular measures taken in order to fulfill IMF or EU requests. It was a difficult task to make successful all these policies, but even when the governments (parties) achieved good results, they failed in advertise their work

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[13] As an exception, Slovakian Dzurinda managed to preserve his position after the elections

and in persuade the voters to prolong their mandate. Leaving the government after the very next election should not be a problem, but both governments and parties would have needed some stability in order to implement their policies.

Disappearance of parties

While some parties were voted out from the government, other did worse than that: they vanished from the political life. Once again, this could be witnessed in Western democracies as well, but not in such short time and to such extent. The process is taking place through two scenarios: the parties leave the political scene, becoming minor actors or they disappear completely. In Hungary, the Hungarian Democratic Forum (MDF), governing party in between 1990 and 1994, could enter the Parliament in 1998 only with the help of FIDESZ. In 2002, the same party did not stand alone for elections, but under the umbrella of an alliance with FIDESZ. In Romania, the National Peasant Party-Christian Democrats, the main opposition party until 1996 and leading force of Romanian Democratic Convention, could not manage its 1996 electoral success and the burden of government and did not enter the Parliament at the 2000 elections. After another failure, in 2004, it changed its name, but the prospective is, after not entering the Parliament two times in row and having in mind that the political system becomes increasingly closed (for instance, the threshold was successively raised from 0 to 3%, than to 5%), that the PPCD[14] shall be absorbed by another party.

Splits and mergers

In connection with to the disappearance of once important parties is the phenomenon of splits and mergers. Comparing with their Western models, the Central and Eastern European parties make from the fusion/division aspect a fashion. Poland was the first to witness this experience. The 1989 winner, the Solidarity, divided itself in less then a year after its overwhelming victory, generating two new parties: Civic Centre Alliance (POC) and Democratic Union (UD). One year later, besides these two parties, several others claiming their Solidarity link contested the 1991

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[14] Christian-Democrat People Party, the new name of PNTCD, after a merger with a tiny party, the Union for Romania's Reconstruction (URR)

elections. Since most of these parties could not survive the 1993 elections (the first ones with a 5% threshold), they agreed to combine their political powers, forming the Solidarity Election Action (AWS) and the Freedom Union (UW). In Romania, the National Salvation Front (FSN), after an encouraging victory in 1990, divided itself in 1992, just months before the election. Beside FSN, another party, the National Salvation Democratic Front (FDSN) was set up rapidly, in order to offer organisational support to Ion Iliescu for the 1992 presidential elections. FDSN, renamed PDSR in 1994, further divided itself in 1997, when a party faction formed the Alliance for Romania (ApR). The ApR, although with good results at the local elections, could not enter the Parliament in 2000 and year later was absorbed by the National Liberal Party[15]. In Hungary the MDF[16] or in Czechoslovakia the Civic Forum[17] and the Public against the Violence had to go through the same process. It is true that the splitting tendency was more frequent in the early 1990s, mainly with the movements resulting from the early stage of transition, but it was visible until the end of the first democratic decade, especially in Romania, Poland and the Czech Republic.

The frequent electoral alliances

Noticing their political weakness and trying to maximize their electoral success, the Central and Eastern European political parties while preserving their identity used excessively the mechanism of electoral alliances. Except the first elections, most of the political parties entered the next elections being members of an alliance. Even when it was not necessary or it did not help them, they still persist of doing it[18]. All the elections from 1996

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[15] Party splits were common in Romania, especially with the major parties losing the election and being pushed out from the government. It happened in 1992 with FSN, in 1997 with PDSR and in 2000 and 2001 with PNTCD. The 2004 election were the first ones when the ex-governing party remained unified.

[16] MDF lost several MP during 1990-1994, the most important group, led by nationalist Istvan Csurka founding MIEP

[17] The Civic Forum split in 1991 in ODS, ODA and SD-OH

[18] For instance, in 2000 PDSR the main opposition party formed an alliance with two tiny parties, rather because of and image gain than of an electoral one (the two parties were estomated of having around 1% in the opinion polls); by the contrary, PNTCD diminished their chances by reforming the Democratic Convention and accepting as members four minor parties, without any electoral importance, but that increased the threshold from 5% for a single party to 10% for an alliance

onwards in Romania were won by electoral alliances. FIDESZ entered both the 1998 and 2002 elections having joint candidates with the MDF. The Czech Republic witnessed a similar trend but among smaller parties. As regarding Poland, basically the elections taking place here are contests between lots of alliances, union, confederations, blocs or congresses. Somehow the same is the situation in Bulgaria: except the 2001 elections, at all the previous ones, the first three places were achieved by alliances. Although a safer approach for the political parties, lastly it was affected the process of structuring the political options of the voters, that eventually may penalize the parties.

Change of party name
Alongside the disappearance, split or merger of the political parties the change of their names was a quite common exercise. Usually that could take place when the political environment is changing and the previous name is no longer so "clear". In the stable democracies, a political party bears the same name for decades. In several cases, it not about a name, but rather a brand. Offerle argues the name of a party (*sa marque, son sigle*) is a party's first resource or asset[19]. When speaking about the Conservative Party in Britain or the SPD in Germany, one could imagine what these parties propose as policies or ideologies, no matter it is about the '50s or the '90s. Even in France, the nowadays Union for People Movement (UMP) is basically the successor of the Gaullist parties of the '50-'60.

Surprisingly, in the uncertain political scene of the Central and Eastern Europe only few parties established in 1989-1990 have the same name 15 years later. The most conservative parties, from this point of view, are the left-wing, socialist parties. The explanation is that these parties are the successor of the ruling communists parties. In almost every analysed country, the communist party changed its name into socialist or social-democrat one right after the fall of totalitarian regime. That was the case for Hungary, Poland, Bulgaria or the Czech Republic. By the contrary, the anti-communist parties went through the most change in names, for reasons shown earlier. However, comparing the party lists from 2000-2004 with the ones established in 1990, it is difficult to find many similarities.

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[19] Michel Offferle, *Les partides politiques*, Press Universitaire de France, Paris, 1987, p. 44

Table 2.

Parties that preserved their names since they were formed

	Romania	Hungary	Poland	Czech Rep.	Bulgaria
Year of first democratic elections	1990	1990	1991	1990	1990
Parties that contested both the first and the most recent elections	PNL, UDMR[a], PNTCD[b]	FIDESZ[c], MDF, SZDSZ, MSZP, FGKP	PSL SLD UW	SZ KSCM[d]	BSP SDS DPS BZNS[e]

Notes:
[a] Party of Hungarian minority
[b] PNTCD changed its name just three month after the 2004 elections
[c] The real name of nowadays FIDESZ is FIDESZ-MPP
[d] KSCM is the successor of KSCS, the Communist Party of Czechoslovakia
[e] All these parties contested the 1990 elections, but usually they go in the electoral battle under different alliances, as it was the case in 2001; DSP is the party of Turkish minority; SDS is a not genuine party, it is a political alliance that groups smaller parties or other organisations.

The most stable countries, from this point of view, are Hungary and Bulgaria. Parties that succeed in preserve their names fall into three major categories:

a. Historical parties. These parties existed before the communists took power after WW II: PNTCD, PNL, FGKP, BZSN, PSL.
b. Parties representing ethnic minorities. They are the only parties clearly linked with a group in the society: UMDR (Hungarians), DPS (Turks).
c. Parties that were established in the last years of the communist regimes: FIDESZ, MDF, SZDSZ, SDS.

The change of a party name should not be so important, if it happens rarely. But when it takes places several times within a political system or within the same political group, it may confuse the voters or it could affect party loyalties.

Appearance of new parties
The disappearance or the names changing of the political parties are not the only phenomenons that occur in Central and Eastern Europe. As if the political system tries to balance the party market, new parties emerge from outside of the political establishment. In most of the cases, they target the voter of a

party that no longer exist or plays a minor role. The National Movement Simeon the Second in Bulgaria, established just month before the 2001 elections, succeeded a surprising electoral victory. In Slovakia, just before the 1998 elections, a new party was formed: Party of Civic Concord (SOP), which gained 8% of the votes and moreover, its leader, Rudolf Schuster, became Slovakia's president one year later.

The Great Romania Party, founded in 1991, played a minor role in the Romanian politics for two electoral cycles. Proposing populist policies[20], PRM came second after PDSR, achieving 20%, while their presidential candidate and party leader, Corneliu Vadim Tudor, entered the second round of presidential elections. However, this trend was more common at the beginning of the '90, when the system was more permissive. Nowadays, the political systems in Central and Eastern Europe are more stable and rigid from this point of view, for new parties being more difficult to penetrate the party systems. After all, the appearance of new parties should not be a major concern, but the fact that as de Waele noticed[21], parties appear, they won the elections or enter the government and the vanish at the next elections.

Conclusions

After a decade of learning from their own experience, the Central and eastern European parties seems to pass through the difficult moments of transition and stability.

Firstly, maybe their main achievement is their ideological clarification. On the one hand, the political elites or the voters could learn more about one ideology or other and understand the meaning of them. The manifesto makers are more aware when working on parties proposals, trying not to mix expensive welfare measures with large privatisation or tax reduction. On the other hand, the society diversified, social divisions appeared, with groups having specific interests shaping political offer.

Along with the ideological elucidation, the parties achieved organisational stability. LaPalombara and Wiener identified four features that could indicate whether a group is a political party or

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[20] De Waele argues that populist movements may have some success in the region when the establishment parties cannot structure their voters, in Jean-Michel de Waele, *Partide politice şi democraţie în Europe centrală şi de est*, Humanitas, Bucureşti, 2003, p. 183
[21] *ibidem*, p. 182

not[22]. The first two are useful in analysing organisational stability: the durability and the territorial development. Under the first criterion a party has to survive politically to its founder or charismatic leader. Almost all the nowadays parties pass this test. The only exception can be found in Hungary, where one of the FIDESZ founders, Victor Orban, is still the party leader[23]. The second criterion requests from a party to have local branches all around the country, not being powerful only at central level. In order to get votes at every level, on the one hand, but willing to win local positions, once the administration became decentralised, on the other hand.

Another indicator for parties stability is institutionalisation, seems as the process by which parties become established and acquire value and stability[24]. Rose and Mackie argue that instutionalisation can be assessed by measuring the electoral strength and durability, i.e. they call a party of being institutionalised if it fights more than three national elections[25].

Table 3.
Parties that entered the elections for more than three times

Country	Years of election	Parties that stand for more than three elections
Romania	1990, 1992, 1996, 2000, 2004	PNTCD, UDMR, PNL, PD, PRM
Hungary	1990, 1994, 1998, 2004	FIDESZ, SZDSZ, MSZP, MDF
Czech Republic	1990, 1992, 1996, 1998, 2002	ODS, CSSD, KSCM, ODA, KDU-CSL
Poland	1991, 1993, 1997, 2001	SLD, UW, PSL, UP
Bulgaria	1990, 1991, 1994, 1997, 2001	SDS, BSP, DPS, BZNS
Slovakia	1994, 1998, 2002	HZDS, KSS, SMK, KDH, SNS

Notes:
- in some cases the parties formed electoral alliances;
- there were listed only parties that still exist; for instance, the Romanian PUNR contested the election for five times, three times with success, but because not entering the Parliament (and not being institutionalised) basically vanished from the political scene;
- in Poland, different parties originating from Solidarity were not included in the table, since it is no clear of succession among them

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[22] Joseph LaPalombara and Michael Wiener, *Political Parties and Political Development*, Princeton University Press, Princeton, 1974, p.6
[23] For a few years, while being prime-minister, Victor Orban was not involved in FIDESZ leadership.
[24] Huntington quoted in Kenneth Janda, " Comparative Political Parties: Research and Theory", in Ada W. Finifter (ed.) *Political Science: The State of the Discipline II*, American Political Science Association, Washington, 1993, p. 167
[25] Rose and Mackie quoted in Janda, *idem*

Not more than four or five parties in each country, there is a clear mark of institutionalisation, i.e. stability. Except Slovakia, with only three elections as an independent country, all the other had to go through at least four electoral contests, not mentioning the local elections, or in the case of Hungary, Poland, Czech Republic and Slovakia, the elections for the European Parliament.

Party internationals
In the context of Europeanisation and EU enlargement, the political parties were facing not only challenges, but rewards as well. Being admitted in party internationals or party federations, sometimes as second ranked members, since the last enlargements, they become members with full rights. By contrasting the firsts transition years, when party internationals accepted all applicant parties, without paying to much attention to their features, which was not the case at the end of the decade. Applicant parties were carefully scrutinized, becoming members only those parties that showed stability and attachment to the democratic values. In not an important criterion, the entrance in party internationals (especially in those from European level) is a sign that the parties from Central and Eastern Europe are close to the end of their way towards normality.

We can say that though in much shorter time that their Western counterparts, the Central and Eastern European parties developed and stabilised themselves. They passed the first stages of political development, some with success, some being overwhelmed by the tasks. The ones still existing seems to be central parts of the political systems. That should not mean that parties shall not disappear or new parties will not contest the establishment. Yet the signs showing political parties shape are positive.

Bibliography

Sarah Birch, *Electoral Systems and Party System Stability in Post-Communist Europe*, Paper prepared for presentation at the 97th annual meeting of the American Political Science Association, San Francisco, 2001

Maurice Duverger, *Political Parties. Their Organisation and Activity in the Modern State*, Methuen, London, 1964

Jean-Michel de Waele (ed.), *Partide politice şi democraţie în Europa Centrală şi de Est*, Humanitas, Bucureşti, 2003

Samuel Huntington, "Political Developmentand Political Decay", *World Politics* 17:386-430, 1965

Kenneth Janda, "Comparative Political Parties: Research and Theory", in Ada W. Finifter (ed.) *Political Science: The State of the Discipline II*, American Political Science Association, Washington, 1993

Peter Mair, "What Is Different About Post-Communist Party Systems?", *Public Policy*, no. 259, Univsity of Strathclyde, Glasgow, 1996.

Claus Offe "Capitalism by Democratic Design? Democratic Theory Facing the Triple Transition in East-Central Europe", in Gyorgy Lengyl, Claus Offe and Jochen Tholen (eds.) *Economic Institutions, Actors and Attitudes: East Central Europe in Transition*, Working Papers, Budapest/ Bremen, 1992

Cristian Pîrvulescu, *Partide şi sisteme de partide*, UCDC, Bucureşti, 2000

Richard Rose and Thomas Mackie, "Do Parties Persist or Fail? The Big Trade-off Facing Organisations", in Kay Lawson and Peter Merkl, *When Parties Fail: Emerging Alternative Organisation*, Princeto University Press, Princeton, 1988

Philippe Schnitter, *Intermediaries in the Consolidation of Neo-democracies: the Role of Parties, Association and Movements*, Working Papers, Institut de Ciencies Politiques i Socials, Barcelona, 1997

Michael Waller, "Parties inheritances and parties identities", in Pridham and Lewis, *Stabilising Fragile Democracies: Comparing New Party Systems in Southern and Eastern Europe*, Routledge, London, 1996.

LES ELITES POLITIQUES DANS LE POSTCOMMUNISME. QUELQUES JALONS ANALYTIQUES

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ABSTRACT. *The main argument of this article is that we can better understand the change or continuity in the way of conceiving politics and public policies in the Central and Eastern European Countries after 1989 by appealing to classical elite theories, combined with an approach that takes into consideration the social and intellectual trajectory of the members of the elites. Thus, we propose some analytical building blocks that can lead to the construction of a model which includes elite theories refined by some concepts taken from Pierre Bourdieu. The latter might clarify some problems of path dependency through the insight they bring into the way of thinking of political elites, which is marked by the habitus they acquired during the communist years.*

The three main corpuses of literature that contribute to this model are the classical elite theories, the theories on the formations of post-communist elites and the sociology of Pierre Bourdieu. We will briefly review this literature, in order to see how it can be applied to the contemporary political landscape of Central and Eastern Europe.

Cette contribution est une tentative de jeter un regard vers la possibilité d'étudier les transformations politiques qui ont eu lieu à partir de 1989 dans les pays de l'Europe centrale et orientale à travers une approche centrée sur les élites, et un défrichage théorique des concepts que nous pourrions utiliser afin d'entreprendre ce genre de recherche. Une telle approche part de la prémisse que les décisions politiques ne sont pas prises de manière impersonnelle et dépourvue de contexte par un Etat anthropomorphisé, mais par des personnes concrètes, qui ont un passé, une trajectoire et qui font des choix en fonction de leur bagage culturel et professionnel.

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De plus, afin d'éviter le piège de la délocalisation de la responsabilité pour les décisions politiques, il faut se poser les questions: d'où viennent-elles? Qui sont ceux qui les prennent? Considérer l'Etat une «personne» peut s'avérer dangereux, si l'on adopte une perspective éthique. Car un Etat anthropomorphisé peut prétendre à instituer une morale au-dessus de la morale des hommes, par laquelle il pourrait justifier ses abus. Notre perspective est au but opposé, car nous considérons que la responsabilité pour les décisions et leur mise en application ne peut pas être attribuées à l'«Etat» tout simplement. En cela, nous suivons une conception nominaliste de l'Etat dans la lignée de Hobbes à Kelsen, et qui considère que «l'Etat ne doit pas être séparé de ses agents et ses magistrats, tout acte d'Etat étant fondamentalement l'acte des hommes concrets»[1]. Cette perspective est celle soutenue aussi par Max Weber, qui écrit: "For sociological purposes there is no such thing as a collective personality which 'acts' (…) only a certain kind of development of actual or possible social actions of individual persons"[2].

Nous commencerons donc par un bref regard sur l'évolution de la recherche et la théorisation des élites. La première section de cette contribution sera dédiée aux théories classiques des élites. Le corpus principal sera constitué par la deuxième section, qui suivra le développement des problématiques liées à l'émergence des élites postcommunistes, avec une attention spéciale aux écrits parus sur les élites politiques roumaines, tandis que la troisième section ajoutera un autre point de vue qui pourrait être utilisé pour approcher les élites, et il s'agit des notions de habitus, champ et formes de capital, reprises de Pierre Bourdieu.

I. Theories classiques des elites

I. 1. Les pères fondateurs

La recherche sur les élites s'est trouvée pour longtemps liée à la théorie marxiste des classes sociales. Tout d'abord en tant que contestation, car Vilfredo Pareto, le premier sociologue à avoir utilisé de manière scientifique le concept d'«élite», essaye

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[1] Daniel BARBU, *Republica absentă*, Bucureşti, Nemira, 1999, p. 122.
[2] Max WEBER, *The Theory of Social and Economic Organization*, New York, Free Press, 1964, p. 102.

de construire un vocabulaire alternatif à celui marxiste basé sur les classes et les conflits de classe[3]. Plus tard, l'étude des élites s'est consacrée à une sorte de «démasquage» de ceux qui détiennent le pouvoir et les privilèges[4], comme par exemple les écrits de C. Wright Mills, sur lesquels nous allons revenir.

Les «pères fondateurs» de la sociologie des élites sont Vilfredo Pareto, Gaetano Mosca et Robert Michels, dont les ouvrages de référence ont été écrits dans la deuxième décennie du XXe siècle. Influencé par la pensée machiavélienne et aristotélicienne, Pareto forge, dans son *Traité de sociologie générale*, une théorie selon laquelle l'histoire serait le résultat des transformations qui ont lieu au niveau des élites[5]. Il reprend les mots de Maria Kolabinska, qui définit les élites comme «les gens qui ont à un degré remarquable des qualités d'intelligence, de caractère, d'adresse, de capacité de tout genre…»[6]. Pour Pareto, les élites sont ceux qui sont les meilleurs dans leur domaine d'activité. Nous n'allons pas utiliser le terme «élite» dans cette acception, qui ne se réfère pas à des caractéristiques sociales, mais individuelles, et qui dans notre opinion ne réussit pas à rendre compte des caractéristiques qui font des élites un *groupe social* qui puisse être étudié en tant que tel par les méthodes de la sociologie. Pareto fait aussi une distinction importante entre les élites qui gouvernent et les élites non gouvernementales: «Nous mettrons à part ceux qui, directement ou indirectement, jouent un rôle notable dans le gouvernement; ils constitueront *l'élite gouvernementale*»[7]. Celle-ci n'est pas nécessairement constituée par des personnes qui possèdent des qualités au plus haut niveau: «La richesse, la parenté, les relations, sont utiles aussi en beaucoup d'autres cas, et font donner à qui

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[3] John SCOTT (ed.), *The Sociology of Elites, I*, Aldershot/Brookfield, Edward Elgar, 1990, p. IX.

[4] "There is a hint of conspiracy about the very term elite. It connotes something that is inimical to the public good rather than that which is desirable or beneficial. It evokes the notion of inequality: the image of a ruling few with elitism as a mode or method of domination", Eric CARLTON, *The few and the Many. A Typology of Elites*, Aldershot, Scolar Press, 1996, p. 1. Nous devons dire dès le début que nous nous garderons le plus possible d'avoir une approche normative sur notre objet d'étude.

[5] Vilfredo PARETO, *Traité de sociologie générale*, Genève, Librairie Droz, 1968 (1916).

[6] Maria KOLABINSKA, *La circulation des élites en France*, Lausanne, Librairie F. Rouge et Cie, 1912, p. 5, citée dans V. PARETO, *op. cit.*, § 2026.

[7] Vilfredo PARETO, *op. cit.,* § 2032.

ne devrait pas l'avoir l'étiquette de l'élite en général ou de l'élite gouvernementale en particulier»[8]. Ce sont des «déviations du type»[9] qui ne peuvent pas être négligées et qui peuvent s'expliquer par les mécanismes qui régissent la circulation des élites. Il est essentiel pour le sociologue de comprendre la manière de laquelle se fait la circulation des élites, car c'est ici, selon Pareto, la clé de la compréhension des transformations historiques à travers les transformation des élites gouvernementales, car «Celui qui passe d'un groupe à un autre y apporte généralement certaines tendances, certains sentiments, certaines aptitudes qu'il a acquis dans le groupe dont il vient»[10], en modifiant donc les caractéristiques du groupe. C'est une piste de recherche que nous avons retenue pour étudier les responsables des décisions politiques et qui vise l'étude de ces caractéristiques (que nous avons regroupées sous la notion d'*habitus*, reprise de Pierre Bourdieu).

La terminologie utilisée par les différents auteurs pour désigner ce que Pareto appelle *élite gouvernementale* est différente. Gaetano Mosca, par exemple, utilise le concept de «classe politique» ou «classe dirigeante» avec le même sens[11]. Chez lui, comme chez Robert Michels qui approche l'élite en tant qu'oligarchie[12], l'analyse de l'élite se constitue dans une critique de la démocratie. Les deux auteurs soutiennent que la démocratie est difficile à envisager puisque dans toute société il y a une minorité qui dirige la majorité. L'élite a des avantages organisationnels qui lui garantissent l'autoreproduction et l'emprise sur le pouvoir: la conscience (de groupe), la cohérence et la capacité de conspiration (qui peut être comprise plutôt comme unité d'action qu'au sens littéral)[13].

I. 2. Les épigones: les études empiriques

Les théorisations des pères fondateurs de la théorie des élites n'ont pas été suivies par de grandes avancées théoriques dans le domaine; en échange, il y a une véritable richesse d'études

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[8] *Ibidem*, § 2036.
[9] *Ibidem*, § 2038.
[10] *Ibidem*, § 2041.
[11] Gaetano MOSCA, *The Ruling Class*, New York, McGraw Hill, 1939 (*Elementi di scienza politica,* 1896 et 1923 pour les deux volumes).
[12] Robert MICHELS, *Political Parties*, New York, Hearst's International Library, 1915 (*Der Soziologie des Parteiwenses in der modernen Demokratie*, 1911).
[13] Le modèle des «trois C» est développé par un commentateur de Mosca, James H. MEISEL, *The Myth of the Ruling Class*, Ann Arbor, University of Michigan Press, 1958.

empiriques[14]. A partir de la fin des années 50 se développent deux écoles de pensée concurrentes dans le domaine de la sociologie des élites: il s'agit de l'élitisme et du pluralisme. L'élitisme est représenté par C. Wright Mills, qui développe le concept d'«élite de pouvoir» (*power elite*) en partant d'une recherche sur la société américaine[15]. Mills conteste ainsi tant la dénomination de Pareto, car, dit-il, le domaine d'influence de cette élite dépasse celui gouvernemental, que le terme de Mosca, en soutenant qu'on ne peut pas considérer ce groupe comme une «classe». L'élite de pouvoir de Mills a trois branches: politique, économique et militaire. Les traits qui réunissent ces branches dans une seule élite de pouvoir sont leur intégration (les forts liens qui existent entre leurs membres) et leur mode de recrutement (pour la plupart fermé aux nouveaux venus).

De l'autre côté se situe l'école pluraliste, qui conteste en premier lieu l'existence d'une unité et d'une conscience de groupe au niveau des différentes élites et, par là même, le concept d'*élite de pouvoir*. Robert Dahl entreprend à la fin des années 50 une recherche sur la structure sociale de la ville américaine New Haven[16]. A partir de l'étude de la distribution de l'influence et des ressources entre les différents groupes susceptibles de détenir le pouvoir, il découvre le fait que, en réalité, il n'y a pas un seul groupe qui peut être considéré comme le groupe dominant, mais une véritable compétition entre différents groupes qui ont des bases de puissance différentes. Il n'y a donc pas un monopole du pouvoir par un groupe élitiste. Cela est valable pour les démocraties, car dans les systèmes autoritaires et totalitaires, c'est le modèle de la classe dirigeante unitaire et caractérisée par les «trois C» qui s'applique[17].

Les questions que les chercheurs se posent en général pour étudier les élites vont des origines sociales des personnes qui les composent jusqu'aux modalités de recrutement et de renouvellement au niveau des élites. Quant aux méthodes de recherche, John

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[14] Michael T. BURTON and John HIGHLEY, "Invitation to Elite Theory: The Basic Contentions Reconsidered", in G. William DOMHOFF, Thomas R. DYE (eds.), *Power Elites and Organizations*, Newbury Park, Sage Publications, 1987, pp. 219-238, p. 219.

[15] Charles WRIGHT MILLS, *The Power Elite*, New York, Oxford University Press, 1959.

[16] Robert DAHL, *Who Governs ?*, New Haven and London, Yale University Press, 1961.

[17] John SCOTT (ed.), *op. cit.*, p. XIII.

Scott les classifie en fonction des écoles auxquelles appartiennent les chercheurs: «L'élitisme renvoie à une tradition de recherche consacrée presque exclusivement à l'origine sociale et aux liens entre ceux qui occupent des positions privilégiées, en tenant compte aussi des aspects «réputationnels» du pouvoir. Le pluralisme décrit un programme de recherche qui préfère l'étude des décisions et de leurs conséquences réelles, en insistant sur les processus et les mécanismes décisionnels»[18]. La méthode la plus simple d'identifier les élites serait de prendre en considération, pour la constitution de l'échantillon, des personnes qui se trouvent dans les fonctions les plus importantes pour le domaine analysé (méthode positionnelle). La méthode réputationnelle est développée par Floyd Hunter dans sa recherche sur la ville américaine Atlanta[19], et consiste à identifier les personnes qui détiennent le pouvoir et l'influence réelle à travers des interviews avec d'autres personnes susceptibles de le savoir. Pour déceler l'influence des élites sur la prise de décision, on peut aussi utiliser des études de cas, qui analysent en détail un dossier de prise de décision afin de voir qui y a joué un rôle essentiel, ou bien essayer de voir qui profite le plus de la décision respective[20].

Nous avons essayé de tracer une très brève esquisse des principaux jalons dans la recherche qui s'est centrée sur les élites. Les principales questions qui surgissent des études classiques sur les élites sont liées à la possibilité d'appliquer un modèle pluraliste ou un modèle élitiste, ainsi que des questions de stratification sociale. Il faut aussi retenir les méthodes qualitatives de recherche et les questions liées à la composition sociale, aux modes de recrutement, et au niveau d'intégration du groupe étudié. Il est également important de nous demander comment se forment les élites, quels sont donc les modèles (*pattern*) de recrutement, quel est leur profil sociopolitique, et comment se fait leur circulation; est-ce qu'elles sont intégrées ou non? Cela nous aidera à concevoir

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[18] John SCOTT, «Elitele in sociologia anglo-saxona» (Les élites dans la sociologie anglo-saxonne), in Ezra SULEIMAN, Henri MENDRAS, *Recrutarea elitelor in Europa (Le recrutement des élites en Europe)*, Timişoara, Ed. Amarcord, 2001 (1997), pp. 9-18, p. 12.

[19] Floyd HUNTER, *Community Power Structure*, New York, Anchor Books, 1963.

[20] Robert D. PUTNAM, *The Comparative Study of Political Elites*, New Jersey, Prentice Hall, 1976. Pour un compte-rendu plus détaillé des méthodes de recherche sur les élites, voir Giorgio SOLA, *La teoria delle élites*, Bologna, Il Mulino, 2000, pp. 230-256.

la manière dont se fait la socialisation des élites, car «A relatively closed system of recruitment (…) is likely to supply the sort of coherent socialization process producing a high degree of integration between (and within) elite groups»[21].

Les principales difficultés que nous devons dépasser sont celles liées à la question de la définition et de la délimitation du groupe élitaire à étudier. Pour la définition des élites en général, on peut retenir un critère formel, à l'aide duquel nous allons identifier ceux qui détiennent des fonctions, ou un critère fonctionnel, qui nous montrera les personnes qui, bien que n'ayant pas de fonctions importantes, exercent de l'influence[22]. A cause de la difficulté d'identifier dès le début de la recherche les personnes qui détiennent le pouvoir effectif, il est plus facile de commencer par retenir le critère formel, en considérant comme appartenant à l'élite «those individuals who occupy formally defined positions of authority at the head of a social organization or institution»[23]. Au fur et a mesure que la recherche avance, il est possible d'identifier (et cela surtout en utilisant la méthode réputationnelle) les personnes qui, sans détenir des fonctions, exercent une influence sur la prise des décisions, si tel est le cas.

La deuxième difficulté concerne la délimitation du groupe étudié. Nous devons opérer, dans un premier temps, une délimitation verticale, pour savoir quels échelons de la prise de décisions politiques il faut inclure dans l'élite, et dans un deuxième temps une délimitation horizontale ou latérale, pour identifier les postes représentatifs pour les buts de la recherche.

Certainement pas en dernier lieu, nous devons remarquer une ligne de rupture qui intervient dans la recherche destinée aux élites. Ce domaine d'investigation a connu une baisse visible de l'intérêt théorique à partir des années 70. Ainsi, dans le premier

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[21] Anthony GIDDENS, "Elites in the British Class Structure", in *Sociological Review*, vol. 20, no. 3/1972, pp. 345-372, p. 351.

[22] Morris JANOWITZ, "Social Stratification and the Comparative Analysis of Elites", in *Social Forces*, vol. 35, 1956, pp. 81-85, p. 83.

[23] Anthony GIDDENS, "Elites in the British Class Structure", in *loc. cit.,* p. 348. Pour un tableau complet des principales définitions données aux élites par différents auteurs, voir Michael T. BURTON and John HIGHLEY, "Invitation to Elite Theory : The Basic Contentions Reconsidered", in G. William DOMHOFF, Thomas R. DYE (eds.), *Power Elites and Organizations*, Newbury Park, Sage Publications, 1987, pp. 219-238, p. 223.

volume du livre destiné à la sociologie des élites édité par John Scott et publié en 1990, des 27 articles repris, il y a un des années 20, 2 des années 40, 6 des années 50 et 6 des années 60, 9 articles des années 70 et seulement 3 du début des années 80[24], ce qui indique un manque évident d'études sur les élites vers la fin des années 80. La sociologie des élites semble ne plus susciter l'attention des chercheurs.

Mais, avec la chute des régimes communistes, la sociologie des élites connaît un nouvel essor. Après 1990, il y a toute une nouvelle littérature concernant les élites post-communistes. Néanmoins, ces nouvelles pistes de recherche ne font qu'assez peu référence aux études classiques sur les élites.

II. Theories des elites postcommunistes

Dans le lignage de Pareto, selon lequel les transformations historiques s'expliquent par les transformations au niveau des élites et non pas à travers la lutte des classes comme disait Marx, Highley et Burton considèrent que les "democratic transitions and breakdowns can best be understood by studiyng basic continuities and changes in the internal relations of national elites"[25]. C'est peut-être pourquoi la recherche sur les élites postcommunistes a fleuri dans la dernière décennie du XXe siècle.

Les deux questions principales que les chercheurs se posent en ce qui concerne les élites postcommunistes portent, d'une part, sur la continuité de ces élites, et de l'autre sur leur unité. Il s'agit donc de savoir si, après la chute des régimes communistes, les élites politiques sont restées en place et, sinon, comment et par qui elles ont été remplacées; de l'autre côté, il s'agit de voir si on peut parler d'une seule élite de pouvoir, pour reprendre la terminologie de Mills, cité en haut, ou de plusieurs élites différenciées, comme dans le modèle pluraliste de Dahl. Finalement, la question du consensus des élites semble être décisive pour une transition démocratique réussie[26].

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[24] John SCOTT (ed.), *The Sociology of Elites, op. cit.*

[25] John HIGLEY, Michael G. BURTON, "The Elite Variable in Democratic Transitions and Breakdowns", in *American Sociological Review*, vol. 54, no. 1, Feb. 1989, pp. 17-32, p. 17.

[26] *Ibidem*, p. 18.

II. 1. Rupture et continuité

On pourrait grouper les études sur les élites postcommunistes dans deux grandes catégories, selon les conclusions qu'elles tirent sur la rupture et la continuité des élites d'un régime à l'autre. Le consensus n'existe pas sur cet aspect; en fonction des échantillons choisis pour la recherche et des pistes suivies, les différents auteurs trouvent soit une continuité des élites, soit un renouvellement. L'Europe centrale et orientale et l'espace ex-soviétique sont deux aires traitées séparément en raison de la différence de culture politique et des transformations qui ont eu lieu dans chacun de ces espaces. En ce qui concerne la Russie, les auteurs sont partagés entre ceux qui soutiennent que le pouvoir est détenu par les mêmes personnes[27], et ceux qui contestent explicitement ces conclusions, en soutenant que "a social revolution (*i. e.* le renouvellement des élites, *n. n.*) has been obscured by the concern of many writers erroneously emphasizing the 'replication of the *nomenklatura*'"[28]. En échange, Lane et Ross constatent que l'ancienne élite soviétique commence à être remplacée, vers le milieu des années 90, par une *intelligentsia* professionnalisée qui acquiert du capital économique ("acquisition class")[29]. Ils arrivent même jusqu'à contester la représentativité de l'échantillon choisi par Kryshtanovskaia et White (qui comprend des membres du gouvernement soviétique et russe, du Parlement, du Parti, de l'élite régionale et de l'élite d'affaires[30]) et la définition que ceux-ci retiennent pour la *nomenklatura*[31]. La thèse principale de Kryshtanovskaia et White est que l'ancienne élite soviétique, plus spécifiquement ses membres les plus jeunes, s'est propagée à tous les niveaux dans l'élite russe. Après avoir étudié les étages de l'hiérarchie de la *nomenklatura*,

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[27] Olga KRYSHTANOVSKAIA, Stephen WHITE ("From Soviet Nomenklatura to Russian Elite", in *Europe-Asia Studies*, vol. 48, no. 5, July 1996, pp. 711-733) trouvent qu'environ 75% des nouvelles élites russes proviennent de l'ancienne *nomenklatura* soviétique. Voir aussi Anton STEEN, *Political Elites and the New Russia. The Power Basis of Yeltsin's and Putin's Regimes*, London and New York, Routledge Curzon, 2003, p. 8, p. 12.

[28] David LANE, Cameron ROSS, "The Russian Political Elites, 1991-95: Recruitment and Renewal", in John HIGLEY, Jan PAKULSKI and Wlodzimierz WESLOWSKI (eds.), *Postcommunist Elites and Democracy in Eastern Europe*, Basingstoke and New York, Palgrave, 2002, pp. 34-66, p. 48.

[29]*Ibidem*.

[30] Olga KRYSHTANOVSKAIA, Stephen WHITE, *loc. cit.*, p. 712-713.

[31] David LANE, Cameron ROSS, *loc. cit.*, p. 54.

les modèles de trajectoire de carrière, le mode de recrutement de nouveaux membres et les privilèges dont disposait cette élite, les deux auteurs montrent la manière de laquelle les détenteurs de postes-clé dans les parti ont réussi une emprise des biens économiques pendant la période de la *perestroika*. Finalement, le pouvoir au sein du parti a été converti en propriété privée et l'ancienne élite unitaire communiste s'est divisée dans une branche politique, formée par des gens qui détenaient des positions dans l'appareil d'Etat, et une branche économique[32]. Un troisième niveau de l'élite russe émergente serait formé par les membres des services secrets, qui «non seulement maintiennent l'ordre mais sont utilisés aussi comme moyen d'influence»[33].

D'autres auteurs encore, en élargissant la recherche sur le passage du régime Yeltsin au régime Putin, constatent un certain habitus autoritaire de la culture politique russe, même antérieur au communisme, qui se maintient en dépit des éventuels changements politiques. C'est le cas de l'approche d'Anton Steen, qui analyse les élites politiques russes à travers le concept de «culture politique», comprise en tant que «attitudes envers la gouvernance et l'économie et le comportement des élites»[34]. «Plus ça change, plus c'est la même chose», serait la conclusion générale du camp des chercheurs qui soutiennent la continuité des élites russes avec celles soviétiques. D'ailleurs, le parti opposé est tenu seulement par David Lane et Cameron Ross, qui en plus utilisent une méthode d'identification des élites assez contestable, la méthode réputationnelle[35].

Pour l'Europe centrale et orientale, la majorité des études s'arrêtent sur la Pologne, la Hongrie et l'ex-Tchécoslovaquie, où la rupture/continuité des élites est plus visible en raison du transfert progressif et non-violent du pouvoir. Cela a permis une «conversion» des anciens communistes qui ont pu changer leur discours afin de continuer de faire partie des structures du pouvoir après le changement de régime et même de s'arroger certains mérites

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[32] Olga KRYSHTANOVSKAIA, Stephen WHITE, *loc. cit.*, p. 722.
[33] *Ibidem*, p. 723.
[34] Anton STEEN, *Political Elites and the New Russia. The Power Basis of Yeltsin"s and Putin's Regimes*, *op. cit.*, p. 2.
[35] David LANE, "L'élite politique sous Gorbatchev et Eltsine au début de la période de transition: étude analytique de réputation", in *Cultures et conflits*, no. 17, www.conflits.org

pour le renversement de celui-ci[36]. Le terme «conversion» est utilisé par les deux auteurs afin de remplacer celui de «révolution», car ils soutiennent que le changement politique s'est fait de haut en bas, donc des élites vers les masses. Dans le mieux des cas, «le pouvoir a été pris par la faction technocratique de l'ancienne *nomenklatura* communiste ou par des anciens dissidents intellectuels, ou par une coalition instable des deux groupes»[37]. Une autre raison pour laquelle ces pays ont été la cible de la plupart des analyses est le fait qu'on peut y déceler l'existence d'une contre-élite pendant le régime communiste, contre-élite qui a participé au transfert du pouvoir et dont la continuité est facilement observable (ce qui n'est pas le cas pour la Russie, la Bulgarie et la Roumanie). Szelenyi et Szelenyi constatent que la reproduction ou la circulation des élites dans les anciens pays communistes dépend de deux variables: l'existence d'une contre-élite et la cooptation, par le pouvoir communiste, des technocrates. Ainsi, la reproduction des élites est plus probable dans les pays où il n'existait pas une contre-élite et où les technocrates ont été associés au pouvoir[38].

En ce qui concerne les élites économiques, une des questions principales qui animent les recherches sur la transition en Europe centrale et orientale est la création du capitalisme sur les ruines du communisme. En se référant aux réseaux informels des élites, David Stark se demande si la transition se fait du plan au marché ou du plan au clan[39]. D'autres auteurs soutiennent que, dans le cas de l'Europe centrale (Hongrie, Pologne, République Tchèque) on a à faire avec un «capitalisme sans capitalistes», c'est-à-dire un capitalisme construit par une «nouvelle bourgeoisie culturelle» qui a réussi de convertir son capital culturel en ressources

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[36] Georges MINK, Jean-Charles SZUREK, *La grande conversion. Le destin des communistes en Europe de l'Est*, Ed. du Seuil, Paris, 1999, *passim*.

[37] Gil EYAL, Ivan SZELENYI, Eleanor TOWNSLEY, *Capitalism fara capitalisti. Noua elita conducatoare din Europa de Est*, (*Capitalism without Capitalists: the New Ruling Elites in Eastern Europe*), Bucuresti, Editura Omega, 2001 (1998), p. 6.

[38] Ivan SZELENYI, Szonja SZELENYI, "Circulation or Reproduction of Elites during the Postcommunist Transformation of Eastern Europe", in *Theory and Society*, vol. 24, no. 5, Oct. 1995, pp. 615-638.

[39] David STARK, «Privatization in Hungary : From Plan to Market or from Plan to Clan?" in *East European Politics and Societies*, vol. 4, no. 3, 1990, pp. 351-392. Voir aussi David STARK, Laszlo BRUSZT, *Postsocialis Pathways. Transforming Politics and Property in East Central Europe*, Cambridge University Press, New York, 1998.

économiques[40]: il s'agit d'une alliance entre anciens dissidents et anciens technocrates[41]. D'ailleurs, l'idée que les nouvelles élites, surtout économiques, proviennent des anciens échelons moyens de l'appareil de parti peut être retrouvée chez plusieurs auteurs[42]. L'analyse de Townsley, Eyal et Szelenyi porte sur les types de capital (dans le sens de Bourdieu) détenu par différents acteurs pendant le communisme et la conversion de ce capital après les changements de régime. Ils argumentent l'idée que le capital politique s'est dévalué, tandis que la principale source de pouvoir est devenue le capital culturel. Les détenteurs de ce type de capital, c'est-à-dire les anciens technocrates, sont les principaux agents du changement, et les anciens membres de la *nomenklatura* manifestent une mobilité descendante dans l'hiérarchie sociale. Les auteurs spécifient le fait que «le capitalisme sans capitalistes» «ne semble pas caractériser les systèmes sociaux de l'Europe de l'Est et de la Russie», où l'on trouve plutôt «capitalistes sans capitalisme»[43].

Nous avons mentionné ici des études sur les élites économiques à cause du fait que, pour l'Europe centrale et orientale, il est souvent difficile de tracer strictement une ligne de séparation entre élites politiques et élites économiques.

Par conséquent, on peut distinguer deux grands groupes dont sont sélectées les élites postcommunistes dans les premières années après les changements de régime. Le premier est le groupe des anciens dissidents, dont les figures les plus représentatives seraient Lech Walesa en Pologne et Vaclav Havel en Tchécoslovaquie. Le deuxième est celui des anciens technocrates qui ont détenu des fonctions moyennes dans l'appareil de l'ancien Parti communiste, et qui ont réussi, selon l'expression de Eyal, Szelenyi et Townsley, à convertir leur capital culturel en source de pouvoir[44]. De l'autre

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[40] Gil EYAL, Ivan SZELENYI, Eleanor TOWNSLEY, *Capitalism fara capitalisti. Noua elita conducatoare din Europa de Est*, *op. cit.*.
[41] *Ibidem*, p. 16.
[42] Olga KRYSHTANOVSKAIA, Stephen WHITE, *loc. cit, passim*; Georges MINK, Charles SZUREK, "Adaptation et stratégies de conversion des anciennes élites communistes", in IDEM, *Cet étrange postcommunisme*, Paris, Presses du CNRS/La Découverte, 1992, pp. 67 – 83.
[43] Gil EYAL, Ivan SZELENYI, Eleanor TOWNSLEY, *Capitalism fara capitalisti. Noua elita conducatoare din Europa de Est*, *op. cit*, p. 7.
[44] *Ibidem*.

coté, pour la Russie, il n'y a pas un accord général quant au maintien de l'ancienne élite soviétique ou le remplacement de celle-ci, mais, à l'exception de celles de David Lane et Cameron Ross, les recherches semblent plutôt démontrer la thèse de la continuité.

Entre ces deux pôles, pour les pays de l'Europe Orientale, comme la Roumanie ou la Bulgarie, les études sur les élites postcommunistes se remarquent par leur absence[45].

Les élites roumaines ont été peu recherchées de manière scientifique. Par exemple, le livre de Constantin Ionete sur la classe politique «postdécembriste» utilise, pour la définition de la classe politique, le dictionnaire Larousse[46]. Le livre se veut une monographie des transformations politiques d'après 1989, mais il n'est qu'un assemblage de différentes idées reprises des différentes disciplines, qui finalement parle assez peu d'élites, et d'une manière qui pourrait difficilement être considérée comme scientifique.

Une approche complètement différente est celle de Raluca Grosescu dans un article paru dans *Romanian Journal of Society and Politics*[47]. Sa question de recherche porte sur l'identification des acteurs communistes qui ont participé à la prise de pouvoir en 1989 et le suivi de leur carrière politique jusqu'en 1992. Après avoir défini la *nomenklatura* et précisé les démarches méthodologiques suivies pendant la recherche, Raluca Grosescu examine le regroupement politique de ce groupe social pendant la révolution de 1989. Les trajectoires professionnelles et politiques des membres du Front du Salut National, du Conseil du Front du Salut National, du Conseil Provisoire d'Union Nationale, et du gouvernement de décembre 1989 – Juin 1990, sont analysées en vue d'obtenir un tableau général de la reproduction des anciennes élites communistes. Les conclusions de l'auteur confirment le degré important de reproduction, surtout de l'ancienne «*nomenklatura* passive et marginalisée»[48], qui détient des postes clé même dans les gouvernements d'après 1990, jusqu'en 2000 où s'arrête l'analyse de Grosescu.

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[45] Sur la Bulgarie nous pouvons mentionner l'étude de Stephan E. NIKOLOV, "Bulgaria: a Quasi-Elite", in John HIGLEY, Jan PAKULSKI and Wlodzimierz WESLOWSKI (eds.), *Postcommunist Elites and Democracy in Eastern Europe*, *op. cit.,* pp. 213-225.

[46] Constantin IONETE, *Clasa politică postdecembristă,* Bucarest, Ed. Expert, 2003, p. 11.

[47] Raluca GROSESCU, "The Political Regrouping of the Romanian Nomenklatura during the 1989 Revolution", in *Romanian Journal of Society and Politics*, vol. 4, no. 1, 2004, pp. 97 – 123.

[48] *Ibidem*, p. 122.

Finalement, le livre de Marius Tudor et Adrian Gavrilescu offre un tableau assez large mais, pour cette raison, assez superficiel aussi de la nouvelle démocratie roumaine[49]. Néanmoins, à partir des analyses des données empiriques assez riches, les auteurs constatent la continuité des élites politiques roumaines, ce qui engendre des comportements politiques hérités de la période communiste, mais aussi le manque de la professionnalisation du métier politique en Roumanie, ce qui fait preuve, chez les auteurs, d'une vision normative implicite selon laquelle la politique devrait être faite par des technocrates, vision d'ailleurs assez floue du point de vue conceptuel.

Cette pauvreté des études empirique nous amène à croire qu'une recherche sur les élites pourra remplir un espace peu exploré dans la littérature scientifique sur les pays de l'Europe orientale. Sans offrir nécessairement une solution tranchante à la dichotomie rupture/continuité au niveau des élites entre les régimes d'avant et d'après 1989 en Roumanie, la composition des élites peut largement rendre compte de leur habitus et, par conséquent, de leur choix des politiques. Ainsi, un des aspects qu'il faudrait suivre est celui de l'appartenance des acteurs étudiés aux anciennes structures communistes. Quand même, il faut aussi se poser la question si cet aspect est déterminant pour les décisions politiques prises par ces élites, car la transformation des acteurs par les processus d'apprentissage peut nous mener à nous demander, avec T. Baylis, s'il s'agit en effet des «mêmes élites», bien qu'il s'agisse des mêmes personnes[50].

II. 2. Unité et différenciation

Pour comprendre la configuration des élites politiques postcommunistes il faut partir de la structure des élites pendant les régimes totalitaires et parfois remonter même à l'époque antérieure à ceux-ci[51]. Ainsi, pour l'étude des élites, l'héritage du

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[49] Marius TUDOR, Adrian GAVRILESCU, *Democraţia la pachet. Elita politică în România postcomunistă,* Bucureşti, Ed. Compania, 2002.

[50] Thomas A. BAYLIS, «Elites, Institutions, and Political Change in East Central Europe: Germany, the Czech Republic, and Slovakia», in John HIGLEY, Jan PAKULSKI and Wlodzimierz WESLOWSKI (eds.), *Postcommunist Elites and Democracy in Eastern Europe*, *op. cit.*, pp. 107-130, p. 111.

[51] Dans ce sens, Anton STEEN parle de la «culture politique» des élites («attitudes to governance and the economy and the behaviour of the elites», p. 2), qui parfois tire ses racines beaucoup avant le communisme; voir Anton STEEN, *Political Elites and the New Russia*, *op. cit., passim;* voir aussi J. P. NETTL, *Political Mobilization*, London, Faber & Faber, 1967, dont Steen reprend ce concept.

passé est toujours un facteur à en tenir compte. En ce qui concerne les régimes communistes, il y a un consensus général parmi les auteurs sur l'unité de ces élites, accompagnée par un degré faible de différenciation et un mode de recrutement fermé[52] (quand même, David Lane et Cameron Ross viennent encore une fois contredire ces recherches en affirmant la profonde division au sein des élites soviétiques[53]). L'unité des élites se réfère en premier lieu aux liens idéologiques qui les tiennent ensemble et aux modèles consacrés d'interaction à travers des réseaux. Le manque de différenciation regarde l'homogénéité sociale et le manque d'autonomie des élites par rapport au pouvoir centralisé. Finalement, le mode de recrutement envoie aux possibilités des gens issus d'autres groupes sociaux d'avancer socialement vers le groupe élitiste.

Un autre critère de classification des élites postcommunistes serait donc celui de l'unité et de la différenciation de celles-ci. Higley, Pakulski et Weslowski utilisent ce critère pour grouper les modèles de la transformation au niveau des élites. Ils trouvent quatre modèles possibles pour la configuration des élites post-communistes.

Configurations des élites

		Unité des élites	
		Forte	Faible
Différenciation des élites	Large	**Elite consensuelle** (démocratie stable)	**Elite fragmentée** (démocratie instable)
	Etroite	**Elite idéologique** (système totalitaire ou post-totalitaire)	**Elite divisée** (régime autoritaire ou sultanistique)

Source: J. Higley, J. Pakulski, W. Weslowski, *Postcommunist Elites and Democracy in Eastern Europe*, Basingstoke and New York, Palgrave, 2002, p. 5.

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[52] John HIGLEY, Jan PAKULSKI and Wlodzimierz WESLOWSKI (eds.), *Postcommunist Elites and Democracy in Eastern Europe*, *op. cit.,* p. 3, p. 6; Anthony GIDDENS, "Elites in the British Class Structure", *loc. cit.*, p. 351-352; John SCOTT (ed.), *The Sociology of Elites, op. cit.*, p. XIII; Anton STEEN, *Elites and the New Russia*, *op. cit.*, p. 6.

[53] David LANE, Cameron ROSS, "The Russian Political Elites, 1991-95: Recruitment and Renewal", *loc. cit.*, p. 34. et David LANE, "Elite Cohesion and Division: Transition in Gorbachev's Russia", in *Ibidem*, pp. 67-96, p. 80, 81, p. 90.

Dans le premier modèle, les élites sont consensuelles et largement différenciées, comme en Hongrie, Pologne et République Tchèque. Cela est dû à un passage négocié du régime communiste à celui postcommuniste. Un deuxième modèle montre une combinaison entre des élites fragmentées et dépourvues de consensus sur les questions constitutionnelles, dû à une libéralisation limitée du régime et à une certaine continuité au niveau des élites, comme en Bulgarie et en Slovaquie. Pour le cas roumain et celui albanais, la continuité dans la composition des élites, due à la prise du pouvoir par des factions des élites communistes, a mené à la division, accompagnée par un faible degré de différenciation. Finalement, pour le cas russe, les trois auteurs découvrent une configuration fragmentée, mais avec des chances réelles d'émergence d'une élite consensuelle[54]. En ce qui concerne la Roumanie, les élites seraient donc divisées, spécifiques à un régime autoritaire. C'est aussi la conclusion de Andreas Müllerleile dans une étude récemment parue sur les élites politiques roumaines, mais il faut mentionner que cette étude n'a pas une assise empirique propre[55]. La connexion entre la division des élites et l'instabilité du régime démocratique est faite aussi par Higley et Burton[56].

III. Habitus, champ et formes de capital: quelques jalons de la Sociologie de Pierre Bourdieu

Une piste de recherche très prometteuse en ce qui concerne l'étude des élites est de combiner les théories existantes avec certains concepts de Pierre Bourdieu. Celui-ci a beaucoup à dire sur les mouvements et les rapports de forces qui caractérisent l'espace social. Une grille de lecture reprise de Bourdieu pourrait s'avérer très utile pour l'étude de quelques questions liées aux élites, en particulier celles concernant leur continuité et la question si, comme disait Baylis que nous avons cité en haut, on peut avoir

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[54] John HIGLEY, Jan PAKULSKI and Wlodzimierz WESLOWSKI, "Elite Change and Democratic Regimes in Eastern Europe", in IDEM (eds.), *Postcommunist Elites and Democracy in Eastern Europe, op. cit.,* pp. 1-33.

[55] Andreas MÜLLERLEILE, "Elites in Romania: Towards a Consensual Elite Settlement?", in Howard LOEWEN and Sergiu MISCOIU (eds.), *Issues of Democratic Consolidation in Romania*, Cluj-Napoca, Ed. Efes, 2004, pp. 41-58.

[56] John HIGLEY, Michael BURTON, «The Elite Variable in Democratic Transitions and Breakdowns», *art. cit.*

les mêmes personnes qui détiennent le pouvoir, sans pouvoir parler des mêmes élites. Ce qui nous intéresse dans cette recherche sont surtout les notions de champ, de formes de capital et d'habitus, a l'aide desquelles nous pourrons essayer d'expliquer la configuration des élites postcommunistes à partir du type de capital détenu par leurs membres, et la continuité (ou la rupture) idéologique des élites.

L'idée d'étudier les élites postcommunistes à travers la notion d'habitus ne nous appartient pas. Ce sont Eyal, Szelenyi et Townsley qui ont construit la première grille d'analyse de ces élites en combinant le concept d'habitus avec la distinction de Weber entre sociétés de statut et les sociétés de classe[57]. Nous pensons pourtant que cette piste d'analyse n'a pas été pour autant épuisée. Les auteurs cités ne font pas une analyse appliquée de l'habitus des acteurs et ont une vision d'ensemble sur les transformations subies par les sociétés de l'Europe centrale.

Pour comprendre l'espace social, ce qu'il est important d'étudier ne sont pas les objets, les *choses,* comme enseignait Durkheim dans sa première règle de la méthode sociologique, mais les rapports entre les choses et les processus dynamiques qui sont à la base des changements sociaux[58]. La relation à double sens entre les choses et les agents, qui peut se comprendre d'une part à travers l'institutionnalisation, et de l'autre, à travers les habitus, est selon Bourdieu «le principe de l'action historique»[59]. En d'autres mots, pour comprendre l'histoire, il faut lier entre elles deux chaînes causales: celui qui détermine l'habitus des acteurs et celui qui construit le champ spécifique dans lequel agissent les acteurs[60]. Acteurs et structures donc, et la relation entre ceux-ci: voila ce que, selon Bourdieu, est à la base de la compréhension historique.

III.1. Champ

En ce qui concerne les champs, ceux-ci sont «des espaces structurés de positions (ou de postes) dont les propriétés dépendent de leur position dans ces espaces et qui peuvent être analysées indépendamment des caractéristiques de leurs occupants (en partie

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[57] Gil EYAL, Ivan SZELENYI, Eleanor TOWNSLEY, *op. cit.*
[58] Pierre BOURDIEU, *Leçon sur la leçon*, Paris, Minuit, 1982, p. 35.
[59] *Ibidem,* p. 37.
[60] *Ibidem,* p. 38-39.

déterminées par elles)»[61]. Tout d'abord, les champs sont donc des coupures dans l'espace social, des territoires délimités par certaines règles qui leur sont propres. Dans ces espaces, chaque agent occupe une position, et la structure de l'emplacement de ces positions détermine les propriétés spécifiques des champs. En fin, selon Bourdieu, la structure des champs n'est pas influencée par les caractéristiques des agents qui occupent les positions dans le champ, mais à l'inverse, ce sont ces positions qui peuvent influencer les propriétés des agents. La thèse que nous soutenons est que les agents peuvent aussi avoir une influence sur la structure du champ, surtout quand il s'agit d'un champ dont les règles ne sont pas encore fortement institutionnalisées (comme c'est la cas de la transformation du champ politique dans les pays de l'Europe centrale et orientale après la chute des régimes communistes). D'ailleurs, Bourdieu même reconnaît que les champs ne sont pas des données figées de la réalité sociale, comme pourrait se déduire de la définition citée en haut; en fait, le champ n'est autre chose qu'«une construction sociale arbitraire et artificielle, un artefact qui se rappelle comme tel dans tout ce qui définit son *autonomie*, règles explicites et spécifiques, espace et temps strictement délimités et extraordinaires...»[62].

Appréhender les agents dans leur champ spécifique c'est les situer dans un contexte, en dehors duquel leur actions sont dépourvues de sens. C'est pourquoi il faut toujours situer le groupe élitaire étudié à l'intérieur de son champ spécifique. Nous allons examiner, avec Bourdieu, quelques-uns des traits caractéristiques des champs, pour clarifier ce concept afin.

Pour comprendre un champ il faut se référer aux enjeux qui y sont caractéristiques: «Un champ (...) se définit entre autres choses en définissant des enjeux et des intérêts spécifiques, qui sont irréductibles aux enjeux et aux intérêts propres à d'autres champs»[63]. Il y a donc une logique spécifique à chaque champ, en dehors de laquelle il est impossible de comprendre les actions des acteurs qui y participent: «Chaque champ (...) enferme ainsi les agents dans ses enjeux propres qui, à partir d'un autre point de vue, c'est-à-dire d'un autre jeu, deviennent invisibles ou du moins

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[61] IDEM, «Quelques propriétés des champs», in *Questions de sociologie*, Paris, Ed. de Minuit, p. 113.
[62] IDEM, *Le sens pratique*, Paris, Ed. de Minuit, 1980, p. 112.
[63] IDEM, «Quelques propriétés des champs», *loc.. cit.*, pp. 113-114.

insignifiants, ou même illusoires…»[64]. De cette perspective donc, le regard du sociologue ne peut qu'être *extérieur* quand il entre dans un domaine de recherche qui n'appartient pas au champ intellectuel; cela ne veut pas dire qu'il est cependant *objectif*. La distance par rapport à l'objet d'étude ne garantit pas, comme pour la sociologie classique, l'objectivité.

Une autre propriété des champs est que les acteurs qui y participent sont engagés dans une lutte incessante pour le monopôle de la domination légitime à l'intérieur du champ[65]. «Le principe du mouvement perpétuel qui agite le champ ne réside pas dans quelque moteur immobile (…) mais dans les tensions qui, produits par la structure constitutive du champ (…), tendent à reproduire cette structure. Il est dans les actions et les réactions des agents qui, à moins de s'exclure du jeu, n'ont pas d'autre choix que de lutter pour maintenir ou améliorer leur position dans le champ»[66]. Cette lutte se mène entre ceux qui ont des stratégies de conservation de la structure de distribution du capital à l'intérieur du champ et ceux qui ont des stratégies subversives de changement, et qui d'habitude sont les nouveaux entrants[67]. Mais cette lutte a aussi une contre-partie, car «tous les gens qui sont engagés dans un champ ont en commun un certain nombre d'intérêts fondamentaux, à savoir tout ce qui est lié à l'existence même du champ: de là une complicité objective qui est sous-jacente à tous les antagonismes»[68].

Plus encore, les champs se constituent en des structures qui contraignent le comportement des acteurs et les possibilités qu'ils ont d'agir; de ce point de vue, les champs sont donc en quelque sorte institutionnalisés: «C'est la structure des relations constitutives de l'espace du champ qui commande la forme que peuvent revêtir les relations visibles d'interaction et le contenu même de l'expérience que les agents peuvent en avoir»[69], et «une fois que l'on a accepté le point de vue constitutif d'un champ, on ne peut plus prendre sur lui un point de vue extérieur»[70].

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[64] IDEM, «Les fondements historiques de la raison», in *Méditations pascaliennes*, Paris, Ed. du Seuil, 2003 (1997), pp. 133-184, p. 140.
[65] IDEM, «Quelques propriétés des champs», *loc.. cit.*, p. 114.
[66] IDEM, *Leçon sur la leçon, op. cit.*, p. 44.
[67] IDEM, «Quelques propriétés des champs», *loc. cit.*, p. 114.
[68] *Ibidem*, p. 115.
[69] IDEM, *Leçon sur la leçon, op. cit.*, p. 42.
[70] IDEM, «Les fondements historiques de la raison», *loc. cit.*, p; 140.

Mais une difficulté supplémentaire apparaît pour notre recherche qui a pour objet une partie du champ politique, car celui-ci a encore des traits spécifiques qui le font échapper assez facilement à une analyse scientifique. Cela vient du fait que l'Etat, détenteur du monopôle de l'éducation, produit à travers l'école le système de structures de la connaissance qui régit le savoir légitime. Tout chercheur est formé en premier lieu par le système d'éducation construit par l'Etat afin de se légitimer. Alors, «Entreprendre de penser l'Etat, c'est s'exposer à reprendre à son compte une pensée d'Etat, à appliquer à l'Etat des catégories de pensée produites et garanties par l'Etat, donc à méconnaître la vérité la plus fondamentale de l'Etat (…) Un des pouvoirs majeurs de l'Etat est de produire et d'imposer (notamment par l'école) les catégories de pensée que nous appliquons spontanément à toute chose du monde, et à l'Etat lui-même"[71]. Seul le contacte avec d'autres paradigmes que celui imposée par l'Etat est en mesure de nous tenir à l'écart d'un tel danger.

III. 2. Formes de capital

Deux concepts apparaissent de manière récurrente dans les passages où Bourdieu parle des champs. Ce sont le capital et l'habitus, étroitement liés au champ. Nous avons vu que la lutte est une caractéristique essentielle des champs; dans cette lutte pour la légitimité, les acteurs sont obligés de mobiliser différents types de capital. Les types principaux de capital seraient le capital culturel, le capital économique et le capital social. Le capital culturel s'acquiert par deux types de canaux: à travers la socialisation première en famille, et de ce point de vue il dépend de l'origine sociale et du niveau d'éducation des parents, et à travers l'école[72]. Ce type de capital est le plus facile à convertir dans d'autres types, comme le capital économique ou social, ou même symbolique, par la reconnaissance apportée par la possession des titres scolaires. Le capital social, d'autre part, est «la somme des ressources, actuelles et virtuelles, qui reviennent à un individu du fait qu'il possède un réseau de relations, de connaissances (…), c'est-à-

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[71] IDEM, «Esprits d'Etat. Genèse et structure du champ bureaucratique», in *Raisons pratiques. Sur la théorie de l'action,* Paris, Ed. du Seuil, 1994, pp. 99-145, p. 101.
[72] IDEM, *La distinction. Critique sociale du jugement*, Paris, Ed. de Minuit, 1979, *passim*.

dire la somme des capitaux et des pouvoirs qu'un tel réseau permet de mobiliser»[73]. Ce type de capital est d'autant plus important dans le cas des élites. Le capital économique peut être reconnu ou non comme ayant de valeur selon le type de société (même dans certaines sociétés modernes, la possession d'un capital économique important peut être négativement perçue par l'opinion publique, et nous pourrons argumenter sur la base de sondages d'opinion que c'est le cas pour la Roumaine aux premières années de transition vers l'économie de marché). Dans les sociétés où le capital économique ne jouit pas d'une large reconnaissance, c'est le capital symbolique qui est le plus important[74], celui-ci étant «n'importe quelle propriété (n'importe quelle espèce de capital, physique, économique, culturel, social) lorsqu'elle est perçue par des agents sociaux dont les catégories de perception sont telles qu'ils sont en mesure de la connaître (de l'apercevoir) et de la reconnaître, de lui accorder valeur»[75], ou tout court "l'importance sociale"[76]. Celui-ci est certainement lié au capital social, qui réside dans l'implication des acteurs dans des différents réseaux sociaux à travers lesquelles ils peuvent faire valoir leurs intérêts.

III. 3. Habitus

La notion d'habitus est un des apports les plus importants de Pierre Bourdieu à la pensée sociologique. Mais il n'est pas l'auteur du concept; il a été utilisé par Toma d'Aquin, qui semble l'avoir repris d'Aristote[77]. Cette notion peut être très utile pour l'explication de la manière dont les acteurs prennent des décisions, et renvoie à un «système de dispositions acquises par l'apprentissage implicite ou explicite qui fonctionne comme un système de schèmes générateurs» et qui «est générateur de stratégies qui peuvent être objectivement conformes aux intérêts objectifs de leurs auteurs

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[73] IDEM, *Réponses*, Paris, Ed. du Seuil, 1992, p. 95.
[74] IDEM, *Le sens pratique*, *op. cit.*, p. 201.
[75] IDEM, «Esprits d'Etat. Génèse et structure du champ bureaucratique», *loc. cit.*, p. 116. Bourdieu note aussi que l'Etat est le lieu par excellence du capital symbolique.
[76] IDEM, «L'être social, le temps et le sans de l'existence», in *Méditations pascaliennes*, *op. cit.*, p. 345.
[77] Morten SCHMIDT, "Habitus revisited", in *American Behavioral Scientist*, vol. 40, no. 4, Feb. 1997, pp. 444-453, p. 445.

sans avoir été expressément conçues à cette fin»[78]. Dispositions acquises par l'apprentissage, donc; c'est-à-dire, les acteurs, à travers la socialisation, arrivent à posséder certains modèles préétablis qui font en sorte qu'ils préfèrent un certain comportement à tous les autres possibles, dans une situation donnée. L'habitus est donc un schéma déterminant des comportements des acteurs, non pas dans le sens qu'il *impose* des actions, mais qu'il offre un spectre limité d'actions possibles dans un certain contexte. L'habitus ne s'impose pas de l'extérieur comme les règles, mais il est intrinsèque aux acteurs, sans pour autant être conscient[79]. Les institutions, comme lieu privilégié de la socialisation, sont productrices d'habitus spécifiques, mais l'habitus des acteurs est une résultante de la première socialisation dans la famille et à l'école et de la socialisation et l'apprentissage des pratiques institutionnelles. C'est pourquoi il est important de connaître le passé des acteurs, leur trajectoire, à partir de la première enfance, pour avoir une image complète de leur habitus, car «la pratique (…) est le produit de la relation dialectique entre une situation et un habitus, entendu comme un système de dispositions durables et transposables qui, intégrant toutes les expériences passées, fonctionne à chaque moment comme une *matrice de perceptions, d'appréciations et d'actions*…»[80].

L'habitus primaire, acquis pendant l'enfance, forme les dispositions les plus durables; tout ce qui s'y ajoute après sera donc conditionné par cette fondation première. Mais, dans le même temps, l'habitus est toujours soumis aux influences des socialisations secondaires, donc il n'est jamais complètement figé; il présente seulement une certaine inertie apportée par le poids du passé des agents.

La notion d'habitus nous permet d'appréhender la relation à double sens qui existe entre l'individu et la société, entre les acteurs et les structures. Les hommes politiques ne sont pas donc

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[78] Pierre BOURDIEU, «Quelques propriétés des champs» *loc. cit.*, p. 119-120. Nous avons choisi la définition donnée ici pour raisons de simplicité, car c'est une notion qui apparaît partout dans l'œuvre de Bourdieu et qu'il définit de manière plus ou moins claire selon ses besoins argumentatifs. Voir aussi *Esquisse*, pp. 256-285, *Le sens pratique*, pp. 87-110, *La distinction*, pp. 189-248 etc.
[79] «C'est parce que les sujets ne savent pas, à proprement parler, ce qu'ils font, que ce qu'ils font a plus de sens qu'ils ne le savent», IDEM, *Esquisse d'une théorie de la pratique, op. cit.*, p. 273.
[80] *Ibidem,* p. 261.

ni entièrement le produit de l'institution ou de la société, ni des individus qui se créent eux-mêmes, libres des influences extérieures, et qui agissent en termes de choix rationnel. Cela nous permet, d'une part, de réfuter les théories selon lesquelles l'Etat serait une entité autonome, dotée de rationalité et d'unité, et de l'autre part rejeter les approches *rational choice*, qui soutiennent que les décisions politiques sont le résultat des décisions des individus, de leurs choix rationnels sur lesquels se superposent des processus psychologiques et bureaucratiques.

Ce que nous n'avons pas repris de la pensée de Bourdieu, en nous situant sur une position opposée, est sa tendance à accorder trop d'importance aux structures en défaveur des agents, ce qui, selon Anthony King, le renvoie vers un objectivisme réificateur[81]. Si les champs et les positions dans les champs sont, pour Bourdieu, de nature à modeler l'habitus des acteurs, nous soutenons que cette influence est à double sens, en nous revendiquant plutôt des théories structurationnistes d'Anthony Giddens[82]. Il faut également mentionner ici la scission que Anthony King découvre dans les écrits de Bourdieu: ce dernier semble accepter, dans le sixième chapitre du *Sens pratique*, l'intersubjectivité, qui serait, selon King, en opposition à sa théorie sur l'habitus: "Much of what Bourdieu describes under the name of 'practical theory' and which he believes justifies the concept of the habitus is, in fact, quite radically incompatible with the habitus"[83].

Nous avons essayé d'esquisser ici un cadre théorique adéquate pour une étude des élites politiques qui prenne en considération tant les acquis des recherche menées jusqu'à nos jours par les sociologues, que de nouveaux aperçus et pistes qui sont encore à suivre. La sociologie de Pierre Bourdieu peut s'avérer très féconde pour une étude des élites politiques et de la manière dont celles-ci prennent des décisions de politiques publiques. La notion de champ se réfère aux structures à l'intérieur desquelles agissent les acteurs, les types de capital peuvent nous aider à voir comment

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[81] "Bourdieu insists that he wants to overcome the subject-object duality but then persistently reverts into a sophisticated form of objectivism", Anthony KING, "Thinking with Bourdieu against Bourdieu : A 'Practical' Critique of the Habitus", in *Sociological Theory*, vol. 18, no. 3, Nov. 2000, pp. 417-433, p. 418.

[82] GIDDENS, Anthony, *The Constitution of Society. Outline of the Theory of Structuration*, Cambridge, Polity Press, 1984.

[83] Anthony KING, *loc. cit.,* p. 417.

se structure le groupe élitaire étudié, tandis que le concept d'habitus nous facilite la compréhension de la manière de laquelle les acteurs sont prédisposés à certains types de comportement. Or, c'est ce comportement qui se traduit dans des décisions politiques. Par conséquent, afin de comprendre les décisions prises par les élites politiques dans les différents domaines des politiques publiques, il faut étudier tant la formation des élites, leur circulation et reproduction, leur degré d'unité et de différenciation, que le comportement des agents, leur insertion dans le champ et les caractéristiques de leur habitus. Une combinaison entre les théories classiques des élites et l'approche de Pierre Bourdieu peut s'avérer particulièrement appropriée pour l'Europe centrale et orientale, car elle pourrait offrir une meilleure compréhension du changement – où bien de la continuité – dans la manière de penser et de faire les choix de politiques publiques de la classe politique d'après 1989.

DE L'ÉTAT D'EXCEPTION AU PROBLÈME DE LA VALIDITÉ JURIDIQUE

VAL-CODRIN TĂUT[*]

ABSTRACT. *This paper tries to determine the state of exception's function inside a general theory of law, the way it is envisaged by Carl Schmitt and Giorgio Agamben. We will focus on a certain asymmetry between these two authors. While Giorgio Agamben finds to be the original structure of law, Carl Schmitt considers it only in a negative way, as an indicator of norm's incapacity to be self-applying. The difference between Agamben and Schmitt and later development in Schmitt's work amount to a change from a theory of state of exception to one concerned with norm's validity.*

Introduction

La présente étude a pour objectif essentiel d'éclairer le rôle de l'état d'exception à l'intérieur des mécanismes juridiques. Pour réaliser notre but, on va essayer de suivre les structures argumentatives proposées par le principal théoricien de l' «exceptionnalité», Carl Schmitt et leur systématisation tenté par Giorgio Agamben. Notre principal point de vue est que l'état d'exception est un concept trop restrictif pour pouvoir produire une théorie satisfaisante du droit.

D'après notre opinion, la thèse centrale d'Agamben, affirmé principalement dans *Homo Sacer*[1], et dans l'*Etat d'exception*[2], est une sorte d'extension d'une proposition de Walter Benjamin qui se trouve dans sa huitième thèse sur la philosophie de l'histoire.

> La tradition des opprimés nous enseigne que l'état d'exception dans lequel nous vivons est la règle. Il nous faut en venir à une conception de l'Histoire qui corresponde à cet état. Dès lors il

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[1] Giorgio Agamben, *Homo Sacer. Le pouvoir souverain et la vie nue*, Seuil 1995.
[2] Giorgio Agamben, *L'Etat d'exception*, Seuil, 2003.

> sera mis en évidence que notre tâche consiste à provoquer le
> véritable état d'exception; et ainsi notre position dans la lutte
> contre le fascisme deviendra-t-elle meilleure[3]

Si Benjamin affirme que l'état exceptionnel dans lequel nous vivons est devenu aujourd'hui la règle, Agamben veut démontrer que la conversion de l'exception dans la règle ne s'attache pas seulement au présent mais accompagne, dès l'origine, l'histoire occidentale du droit. C'est pour cela qu'on peut affirmer, comme l'a fait déjà un des critiques, Éric Marty,[4] que l'exception est regardée comme une sorte d'impensé qui a présidé l'évolution de la politique mondiale qui prend aujourd'hui une forme explicite et générale. Si la situation se présente de cette manière, il semble que la stratégie d'Agamben est de faire de sa théorie de l'état d'exception une théorie générale du droit. C'est autour de cette affirmation implicite que notre démarche s'organise. Nous nous proposons donc d'analyser la validité de cette thèse qui affirme que la théorie de l'état d'exception est aussi une théorie générale du droit. Pour que notre analyse puisse suivre les structures interprétatives proposées par Agamben, nous allons définir provisoirement l'état d'exception comme une suspension temporaire ou totale de la constitution. On prend cette définition seulement comme artifice de recherche, car l'examen de la dynamique constitutionnelle depuis les années 1950, nous montre que les états exceptionnels sont de plus en plus codifiés juridiquement, par conséquence la possibilité de suspendre la constitution pour instaurer une dictature étatique est exclue, du moins dans les Etats avec un régime démocratique consolidé.

L'enquête d'Agamben sur l'état d'exception part du statut ambigu de cette institution, car elle combine des éléments juridiques et des mesures politiques, raison pour laquelle l'état d'exception est à la fois juridique et non juridique. La principale difficulté consiste dans le fait que l'état d'exception n'est pas une région particulière du droit mais une suspension du celui-ci, fait qui nous oblige penser sur le plan du droit quelque chose qui est une limite et un point final du juridique. Pour résoudre l'énigme de l'état d'exception, Agamben a une stratégie en deux temps. Il

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[3] Walter Benjamin, *Essais*, vol. II, Denöel, p199.
[4] Éric Marty, «Agamben et les taches de l'intellectuel. A propos d'*Etat d'exception*», *Les temps modernes*, no. 625, pp. 215-233.

établit un modèle théorique de l'état d'exception, qui suive la ligne développée par Carl Schmitt dans *La Dictature*[5] et dans la *Théologie politique*[6], puis il trace des analogies avec d'autres figures, comme par exemple, le rapport aristotélicien entre puissance et acte ou la *katargesis* messianique, figures qui appartiennent à la métaphysique occidentale. Les analogies conçues comme un complément explicatif, assurent la thèse selon laquelle le véritable territoire de la politique occidentale est la métaphysique. Mais au-delà de ce «supplément de valeur», on n'aboutit à aucune élucidation mais a une extrême complication, car, selon Agamben, résoudre le problème de l'état d'exception doit passer premièrement par une explication avec la tradition philosophique. Par ailleurs, en faisant de la métaphysique l'horizon de l'état d'exception implique le risque de perdre le spécifique de l'exception. Il est donc difficile de voir quel est le rôle qu'Agamben attribue ici aux structures philosophiques. On ne peut pas parler d'une fonction généalogique car il semble que l'état d'exception a un degré suffisant d'autonomie, sa plus ancienne figure étant le *justitium* du droit romain. De même, on ne peut pas considérer qu'elles ont un statut explicatif car l'*explanans* et l'*explanandum* manifestent une même ambiguïté.

Pour démonter le mécanisme spéculatif d'Agamben, nous nous proposons de reconstruire la structure du modèle, c'est-à-dire la théorie schmittienne de l'état d'exception. Ensuite, on va essayer de surprendre les déplacements opérés par Agamen dans son acte interprétatif. Enfin on va rechercher si le modèle conçu par Schmitt ne se transforme en une théorie qui réduise radicalement le rôle de l'état d'exception.

L'état d'exception comme instrument politique

Au delà de cette structure logique paradoxale de l'état de l'exception, il y a une autre raison qui fonde la nécessité d'une étude de l'état d'exception, c'est à dire son actualité pressante, le fait que l'état d'exception devient aujourd'hui un paradigme de gouvernement. Cette thèse, Agamben essaie de l'exemplifier à travers quelques exemples. En premier lieu, il veut introduire l'idée que l' «exceptionnalité» se manifeste dans la politique américaine, à travers l'exemple des prisonniers de Guantanamo, dont il compare

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[5] Carl Schmitt, *La Dictature*, Seuil, 2000.
[6] Carl Schmitt, Théologie politique, Gallimard, 1988.

le statut avec celui des prisonniers des «lagers» allemands, en raison de leur indétermination juridique fondamentale. Le fait que les détenus de Guantanamo n'ont pas un statut juridique assez clair (ils ne sont ni des prisonniers de guerre ni de droit commun, sont arrêtés pour une durée in-déterminé, etc.), est une critère suffisant pour Agamben d'affirmer qu'en Amérique l'état d'exception est devenu une technique de gouverner. L'erreur est facile à surprendre car le terme de gouvernement a aussi comme référence, l'ensemble de la population civile, qui n'est pas affecté dans l'exemplification citée, par aucune «exceptionnalité».

L'identification de l'état d'exception avec un instrument politique, nous est proposée par l'exemple des états totalitaires ou l'exception est utilisée comme arme pour l'élimination des adversaires politiques. Dans ce sens on cite le Décret pour la protection du peuple et de l'Etat du 28 février 1933, promulgué par Hitler, qui suspendait les articles de la constitution de Weimar sur les droits personnels. Mais le cas de l'Allemagne nazie reste un cas isolé, car la même opération, c'est à dire l'élimination des adversaires politiques, peut s'effectuer aussi dans un cadre codifié juridiquement, en général à l'aide d'une supplantation de la pénalité avec des catégories comme «haute trahison» ou «ennemi de l'Etat», ce qui démontre qu'une politique abusive n'a pas besoin nécessairement, pour atteindre ses buts, d'un état d'exception.

Enfin Agamben essaie de nous convaincre que l'état d'exception est une catégorie moderne (mais la structure qui le rend possible accompagne dès le début l'histoire de la politique occidentale), dont il essaie de déchiffrer la dynamique à travers une recomposition de l'histoire de l'état d'exception. L'élément décisif de cette histoire est la transformation de l'état de siège effectif dans un état de siège fictif, opération rendue possible par le décret napoléonien de 24 décembre 1811 qui signifie qu'on peut instaurer sur un territoire déterminé l'état de siège seulement par une décision politique et, donc indépendamment d'une menace provenant de l'extérieur. L'idée qui gouverne cette reconstruction historique est que la modernité a fait un pas décisif en faisant de l'état d'exception un affaire de politique intérieure, organisé par la police. Ce qui montre, en dernière instance, que l'exception devient un mécanisme à la disposition des pouvoirs étatiques. Les arguments d'Agamben sont probants mais il faut dire unilatérales car il n'examine pas les autres actions législatives

qui appartiennent à la modernité qui rendent presque impossible l'état d'exception. Pour surprendre la dynamique ultérieure de l'état d'exception, Agamben résume quelques livres qui, dans son interprétation, montrent chacune qu'on vit aujourd'hui un moment d' «exceptionnalité» constitutionnelle. En fait, le matériel investigué par Agamben est très divers pour que l'on puisse le ranger sous une seule catégorie et en tirer une conclusion univoque. On a, par exemple, une analyse qui s'occupe des pleins pouvoirs, c'est à dire de l'extension des pouvoirs de l'exécutif dans le domaine législatif, fait qui peut être incontestable, mais qui reste à l'intérieur de la constitutionalité. Si l'exécutif possède des prérogatives législatives, ceci se passe seulement parce qu'une telle possibilité est prévue dans la constitution. Deux autres livres investiguent l'idée de dictature constitutionnelle mais l'inactualité du sujet est évidente, du moins dans les Etats reconnus comme étant démocratiques.

Les thèses maximalistes d'Agamben ont comme but ultime de démontrer l'effacement de la distinction entre absolutisme et démocratie à l'époque contemporaine. Mais ses remarques n'ont aucune pertinence parce qu'on n'a pas réussi de démontrer de manière suffisante la généralité de l'état d'exception. Elles peuvent seulement être prises comme un avertissement sur la possibilité de l'existence des abuses dans certains lieux et dans certaines circonstances, mais l'abuse signifie déjà un rapport au domaine de la légalité. Or, dans ce cas-là, on ne situe point dans l'état d'exception.

La version schmitienne de l'état d'exception

On a déjà affirmé que le modèle théorique de l'état d'exception utilisé par Agamben est la théorie construite par Schmitt dans deux de ses livres *La Dictature* et la *Théologie politique*. On va essayer d'analyser ce modèle à travers l'interprétation propose par Agamben. Donc la mise assumée par Schmitt dans les deux ouvrages cités est de construire une théorie systématique de l'état d'exception. Les deux livres construisent une symétrie au niveau des structures conceptuelles. Dans *La Dictature,* l'état d'exception est présenté à l'aide de la séparation opéré entre la dictature du commissaire, qui a comme fonction assignée celle de défendre ou de restaurer la constitution en vigueur et la dictature du souverain. La dictature du souverain nécessite une explication plus détaillée, parce qu'elle n'entretient aucune relation avec

aucune constitution déterminée, mais conserve toutefois un rapport avec la constitutionalité. Cette différence entre constitution déterminée et constitutionalité est rendue possible par le fait que Schmitt considère que, dans le pouvoir constituant, qui appartient toujours au peuple, il existe une sorte de minimum de constitution. Ces germes constitutionnels ne sont pas des règles déterminées, mais représentent un horizon mouvant d'un ordre qu'on pourra qualifier de pré-juridique. Malheureusement, les rapports que le pouvoir constituant entretient avec une constitution existante ne sont pas assez clairement élucidés par Schmitt. Mais on peut constater que, tout au long de son œuvre, il n'a pas cessé d'approfondir, leur distance. Par exemple dans le fameux traité de droit constitutionnel, Schmitt affirme que le pouvoir constituant n'est pas identique au pouvoir de modification des lois constitutionnelles et que: «Celui-ci ne peut être transmis, aliéné, absorbé ou consommé. Il continue toujours à exister virtuellement, coexiste et reste supérieur à toute constitution qui procède de lui et à toute disposition des lois constitutionnelles valide au sein de cette constitution».[7]

Mais l'instrumentaire théorique qui assure la possibilité de l'état d'exception est la distinction entre normes du droit et normes de réalisation du droit, distinction qui résume aussi le sens dans lequel Schmitt utilise le concept de dictature.

> Le fait que toute dictature comprenne en elle l'exception à une norme ne signifie pas la négation accidentelle d'une norme quelconque. La dialectique interne du concept consiste en ceci que, par la dictature, est précisément niée la norme dont la domination doit être assurée dans la réalité historico-politique. Il peut donc exister une opposition entre la domination de la norme à réaliser et la méthode de sa réalisation. Telle est l'essence de la dictature du point de vue de la philosophie du droit, c'est-à-dire qu'elle consiste en la possibilité générale de séparer les normes du droit et les normes de réalisation du droit.[8]

Donc la dictature du commissaire à laquelle appartient la distinction entre normes du droit et normes de réalisation du droit, se manifeste par la suspension de la constitution (qui reste

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[7] Carl Schmitt, *Théorie de la constitution*, P.U.F. 1993, p. 229.
[8] Carl Schmitt, *La Dictature,* éd. cité, p. 18.

portant en vigueur), c'est à dire par un état d'exception dans le but d'en défendre son existence. L'activité spécifique du dictateur - commissaire a comme espace d'action un domaine hors de loi car il doit produire les conditions nécessaires qui permettent l'application du droit. Dans le langage qu'Agamben nous propose, le concept de la dictature du commissaire s'épuise dans la distinction entre les normes juridiques et des règles pratiques qui assurent leurs fonctionnements.

La dictature souveraine suspend la constitution qui, dans ce cas, ne reste en vigueur pour en créer une autre. Dans ce cas-là, elle ne doit seulement assurer l'existence d'une situation dans laquelle l'apparition de cette nouvelle constitution devient possible, mais doit aussi extraire la constitution indéterminée du pouvoir constituant.

Le résultat de cette longue exposition doit permettre de définir maintenant l'état d'exception, dans la version de Schmitt. La suggestion d'Agamben, à laquelle nous nous rattachons, est de voir l'état d'exception non comme une crise temporaire, mais comme une problématique fondamentale du droit, respectivement comme un problème de son application. La question de l' «exceptionnalité» est une sorte de paradoxe fonctionnel du droit. C'est pour cela que la dictature du commissaire présente un état de la loi dans lequel elle ne s'applique, mais reste en vigueur, et la dictature du souverain signifie que la loi n'est formellement en vigueur mais elle s'applique. Les explications que Schmitt nous fournit dans la *Théologie politique* s'inscrivent dans la même ligne d'argumentation. La seule différence tient seulement d'un changement d'encadrement conceptuel. C'est pour cela que l'état d'exception est expliqué maintenant par le concept de souveraineté et par celui de décision. Le spécifique de la conception de Schmitt sur la souveraineté est de refuser l'interprétation traditionnelle de pouvoir absolu, non déduit, inaliénable[9] et ainsi de même, pour en proposer un modèle fonctionnel ou procédural. Le rôle du souverain est de produire l'ensemble de l'ordre normatif et d'assurer le bon fonctionnement de celle-ci, mais l'espace de cette activité souveraine n'est comprise dans cet ordre, car le souverain fonctionne dans un régime

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[9] Cette définition à laquelle Schmitt se rapporte d'une façon critique est tirée du dixième chapitre de la première livre de Bodin sur la République. Voir Jean Bodin, *Les Six Livres de la République,* Paris, Librairie Générale Française, 1993.

d'exception. L'idée de l'exception est comme dans *La Dictature*, présentée d'une manière polémique et d'une manière négative – au sens ou l'exception n'est pas une norme - pour bloquer la possibilité de la convertir en norme. En ce qui concerne le coté positif, elle est déduite du fait qu'une norme ne peut s'effectuer (par) elle-même. Dans la conception de Schmitt une norme est frappée par un double conditionnement. En premier lieu, elle est dépendante d'une situation effective, terme qui dénote ici l'ensemble social à la quelle la norme se réfère. Deuxièmement, le passage du statut conceptuel de la norme comme pure idée à sa réalité effective ne peut être assurer que par la décision du souverain.

> Dans sa formule absolue, le cas d'exception se présente dès lors qu'il faut préalablement créer la situation où des propositions de droit peuvent entrer en vigueur. Toute norme générale exige une organisation normale des conditions de vie, où elle pourra s'appliquer conformément aux réalités existantes et que elle soumet à sa réglementation normative. La norme a besoin d'un milieu homogène. Cette normalité de fait n'est pas un simple «préalable externe» que le juriste puisse ignorer: elle appartient, bien au contraire, à sa validité immanente. Il n'existe pas de norme qu'on puisse appliquer à un chaos. Il faut que l'ordre soit établi pour que l'ordre juridique ait un sens. Il faut qu'une situation normale soit créée, et celui-là est souverain qui décide définitivement si cette situation normale existe réellement. Tout droit est droit en situation. Le souverain établit et garantit l'ensemble de la situation dans sa totalité. Il a le monopole de cette de cette décision ultime. Là réside l'essence de la souveraineté de l'État, et juridiquement la juste définition à en donner n'est pas celle d'un monopole de la coercition ou de la domination, mais d'un monopole de la décision.[10]

La Dictature du Carl Schmitt et la *Théologie politique* sont, dans l'interprétation d'Agamben deux oeuvres dans lesquelles l'auteur essaie d'inclure dans l'ordre juridique état d'exception, articulation ou inscription paradoxale car ce qui doit être inclus est ce qui est extérieur au droit. On voit que dans la distinction entre norme et réalisation de la norme il ne s'agit simplement d'une inclusion du dehors mais aussi d'une extension car la réalisation de

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[10] Carl Schmitt, *Théologie politique*, éd citée, p. 23.

la norme est du domaine du droit. Mais l'élargissement de la sphère du droit n'est rien d'autre que la «virtualisation» du droit lui altère profondément la structure. Nous croyons qu'autour de cette idée de la virtualité, qui ne signifie dans ce contexte qu'une indétermination, se constitue l'argumentation d'Agamben que nous devons maintenant d'exposer en détail.

L'interprétation agambenienne de l'état d'exception

Les traits caractéristiques qu'Agamben déduit du modèle schmittien peuvent être classées dans deux rubriques. En premier lieu, par l'état d'exception le droit devient un lieu d'indétermination juridique entre dedans et dehors de la loi. Cela signifie que le souverain, tel que Schmitt le présente, rend impossible une identification de la loi parce que la décision assure la conversion de n'importe quel élément dans le normatif. En plus, cette impossibilité de situer la loi dans un cadre fixe produit l'incapacité de distinguer entre le comportement qui respecte la loi et celui qui la transgresse. Parce que la décision souveraine a destitué les limites de la loi, aucun élément ne peut plus être dans les limites prescrites par la loi. D'après notre opinion, la version interprétative d'Agamben est correcte. Par sa théorie de l'état d'exception, Schmitt a ouvert la possibilité d'une transformation du droit dans un espace i-localisable à l'intérieur duquel se prolifère son «in-déterminabilité». Mais la question que nous voulons investiguer ne consiste pas dans la description qu'on peut donner à l'état d'exception, mais vise plutôt le rôle qu'on lui accorde. Chez Schmitt l'état d'exception est un effet dérive de l'impuissance de la loi de passer sans intervention à son auto-réalisation. Pour Schmitt, l'état d'exception n'est rien d'autre qu'un espace produit par l'incapacité de l'ordre normative de s'assurer l'effectivité, mais il ne faut pas comprendre que l'état d'exception a aussi le rôle d'engendrer l'ensemble de l'ordre juridique.. Pour résumer notre point de vue, on peut dire que pour Schmitt l'état d'exception a seulement une fonction descriptive et non pas une fonction générative.

Si dans le cas de Schmitt l'état d'exception est seulement un paramètre descriptif, il faut voir maintenant quelle est l'interprétation qu'Agamben propose. L'idée d'Agamben est que des concepts comme souverain, décision ou exception sont des paramètres qui mesurent la tension entre l'intérieur et l'extérieur du droit. C'est précisément cette relation intérieur-extérieur qui, dans son opinion, produit la

norme. L'exploitation qu'Agamben fait de cet extérieur du droit est très intéressante mais point conclusive. D'après notre auteur, la relation de la norme avec l'extérieur est ce que fait qu'une norme devient une norme.

> Ce n'est pas l'exception qui se soustrait à la règle, mais la règle qui, en se suspendant, donne lieu à l'exception. De sorte que c'est seulement en restant en relation avec l'exception qu'elle se constitue comme règle. La vigueur particulière de la loi consiste précisément en cette capacité de se maintenir en relation avec une extériorité.[11]

Cette affirmation est très compliquée parce que l'on compacte ici deux types d'extériorité, c'est-à-dire, le domaine d'application de la norme et l'extérieur, produit par l'exception. Le concept d'extérieur au droit comporte, d'après nous, trois sous-divisions. Il s'agit, en premier lieu, de ce qu'on peut appeler le domaine de référence du droit ou le domaine d'application. Deuxièmement, ce qui est contre le droit comme menace extérieure (comme, par exemple, l'anarchie révolutionnaire) est extérieur au droit. Enfin, l'exception, dans le sens d'en dehors de la règle, est un troisième type d'extériorité. La deuxième version c'est-à-dire l'extérieur comme menace est exclue parce que Schmitt nous a interdit de rendre égaux' l'état d'exception et l'insurrection ou et l'état de guerre. Il nous reste donc une version assez difficile à suivre qui affirme que l'état d'exception est un moment de la norme dans lequel celle-ci, pour se donner un domaine d'application (premier sens de l'extérieur), doit se suspendre et produire ce domaine d'application comme exception (second sens).

Agamben nous invite à penser une situation de la loi dans laquelle elle est suspendue pour être effective, donc un état de la loi dans laquelle la norme se rapporte au domaine de référence seulement à travers sa suspension. Pour éclairer son point de vue, il nous offre des explications basées sur des analogies avec les cadres théoriques de la métaphysique occidentale. Pour démontrer la thèse selon laquelle la norme se rapporte ă son domaine de référence par son auto-suspension, il invoque la formulation du rapport entre puissance et acte tel qu'Aristote nous le présente.

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[11] Giorgio Agamben, *Homo Sacer*, éd citée, p. 26.

Selon Agamben la théorie aristotélicienne d'une puissance parfaite c'est-à-dire d'une puissance qui ne passe jamais à l'acte est analogue à l'action du souverain qui suspend la loi. De même que la puissance parfaite conserve un rapport avec l'acte par le refoulement du passage à l'acte, la loi dans la décision souveraine maintient la relation avec l'extérieur à travers son suspension. Evidemment, le terme auquel nous devons faire attention, pour comprendre cette explication est celui de rapport ou de relation. Il faut donc distinguer entre un rapport générique et le rapport spécifique. Le rapport générique signifie que la relation entre les éléments reste indéterminée[12]; par exemple, le fait que deux éléments sont hétérogènes représente leur rapport. Si on accepte la définition la plus générale du rapport qui est celle de «relation qui existe entre deux ou plusieurs choses», on voit que l'idée de relation ne renferme pas nécessairement la notion d'élément commun. En échange, on parle d'un rapport spécifique quand la relation des termes est déterminable et on peut dire, par exemple, que deux choses se situent dans un rapport de causalité ou de succession. Donc, on ne peut pas nier qu'en se suspendant, une norme conserve un rapport avec le domaine d'application. Mais on ne peut pas soutenir, comme le fait Agamben, que ce rapport est un rapport d'applicabilité; par conséquent l'affirmation selon laquelle la norme ne s'applique qu'en se dés-appliquant est un sophisme.

Dans la même ligne d'argumentation s'inscrit aussi le rapport entre l'état d'exception et la *katargesis* messianique.[13] L'analogie trouve sa justification par le fait que la loi dans l'horizon messianique est à la fois suspendue et accomplie, chose qu'Agamben interprète comme un conditionnement: la loi ne peut s'accomplir qu'à travers sa suspension.[14] On peut voir dans ce problème la stratégie de Paul pour se rapporter à la fois à la loi juive et à la loi romaine, question légitime et qui mérite toute notre attention. Mais on peut pas voir dans le messianisme de Paul le lieu originaire de l'état d'exception et cela se passe parce que les

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[12] Un rapport générique est, par exemple, celui entre un ours et un ombrelle. Le fait qu'il n'est pas possible d'invoquer un element commun entre les deux, n'empêche pas l'existence d'un rapport, qui est bien celui qu'il n'y a pas de rapport entre les deux.

[13] Question traité par Agamben dans *Le temps qui reste*, Rivages, 2000, pp 141-176.

[14] Ou, comme l'affirme Agamben, proposant ainsi une solution lexicale pour traduire le verbe grec *kathargein*, l'accomplissement de la loi pas par son dés-activement.

éléments impliqués du côté juridique tiennent d'une conception sur la dictature étatique,[15] pendant que du côté messianique, on trouve des structures telles que la grâce ou la foi; ce qui rend impossible l'analogie systématique entre l'état d'exception et le messianisme.

On a vu que pour Agamben le prix que le droit doit payer pour son obtenir un caractère effectif est de se reconnaître comme pure anomie, car l'application du droit ne peut être assurée de l'intérieur de l'ordre normative. Mais il est évident que ni l'anomie, obtenue par la suspension de la norme, ne peut assurer l'application du droit, parce que l'anomie n'est qu'un concept négatif qui indique seulement une absence du droit. Pour Schmitt l'application de la norme est une fonction que seul le souverain peut accomplir, mais il faut se demander si la décision souveraine se rapporte seulement à l'application. Selon le passage de la *Théologie politique* déjà cité par nous,[16] avant qu'une norme soit appliquée, il faut qu'il existe une situation normale. Le rôle de la situation n'est pas celui d'un simple arrière plan, mais sa fonction est de faire possible l'existence du normatif. Ainsi la relation situation normale-norme juridique est une relation que la terminologie a consacrée comme problème de la validité.

Donc le mystère du droit n'est pas son anomie constitutive mais sa double structure qui contient, d'un côté, une multiplicité d'éléments normatifs, et de l'autre des mécanismes de validité normative. Nous allons essayer d'expliquer notre point de vue par l'intermédiaire d'une exposition du problème de la validité. On va remarquer que le passage d'une théorie de l'état d'exception vers une théorie de la validité normative est un aspect décisif qui sectionne le corpus de l'œuvre de Schmitt. On peut même risquer l'affirmation que ce changement de vue peut être interprété comme une critique immanente que Schmitt s'est adressé.

Schmitt et Kelsen sur la validité

Le modèle décisionniste de Schmitt n'est pas sa dernière position, mais il faut dire que l'auteur a conservé une préoccupation constante pour le problème de l'ordre concrète. C'est pour cela

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[15] Conception qu'on trouve chez Jhering qui considere que tout droit est une dictature actuelle ou potentielle, parce il doit toujours se perfectionner, fait qui l'oblige d'aller jusqu'ǎ se detruire pour renaître dans une forme plus efficace.

[16] Voir supra, pp. 5-6.

qu'il est nécessaire de voir comment a évolue la relation décision - ordre concrète et si la nouvelle version ne signifie une rupture avec les positions qu'on a rencontrées dans la *Théologie politique*. Dans *Les trois types de pensée juridique*[17] Schmitt essaie de dégager le spectre des possibilités des théories juridiques. L'analyse des différents types de pensée juridique prend comme point de départ les présuppositions qui visent la situation normale. Donc pour Schmitt, il faut tirer à la lumière la manière dans laquelle chaque ordre projette des représentations sur l'ordre global. L'idée fondamentale de Schmitt est celle qu'il existe des secteurs de la vie concrète qui manifestent une substance juridique, et que beaucoup d'institutions juridiques sont de dérivations des institutions sociales. Cette dérivation n'est pas ici considérée d'un point de vue historique, qui soutient, à juste raison, une évolution de la coutume aux normes. La théorie schmittienne fait un pas supplémentaire qui va vers le domaine de la logique juridique, considérant le rapport norme-ordre concrète non point sur le modèle d'un processus historique mais sur celui de la validité.

> Nous savons que la norme présuppose une situation *normale* et des types *normaux*. Tout ordre, y compris «l'ordre juridique» est lié à des concepts normaux concrets qui ne sont pas déduits des normes générales mais, au contraire, produisent de telles normes à partir et pour leur ordre propre.[18]

Le fait que la norme est conditionnée par une situation normale est une proposition que l'on a déjà rencontrée dans la *Théologie politique*. Il faut voir maintenant quels sont précisément les rapports entre ordre concrète et norme. La norme doit s'assurer une certaine indépendance par rapport à la situation concrète particulière car elle doit se comporter comme une classe générale par rapport à un cas singulier. Mais cette indépendance n'est qu'une indépendance formelle parce que, du point de vue du contenu, la norme reste dans une position subordonnée par rapport à l'ordre concrète. Le conditionnement que la norme manifeste par rapport à la situation concrète ou, pour ainsi dire, le caractère non absolu de la norme, n'est manifeste que dans de cas anormaux. Quand la situation devient anormale on peut voir que la norme perd son sens et ainsi sa dépendance du contenu de la situation concrète devient visible.

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[17] Carl Schmitt, *Les trois types de pensée juridique*, P.U.F. 1995
[18] Carl Schmitt, *Les trois types de pensée juridique,* éd citée, p. 79

L'analyse de l'idée d'ordre concret chez Schmitt, nous permet de distinguer, au niveau de son œuvre, deux moments. On a donc un premier moment que l'on peut trouver dans *La Dictature* d'une manière voilée, plus évidemment dans la *Théologie politique*, où Schmitt manifeste un pur décisionnisme dans la ligne de Hobbes. C'est pour cela que dans la *Théologie politique*, la fonction du souverain est de mettre fin à un désordre originaire, par une décision absolue, donc de tirer du néant l'ordre normative. Mais, lorsque pour Schmitt, Hobbes cesse d'être un modèle viable, il élabore une version décisionniste faible, dans laquelle la décision doit maintenant se rapporter à un ensemble éthique, c'est à dire à la vie concrète du peuple. Mais les communautés étiques ne sont pas de l'ordre factuel, car, dans l'opinion de Schmitt, elles possèdent une substance juridique propre et ce qu'on appelle ordre juridique déterminé n'est rien d'autre qu'une sorte de transcription technique de cette ordre pré-juridique.

Mais il faut remarquer aussi qu'on est pas en présence d'une théorie naturaliste du droit, car Schmitt affirme que cet ensemble qui constitue le préalable juridique, comme la famille ou les corporations, sont des catégories produites dans l'histoire. L'exposition de l'évolution théorique de Schmitt nous montre qu'il élabore une version de la validité normative, qui peut être qualifiée comme anthropologique, dans laquelle l'état d'exception se conserve seulement comme possibilité logique. Dans cette situation il semble que Schmitt rend impossible toute interprétation de l'état d'exception comme source du droit.

Pour comprendre la question de la validité dans toute son extension il faut se référer au modèle proposé par Kelsen dans sa *Théorie pure du droit*[19]. Il y a une opinion commune parmi les chercheurs que, entre Kelsen et Schmitt, il y a un antagonisme insurmontable; mais il existe, quand même, un secteur, celui du rapport entre le normatif et le factuel, que les deux auteurs partagent. On ne veut pas aller contre toute une tradition interprétative qui oppose à juste raison les deux philosophes du droit, on veut seulement signaler qu'il y a entre les deux quelques points de contact que nous ne devons pas ignorer.

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[19] Hans Kelsen, *Doctrina pură a dreptului*, Bucureşti, Humanitas, 2000.

Après avoir défini le droit comme un ensemble de normes qui règlent le comportement humain, Kelsen passe à l'analyse de l'aspect central de la définition, c'est à dire au problème de la validité normative. Comme pour Schmitt, chez Kelsen la validité de la norme représente le fondement de sa normativité. Pour exclure tout élément hétérogène, Kelsen affirme que la validité d'une norme ne peut provenir que d'une autre norme, délégitimant ainsi l'autorité comme source de la validité. Mais l'exclusion de l'autorité ne signifie pas que celle-ci, est niée, mais qu'elle peut seulement être transcrite ou interprétée d'une manière normative. L'opération de Kelsen est donc d'exclure seulement l'élément personnel comme source ou autorité du droit, mais il conserve l'idée d'une autorité impersonnelle, c'est-à-dire l'idée d'une autorité normative. C'est pour cela que Kelsen affirme que le fondement des commandements religieux ne prend son origine de l'autorité divine mais d'une norme de base (*Grundnorm*) qui fait que le rapport entre l'autorité divine et les sujets soit interprété comme un rapport entre une norme supérieure et une norme inférieure.

D'après le modèle de dérivation de la validité, les ordres juridiques se divisent en ordre statique et ordre dynamique. Dans l'ordre statique la dérivation de la validité est faite d'après le contenu, c'est à dire qu'un commandement comme: «il est interdit de tuer» provient d'un commandement plus général comme: «il faut respecter la vie». Dans ce cas, la norme de base se comporte comme un énoncé qui a un statut de généralité par rapport aux normes inférieures. Le type dynamique est caractérisé par le fait que la norme de base ne contient dans ce cas rien du point de vue du contenu mais représente seulement une instauration d'un état factuel qui peut produire des normes, ou des règles d'après lesquelles on peut produire des normes. On peut traduire cette affirmation de Kelsen par le fait que la norme de base délègue une autorité qui établit les normes. C'est pour cela que la dérivation n'est ici de l'ordre du contenu, mais elle est un transfert d'autorité qui représente une indifférence par rapport au contenu, car nul comportement, même ceux qu'on appelle aberrants, ne peut être non-susceptible à fournir le contenu d'une norme. Sur ce plan logique, pour Kelsen, la Constitution représente l'institution d'un état des choses factuel qui représente un point de départ des procédures normatives.

Nous pouvons maintenant clarifier le rapport qui existe entre Kelsen et Schmitt. En ce qui concerne le problème de la validité, leurs positions diffèrent sur les aspects visant le problème du contenu. Pour Schmitt la validité normative est toujours inscrite dans une communauté éthique, en échange pour Kelsen l'idée d'une communauté est absente. Mais d'un point de vue formel, ils partagent l'idée d'une constitution du droit comme dérivation de la normativité d'un élément factuel, rôle joué dans le cas de Schmitt par le peuple et dans le cas de Kelsen par l'autorité. Nous avons affirmé que l'ordre concrète à laquelle se rapporte Schmitt n'est pas un élément factuel parce que, d'après lui, l'ordre concrète contient des germes de l'ordre juridique. Mais il faut noter que chez Kelsen le factuel n'a pas dans ce cas le sens «d'état des choses» mais d'instance qui a comme rôle d'engendrer la possibilité, du point de vue procédural, de produire les normes, rôle qu'on peut attribuer aussi à la communauté éthique de Schmitt.

Le fait que la validité de la norme n'est assurée que par une intersection du normatif avec le factuel est à notre avis un problème qui démontre que, pour questionner les fondements du droit, il n'est pas nécessaire d'avoir recours au concept problématique d'état d'exception.

Conclusions

La présente étude a eu pour objectif d'éclairer le statut théorique et le rôle qu'on a attribué à l'état d'exception dans les analyses de Giorgio Agamben et de Carl Schmitt. Nous avons repéré une asymétrie entre les deux auteurs, car Agamben assigne à l'exception un rôle fondateur et fonctionnel pendant que Schmitt la voit comme un moment structurel de l'ordre juridique. Les développements de Schmitt ultérieurs à son décisionnisme nous ont conduit au problème de la validité juridique.

La courte analyse de la validité qu'on a faite montre que c'est ici que se trouve le sol de l'indécidable et de l'instabilité juridique. L'élément factuel est en fait une marque d'incomplétude de l'ordre normative et c'est autour de ce problème qu'une critique de la raison juridique peut prendre un départ convenable. Si l'on fait un retour à notre question initiale sur l'état d'exception, on peut affirmer maintenant que la question de l'exception n'a pas de sens que dans l'horizon mis à la disposition par la question de la validité.

Bibliographie

Agamben, Giorgio, *L'Etat d'exception*, Seuil, 2003

Agamben, Giorgio, *Homo Sacer. Le pouvoir souverain et la vie nue*, Seuil 1995

Agamben, Giorgio, *Le temps qui reste*, Rivages, 2000

Marty, Eric, «Agamben et les tâches de l'intellectuel. A propos D'*Etat d'exception*», *Les temps modernes*, no.625

Kelsen, Hans, *Doctrina pură a dreptului*, Humanitas 2000

Schmitt, Carl, *La Dictature*, Seuil, 2000

Schmitt, Carl, *Théologie politique,* Gallimard, 1988

Schmitt, Carl, *Théorie de la constitution*, P.U.F. 1993.

L'ETAT ET LA SOCIÉTÉ

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*«L'état ne doit pas son existence – comme s'est le cas
d'une société – à la volonté des individus.»[1]*

Définir l'Etat, c'est une tentative difficile. On peut dire que l'Etat et la définition de l'Etat sont devenus une obsession pour l'anthropologie politique. C'est pourquoi du point de vue de l'anthropologie politique nous n'avons pas une seule définition de l'Etat. Pour expliquer la différence entre l'Etat et la société, j'utiliserai comme point de départ la définition de l'Etat donnée par le droit international public.

Cette analyse se propose de mettre en évidence les éléments qui caractérisent l'Etat et de la société, et expliquer la raison pour laquelle ces deux mots sont utilisés si fréquemment ensemble. Il est aussi très important d'identifier les éléments qui font la différence entre la société et l'Etat, dans le sens politique actuel.

Tout d'abord, on doit préciser que, l'Etat et la société sont des formes d'organisation de la communauté humaine. L'homme, au cours son histoire, a eu, comme Aristote[2] l'a souligné, tendance à s'organiser en communautés. «L'homme qui est dans l'incapacité d'être membre d'une communauté, ou qui n'en éprouve nullement le besoin parce qu'il se suffi de lui-même, ne fait en rien partie de la cité, et par est ou une brute ou un dieu». Cette remarque, que Aristote a fait, est très importante pour notre démarche. Il soutienne que chaque individu a besoin d'être partie d'une communauté. Donc l'homme est une être qui a besoin des autres. Cette idée on peut la trouver à Rousseau aussi. Mais Rousseau, dans l'ouvrage

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[1] Edith Stein, *De L'Etat,* Fraibourg, 1989, p. 113.
[2] Aristote, *Politique*, Paris, Les belles lettres, 1991.

«Discours sur l'origine de l'inégalité», considère que l'homme a besoin de l'autre parce qu'il est irrémédiablement incomplet, il a besoin de considération de la parte de l'autre.

Deux principes fondamentaux ont marqué l'organisation de la communauté humaine: le principe du *sang* et le principe du *territoire.* Le premier principe repose sur une organisation sociale, basée sur les *gens* et la deuxième s'appuie sur une organisation politique fondée sur l'idée du *territoire*. Cette première observation est très importante pour faire la distinction entre la société et l'Etat.

Dans le but de définir cette distinction je commencerai par mettre en évidence les caractéristiques d'une société. Le mot «société» provient du mot latin «societas» et selon le dictionnaire «La société représente une communauté de personnes qui décident de mettre en commun des moyens et des biens, et de partager ce qui on résulte».[3] Même si cette définition a un caractère général, elle montre que la société est une forme d'association d'individus, basée sur leur décision d'association. La masse représente aussi une «type d'association» mais cette dernière est une «forme élémentaire qui existe seulement aussi longtemps que les individus restent en contact.»[4] Par rapport à la masse et à la communauté, étant des formes élémentaires d'association, la société représente une association rationnelle. D'ailleurs dans une société les relations sont institutionnalisées et la société a pour base le *contrat*.

Mais de quel type de société parle-t-on? La famille, par exemple, peut être considérée comme une société: c'est «la société de l'homme et de la femme.» [5] Cette société conjugale, en effet, est formée par un pacte volontaire entre l'homme et la femme ayant pour but la procréation. Dans l'Antiquité grecque, la famille représentait l'organisation fondamentale et tous les membres de la famille s'organisaient sous l'autorité de l'homme le plus âgé, investi d'une autorité souveraine. On peut dépasser l'étape de la société conjugale et parler de la société civile. Qu'est-ce que la société civile? Quelles sont les étapes à parcourir pour arriver là? Quel est le moment de sa naissance? On peut trouver une réponse possible dans *Le second traité du gouvernement* de John Locke. «Ceux qui sont réunis en un seul corps, et qui

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[3] Petit Robert. Dictionnaire de la langue française, Paris, VUEF, 2002, p. 2438.
[4] Robert Nozick, *Anatchie. Etat et utopie,* Paris, PUF, 1988, p. 32.
[5] John Locke, *Le seconde traité du gouvernement,* Paris, PUF 1994, p. 52.

peuvent faire appel à une loi commune et a plus des juges établis ayant autorité pour trancher les controverses…et pour punir le coupable, ceux-là forment une société civile.»[6] La société civile suppose donc l'existence d'un corps (d'une communauté) et d'une autorité reconnue par la communauté. Cette autorité a un but bien précis: garantir la liberté de l'individu. Dans une société civile, aucun homme ne peut échapper à la loi établie. Si un membre de la société invoque une autre loi ou une autre autorité, que celle que la communauté a reconnue, il ne faut plus partie de cette société. Par exemple, si une société a comme principe la monogamie et que l'un de ses membres tente de pratique la polygamie, il est, soit puni par les autorités de la société, soit exclu de la société. Dans ce-cas là, cet individu s'affiliera à une autre société qui reconnaisse la polygamie.

Mais que peut-on peut trouver avant la naissance de la société? Pourquoi les hommes ont-ils choisi de s'organiser dans des sociétés? Selon Locke, l'homme a renonce à l'état de nature pour s'organiser dans une structure rationnelle, que la société représente le remède pour les inconvénients de l'état de la nature. Mais pour le comprendre, il faut savoir ce qu'est l'état de nature? L'état de nature est régi par les lois de la nature et chaque homme a le droit d'exécuter cette loi de la nature. Afin de mieux comprendre ce que suppose cet état et l'exécution de la loi de la nature par chaque homme, on peut rappeler l'exemple donné par Locke. Il invoque la scène Biblique ayant comme personnages principaux Caïn et Abel. Après avoir tué son frère, Caïn s'écria «Quiconque me trouve me tue.»[7] Donc ici, pas d'autorité reconnue assurant la liberté de l'individu mais en fait chaque individu peut être l'exécuteur de la loi de la nature. Or l'homme a renoncé à cette état pour «s'inscrire» dans la société. «…il n'y a de société civile que là et là seulement où chacun des membres a abandonné son pouvoir naturel et l'a remis entre les mains de la communauté…»[8] Alors, quel est le but de la société, quelle est la raison pour laquelle l'homme a renoncé à l'état de nature? La réponse de Locke est que la société civile est un remède aux inconvénients de l'état de nature. Si l'on considère que la constitution de la

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[6] Idem, p. 62-63.
[7] Ibidem, p. 10.
[8] Ibidem, p. 62.

société engendre l'idée de la propriété on peut dire que la société civile a pour but la préservation de la propriété de la communauté. Une autre raison possible, pour laquelle l'homme a choisi de faire partie d'une société, serait la protection offerte par l'autorité reconnue et par la loi de la société. En ce qui concerne l'autorité et la loi de la société, on peut aussi identifier des inconvénients, comme dans la situation suivante: un membre de la société ou une minorité peut être en désaccord avec la loi établie par la majorité. Donc pour les membres minoritaires, la société ne garantit plus leur sécurité, mais est une dictature de la majorité, «une tyrannie de la majorité» comme le disait Alexis de Tocqueville.[9] «L'empire moral de la majorité se fonde encore sur ce principe, que les intérêts du plus grand nombre doivent être préférés à ceux du petit.»[10]

Locke considère que la société a pour objectif la sécurité des individus et la protection du bien commun. Mais si on arrive à la tyrannie de la majorité dans la société, comme Tocqueville l'a montre en parlant de la société américaine, que se passe-il avec l'autonomie de l'individu? Est-elle annihilée par l'autorité des autres individus, celle de la majorité? Tzvetan Todorov, pour sa parte, affirme qu'il faut protéger l'autonomie de l'individu, non seulement des pouvoirs auxquels il ne participe pas, donc des pouvoirs absolutistes, mais aussi des pouvoirs du peuple[11].

Nous avons donc établi que la société est naît d'une acte volontaire des individus, reconnaissant une loi et une autorité qui exécute cette loi dans la société. Un autre élément déterminant de la société est la liberté des individus. Locke affirmait que les individus avaient la possibilité de faire appel à l'autorité pour préserver leur liberté. Or, nous avons déjà vu que l'autonomie de l'individu pouvait être menacée par l'autorité de la majorité. Mais une telle situation est-elle possible dans une société dite démocratique? La liberté de l'individu dans la société démocratique, est-elle menacée? La société démocratique a des tendances individualistes, par conséquent, elle s'oriente vers l'individu. Néanmoins, on ne peut pas dire qu'une société démocratique soit axée, en totalité, sur les intérêts de chaque individu parce que ce serrait une

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[9] Alexis de Tocqueville, *De la démocratie en Amérique;*Paris, Gallimard, 1961.
[10] Idem, p. 345.
[11] Tzvetan Todorov, *Mémoire du mal. Tentation du bien,* Paris, Robert Laffout, 2000.

utopie, une société atomisée sans des valeurs communes. Dans ce cas, il faut nous interroger sur le degré de liberté de chaque individu dans la société. Dans une société démocratique, l'individu est-il vraiment libre? De sa naissance est-il assujetti l'ordre de la société? Cette question est compliquée et délicate. Pour donner une réponse, je crois que si l'individu dans la société la possibilité d'exprimer son consentement exprès où tacite il est libre. Dans les sociétés modernes, on parle de plus en plus de l'autonomie de l'individu. Toutefois, on ne doit pas considérer cette autonomie comme une liberté absolue, mais comme la liberté de l'individu de choisir ses contraintes. C'est la même idée que Erich From développe dans son œuvre «la peur de liberté.»

Il faut préciser que, dans une société, nous avons des règles universels, que tous les hommes sont obligés de suivre pour se situer dans la société. D'autre coté nous avons des règles propres pour une catégorie et les autres ne sont pas obligés à les suivre - «de spécialités» - et des «les aléatoires» des domaines qui ne strictement réglementés et qui laissent au individu la liberté de choisir.

A l'extrême, on peut trouver une société totalitaire où la sphère privée de l'individu n'existe plus, l'existence même de l'individu est mise en péril. Sous la pression totalitaire, l'individu «oublie» les principes démocratiques car il est assujetti au pouvoir et le seul lui reste l'instinct de survie. Ici, on peut citer l'exemple des sociétés civiles ayant disparu dans les Etats communistes: elles se sont transformé dans des masses assujetties au pouvoir.

Je voudrais revenir sur la tendance de l'homme à sortir de l'individualisme isolé pour intégrer la société. On peut demander pourquoi? Pourquoi veut-il être, vivre avec les autres, dans la même collectivité? Ne serait ce que pour préserver sa propriété ainsi que sa liberté? Je ne crois pas qu'il faille nous limiter à cette explication. On peut trouver une autre raison qui est, à mon avis, fondamentale. L'homme découvre le sens de la vie, le sens d'une culture, grâce aux autres. En effet 'altérité nous aide à décrypter les symboles constitutifs de la vie. Celle-ci est une vision sémiotique de la société, où l'on négocie avec l'autre le sens de la valeur. Le sens de la société est donc créé dans la relation avec l'autre. Ainsi la le dialogue, les contacts sont les créateurs de la société.

Rousseau disait que l'homme a besoin de ses semblables pour se forger une identité, c'est pourquoi il a renoncé à l'état de nature. La société impose les règles de la vie commune pour sortir l'homme de la solitude.

A présent les questions qui interviennent sont les suivantes: quelle est le lien entre la société et l'Etat? Peut-on avoir une société sans Etat? Existe-t-il une différence entre la société et l'Etat? Et si elle existe, quelle est la différence? Pour répondre à ses questions, je propose de revenir au postulat de Edith Stein, présenté au début de cette étude: «L'Etat ne doit pas son existence – comme c'est le cas d'une société – à la volonté des individus.» On a donc déjà établi une première différence entre l'Etat et la société: l'Etat n'est pas constitué par la volonté des individus. Par ailleurs, comme nous avons déjà vu, la famille peut être considérée comme une société élémentaire, mais pas comme un Etat.

Il est important de préciser que la société peut exister sans l'Etat, et ici, nous avons comme exemple les sociétés constituées sur le territoire de l'Italie d'aujourd'hui, avant la constitution le l'Etat italien.

Edith Stein dit que la société représente «une base pré-étatique…l'action sociétaire n'est qu'un prélude à la création de l'Etat.»[12] On peut alors considérer la société comme le point de départ du processus d'organisation de l'Etat. On peut même faire une représentation de ce processus:

| Individu isolé | →Contrat→ | Société | → | Etat |
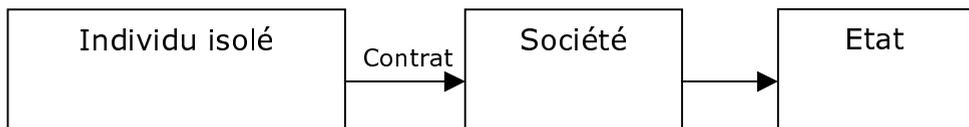
Donc, nous avons établi que la volonté des individus et que le contrat entre eux a permis le passage de l'état de «l'individu isolé» à la société. Maintenant, il faut identifier les éléments propres à l'Etat. Comme je l'ai déjà souligné au début de la définition de l'Etat représente l'une des principales préoccupations de l'anthropologie politique !

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[12] Edith Stein, *op. Cit.* p. 114.

Etudions ce que n'est pas encore un Etat. Edith Stein affirme que «La communauté des individus vivant dans un Etat, n'est pas encore l'Etat…l'Etat n'est ni une personne individuelle ni une association de personnes.»[13] Mais les individus peuvent faire partie de l'Etat, ils en sont un élément constitutif. Pourtant ces individus sont une condition nécessaire, mais pas suffisante pour l'existence de l'Etat.

Le droit international public identifie trois éléments fondamentaux qui constituent l'Etat: Le territoire, la population et un gouvernement propre.[14] Donc le droit international public conditionne la légalité de l'Etat de ces trois éléments. Quelle est la signification de ces éléments? Cette définition donnée par le droit coïncide-t-elle avec la vision de l'anthropologie politique sur l'Etat?

D'abord, je me propose de discuter la définition énoncée. Le territoire délimite l'espace à l'intérieur duquel est exécutée la souveraineté de l'Etat; la souveraineté interne et externe (en rapport avec les autres Etats). Le territoire suppose le sol, le sous-sol, les eaux intérieures, la mer territoriale et l'espace aérien. Or, l'Etat a une compétence exclusive sur ce territoire. La souveraineté est considérée aussi par les sciences politiques comme étant un élément fondamental de l'Etat. Mais qu'est-ce que la souveraineté? La souveraineté de l'Etat peut être comparée à la liberté de l'individu, on peut donc la définir comme la liberté de l'Etat de se gouverner lui-même, d'être «maître de soi.»[15] La souveraineté peut être synonyme de «auto position», «autosuffisance». Mais on doit tenir compte que l'idée de la souveraineté, comme celle de l'Etat, a connu des évolutions. Aujourd'hui, l'Etat ne possède plus une souveraineté absolue (ni intérieure, ni extérieure) comme celle invoquée par Hobbes dans *Le Léviathan,* mais d'un autre type de souveraineté. Pour la définir, il faut tenir comte du fait que les Etats sont intégrés dans un système international. L'Etat ne peut pas être isolé de ce système international, les relations entre les Etats n'ont plus pour base la souveraineté absolue. Si l'on prend l'exemple des Etats-Unis et de l'Europe après la Deuxième Guerre Mondiale, on peut observer une tendance intégrationniste

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[13] Idem, p. 69.
[14] Miga Besteliu, *Droit international. Introduction en droit international public.* Bucarest, All, 1998.
[15] Edith Stein, *op. Cit.* p. 27.

des Etats. Qu'est ce que cette tendance et quelle est le lien avec la souveraineté? La théorie des relations internationales[16] considère que l'Etat n'est plus le seul acteur sur la scène internationale et que les organisations, dont les Etats sont membres, jouent un rôle important. Dans ce contexte, l'Etat a cédé une partie de sa souveraineté aux organisations internationales dont il fait parti. On doit préciser aussi que les relations entre les Etats, dans le système international sont réglementées par le droit international. Dans ce cas-là, la souveraineté et donc l'existence de l'Etat qui fait appel au droit international (le droit international public est un système de droit qui n'exprime pas la volonté d'un seul Etat, mais celle de plusieurs qui sont sujets de droit international) sont ils menaces pour réglementer ses relations avec d'autres Etats? Est-ce que les Etats membres ou les futurs états de l'Union européenne, risquent-ils de perdre leur souveraineté et leurs autonomie, en se rattachant à l'Union (organisation supranationale) et en reconnaissant le droit communautaire comme prioritaire au droit national? La réponse est bien sûr, non. On ne peut pas parler, dans ce cas-là, d'une menace à l'encontre de la souveraineté nationale, mais d'une volonté d'un certain Etat de céder une partie de sa souveraineté à une organisation, pour obtenir des avantages sur le plan national et international. C'est le nouveau sens de la souveraineté: une souveraineté limitée et pas absolue.

Le deuxième élément de l'Etat, établi par le droit international, c'est la population que représente la communauté humaine liée de manière permanent ou temporaire à un territoire. La population est organisée à l'intérieur de ce territoire, par l'autorité de la loi interne[17]. Le lien juridique entre la population et l'Etat; c'est la citoyenneté; et le lien entre la population et le territoire, c'est le domicile. La population vivant sur le territoire d'un Etat, citoyen ou étrangère, est soumise au droit interne[18].

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[16]. Bien que la théorie réaliste soutienne que l'Etat souveraine est le principale acteur dans le système international, le globalisme considère que les organisations ont un roll bien déterminé. On doit préciser aussi que la vision de réalistes sur l'idée de la souveraineté a beaucoup changé. Pour mieux comprendre on peut donner un exemple: si Hobbes et Machiavel, considérés comme représentants du curent réaliste, comprennent la souveraineté comme absolue, Kissinger, réaliste lui aussi, il exprime la réalité de l'Etat en XXIèr siècle.

[17]. Miga Besteliu, op. Cit., p. 33.

[18]. Bien sûr, les deux catégories (les citoyens et les étrangers) ont un statut juridique différent.

Le troisième élément de l'Etat, c'est le gouvernement. Il représente une structure d'organes (législatif, exécutif et judiciaire), qu'exercent ces prérogatives sur l'ensemble du territoire et de la population. Les formes d'exercice du pouvoir, la structure des organes et l'aspect concret de leur autorité sont différents selon les Etats. L'autorité du gouvernement sur le territoire de l'Etat doit être exclusive et effective. «Exclusive» signifie qu'une autre autorité n'existe plus, et «effective» signifie l'exercice réel du pouvoir sur la population et le territoire.

Le droit international public parle d'un quatrième élément, mais celui discutable. Il s'agit de la capacité de l'Etat d'avoir des relations avec d'autres Etats, donc la capacité d'être membre et de participer aux organisations internationales et d'établir des relations diplomatiques et consulaires avec d'autres Etats. Cela dépend de la volonté de chaque Etat d'y participer.

Je crois que l'on doit penser à une autre question lorsque l'on parle de l'Etat? L'existence d'un Etat est-elle conditionnée par sa reconnaissance de la part des autre Etats du système international? Combien d'Etats doivent-ils le reconnaître? Même ce problème est discutable. Il est normal que, pour les bonnes relations entre les Etats, dans le système international, s'impose cette reconnaissance[19] réciproque. Mais si un Etat est reconnu seulement par quelques Etats et que les autres ne le reconnaissent pas? A-t-il, dans ce cas-là, la qualité d'Etat? Quels sont les Etats dont l'opinion compte pour l'existence d'un Etat? Le droit international ne fournit pas encore de réponse claire. Ici, nous avons l'exemple de Taiwan, reconnu par les Etats-Unis mais pas reconnu par la Chine.[20] Donc une partie du système international considère que Taiwan existe, et l'autre partie non. Dans ce cas, ceux qui lui reconnaissent une existence établiront des relations avec cet Etat, et les autre non.

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[19]. Dans le système international, on ne reconnaît pas uniquement les Etats, mais aussi les gouvernements où les mouvements de libération nationale. La reconnaissance signifie la volonté d'un Etat d'établir des relations diplomatiques avec un autre Etat.

[20]. Récemment, le président de la France, Jacques Chirac, a exprimé la position de la République en ce qui concerne le problème de Taiwan. Il a exprimé le désaccord pour le référendum que Taiwan veut organiser dans le cas de la séparation de Taiwan de la Chine.

Comme nous l'avons déjà constaté l'idée de la société et de l'Etat a beaucoup changé au cours l'histoire! Pour cette raison, et parce que le devoir a été limité à cinq - six pages, j'ai choisi de présenter l'acception de l'Etat et de la société dans la contemporanéité.

Bien que la société puisse exister au dehors de l'Etat, les deux sont indissociables, «L'action sociétaire n'est qu'un prélude à la création de l'Etat»[21]

Dans cette étude nous avons argumenté les idées à partir de l'affirmation de Aristote qui soutenait que l'homme est construit pour vivre dans une communauté. Mais si en réalité l'homme a-t-il une fort tendance égoïste et pas associative? Peut être l'homme a construit la société pour des raisons égoïstes et ne pas comme résultat de sa nécessité de vivre avec l'autre. Peut-on être sûr que la société est une réalité? Peut être nous vivons l'illusion de la société et «si on devenait lucides, la société disparaîtrai !»[22]

Bibliographie

Petit Larousse. Dictionnaire de la langue française, Paris, VUEF, 2002

Alexis de Tocqueville, *La démocratie en Amérique*, Paris, Gallimard, 1961

Aristote, *Politique*, Paris, Les Belles Lettres, 1991

Dimitri Georges Lavroff, *Histoire des idées politiques de l'antiquité jusqu'à la fin du XVIII siècle.* Paris, Mémentos Dalloz, 1988

Edith Stein, *De l'Etat*, Fribourg, 1989

J.-J. Rousseau, *Discours sur l'origine de l'inégalité*, Paris, Gallimard, 1964

Jacques Donnedieu De Vabres, *L'Etat,* Paris, PUF «Huitième édition», 1992

John Locke, *Le second traité du gouvernement*, Paris, PUF, 1994

Marc Abélès, *Anthropologie de l'Etat*, Paris, Armand Colin, 1990

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[21]. Edith Stein, *op. Cit.,* p. 114.
[22]. Tzvetan Todorov, *La vie commune. Essai d'anthropologie générale,* Paris, Seuil, 1995, p. 18.

Miga Besteliu, *Droit international. Introduction en droit international public. Bucarest, All, 1998*

Nicolas Machiavel, *Le Prince*, Paris, Librairie Générale Française, 1989

Robert Nozick, *Anarchie. Etat*, Utopie, Paris, PUF, 1988

Thomas Hobbes, *Léviathan,* London, Penguin, 1986

Tzvetan Todorov*, La vie commune. Essai d'anthropologie générale*, Paris, Seuil, 1995

Tzvetan Todorov, *Mémoire du mal tentation du bien*, Paris, Robert Laffout, 2000

INTER-PERSONAL WARS.
EVERY DAY'S LIFE APPLICATIONS OF
CONFLICT MANAGEMENT

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RÉSUMÉ. Dans l'article "Les guerres inter-personales. Les applications quitodiennes du management des conflits", j'ai essaye de traiter, d'une mainere de forme libre, la question des conflits inter-humains qui font notre vie miserable chaque jour, d'une prespective, disons-donc, inveresee: si' d'habitude, on analyse les conflits internationaux par analogie au comportement des individus, ma demarche est de retracer la meme voie dans le sens oppose. Nous vivons dans un monde conflictuel et, par consequence, nous devons nous adapter pour lui resister. Ensuite, on developpe des techniques et des strategies quasi-militaires chaque jour. L'on dit que chaqun d'entre nous est un "petit Napoleon", et comme meme Napoleon a ete vaincu, ca tend d'etre la cruelle verite. J'ai adapte la spirale du conflit, prise de chez R.J. Rummel, (l'auteur a realise, lui-meme, une demarche inverse en la fondamentant) a la guerre inter-personale (c'est a-dire le conflit inter-personnel, mene en utilisant des strategies quasi-militaires et, surtout, percu par les "combatants" comme une question de vie et de mort), en essayant de recreer l'image guerriere, des combatants, prets a s'entretuer pour un petit morceau de terrain, car nous vivons ainsi chaque jour (et ce serait le cas ideal si la realite pouvait me contredire franchement). Probablement, le plus grave deficit de ma demarche est de ne pas offrir des solutions, car, dans la plupart des situations, je n'en vois aucune, que d'en aller jusq'au fin.

There have been approaches of Sun-Tzu's theory upon war and its applications in the management of corporations, being argued that a good company manager is some kind of modern warrior.

Being aware that conflict management theory in international relations has developed much from sociology and psychology, and without the slightest thought of substituting my work to Kautilya,

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Clausewitz or Hans Morgenthau's, my aim in writing this down, in a, free-form, essay-istic manner, whilst preserving scientific sources (especially for providing the reader further hints and references, than for extremely rigorousness), is to point out the fact that everyone of us, each and every day, wage one or more wars, ranging from borderline clashes to nuke attacks, to be speaking in a more figurative, literary way.

War is the sequel of politics by other means, has been said, but aren't politics a form of war? I tend here to divert the consecrated meaning of war as an element of international law (and condemned by international law, as well), to a more picturesque image, thus war (referring to inter-personal disputes) meaning any confrontation waged according to military-like strategies.

Therefore: can a husband-wife dispute or a family feud be called an inter-personal war? I believe so, as we clash against each other in D-day-like manners for no matter what puny, unimportant reasons. Just as in international relations, where (apparently) utterly insignificant precipitants can trigger an all-out world war, in human, every day's life relations, people can build up their armies and collide in battles that are so easy to begin, and yet impossible to end.

In sociology, they say that wherever there are two or more people, there is a leader; but what if his authority can (or gets to be) challenged? It is not only in human, but also in animal behavior (as etiologists have shown) that anyone compelled to submit an external will, is going to challenge it, sooner or later, in order to take over his opponent's authority.

We all desire more power. Then, why not do everything in our power to obtain more? It has been recently shown that people get more choleric every day, especially those living in large urban conglomerates and working in "modern" environments, which are especially demanding upon the human nervous system. And whenever anger builds up, conflict occurs. And, as Hans Morgenthau has pointed it out, there are virtually no means of containing them to a peaceful settlement. Then, we start wreaking havoc around us.

One may believe that this would imply people acting violently, which is totally incompatible with civilized society. But I definitely did not mean that. Going even further, we can see that as anger cannot be quenched through bursts of violence,

because of social regulations (or restrictions would be a more proper word), it builds up, until it reaches the critical mass: and the, in an all-out Blitzkrieg-like offensive, is launched against all meaningful, and, more sadly, against un-meaningful, most times innocent, targets. I would compare this to using multiple-warhead ICBM's for hunting down sparrows.

This is how this fact has come to happen: not only as Kenneth Waltz has pointed it out, that the general human type is evil and egotistic, but he is also violence-prone, and, as violence gets more and more constrained and regularized by society, it needs (and finds) as many escape routes.

Therefore, violence (not only physical, but also verbal, and even attitudinal, or concerning general behavior) tends to find escape routes from social constraints, bursting up (as in Freud's refulation) in the least expected places and situations, with potentially catastrophic effects for those close to us. Or, if it happens that they are not in our strike range, we tend to accuse them of lack of support and cooperation, and blame them even further.

And if Alter is in a bad mood, too, then the hatchet of war pops out of its burial ground and hostilities can commence: this means war.

Were we still in the Dark Ages, a duel or a tournament would settle the dispute gentleman-style. But since this is no longer the case, we just keep spinning up (or screwing even deeper) the conflict helix, until one of the adversaries (hopefully) quits the battlefield, with his shield, or on his shield, as the ancient Greeks used to say.

Then, let us take a look at inter-personal conflict helixes (adapted to the debated matter after Rudolph J. Rummel):

- The latent conflict phase: both parties may still be unaware that there are elements they disagree upon, but tend to point out the things which make them feel unconfident, distrustful towards each other. They are not at war, but, most probably, they will.
- The initiation of the conflict phase: a precipitant, providing both parties a strong reason for a dispute, arises, causing both parties to manifest the hostilities they had felt previously, though we still are in an ideatic phase, and none has drawn out any weaponry yet. This may occur, as I had said previously, for various reasons, from the most mundane to real life-and-death matters. Or, as we shall see, as the conflict helix completes a cycle and as we climb up on the next one, mundane reasons transform themselves, evolve, they "eat and grow".

- The balancing phase: both actors, simultaneously, take into account the pro's and con's for going to war, such a situation being common before a dispute, but, in every day's life, it is often ignored, or, at least, reduced to the minimum, being barely perceivable. Our tendency to let things lose, out of our command and control, is far grater then in international relations, mostly for two reasons: conflicting situations, though not so grave, are by far more often; and, moreover, most people are definitely no experts in crisis situation' management, not knowing how to react accordingly, and, though, let themselves carried away pretty easily.

- The balance-of-powers phase: being now aware that they have an irreconcilable dispute to deal with, the actors, having started some kind of cold war between them, build up their forces, get ready for the clash, preparing their arsenals (which may be made up of strong, disarming arguments, threats, counter-strike measures, deterrence schemes, invoking any acquaintances which could be called in as "allied support", at the same time, trying, as in a "cat and mouse game", to guess what the opponent would do, how he would act.

- The disruption phase: the fault line between the two parties has become way too wide, the conflict has erupted; now, all what either of the parties can do is bomb the other (with the "weapons" gathered and deployed on the "battlefield" in the previous phase), each hoping that the enemy will give up, surrender, or simply quit, walking off the ring.

Then, the cycle starts all over again, but at a superior level, all of this happening either until one of the parties is defeated in the disruption phase, or, is unable, or unwilling (because the costs of staying on the battlefield have overtaken the stakes he is aiming at) to start a new cycle of the helix.

Whenever a dispute arises, they say that the smartest one quits, or gives up the fight. I would adapt and refine this age-old saying, by adding up the fact that, first, this is only valid when avoiding confrontation yields you more than going to war, or, secondly, when it is more profitable to conceal, under the impression of a surrender, a strategic withdrawal a la Kutuzov: you quit the battlefield for a short while, regroup, rear, in order to strike back twice as deadly. In most cases, it may be worth trying.

Another aspect which can be transposed from the international conflict to the inter-personal one would be the usage of the deceiving techniques, each party trying to make the other misperceive

reality, to make him feel insecure, unable to stand firm on the battleground. It is by far better to be arguing with an uncomfortable, nervous opponent. I would call this the inter-personal "Fifth column infiltration".

Just like the warring states, we all have, beside our four combating formations (ranging from the first line of offensive, to the supply lines, population and the command centre), our fifth column, working silently in the background of our minds, made up of our fears, threats, assumed risks, perceiving our dreams and wills being on the verge of collapse. If correctly and in time spotted, these weaknesses can be used by our opponents, who will try, by fuelling our fears, to deter us from our goals (which are their goals, too, because otherwise we wouldn't be at war – even if, apparently, there is a war going on over diverging points of view, then we can say that it is waged for establishing hegemony, so all parties want the same thing, as well).

But, as everything has to come to an end sometime, so do inter-personal wars, but this in another issue. To conclude, I would say that, though some inter-personal clashes are avoidable if both parties strive to do so, avoiding all of them is impossible, because there are many situations when Alter wants to obliterate Ego. And the ego has to be prepared to stand firm, resist the first blow, and counter-strike, either decisively, or by establishing a balance-of-power favourable to him in the long run.

I would like to end my paper with a motto inspired from Metallica's lyrics (slightly adapted after George Washington):

> "So be it! To settle the score,
> To secure peace is to prepare for war!"

Selected readings

Hobsbawm, Eric, *Secolul extremelor*, 1994, Editura Lider, Bucuresti

Holsti, Kalevi J., *International Politicis. A Framework for Analysis*, 1988, University of British Columbia

Huntington, Samuel P., *Ciocnirea civilizatiilor si refacerea ordinii mondiale*, 1997, Ed. Antet, Bucuresti

Kaplan, Robert D., *Politici de razboi. De ce necesita conducerea politica un etos pagan*, 2002, Polirom, Iasi

Morgenthau, Hans J., *Politics among Nations. The Struggle for Power and Peace*, 1959, Alfred A. Knopf, New-York

Rummel, Rudolph J., *Understanding Conflict and War, vol 2, The Conflict Helix,* 1976, John Wiley and Sons, NY-London-Sydney-Toronto

Vasquez, John A., *The War Puzzle*, 1993, University Press, Cambridge

Waltz, Kenneth N., *Omul, statul si razboiul. O analiza teoretica*, 2001, Institutul European, Iaşi

ECONOMICS AND I.T.

ORGANIZING THE IMPLEMENTATION OF INFORMATION SYSTEMS[*]

ALINA ANDREICA[**]

ABSTRACT. *Implementing dedicated information systems within organizations is the most challenging part of IT strategies, since they significantly increase activity efficiency if properly implemented, and on the other hand, may cause major investment problems, otherwise. The paper focuses of the stages, principles and strategies of adequately implementing dedicated information systems. We sustain our statements by presenting a case study on our university.*

In Romania, the implementation of global management information systems which synthesize relevant information from all the organization's compartments is still in its early to medium stages. Nevertheless, the use of such systems has proven to be extremely efficient in providing an electronic management board and assistant for designing management strategies and synthesizing the organization's activity.

It is essential to take into account the advantages that adequate information systems may bring into the organization and the importance in adopting efficient strategies in choosing and implementing such systems.

1. Implementing Information Systems - Goals, Strategies and Stages

Implementing adequate ICT (Information and Communication Technology) strategies is essential for increasing activity and management efficiency within organizations, as proven in [AndP04]). The cited paper also shows that the implementation of dedicated information systems for managing organizations' activity may be considered as the "top" level of an ICT strategy.

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[*] The paper has been presented at the 3rd International Conference on European & International Political And Economic Affairs, May 26-28, 2005, Athens, Greece

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In designing an information system for modelling the organization's processes, the management levels, assisted by the IT manager and department will decide between in-house design and contracting the product with a specialized software firm [AndP04]. A proper solution will be chosen, like in any IT strategy, by taking into account the organization's goal and its resources, both financial and human – IT specialists.

The adaptation of the information system to the organization's characteristics and needs is indispensable to its success in increasing activity and management efficiency within the organization (while design flaws or the use of improper information systems can generate major disadvantages). This paper is dedicated to systematizing the aspects related to efficient implementations of information systems and the case studies sustain our theoretical approach.

Organizations should be aware of dedicated software's potential in significantly increasing the efficiency of their activity, if properly designed and implemented.

It is also important to take into account the users' role in the design stages of an information system, especially in coordinating the process of offering complete and accurate specifications for the desired system. Lack of or inadequate user involvement in defining the system's specifications will most likely lead to implementations that don't satisfy their needs.

The main goal of implementing an information system within an organization is to increase efficiency in organization activity by IT means – automatic information processing, adequate information and document management.

The system's implementation will also improve management efficiency since the on-line synthesis of most relevant information from organization's compartments / system's modules will turn into genuine electronic management assistants.

The implementation stages of a dedicated information system comprise:

➢ *Problem analysis and specification desig*n – within this stage, the IT team, in particular the project analysts, analyze the given problem and define it accurately. On the other hand, users have to describe their complete requirements / specifications. In this respect, *the involvement of the organization in providing complete and rigorous specifications*

for its needs is essential (since incomplete requirements will obviously lead to inadequate systems, and disadvantages in resource allocation, both for the IT team / firm and the organization).

It is vital that management levels be aware of the importance of this involvement in defining complete requirements and coordinate the process.

The goal of this stage may be concisely characterized by formulating "what to do" within the further development of the IT project

➤ *Design and implementation of the application* – this stage is performed by the IT team, based on the specifications created in the previous stage. Briefly, it is the stage of "how to do" and "do it", performed by the IT team (with no direct user involvement)

- o Architecture design – aims at creating an efficient application framework; modern systems are designed on distributed, object and component oriented principles, in flexible n-tier frameworks
- o Choosing programming languages and environments – adequate to the system's implementation, architecture and to the software platform it is designed for
- o Application implementation – involves the whole process of application design, programming and development
- o Application testing – is rigorously performed on test batteries and potential errors are corrected

➤ *System installation* – is performed within the target organization and necessary comprises taking into account user feedback and, if necessary, make the corresponding adjustments. If the organization previously used a dedicated software system, then its database has to be exported into the new system. The stage has to be accompanied by proper user training

➤ *Maintenance* – comes after the system installation and involves all necessary future operations in order to ensure an efficient exploitation of the system within the organization and perform adjustments, if needed, along with the development of the organization's activity

It can be noticed that the user's role is essential in: evaluating the IT offer, creating the *system's specifications*, on site testing of the system, data collecting / export from previously used formats into the system's database. Among these stages, the most important impact on the system's efficiency is the user involvement in complete and correct specifications.

Users should also be aware of the most important principles in evaluating software systems:

- ➢ *The degree in which they respond to the specific system requirements* – software systems should be adapted to user needs
- ➢ *User-friendly graphical interface* – enabling simplicity in use and expressive visual interfaces
- ➢ *Speed in processing / response to user requests*
- ➢ *Security in distributed access* – the complexity of present organizations' processings require distributed access upon large databases, in respect with certain user rights, corresponding to user categories and goals. Moreover, specific accessibility domains over the system's database should be available to each user, according to the compartment he belongs to, to its position and activity (for example, operational levels or management levels)
- ➢ *Cost* – an efficient rate performance/ cost should be pursued
- ➢ *Flexibility, extendibility* - openness to future adjustments
- ➢ *Training, assistance and maintenance* – maintenance services consequent to the system installation should be paid attention when evaluating the initial offer because they are extremely important on long term. Actually, information processing within the organization will entirely rely on the implemented software system and it is highly recommended that such services be taken into account when contracting the system and included, with the corresponding details (including necessary specifications and price aspects) in the contracting documents

2. Management Information Systems and Their Advantages in Organization Management

Dedicated information systems model daily transactions and ensure access to analyses and solutions for various types of final users. The results are most often generated as reports but users may also interactively interrogate the system.

As shown in the previous paragraph, users have an important role in collaborating with the team that designs and implements an information system by: rigorously defining the problem, specifying the information to be processed and the specific rules or algorithms to be pursued and the final goal of the system. Most often, subsequent modifications to an information system prove to be extremely costly both for the development team and for potential user resources (effort, time, money).

Modern information systems involve [And03]:

• *data processing* - collecting and processing organization's daily transactions. Such processes have been extended from local systems to distributed ones (shared in computer networks). Daily transaction processing provides information for tactical and strategic planning and is essential to the organization;

• *database management* - database management systems are software products dedicated to processing large data collections organized as databases. The database organization is consistent, flexible and efficient, ensuring processing procedures' independence from data representation techniques. Databases also offer integrity protection mechanisms and may evolve in gradual phases.

Database management and extracting relevant information by specific queries (data mining) are important for all management levels: strategic, tactical, operational.

Most information systems that are implemented in the economic environment rely on database management, as they involve processing large amounts of data;

• *interactivity* - since final users of information systems may belong to various user categories, the system must response in real time (directly and instantly) to any type of request. Once visual and accessible software has been developed, the use of computers and information systems has extended to the general public with basic knowledge in computer use;

• *decision assistance* - supporting management decisions mainly by providing specific analyses, predictions or finding the optimal solution under certain constraints, consequent to data / transaction processing (see [Luc95]) for further details and examples). The main applications of these facilities regard modelling, choice analysis and decision taking, the implementations being interactive and mainly dedicated to managers. Such automatic facilities may

partially model the problem that is dealt with, the system functioning as the manager(s) assistant in taking the appropriate decision. Nevertheless, a decision assistance system must integrate a data / knowledge base, a software which processes it and specific decision assisting modules: modelling and simulation packages, analysis and prognosis facilities, linear and non-linear programming, regression modeling, risk analysis, expert systems, etc.

• *expert system facilities* - ensure an advanced mode of assisting decisions, since they include experts' knowledge on a certain field as a knowledge base, which tends to be exhaustive for modelling that field (ideally, an expert system replaces human experts in a certain field) - see [Lug97] for details;

• *executive information services* - are dedicated to the superior management level and group facilities for extracting relevant synthetic information from the information system; the selected data most often cover organizational critical areas. Executive information systems / facilities must be user-friendly, must ensure fast access to information and efficient exploration of the database - "data mining", adequate data analysis (tendencies, prognosis, data integration etc.) and must generate clear outputs;

• *distributed facilities* - nowadays, information systems function as multi-user systems, accessible from various geographical locations, over computer networks or within the Internet. Internet applications have developed in a rapid pace and have become very popular since they are efficient, very accessible and easy to use. E-banking, e-payment or e-commerce facilities or systems have spread on the Internet, based on rigorous security mechanisms [Tan97] implemented for private information exchanges.

ICT implementation has an important impact on organizations within:

➢ *human resources policy and skills* by
  o modifying the requested personnel skills and the work style, the interactions among employees and the departmental interactions, as well as outer-organization interactions, with suppliers and clients. Information representation, processing and communication means are changed; these features induce modifications in the organization's structures: certain jobs may disappear and others (usually, less numerous) may appear, based on ICT facilities

o reducing manual work and physical routine since various operations are transferred into IT; work productivity is therefore increased. On the other hand, computer use and data processing skills become necessary for almost all personnel. Therefore, knowledge in operating office automation software becomes indispensable for most jobs

o inducing mutations in professional responsibilities by combining assignments from several traditional jobs and enlarging decisional levels by integrating tactical management and extending the operational level's responsibilities

➤ *operational impact*, mostly for the organizations which use distributed database systems (such as commercial networks, tourism or ticket reservation agencies). Client interactions also change and move towards ICT facilities. Information systems which implement electronic means of performing activities, such as e-jobs, e-banking, e-commerce and so on, have a major social impact

➤ *organizational impact* by reducing the traditional number of levels, based on superior management's capabilities of administering more directly the organizational activities. Certain traditional departments of manual workers are transformed while an increasing number of activities is taken over by information systems

The major impact that ICT has within organizations has to be taken into account by the organizational management

3. Information Systems in Romania

As the economic field controls the most important financial resources within our society, the IT implementation level within this environment is higher than the average in Romania. Moreover, within the business environment, IT is implemented more extensively within SMEs (Small and Medium Enterprises) since they are very flexible and, as shown in [AndP04], moderate investments within such organizations may bring relevant benefits.

We consider that, on a general scale, Romania is in the ICT stage of developing dedicated information systems. A study [And04] we performed by administrating and interpreting an evaluation questionnaire in the county of Cluj sustains this statement. The

study is undergoing but since some of the intermediate results are quite relevant - see [And04] for statistical motivation, we further discuss them.

According to this study, *40% of the total employee number in the firms from our sample have access to their own computer*.

Computer networks and Internet connections are used on a large scale – 95% in our sample. Moreover, around 80% of the firms in our sample have their own website, mainly used for promotion purposes and communication ones [And04]. Evolved e-commerce facilities are not yet implemented on a large scale.

Regarding the *software* that is used, we noticed almost equal proportions among: *office automation, database, Internet, financial and specific software* (around 14-16%) – see figure 1. As predicted, management software, which imposes a consolidated integration of the most relevant information from all departments comes with a lower percentage – 9%. Human resources software was rated with 8.
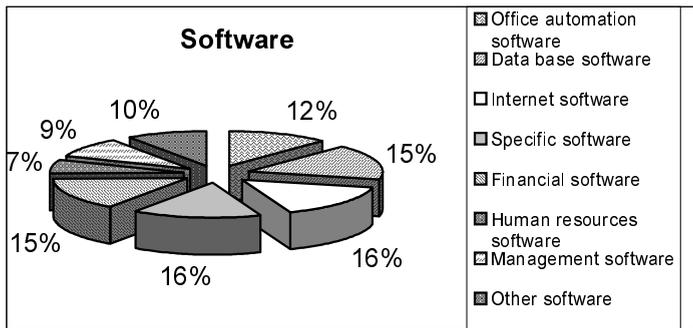

Figure 1 – Types of software that were used in our subject group

The most used Internet applications regarded, as expected within the business environment, *e-business – 21%, e-payment – 21%, e-commerce – 12%* and *e-news – 12%.*

The most important *facilities offered by means of the web site* were: *marketing and promotion – 37%* (ranks on the top as expected, since it represents the first step in moving the business towards the web), external (client) communication – 24%, internal (employee) communication and product distribution – 7-8%.
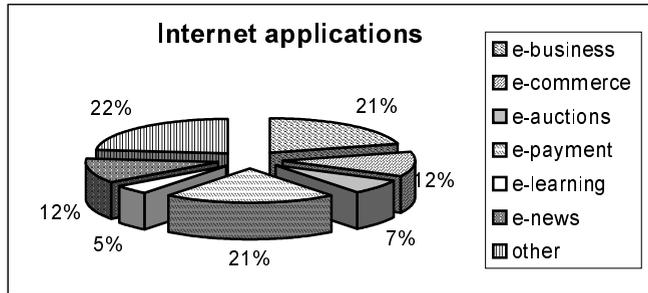
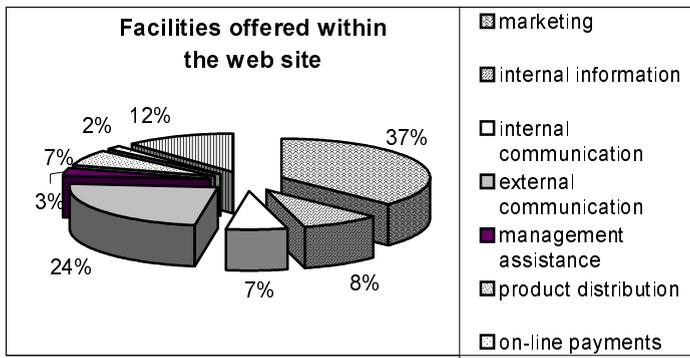**Figure 2 –Internet applications that were used in our subject group**

Figure 3 – Facilities offered within web sites in our subject group

The last year investments in ICT for small and medium enterprises are further discussed (see figure 4). 18% declared total ICT investments higher than 75%, 14% in the interval (50%, 75%], 9% in the interval (30%, 50%] and 31% - investments lower than 30%. 28% declared no investments in ICT for the last year or had blank fields.
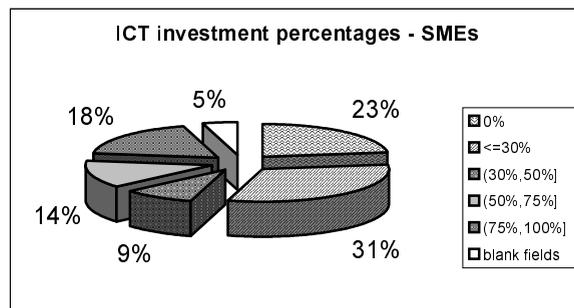

Figure 4 – Distribution of ICT investment percentages in our subject group

ICT created new jobs for 66% of our subjects, in various percentages, which is again a relevant result for the impact of ICT upon enterprise activity, work style and management. A *majority of 70%* in our sample sustain that *IT strategies influence human resources policies and management strategies*.

4. Case Study: Implementing Information Systems within Babeş-Bolyai University – BBU

As we state in [AndP04], IT strategies are easier to implement in small and medium organizations, based on their characteristics. IT strategies must be more elaborated in larger organizations, taking into account their complexity.

Comparing the public and private sectors, we can observe that resource availability is generally more dynamic in the private sector. Academic institutions, on the other hand, can compensate this trend, as further discussed, with consistent "know-how" and by attracting various resources.

One of the most important academic institutions in its area, BBU continuously aims at increasing its competitiveness, both in didactic and research activities, and extending its international compatibility.

In the field of IT, BBU recently invested in upgrading its large communication network and is in train of upgrading its information systems. In this respect, BBU decided to adopt an in-house strategy. This solution is sustained by the availability of qualified IT developers, the huge advantages in managing, upgrading and extending "in-house" systems and, of course, cost advantages [AndP04].

Two large scale software projects are currently under development within BBU's IT Department:

➢ **AcademicInfo** - is a web based software application (see https://info.ubbcluj.ro) which aims at offering academic information, for various categories of users: students, academic staff, academic management. The application provides a user-friendly web interface and appropriate security mechanisms [And-al04]. Currently, there are implemented the facilities dedicated to students and academic staff.

AcademicInfo centralizes local databases from all faculties and is based on a structured layer design, therefore ensuring flexible future upgrades.

> ***ManageAsist*** – is an ERP (Enterprise Resource Planning) software system, which targets the goals of modelling the activity and specific information processings within the administrative compartments of an university (Acquisitions, Finances-Accountability, Assets), and offering distributed access to the system's facilities for various categories of users, including faculty managers and administrators, and providing relevant synthesis for management levels [AndS05].
> Presently, the system contains the Acquisition module, which came first in our design mostly because there existed no prior system and the lack of electronic automation had severe disadvantages on the compartment's activity. Moreover, it corresponded to a moderate extent complexity processing, adequate to validate the design principles we intended to implement within the entire project.
> ManageAsist project is designed on multi-tier architecture principles in order to ensure easy extendibility of the project and natural development in stages [AndS05].

The development of the above described applications is based on accurately documented specifications, enhanced by user feed-back. The design principles we applied [AndS05] ensure flexibility in stage development and extendibility.

The in-house development strategy we applied proved to have significant advantages in:
> cost-performance rate
> stage development, flexibility and extendibility of projects
> internal management of software projects and IT autonomy

We expect that these advantages to be more obvious on a longer term.

5. Conclusions

In the framework of the modern information and knowledge-based society, ICT implementation is a necessary condition for increasing organization efficiency. ICT strategies must be adapted to: the objective of the organization & the activity target field, the financial resources, human resources policies, management style and strategy. It is important that management levels be aware on a larger scale of ICT facilities' potential in significantly increasing organizational efficiency, if properly implemented.

According to an undergoing statistical study we work on, the *most used distributed applications within Romanian SMEs regard e-business, e-payment and e-commerce*, which is an encouraging result with the view to transferring business on the web. Nevertheless*,* these facilities are mostly *used*, rather than offered, since *enterprise sites are still mainly oriented towards promotion and marketing*. This result sustains again the idea that *information system implementation is in its early to medium stages in Romania*.

According to the same study, ICT created new jobs for *most of our subjects, in various percentages*, while a *majority of 70%* in our sample sustain that *IT strategies influence human resources policies and management strategies*. This result reveals the importance and efficiency of ICT implementations upon organization activity, working style and management.

Implementing information systems – the "top" level of an IT strategy should be properly performed in order to generate the desired benefits. In this respect, it is very important to take into account the users' role in creating the *system's specifications*, on site testing of the system, data collecting. Moreover, the implementation of information systems should be adapted to the overall IT strategy of the organization and must provide flexibility and extendibility in the development and implementation of the software systems.

The case study we present on Babes-Bolyai University reveals the advantages of properly applied in-house IT strategies, which ensure flexibility of software project design in development stages.

References

[And03]   Alina Andreica, *Limbaje de programare şi sisteme informatice*, EFES, Cluj-Napoca, 2003

[And-al04] Alina Andreica, Daniel Stuparu, Ana Bara, Oana Timiş, Florentina Tufiş, Flavia Mureşan, Carmen Ciplea, George Hristodol, Monica Bojan – *AcademicInfo – Web Based Application for Consulting Academic Information Databases*, Scientific Bulletin of "Politehnica" University of Timişoara, Transactions on Automatic Control and Computer Science, vol 49 (63), No 5, 2004, p. 83-86

[AndP04]   Alina Andreica, Iustin Pop, *ICT Strategies for Increasing Efficiency in Businesses and Organizations. Case study on some Romanian Small and Medium Enterprises*, in Global Information Technology, Innovation and Entrepreneurship, Panagiotis Petratos editor, ATINER, Athens, 2004, p. 3-10

[And04]   Alina Andreica, *Study on ICT Impact within the Romanian Business Environment*, Proceedings of the International Conference on "Globalism, Globality, Globalization" – 10 Years of European Studies in Cluj, Faculty of European Studies, "Babeş-Bolyai" University, 21-23 October 2004

[AndS05]   Alina Andreica, Daniel Stuparu, *Advantages of Multi-Tier Architecture in Designing Complex Software Applications for Network Environments*, Proceedings of 4th International RoEduNet Conference, Tg. Mures, 2005

[Bui01]   A. Buiga, *Metodologie de sondaj şi analiza datelor în studiile de piaţă*, Presa Universitară Clujeană, 2001.

[Kot00]   P. Kotler, *Marketing Management*, Prentice Hall, Upper Saddle River, New Jersey, 2000

[Kot01]   P. Kotler, G. Armstrong, *Principles of Marketing*, 9th Edition, Prentice Hall, Upper Saddle River, New Jersey, 2001

[Luc95]   Terry Lucey, *Management Information Systems*, The Guernesey Press CO Ltd., 1995

[Lug97]   F. Luger, W. A. Stubblefield - Artificial Intelligence: Structures and Strategies for Problem Solving, Addison Wesley Longman Inc., 1997

[Rot99]   Traian Rotariu, *Metode statistice aplicate în ştiinţele sociale*, Polirom, Iaşi, 1999

[Tan97]   A. S. Tanenbaum, *Reţele de calculatoare*, Computer Press Agora, 1997

ANALYSIS OF EMPLOYEE TRAINING EXPERIENCE: THE LITHUANIAN PRIVATE SECTOR IN THE CONTEXT OF THE EU

RENATA KORSAKIENĖ[*]

ABSTRACT. *Intense competition forces companies to invest more and more into the formation of human capital that helps to improve the management of the company, the application of new technologies and the achievement of new strategic goals. Thus the standards of quality of investment in people rise. However, Lithuanian enterprises lack the systematic approach to the employee's training and do not sufficiently invest into the development of human capital. Therefore, the aim of the paper is to analyse the role of employee's training from the point of economics, human resource management and other theories. Another target of this paper is to discuss some tendencies and problems of employee's training in Lithuania.*

1. Introduction

One of the most important issues in economics and management science exposed by globalisation and international integration is the development of competition, enhancement of the competitiveness of business entities and the increasing effectiveness of business. Intense competition forces companies to invest more and more into the formation of human capital that helps to improve the management of the company, the application of new technologies and the achievement of new strategic goals. Thus the standards of quality of investment in people rise. This process is understood as a complex solution that includes not only training, but also creating conditions for an employee to develop as a personality as well as providing information about his/her contribution to the general results and goals of the company and the creation of a system of motivation, which would assess the rise of employees' qualification and reward for that accordingly.

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The development of new high technology products and knowledge-consuming services depends on the appearance of a more effective labour force, which itself is the product of new education technologies. In order to keep pace with technological advancement, organisations from countries with a developed economy constantly organise skill improvement courses, where the employees are acquainted with the ever increasing fund of global knowledge; they are assisted in understanding the knowledge they acquire and in adapting it to local needs and to the creation of new ideas. Meanwhile, Lithuanian companies lack a more systematic approach to employee training. This circumstance is especially important, because during the intensive process of Lithuania's integration into Western structures, only a qualified staff can solve most urgent problems manifest in the cultural, social and economic environment and requiring radical management solutions.

The main questions that this paper is going to analyse include employee-training tendencies in Lithuania, major problems and the practice of largest Lithuanian enterprises.

2. Literature Review

Employee training is considered to be the corner stone of an organisation's economic results. However, we agree with the authors who claim that at the level of the company the training theory is relatively underdeveloped, and the concept of training process is quite narrow (Garavan, Heraty, Barnicle (1999)). Thus it is still unclear why companies train their employees. For instance, theories of human capital emphasise the importance to raise individual productivity. On the other hand, theories of human resource management consider training as increasing employees' commitment to the company. For these reasons, it is important to discuss theories analysing the role of training in a company.

Traditionally, economists relate the benefits of training to the profit received from investment into training. Thus the theory of human capital relates training to an increase in the company's productivity (Strober (1990) (Ichniowski, Shaw (1999)). For instance Gary Becker distinguished "completely general training" and "completely specific training" (Bassi (1994)). According to the author "completely general training" is related with an investment in human capital that increases employee's overall productivity and, in its own turn, could be transferred to any employment situation. On the other hand, "completely specific training" increases employee's productivity for the employer who provided it.

Beside that, the theory of human capital claims that companies will be interested in paying for the training specific to the company, not used by its competitors. On the other hand, training will not be so effective, if there is a risk of losing trained employees. It is important to stress that some problems, related to the assessment of the increased productivity caused by the investment into training, arise (Maglen (1990)).

The theory of human resources considers training as a means to create preconditions for the strengthening of the employees' commitment to the company. Theoretical preconditions for the human resources management were formed at the beginning of the 1970s at the Harvard Business School. Training became one of the components in the strategy of human resource management; helping to achieve the results of human resource management are the, so-called, 4C's that is commitment, competence, congruence and cost-effectiveness. Other models developing the traditions of human resource management consider training as one of the components of human resource politics creating preconditions for seeking high results (Walton (1985)). However the application of these models is limited and it remains unclear how training increases the employees' commitment to the company.

Other theories of human resource management focus on the strategic role of human resources and emphasise the importance of the employees' results (Walton (1985)). Many strategic HRM theorists consider training and improvement of employees' skills as a means of helping to achieve higher results of the employees. According to Pettigrew and other authors, training is one of the components of the human resource strategy and a company's certain reaction to competitive forces (Hendry, Pettigrew (1990)). It is important to note that most of these theories analyse the role of human resource management with regard to the fact that different forms of human resource management depend on the corresponding stage of a company's development. Nevertheless, the significance of the role of training is very superficial in these models.

Meanwhile, the theory of resources has revealed the role of human resources in seeking essential competence in the company (Barney (2001), Hao (2000)). Human resources are considered to be the competence of the company, which is difficult to imitate, thus the importance of training in developing and preserving this

competence is great enough (Teece, Pisano (1994)). Edith Penrose defines a company as a collection of heterogeneous assets, thus to manage it properly means to increase competitiveness (Penrose (1959)). Thus, the knowledge of a company is increased by integrating various technologies or creating a training system. This is why a company that has properly organised this activity can strengthen its positions in the market, preserve the potential of market development or increase innovative potential. Moreover, this might help to create specific abilities thus forming preconditions to cope with unexpected changes. There is an opinion that business companies tend to advance their skills in order to improve their results. Therefore, this attitude has become the basis of such concepts as a learning organisation and knowledge based organisation (Hamel, Heeme (1994)).

The new attitude towards organisation of work is one of the aspects of the theory of a learning organisation. A learning organisation constantly encourages individual learning as well as the learning of the whole organisation, and especially informal learning that helps adaptation to the changing competitive environment (Kim (1993)). For instance, Tobin stresses an organisational culture that encourages innovation, openness to new ideas and widespread understanding of organisational goals (Tobin (1993)). Thus, seeking to achieve high results and to create a model of a learning organisation raises the need for training at the level of the company.

It is worth noting that crucial changes in the environment concern employees radically and encourage them to review their skills. Research shows that companies tend to choose identical models of change: 1) to improve information links with their business partners; 2) to apply systems of team work (the nature of work becomes more complex, employees are granted more responsibility); 3) to choose strategies creating preconditions to maximise the use of complicated technologies; 4) to choose innovative politics of human resource management such as payment related to profit systems, etc. (McCartney, Teague (2001)).

If in the 20th century work was divided into narrow repetitive tasks and organised hierarchically; employees were strictly controlled; then in a contemporary work place employees are more autonomous and the main unit is a team responsible for the targets of work and quality. Thus an attitude based on competence was formed, which creates preconditions to combine training with new forms

of work and organisation of production. In its own turn the attitude based on competence encourages the reform of the four dimensions. First, the competence of specialisation is reviewed. It is necessary to note that due to specialisation the teaching of theory is weakening and practical know-how is more emphasised.

Other aspects of the attitude based on competence are more related to behaviour. The competence to apply the right methods properly allows the employee to adapt to the work in a contemporary organisation. Thus it is expected that problem solving and analytical methods will create preconditions for the employees to react effectively to the unexpected changes in the company, which occur more and more frequently in the present competitive environment. Social competence, like participation competence, is more related to skills needed for teamwork. Consequently it is necessary to focus on the improvement of communication and personal skills as well as leadership and decision making skills. It is worth noting that competence based training is designed to combine the formation of skills with new models of production in a contemporary work place.

To sum up, a range of factors affects a company's decision to train employees: improvement of employees' results; improvement of adaptation and flexibility of the labour force; investment into new technologies; learning of new work practices and application of more complex systems of human resource management; changes of business strategy. Therefore, the unquestionable importance of employee training in the context of market globalisation and international integration has created preconditions to initiate the research into the employee training trends in Lithuania.
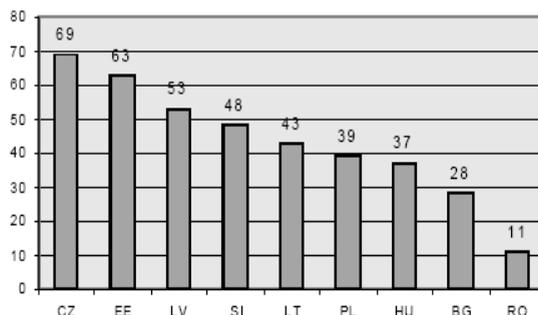
Source: Eurostat

Figure 1. Enterprises that organise professional training for employees (% of the total number of enterprises), transition countries
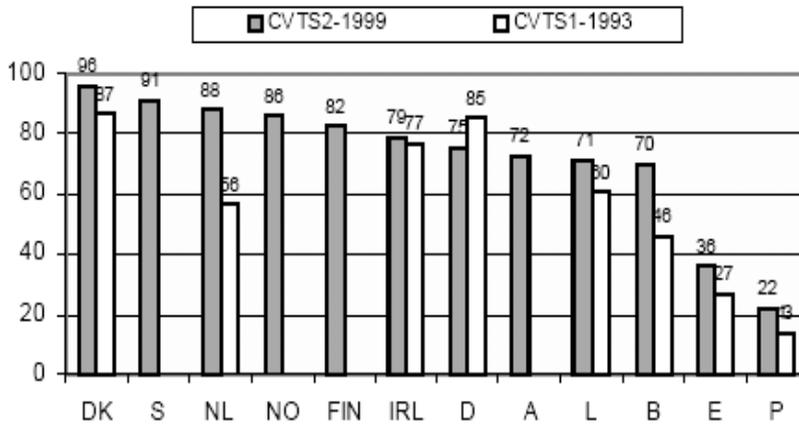
Source: Eurostat

Figure 2. Enterprises that organise professional training for employees (% of the total number of enterprises), EU countries and Norway

3. Employee Training Trends in Lithuania

The following section presents the analysis of employee training trends of Lithuanian case and comparison of it to other countries.

At first, let's start from overview of the percent of enterprises that organise professional training for employees of transition countries.

Examination of data provided in Figure 1 (Enterprises that organise professional training for employees in 1999 in transition economies) revealed that only 43% of enterprises provided professional training to employees in Lithuania. A comparison between countries of transition economies: Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania and Slovenia allow concluding that the Czech Republic is the leader in providing vocational training. However, this indicator lags behind the highest respective indicator of Denmark (96%), Sweden (91%) and the Netherlands (88%) (Figure 2).

On the other hand, comparison of Baltic countries allow to conclude that Estonia is the leader with the highest proportion of enterprises where professional training is provided (63%) followed by Latvia (53%) and Lithuania (43%).

When the investment by Lithuanian companies into the development of qualification was compared, it was established that it was one of the smallest among the market and transition economies. Only Romanian businesses made fewer investments into the development of labour force (Table 1). The costs of CVT courses as a percentage in total labour costs in Lithuania were less than 1% and lagged behind Latvia (1.1%) and Estonia (1.8%). It should be noted that in EU countries the highest respective indicators were in Denmark (3.0%), Sweden (2.8%) and Netherlands (2.8%).

Table 1.

Costs of CVT courses as a percentage in total labour
costs of all enterprises (%), transition countries

CZ	EE	SI	HU	LV	BG	PI	LT	RO
1.9	1.8	1.3	1.2	1.1	1.0	0.8	0.8	0.5

Source: Eurostat

Table 2.

Training enterprises as a percentage of all enterprises,
by economic activity (%), transition countries

	BG	CZ	EE	HU	LV	LT	PL	RO	SI
Manufacturing	29	70	60	34	53	41	35	12	53
Wholesale and retail trade; repair of motor vehicles; motorcycles and personal household goods	25	63	60	39	51	39	33	9	30
Financial intermediation	47	89	89	79	84	69	61	27	66
Real estate, renting and business activities	36	77	70	48	60	54	55	21	60
Other community, social and personal service activities	24	70	49	35	60	42	46	12	69
Mining and quarrying; Electricity, gas, water; Construction; Hotels and restaurants; Transport, communication	29	67	66	31	51	45	43	11	46
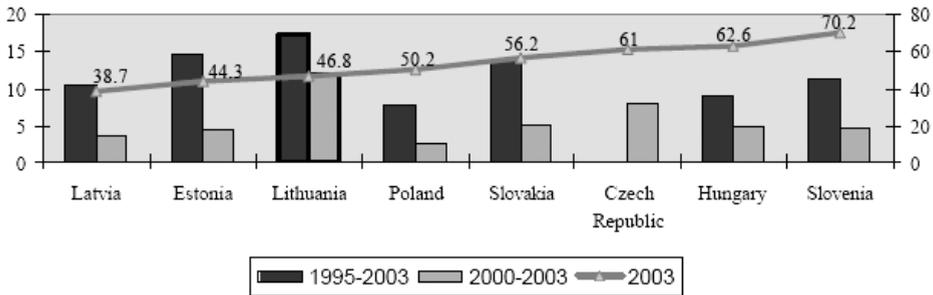
Source: Eurostat

Figure 3. Labour Productivity and its Growth (line – productivity per person employed in 2003, relative to EU15 (EU15=100) right scale; bars – growth in the relative labour productivity per person employed, in % above the average growth of EU15, left scale

The analysis of enterprises that organise professional training by economic activity allows concluding that the highest percentages were in the financial-intermediation branch (Table 2).

An analysis of the number of participants in the professional training courses allows concluding that the difference among the Baltic countries is not substantial: in Estonia 28% of the total number of employees attend such courses, in Latvia 25% and in Lithuania 20% (Statistics in Focus, Theme 3-2/2002). By comparison, this indicator is the highest in Sweden (63%), Denmark (55%), Finland and Belgium (54% each) (Statistics in Focus, Theme 3-3/2002).

Table 3.

Training enterprises as a percentage of all enterprises, by size class (%), transition countries

	BG	CZ	EE	HU	LV	LT	PL	RO	SI
10-49 employees	24	62	58	32	49	37	36	8	35
50-249 employees	34	84	85	51	70	60	52	13	72
250 employees and more	62	96	96	79	91	80	63	38	96

Source: Eurostat

It is important to note that the existence of a well-developed training infrastructure is related to the size of a company (Smith, Hayton (1999)). Larger companies have more resources, which can be invested into training. Hence, from the data, presented by Eurostat, we can draw a conclusion that the large enterprises in transition countries provide CVT more than medium-size and small-size enterprises (Table 3).

An analysis of Baltic countries allows concluding that Estonia is the leader with the highest proportion of small-size enterprises (58%), medium-size enterprises (85%) and large enterprises (96 %) where professional training is provided (Table 3). On the other hand, according to this indicator Lithuania lags behind Estonia and Latvia. For instance the analysis of EU countries shows that the differences were significant only between small and medium-size enterprises. Besides that in such countries as Sweden, Finland, Netherlands the differences were significant only between small-size and medium-size enterprises.

The survey carried out by Institute of Labour and Social Research revealed that in Lithuania exist the greatest lack of professional knowledge and professional skills among employees. The employers indicated that employees lack such knowledge as professional technical (62.9%), foreign languages (35.8%), management and business organization (33.8%). Next to the need to improve knowledge, employers indicated that employees lack such skills as professional skills (50.1%), working with client skills (43.9%) and ability to finish work on time (33.10%). The fact that the employees and the employers did not pay much attention to the acquiring of new knowledge was one of the reasons causing the lagging behind of business in the application of contemporary information technologies to the sphere of production and services.

According to the data of the research carried out by the specialists of the World Economics Forum that assessed the use of information technologies in 82 countries, Lithuanian business is less prepared to use these technologies and uses them less than the population of the country as a whole or the Government: according to the indicators of preparedness and usage, business is in the 53rd and 78th position out of 82, and the population is in

41st and 39th position; the capacity of the Government was evaluated at the 35th and 43rd position (World Bank and World Economic Forum (2002-2003)).

The too-low attention to employee training is one of the reasons for the low labour productivity rate. According to the data provided by Eurostat, labour productivity for one employee in Lithuania and other Baltic States in 2003, compared to the European Union States (labour productivity per person employed relative to EU-15) were among the lowest - 47% (Figure 3). According to the data that present labour productivity growth, Lithuania leads all EU countries – old and new. However, total factor productivity data allow concluding that Lithuania lags behind such countries as Hungary, Czech Republic, Estonia and Slovenia in the output and TFP growth if a longer period is taken (Figure 4).
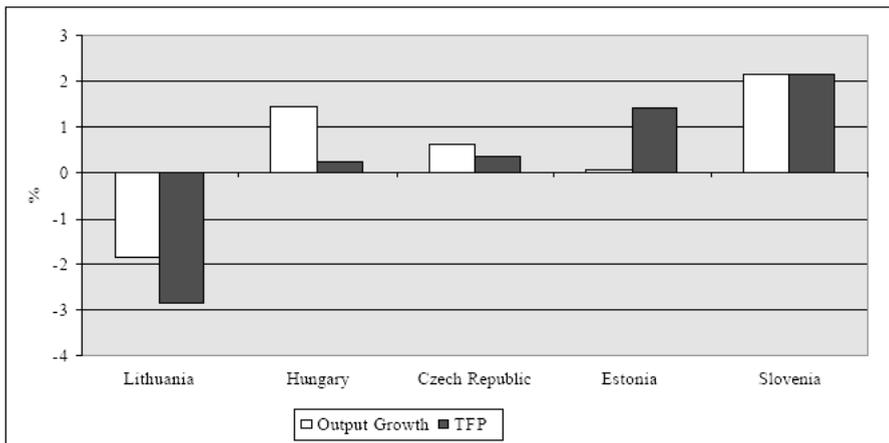
Source: World Bank

Figure 4. Output and TFP Growth in selected EU8 countries in 1991-2003

Despite the fact that the employers admit the need for knowledge and skills, Lithuanian companies lack a systematic approach to employee training. It should be emphasised that a systematic approach to employee training includes analysis of training needs, planning of training, analysis of training costs and assessment of the benefits. However, the Lithuanian companies do not apply a systemic approach to training and mostly limit themselves only to the analysis of their employees' needs. According

to the survey carried out by Institute of Labour and Social Research, less than half of the representatives of the questioned companies have indicated that their companies analyse the employees' needs for training and more than half that they are not analysed. Training plans and training budget are being worked out even more rarely. Only every fifth company (20,3%) had an employee training plan and 79,7% of companies did not have such plans. Even less companies (13,5%) had an approved budget for financing training. Lithuanian companies do not analyse the cost of training and do not assess the benefits achieved.

Many factors caused this situation, but the most important, according to Lithuanian companies, is the lack of financial resources, lack of support from the state and the possibility to employ people from outside. On the other hand, the survey carried out by Eurostat in 1999 revealed that the existing skills of persons employed already met the needs of the enterprise. It was the main reason why enterprises did not provide continuing vocational training with 54% of non-training enterprises in Lithuania (Statistics in Focus, Theme 3-3/2002). Lithuanian enterprises mentioned the possibility of recruiting people with the required skills (50%) and indicated the fact that CVT costs are too high (45%).

4. The Training Trends in Lithuanian Largest Enterprises

It is important to stress that the largest Lithuanian enterprises play a major role in providing continuing vocational training. The survey carried out in 2003, revealed that the largest Lithuanian enterprises used the services of training-consulting companies quite actively (77% of questioned companies indicated this fact) (Stankeviciene, Korsakiene (2004)). However, most often the respondents mentioned the combination "personnel department - direct managers - company providing employee training services". This means that it was quite popular for direct managers and personnel departments to share the formation of training policies and to hire a training-consulting company for employee training. Besides that, there is a tendency for more and more companies to delegate the employee training services to middle level managers who know better the needs for training and, being able to define best the goals of training, can better choose the appropriate training programmes for their employees.

It should be noted that production and trading companies use the services of training-consulting companies most, and agricultural companies use them the least. This could be caused by the orientation of training programmes of training-consulting companies towards promotion of sales, advertising, market analysis and other questions related to marketing, while very few consulting companies provide training according to objective oriented programmes for the employees of the agricultural sector. On the other hand, such an orientation of training programmes was caused by the market demand itself due to the increasing number of trading companies and more and more intensive competition in this sector.

From the point of view of largest Lithuanian companies, the influence of the cost of services has significantly decreased in choosing companies providing training services. 98% of companies have indicated the correspondence of the services offered to the company's needs as one of the most important factor for choosing the training-consulting company. The experience of the training-consulting company in the market of training services remains in second place (this answer was chosen by 80% of the respondents).

The survey revealed that internal training is becoming popular, because professional consultants analyse the needs for knowledge and prepare training programmes and during the training session they relate theoretical knowledge and practical examples to the specific conditions of the company. 73% of the largest Lithuanian business companies indicated that internal training and external training services were used.

The research has shown that the quality of services provided by training-consulting companies satisfies the clients (74%). The companies that are not always satisfied (18%) most often pointed out that they have no objections to standard programmes, but it is difficult to get training satisfying specific needs. The companies that are not satisfied with training services have indicated a low level of application of topics discussed to the present situation and the lack of some topics or issues important for some companies in the companies providing training services.

5. Conclusions

A knowledge-based economy needs a population; educated, skilled, creative and able to apply and spread knowledge. Thus both formal and informal life-long learning becomes the basis of a knowledge-based economy; creativeness and knowledge become an important factor in the new global economy, as important as the capital, labour, land and natural resources.

It is necessary to note that the rise and fall of different business sectors has a direct influence on the demand for labour and specific knowledge. Thus the transition period in Lithuania was marked by a clear movement of employees from the public to the private sector; increasing numbers of employees in the service sector and decreasing numbers in agriculture, industry and construction.

After joining the European Union Lithuania has met new challenges due to intensified competition. Beside other problems, the country might loose the ability to compete exclusively by production requiring intensive labour, which needs little skills, because payment for work will increase with the rise of the economy. The high unemployment rate, which is related to low and inadequate employee skills, will also become problematic. The research has shown that only companies engaged in such sectors as financial intermediation tend to finance and encourage employee training and professional improvement. The general situation in the country is not good, because employers are not interested in financing employee training. This is demonstrated by the fact established during the research that only a very small percentage of companies in Lithuania had an approved budget for financing training. It is possible to claim that most enterprises in the private sector do not have the resources or potential to train their employees. On the other hand, some enterprises are not interested in training employees, because there are people in the employment market who have the necessary skills. Most often the companies tend to train high and middle level managers or people employed in the marketing sector, usually trained in their work place or in courses and seminars organised by training-consulting companies. For this reason employees get training on their own initiative and relate training to the possibilities to get better employment.

Employers often indicate that the state does not encourage them to invest in employee training. Thus in order to form a better understanding of the benefits of continuous training and demand for it, decisions at the state level, and funds, are necessary, thus encouraging employee training and skill improvement. For this purpose, it is crucial to prepare programmes of public information such as organising adult training weeks, etc. Certain financial levers would encourage enterprises to invest more actively in employee training. For instance, the tax-exemption of training expenses would increase the acceptance of informal training and motivation for training. It is also crucial to solve, at the state level, administrational restrictions on risk insurance related to investing in employee training and other judicially regulated administrational restrictions (e.g. bilateral training agreement, financial obligations of the employee who has completed his training, etc.).

From above mentioned reasons we can draw the conclusion that the development of employee's training should be considered as one of the State's priorities. Besides that, the efforts by all the partners (businesses, individuals, the State and local authorities) should be increased through partnership and global awareness of the need for training, and the crucial role played by human capital. On the other hand lifelong learning in Lithuania is still far from being a reality. Therefore the gap between those with low skills and the higher educated and between younger and older age groups has been widened.

References

Statistics in Focus. Theme 3-2/2002.

Statistics in Focus. Theme 3-3/2002.

Statistics in Focus. Theme 2. 17/2004.

Statistics in Focus. Theme 2. 4/2002.

Barney, Jay B. Resource-based theories of competitive advantage: a ten – year retrospective on the resource-based view. *Journal of management*. 27, 2001, p.643-650.

Bassi, L.J. Workplace education for hourly worker. *Journal of Policy Analysis and management*, 13(1), 1994, p.55-57.

Garavan N., Heraty N. and Barnicle B. Human resource development literature: current issues, priorities and dilemmas. *Journal of European industrial training*. 1999, 23/4/5, p.169-179.

Hamel, G. and Heeme, A. (eds.) Competence Based Competition. 1994, Chichester: Wiley.

Hao Ma. Competitive advantage and firm performance. *Competitiveness Review*. 2000, Vol.10, Issue 2, 16 p.

Hendry C. and Pettigrew A. Human resource management: an agenda for the 1990's. *International journal of human resource management.* 1990, 1 (1), p.17-44.

Heraty N. Human resource development in Ireland: organizational level evidence. *Journal of European Industrial Training*. 2000, Vol. 24. Issue 1, p.21, 13p.

Hitt M., Bierman L., Shimizu K., Kochhar R. Direct and moderating effects of human capital on strategy and performance in professional service firms: a resource-based perspective. *Academy of management journal.* 2001, Vol. 44, Nr.1, p.13-28.

Ichniowski Casey and Shaw Katryn. The effects of human resource management systems on economic performance: an international comparison of U.S. and Japanese plants. *Management science*. 1999, Vol.45, Issue 5, p.704, 18p.

Kim Daniel H. The link between individual and organizational learning. *Sloan management review*. 1993, Vol 35, Issue 1, p.37, 14 p.

Maglen L. Challenging the Human Capital Orthodoxy: The Education – Productivity Link Re-examined. *The Economic Record*. 1990, December 281-94;

McCartney J. and Teague P. Private-sector training and the organization of the labour market: evidence from the Republic of Ireland in comparative perspective. *International Journal of Human Resource Management*. 2001, 12:5 p. 772-799.

Penrose, E. The Theory of the Growth of Firms. 1959, Oxford: Oxford University Press.

Smith A. and Hayton G. What drives enterprise training? Evidence from Australia. *The International Journal of Human Resource Management*. 1999, p.251-272.

Stankeviciene A., Korsakiene R. Training – consulting business in Lithuania: the opportunities and threats in the transforming Europe. Prace Naukowe Katedry Ekonomii i Zarzadzania Przedsiebiorstwem. Politechnika Gdanska, tom III. 2004, p. 235-242.

Strober M. Human Capital Theory: Implications for HR Managers, *Industrial Relations.* 1990, 29 (2): 214-39.

Teece, D. and Pisano, G. The Dynamic Capabilities of the Firm. *Industrial and Corporate Change.* 1994, 3(3).

Tobin, D.R. Re-educating the Corporation. Essex junction, VT: Omneo, 1993.

Walton R.E. From Control to Commitment in the Workplace, *Harvard Business Review.* 1985, 63(2) p.77.

World Bank and World Economic Forum. The Global Information Technology Report 2002-2003. The Networked readiness of Nations.

CASE STUDY OF CONTROVERSIAL PRIVATIZATION: LITHUANIAN EXPERIENCE

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ABSTRACT. *In this article an efficiency of privatization as tool of economic policy has been elaborated. The authoresses examine and comment various scientific approaches towards privatization process and its efficiency. Paper presents a controversial privatization case in Lithuania's oil industry. Economic interpretation of privatization role and its impact on activity of strategic enterprise has been analyzed. Considerations about privatization efficiency in transition countries have been presented.*

1. Introduction

The privatization's programs have spread in the developed and developing countries. The subjects of privatization often occur to be the monopolistic companies, which are significant for development of national economy. Privatization being an economy's restructuring tool can play especially important role in transition economies. Economists unanimously agree that privatization is to make a different impact on economies in the different stages of theirs development. A case study of privatization in Lithuania let to distinguish and discuss aspects of controversial privatization.

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2. Importance of privatization: the case for and against privatization

Privatization process has begun in Great Britain and now, in the past two decades, it is in use worldwide. Privatization means the transfer of assets hitherto owned by the state into private hands. The broader interpretation covers the property relations in the economy as a whole, so that privatization of the economy must be understood to mean that the share of the private sector grows until it ultimately becomes the dominant economic sector. An extension of broad definition provides more insight in the process of privatization. Beside the selling or leasing of public property, the term implies the abandonment of any government control over all units of the economy, as well as the state monopoly in certain sectors [1].

Important notice is, that state ownership may also serve as means of promoting the public interest when entire businesses are about to collapse. The state has sometimes intervened to prevent liquidation, as in 1970 when the Conservative government decided to rescue Rolls-Royce rather than see the company liquidated [3].

Increasingly privatizations have become much more complex, often being used to restructure industries be breaking up monopolies and establishing market-based relationships between the new companies [3]. This is a privatization policy whereby services carried out by the public sector are franchised to private contractors.

Theoretical discussion focuses the arguments for and against privatizations:

The case for privatization	The case against privatization
Increased competition in production in product and service markets	Natural monopolies versus private monopolies
Increased discipline of capital markets	Short-termism
Reduction in government borrowing	Economies of scale and scope may lost
Reduction in government controls	Difficulties in introducing competition

The case for privatization includes allegedly greater productive efficiency (lower cost) via the introduction of market pressures. These are seen as creating more flexibility in labor markets, higher productivity and reduced unit labor costs. More widespread share ownership, easier access to investment capital, greater

scope for diversification, and the absence of civil service oversight, are often quoted as advantages of privatization [3]. Therefore, privatization is seen by its supporters as a means of greatly improving economic performance.

The case against privatization includes suggestions that state monopolies have often merely been replaced by private monopolies, with little benefit to consumers. The loss of scale economies (e.g. 'natural monopolies'), the inability to deal effectively with externalities, under-evaluation of state assets, the subsequent concentration of share ownership, 'short-termism' of the city are often quoted as disadvantages of privatization [3]. A final criticism of privatization is a moral one that the public are being sold shares which, as taxpayers, they already collectively own. The purchases of the shares benefit from the dividends paid by the new profit seeking enterprises, at the expense of taxpayers as a group. Those taxpayers, who do not buy the shares, perhaps because they have spare cash, are effectively dispossessed.

3. Effectiveness of privatization: review of findings research

The effectiveness of the change of ownership depends on the market structure: the more competitive the structure of the market, the more effective the privatization. Second, the corporate governance system––which we define broadly as the set of mechanisms controlling the managers' decisions––associated with privatization is usually thought to perform better than the corporate governance system of the state-owned enterprises [4].

Review of articles by Djankov and Murrell and a macro-economic study by Jeffrey Sachs, Clifford Zinnes, and Yair Eilat examine the effects of privatization in transition economies. Djankov and Murrell review the empirical results of studies of privatization in transition economies and attempt to synthesize the results across the studies [2]. They conclude that the evidence show the following: in most countries, privately owned firms perform better than state-owned firms, usually significantly better statistically; there is little evidence that privatization has hurt firms' performance even in Russia and other Commonwealth of Independent States (CIS) countries. Much better outcomes occur when the new owners are concentrated. Privatization itself has had a larger positive impact in non-CIS countries, eastern

and central Europe, and the Baltic States than in the CIS countries. They interpret the last result to be caused by institutional factors, including the choice of privatization method. They suggest the best empirical proxy for how well the institutions performed was the length of time the country had spent under communism--the shorter the time the better the performance of the institutions [2].

Empirically, at a macro level, Sachs, Zinnes, and Eilat examine the relationship between privatization, institutional reforms, and overall economic performance (measured by change in GDP from before transition, foreign direct investment, and exports) in transition economies [2]. They find that change in ownership is not enough to improve macroeconomic performance. The gains from privatization come from change in ownership combined with other reforms such as institutions to address incentive and contracting issues, hardened budget constraints, removal of barriers to entry, and an effective legal and regulatory framework. While this is a macroeconomic study, the changes they report must come from the operations of individual firms [2].

Their reading of the evidence from transition economies is very similar. Privatization improves performance but various factors impact the success of the privatization. Most important is that allowing incumbent managers to gain control of privatized firms, through whatever means, will yield disappointing results. Whenever possible, firms should be privatized, for cash, in as transparent a method as possible, and through an auction or sale process that is open to the broadest possible cross-section of potential buyers (including foreigners) [2].

D'Souza et al., finds stronger efficiency gains for firms in developing countries, in regulated industries, in firms that restructure operations after privatization, and in countries providing greater amounts of shareholder protection.

They now turn to an examination of research findings about privatization's impact in transition economies. Privatization is both more difficult and more all-encompassing in these countries than it is in either industrialized or non-transition developing countries. This is because in transition economies, privatization is only part of the massive changes in the economy as countries move from communism to more market oriented methods of allocating resources and organizing production [2].

Privatization in transition countries has often been partial, with the state retaining a non-controlling ownership share in privatized assets. This paper reviews briefly the empirical evidence and then analyzes the justifications that have been put forward for adopting partial privatization. These are related to the objectives of economic efficiency and the generation of government revenue, as well as to political motivations. The issues covered are the stock-flow problem, risk–sharing and restructuring, informational considerations, role of market structure, bargaining, foreign investment and the irreversibility of reform. The paper ends with some suggestions for further research [5].

Through a retrospective analysis of Mexico's oil history, this work examines the privatization processes that occurred in the petrochemical sector, from the abolishment of the government's monopoly, Petróleos Mexicanos (PEMEX) during the 1980s, until the restructuring and open liberalization in the early 1990s, focusing on the areas incorporated to production processes, particularly along the Gulf coast. As a result of the industrial policies and regional development strategies promoted by the government from the sixties, oriented towards strengthening production in areas with the highest potential, attractive business investment areas were developed. These included southern Tamaulipas, a strategic region where a number of industrial factors facilitated access to raw materials at competitive prices, as well as their processing and distribution to local and international markets, all of these within a single location. The strategic nature of the petrochemical location and production have made southern Tamaulipas a key factor for the territorial shaping and industrial development linked to the behavior of transnational companies that, seeking comparative advantages, have relocated parts of their production capacity in this region [6].

They interpret privatization in light of corporate governance theory. After replicating some traditional tests, they test their new model on a sample of privatized French firms. They cannot confirm for French privatizations the positive effect on overall static and dynamic efficiency of the firm traditionally attributed to privatizations. In addition, they find that whatever positive value accrues from privatization is affected by the contextual, organizational, governance, and strategic variables that influence the privatization process.

At first, the superficial examination of the principal indicators, based on means and medians, show substantial change. On average, the privatized companies show an increase in their economic and financial profitability and their productivity. [5]

An analysis of literature on privatization and findings of different authors let to distinguish and discuss key aspects of privatization as a tool of economic policy. It has been argued, that privatization can be not necessarily efficient. A case study of controversial privatization has been discussed below. It analyses oil refinery in terms of three different stages of its historical private ownership and appropriate operation results.

4. Case study of Controversial Privatization

4.1. Main operating characteristics of "Mazeikiu nafta"

Stock company "Mazeikiu Nafta" (hereafter called MN) could be briefly described as an oil refining and transporting company which is currently operating as a "Typical Complex Refinery" in Lithuanian economy. Oil refining is the third largest sector of processing industry. For example in 2000 it represented more than 9% of Lithuanian GDP.

Structure of "Mazeikiu nafta" company has changed several times since its inception. Currently, MN is comprised of Mazeikiai Oil Refinery, Butinge Terminal and Birzai Pump Station transporting crude oil and oil products [8]. Structure of MN is reflected in Fig.1.

Geographical location of MN plays crucial role in this case. As shown in Fig.1, it is located in the north part of Lithuania. Birzai Pump Station transports crude oil and oil products into two rival terminals – Lithuanian Butinge Terminal and Latvian Venspils Terminal. Thus, Lithuanian MN, directly competes with the Latvian Venspils Terminal in terms of exporting oil to the West. Having said that, there is data to suggest, that the higher volumes of oil are being transported through the Birzai Pump Station with a higher usage of available pumping capacity, renders MN performance in a more profitable position.

The main activities of Lithuanian MN are as follows: oil is being refined in Mazeikiai Oil Refinery, transportation (pumping) of crude oil and oil products is carried out by Birzai Pump Station through pipelines, and its export and import of oil is being undertaken

through Butinge Terminal. Current estimate suggests that projected capacity of its refinery will reach 15 million tons per annum. In order to use its projected capacity to its optimal level, MN has been processing not only crude oil but various other kinds of staple as well. Hence, gas condensate, boiler oil; medium distillates have been produced too. Its production method generally meets European standards and MN has been successfully exporting to Latvia, Poland and west-European countries. [8]
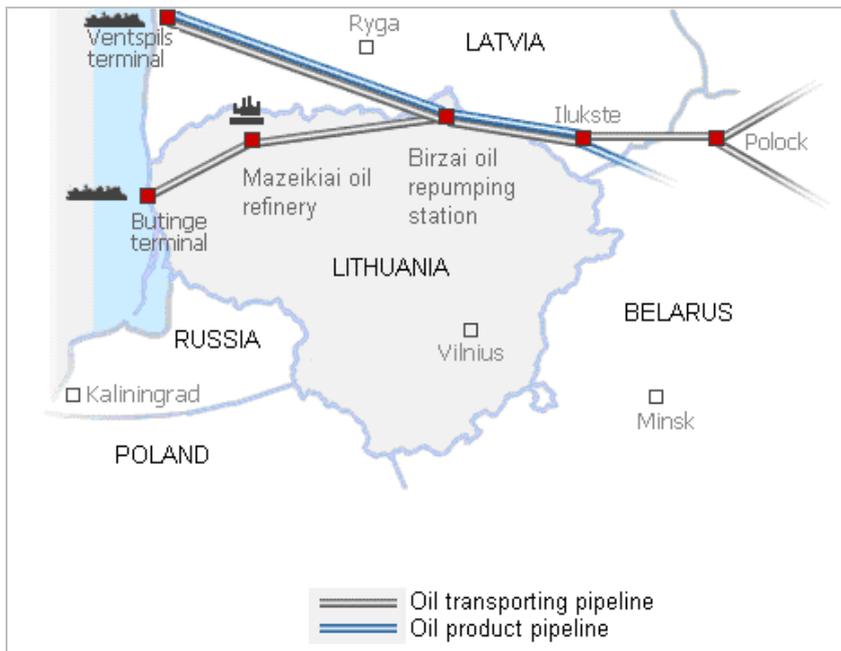

Fig. 1. MN structure and location in Lithuania

As previously shown in Figure 1, the Stock Company "Mazekiu Nafta" has evolved gradually initially under the economic and political policies of the Soviet Union. It was decided to lay pipelines through Lithuania, which it did not have its own oil. In 1966, oil-transporting construction started, which included Birzai Pump Station as part of oil transporting arterial Pollock – Venspils [8]. In 1970 Birzai Pump Station started its performance. In 1979 oil transporting system such as Pollock - Birzai – Mazeikiai was finished and in 1980 the first production of boiler-oil commenced.

Hence it was beginning of MN giant oil refinery with the processing capacity of 12 million tons of oil per annum. Since, 1980 MN oil refinery has been the most modern enterprise operating in this industry.

In 1990 Lithuania separated from Soviet "Druzba" oil transportation system. It separated its oil transportation and refining and it established two public companies: "Naftotiekis" ("Oil transportation also known as the "Birzai Pump Station") and "Mazeikiu Nafta" (MN). [8].

Up until 199O, the MN functioned in a favorable environmental condition but in 1991, the situation has changed cardinally. [8]. (Fig.2)

For example, in 1989 12.79 million tons of oil was refined, in 1992, oil refining was reduced to its 4.1 million tons. It meant major economic shock for the "Mazeikiu Nafta".

To detail the drop in oil supply we need to recall Russian, so called, "economic blockade", which started in 1990, when Lithuania declared its independence. Refining of oil then stopped for a while and after some time the supply was renewed in minor quantities.
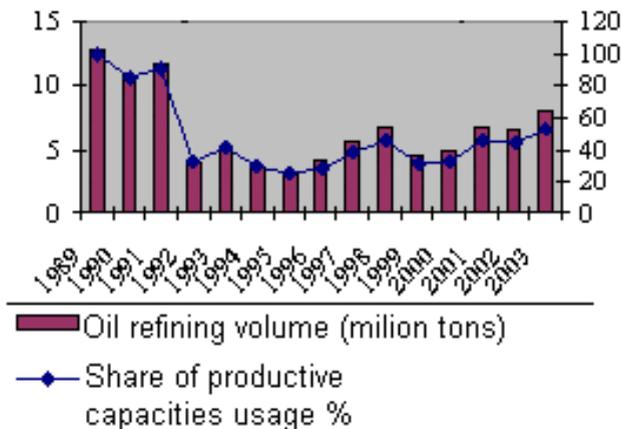

Fig. 2. Oil refining volume (million tons) and share of productive capacities usage (%) in 1989 – 2003

The economic shock to oil refinery caused by Russia was even multiplied by the shortsightedness and neglect of the local Lithuanian authorities. Hence, in 1992-1993 Lithuanian government

centrally set fixed prices on oil products [9], while crude oil prices in Russia at the same time skyrocketed: that is to say that it increased from 527 rubbles to 47,000 rubles for a ton. The difference – about 55 million USA dollars - had to be absorbed by "Mazeikiu Nafta" refinery.

In 1993 as a delayed reaction to an already extremely complicated MN's position, the idea of constructing Butinge Terminal was gaining currency. The decision was also made in an attempt to obtain possibility of exporting and importing oil from alternative sources.

Lack of existing crude oil in the country affected not only MN oil refinery but oil transportation business as well. Birzai Pump Station suffered in terms of an underutilization of its productive capacity. As a result, it was unable to reach its projected revenue. Butinge Terminal whilst under construction didn't manage to attract additional capital by itself. Therefore, in 1998 the decision has been made to combine state owned shares of Mazekiu Nafta oil refinery, Birzai Pump Station and Butinge Terminal in an attempt to form one oil concern. It was believed that such a structural reorganization would facilitate inflows of foreign capital or foreign direct investments via the privatization of certain part of public ownership.

After a protracted political speculations and negotiations, on October 29, 1999, 33% of Mazeikiu Nafta concern was privatized and it was purchased by an American company, namely, Williams International Company".

In 2000 "Yukos" (Russian company) unexpectedly managed to sign contract with American "Williams" according which this Russian company purchased 26.85% of MN stake for $75 million and made further commitment to invest an equal sum into "Mazeikiu Nafta". Additionally "Yukos" took on the responsibility for 10 years to provide 4.8 million tons through pipelines and 4 million tons via Butinge Terminal.

In August of year 2002 "Williams" decided to refinance its credit to MN. The final distribution of stake was as follows: 53.70% shares belonged to "Yukos", 40.66% being owned by the Lithuanian government.

In 2003, "Mazeikiu Nafta" as a holding company established within "Mazeikiu Nafta" trading company, which specialized in oil products' trade. "Yukos" completed the first stage of planned

modernization, which was necessary to meet quality requirement set for oil products being exported to the European Union countries.

4.2. Financial results of MN in relation of oil supply, state policy and management efficiency

We would like to emphasize that case of "Mazeikiu Nafta" itself vividly illustrates complexity of economic separation from integral Russian oil supply-production-sell system. Oil giant found itself in a position, where it owns productive capacities, but it lacks scarce raw materials. Financial results of MN in relation to the oil supply, management efficiency and, partially, tax policy of Lithuanian government are discussed below.
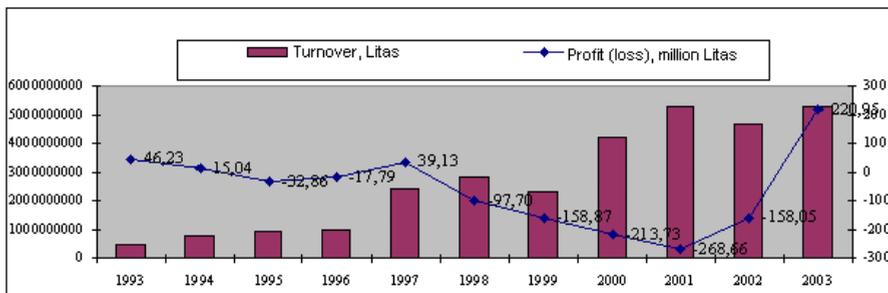

Fig.3. MN turnover and financial results from 1993 to 2003

Hence, as it was already mentioned, the first time the oil supply was terminated in year 1990 during economic blockade, which was Russia's response to Lithuania's efforts to regain independence. The supply of oil diminished by half after the negotiations.

In 1993, MN processed 5.1 million tons of crude oil and it was able to use 43% of its productive capacities. "Mazeikiu Nafta" managed to earn 46.23 million Litas worth of profit, which also illustrate the extremely high potential for profitability of this oil giant.

In 1994, MN finished profitably as well, but its profit dropped almost by two thirds and it made 15.04 million Litas. The significant decrease in earnings was conditioned by several factors: In 1994, Russia imposed a requirement on its oil companies not to export crude oil until local oil refineries would be provided

stock of up to 65% of their productive capacities [11] This has resulted in the reduction of oil processing in MN: from 5.1 million tons in 1993 to 3.7 million tons in 1994. MN didn't operate 80 days at all; each day meant 500-700 thousand rubles of loss. Level of exploiting productive capacities fell from 43% to 31%. In the same year Russia increased tariffs for imported oil products and it required advanced payments for oil products' export and transportation. MN lacked financial means. It was due to pay 91 million Litas to Russia through Lithuanian budget, but it ended up owing 32 million Litas, what triggered a fine of 19 million Litas. According to the MN report, costs of Butinge Terminal projection, construction of oil reservoirs and social expenses accounted for 47.9 million Litas, [12]. All those factors together conditioned a very significant decline in MN's profitability.

In 1995 MN's financial accounts of 1995 reported a loss of 32.86 million Litas, which was attributed to MN idleness because of crude oil shortage. As the result, year 1996 has been finished with a loss of 17.19 million Litas.

In 1997 supply of crude oil was significantly increased. MN managed to generate 39.13 million Litas profit. "Mazeikiu Nafta" received profit after 5 years of decline in its profit. The change of financial position from 17 million Litas loss to a profit of 39 million Litas with its use of productive capacities of only 40% has provided additional evidence for MN's high potentiality. Monopolistic position of oil refinery could be evaluated from different perspectives.

Looking at it from the Lithuanian position the company found itself closed from global competitive forces in terms of lack of access to raw material. Actually, it has been dependent on Russian oil companies' supply.

Despite a rather optimistic projection, year 1998 saw the beginning of the greatest fall of "Mazeikiu Nafta". Cursory overview of economic events would lead us to distinguish the major reasons. Hence, the year 1998 witnessed Russian economic crisis. Shock effect was experienced by all trading partners. MN lost Ukrainian market, as companies were insolvent. Prices of oil products in the world market at that time diminished significantly. Hence, problems in the field of oil processing arose. Attempts have been made to redirect processed oil to the western markets.

In 1999 - 2001 "Williams" overtook management of MN. "Williams" acquired emission of shares equal to 33% of MN's authorized capital and, according to the contract, it obtained the right to control oil giant. MN's own capital has been increased by

600 million Litas [www.jt.lt] but the stable supply of crude oil hasn't been guaranteed. American company wasn't able to guaranty access to oil and, consequently, Russian oil suppliers continued to dictate conditions of oil business in Lithuania. Scarcity of crude oil forced to import crude oil and even oil products through Butinge Terminal due to local market needs. Refinery functioned haphazardly. Usage of productive capacities felt from 44.6% in 1998 to 29.5% in year 1999, losses increased significantly and it reached 158.87 million Litas.

In 2000, production and financial results continued to worsen. Its losses increased by up to 179 million Litas (213.7 million Litas under U.S. Generally Accepted Accounting Principles (US GAAP)). In 2001, MN finished with 268.66 million Litas losses. [12]

2002 saw another significant benchmark in MN economical history as Yukos overtook control of "Mazeikiu nafta". Increased usage of Butinge Terminal capacities, bigger oil transportation and processing volumes together with reduced control fee and refinancing of MN debts (interests were reduced from 10 to 8%) lead to a significant reduction in losses [13].

Despite privatization itself, is considered to be a key to increased efficiency [2,10], it hasn't worked in the case of Lithuanian "Mazeikiu Nafta". Strategic investor - Williams International"- neither was able to insure crude oil provision nor eager to modernize company in order to increase operation efficiency. Some refining accomplishment processes were started in 1999 but it slowed down due to lack of financing.

5. Conclusions

1. Privatization is the transfer of assets or economic activity from the public sector to the private sector.

2. The case for privatization includes allegedly greater productive efficiency (lower cost) via the introduction of market pressures. The case against privatization includes suggestions that state monopolies have often merely been replaced by private monopolies, with little benefit to consumers.

3. The effectiveness of the change of ownership depends on the market structure: the more competitive the structure of the market, the more effective the privatization.

4. Privatization is both more difficult and more all-encompassing in these countries than it is in either industrialized or non-transition developing countries. This is because in transition economies, privatization is only part of the massive changes in the economy as countries move from communism to more market oriented methods of allocating resources and organizing production. Hence, analysis of scientific literature revealed various aspects of privatization impact on developed and transition economies.

5. Privatization can be not necessarily efficient. Presented case study illustrated how in certain circumstances privatization could show itself as inefficient, despite increase in efficiency had served as target purpose of state privatization policy.

References

Aristidis Bitzenis. What was behind the delay in the Bulgarian privatization process? Emerging Markets Finance Trade, Vol. 39, No 5, September-October, 2003.

Megginson, W. L.; Nash, R. C. and Van Randenborgh, M. The financial and operating performance of newly privatized firms: an international empirical analysis. *Journal of Finance* Vol 59, 1994.

Alan Griffiths, Stuart Wall. Applied Economics. London: Prentice Hall, 2001.

Hervé Alexandre and Gerard Charreaux. Efficiency of French privatizations: a dynamic vision. Université de Bourgogne, Iae, Pôle d'économie et de gestion 2, Boulevard Gabriel, BP 26611, 21066, Dijon Cedex, France Received 4 May 2001; Revised 16 May 2002; accepted 12 July 2002. Available online 8 October 2002.

James Maw. Partial privatization in transition economies. *Economic Systems*, Vol 26, Issue 3, September 2002, p. 271-282.

Norma Martínez Laguna. Oil policies and privatization strategies in Mexico: implications for the petrochemical sector and its production spaces. Institute of Geography, National University of Mexico (UNAM), Circuito Exterior, Ciudad Universitaria, Delegación Coyoacán, C. P. 04510, Mexico. Available online 9 August 2003

Top Foreign Investors in Lithuania. http://www.lda.lt

Mazeikiu nafta. http://www.nafta.lt

vilniaus bankas

Bernardo Bortolotti, Domenico Siniscalco. The Problem of Privatization: An International Analysis. New York: Oxford University Press, 2004

Danileviciute V. Olman's seek for support. Republic. 199501 19

Mazeikiu nafta. www.lsc.lt

Mazeikiu nafta. www.vz.lt

SCIENTIFICS

"GLOBALISM, GLOBALITY, GLOBALIZATION – TEN YEARS OF EUROPEAN STUDIES IN CLUJ", OCTOBER, 21-23, 2004. A MAJOR ACADEMIC EVENT AT THE FACULTY OF EUROPEAN STUDIES

MARIUS JUCAN [*]

The anniversary of ten years since the founding of the Faculty of European Studies at the Babes-Bolyai University was marked by a major academic event, an international conference debating the topics of globalism, globality, globalization and the issues of the Romanian integration within the European Union.

The relevance of an anniversary event as the celebration of ten years since the beginning of European studies at the University of Cluj should related to the new course set in the academic teaching and cultural life of the University of Cluj after the 1990's. The span of time marking the growing of a new academic specialization within the University century traditional ones, spells out the dimension of innovation and the challenge on novelty by having had set a new scholar and research site. The birth of European studies in Cluj meant the creation of an interdisciplinary group of researches and the opening of a new line of study having cultural roots though opening pragmatic horizons. The study of Romania's integration into the European Union was looked upon not only as an academic experiment but chiefly as an opportunity of acting for the implementation of reformist thinking. It was the merit of a group of professors and researchers lead by professor Andrei Marga (then dean of the faculty, now president of the University, recently awarded the Herder Prize) who broke " new land" in the field. Professors Maria

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Bârsan, Nicolae Paun, Ovidiu Pecican, were among the first members of the new chair. In a relatively short period of time initial group of professors grew to deal with the man specializations of the field and taking avail of the European Commission salutary help inaugurated a new direction of study, research and academic practice at the Babes-Bolyai University. It is worth mentioning that within the decade the curricular evolution of the faculty, the increasing number of the new specialists in the faculty, as well as the genuine interest shown to the academic project of the faculty by the lycees graduates brought the Faculty of Studies of Cluj at a level of national repute. After then years one could argue note without fear of exaggeration that the Faculty of European Studies has become one of the most specialized academic sites observing the process of European integration in Romania. Besides BA studies, the faculty has implemented MA studies and doctoral ones, dedicating the purport of its role to the implementation of interdisciplinarity in dealing with European studies.

The accreditation of the faculty, the first one of this sort in Romania, was actually a crossroads to its further development, so the more that to the content of "European studies" was completed by the political profile of "international relations", proving the necessity of pragmatic and applied approaches to political philosophy, economy, law, history, ethnology and lately cultural studies. The faculty's graduates were trained to the concrete tasks of Romania's pre-integration phases, so relevant for the actual process of the country's modernization and the consistency with European standards. It would be however improper to look at the development of these ten years without highlighting the great contribution brought to our faculty by the friends of the Cluj European Studies Faculty, namely the University of Muenster and the University Marne-la-Vallee, which among the twelve European faculty consortium consolidated the constant development of the faculty.

The anniversary of foundation of the Faculty European Studies should not be looked though as only an occasion however solemn to save memories into a shiny, gilded frame. The anniversary which was marked by the organization of an international conference spoke itself about the necessity of looking into future of this academic discipline, as well as to the concrete steps made to evaluate chances of a rapid integration. The organizers of this

international academic event, professor Ladislau Gyemant, associate professor Marius Jucan, Cristina Rotar, international officer, regarded the theme of the three "G-s", globalism, globality and globalization as a suitable opportunity to notice on the main present and future trends leading to Romania's complex process of integration. Inviting academics, experts, and specialists, from Europe and the United States of America to Cluj, the conference organizers pointed to the local dimension of the globalization under its various aspects. Within the connections among globality, globalism and globalization one noted the different, and some time the antagonistic aspects of the "integrated" level of realities and expectations of the post-communist Romania, namely the political, economic, cultural ones. Placing the main weight of the interest under the impact of globality, globalism and globalization, one wished to emphasize concrete changes occurring at the level of Romanian society within these years, without severing them from the analysis of the theoretical approaches to the above mentioned issues. Talking about "globalization", no matter how often the term occurs on everyday life, one senses the need to spell out the specific circumstances within which the term is employed, pointing thus not only to concrete realities but also to the cultural perceptions and the cast of minds of those who use it.

In their keynote speeches, his Excellency Jonathan Scheele, the Head of the Delegation of the European commission in Bucharest, professor Daniel Daianu, corresponding member of the Romanian Academy, and professor Andrei Marga, president of the Babes-Bolyai University pointed out the relevance of the moment of the conference and the perspectives laid by the present-day approach to the last stages of European integration. The number of participants, almost one hundred academics and researches, MA or doctoral students, from Austria, Belgium, Hungary, Germany, Greece, Great Britain, The Netherlands, United States and naturally Romania reunited to debate the issues of globalization in a place and at time which invited critical reflection and assessment of both the past and future of the Romanian society.

Leaving aside self-flattering stereotypical conclusions, I think that the ten years' anniversary of the Faculty of European Studies succeeded to meet the genuine the interest of the participants eager to find out answers to Romania's integration case.

FACULTY OF EUROPEAN STUDIES: ACTS OF ESTABLISHMENT

ROMANIA
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OPENING THE SCHOOL OF COMPARATIVE EUROPEAN STUDIES IN CLUJ

Inaugural Speech delivered by **Andrei Marga**,

Rector of Babeş-Bolyai University, Cluj
September 28, 1994

Dear Ambassador Fogg,
Distinguished colleagues,
Ladies and gentlemen,

We are celebrating today the opening of the **School of Comparative European Studies** at **Babeş-Bolyai University**, one of the most important initiatives of our university after 1989. Let me express our satisfaction that we are able to take this step on the way of Europeanisation of our teaching and research. I am pleased to welcome the Ambassador of the European Union, Mrs. Karen Fogg; Christian Duhamel from the Embassy of France; Peter Primus, from the Embassy of Germany; André Miroir, from Université Libre de Bruxelles; Christian Mestre, from Université Robert Schuman de Strasbourg; Alfredo Canavero, from Università Statale di Milano, as well as other personalities in our country's and our city's political, cultural and academic life, at this ceremony.

A year ago the **School of Comparative European Studies** was only an idea which preoccupied some specialists of our University and the Rector's Office. Before that moment devoted to the major cultural areas were launched Research Programs: U.S.A., Great Britain, Germany, France and earlier, in 1991, we started an **Institute for Modernity Studies**.

But a year ago **the idea began to become history**. The Rector's Office elaborated and presented a project to Minister Maior, who gave support to implement it. A discussion which we had in Brussels with André Miroir from Université Libre de Bruxelles, and Robert Espindola from Bradford University was clarifying and helpful. Another discussion with the Rector Maria Wasna and Professor Georg Weber from the University of Münster, with the President of DAAD, Theodor Berchem was very stimulative. The contacts of our Vice-rector Nicolae Coman with the University "Robert Schuman" and of Pompiliu Teodor, with the representatives of Universities from Milan were very useful too. The Tempus Project, conceived in close cooperation with "Robert Schuman" University, and the Tempus Office from Bucharest, has benefited from the support of Minister Maior. A discussion in Cluj with Ambassador Fogg and Professor Helen Wallace from the Sussex University has been very encouraging for us. I would like to warmly thank all who were involved in the history of establishing the School at Babeş-Bolyai University. I also thank the first Directorate and the first Council of the School, which has thoughtout and prepared a lot of things related to the School: Professors Petru Mocanu; Gavril Goldner; Mircea Crişan; Ioan Mac; Grigore Pop; Wilfried Schreiber; Wolfgang Breckner; Aurel Giurgiu; Almos Vorzsak; Camil Mureşan; Pompiliu Teodor; Ştefan Csucsuja; Nicolae Trandafoiu; Ion Aluaş; Miron Ionescu; Marian Papahagi; Andor Horvath; Ion Pop; Eva Gyimesi; Ion Vlad; Mircea Zaciu; Ion Deleanu.

The Programme of the *School* is already published and available to all those interested in it. Let me remind you briefly a few points:

(a) The School has, for the first year, 70 undergraduate and 14 postgraduate students. The School has a building, has a chair, has a Library which needs – we are aware – books, first of all recent literature on the topics related to the new Europe. The staff of the School is preparing a small Newsletter.

(b) The *School* awards a state diploma (M.A.) in European Studies to students who complete the four year course and defend a dissertation. Its aim is to form specialists qualified to analyze European processes, set frameworks for European approaches, to political, legal and economic questions, industrial management, and international questions posed by European unification, and to create reliable educators able to implement the formation of an European conscience. The *School*, at the undergraduate level, has two special admission requirements: the candidate must have completed at least a first year of study in another faculty and he/she must have communicative competence in a modern foreign language.

(c) The *School* provides communication skills for the Master's degree level and for Ph.D.

(d) The *School* will organize, as soon as possible, a Programme for Trainers and University Graduates and a Programme for Public Administration and Business staff, both Programmes being already elaborated.

We are aware that we still have to solve a lot of problems. I would confess that the staff, the professors associated to the *School* are very responsible and engaged to do their best with competence, honesty, critical thinking and exigency.

Our School is a **School of Comparative European Studies**. I am convinced that we need to clarify the term **European Studies**. Let me make some points on this issue.

Nowadays, assuming the **European paradigm** means for Eastern Europe a condition of cultural relevance and, perhaps, even more so, of survival. It is only an illusion that the cultural relevance can be attained by putting forward again the **national paradigm** characterizing the previous centuries. No matter how well it is re-conditioned, it is merely unseasonable with the experiences accepted by the civilized world today, and its cultivation is definitely counterproductive. In this part of Europe as well (Romania included) this change of paradigm, from the national to the European one, is nothing but a matter of awareness and ultimately of responsibility.

Against the background of this change of paradigm, the European studies are to be reconsidered, deepened (in the sense of shifting the interest of the researchers to what unites the European peoples) and to be re-launched (in the sense that the European research will have to consider the different "senses of belonging" to Europe – the geographic, the historical, the cultural, the institutional one – from updated perspectives).

Seen as investigation of problems arising within the European framework, within various national entities or among them (as a transgression of their limits) inside the European paradigm, that is by considering the common basis of diverse national cultures on the continent and the scope of European unification, European studies do not become so general as to break away from factual research. Local, regional and inter-regional studies, as well as national and international studies on European issues are in fact European studies. This quality is given not so much by the scope of investigations as by the paradigm promoted. Studies are regarded as European studies if they share the European problems and assume European issues.

Just like any other species (American studies, classical studies, antique studies, etc.), European studies also have various degrees of relevance. In many universities the studies on European literature are mistaken for European studies, just as American studies are frequently limited to the study of American literature. One can admit that literature is always a good indicator of mentality and behaviour patterns, but one cannot avoid the truth that its study is not enough for knowing a society.

The factual reality of the latter is not absorbed by the reality expressed in literature. It also comprises data that can be revealed only by the study of the type of science and technology, organization of economy, institutions, formation of political decision, self interpretation. That is why the relevance of the study of literature is limited. But European studies are also often mistaken for the study of what has happened in Europe. Here we deal with the trivial concept of European studies. It is supposed that just because a topic is related to life in Europe at a certain time its study is therefore European. But there are events in European life that have nothing European from the point of view of their origin, style, concepts etc. For instance, charismatic legitimation, mystic Arithmology, fakir medicine etc. are not European although Europe was not devoid of experience. On the other hand, there were events in Europe's past that left no significant traces for the future history of localities, countries, areas on the continent. Certainly, there is no accurate criterion for delimiting studies on European facts, but we can delimit their relevance. In this respect, the relevance of an event in the animist psychology of the Antiquity is different from the relevance of an event in our century's experimental psychology. Here the relevance is estimated according to the impact of an event in a series that reveals the specific European character. If we generalize this criterion we can assume that the series started in the modern epoch (scientific, technical, economic, juridical, political, etc.) have greater relevance. European studies are essentially studies on modern Europe.

Yet, it is noteworthy the fact that there is another turning point in the history of modern Europe: the organization according to the principle of separation among national entities is drawing near a crisis while a new organization, based on the principle of European Union, has become an immediate problem and concern. Staying focused upon modern Europe, European studies tend to become, under these circumstances, studies of European unification, this mainly with regard to their topic. The greatest part of the literature published in the field of European studies concerns the construction of the European Union. But European studies become studies of European unification from another viewpoint as well: that of the approach. There is a generally accepted principle in historic approaches, the one stating that better developed forms allow the comprehension of simpler, incipient forms. Hegel applied it to his philosophy of history, where he tried to understand world history starting from the prospects offered by Reform, the conscious liberty of each human being. Devoid of its finalism, this principle stays vigorous and can be an excellent landmark when reconstructing intelligibly a history that is confusing at least because of its huge amount of events. Consequently, European studies acquire their quality of being European when they start from the prospect of European unification, even though the topics and their factual support precede in time, quite considerably, the process proper (consciously assumed) of European Union construction.

European studies are implicitly multi-disciplinary, since they aim at describing, conceptualizing, explaining and understanding a reality that can not be grasped by a single discipline. Moreover, the increased complexity of life in the contemporary does not generally allow traditional, mono-disciplinary approaches.

This is, briefly speaking, the idea of the European studies shared by the academic staff of the School. I want to finish by emphasising another idea: of course, we are European, but we are European not only because we are living between the Atlantic and the Urals but, first of all, because we are sharing European values; not only because we are consuming European values, but because we are able to defend and to implement them; not only because we are considering these values, but because we are participating in the multiplication of these values.

I thank you for your attention.

Andrei MARGA
Rector

ROMANIA
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DECISION

(no. 7257/18 November 1993)

Regarding the Organisation of the Didactic Units Established through the TEMPUS System

The following units have been established through the TEMPUS system so far:

- TRANSILVANIA BUSINESS SCHOOL
- THE SCHOOL OF COMPARATIVE EUROPEAN STUDIES

Taking into consideration the regulations of the European Community, the organisations from countries with tradition in this field, as well as the interests of didactic development of Babeş-Bolyai University, the **Rector's Office**

DECIDES

1. the above mentioned units have the functional statute of faculties. They are managed by a **Council**, presided over by a **Directorate**, subject to the Senate and to the Rector's Office.
2. the above mentioned units will have, beginning with the academic year 1994-1995, their own **teaching and associate teaching staff.**
3. **their own teaching staff will be made up of minimum 7 people in the first year.**
4. their own teaching and associate teaching staff are recruited based on professional criteria, through open competition (if there are several candidates), among the teaching staff of the University.
5. the teaching load can be completed with activities carried out in other faculties in the already established system.

6. the didactic structure, in all its aspects, is established by the Councils of the two units, having the competences of the Academic Council, and is approved by the Senate and the Rector's Office, and subsequently as registry of teaching positions by the Ministry of Education.
7. the method of paying salaries in the two units is identical with that in the other faculties.
8. mobility in the TEMPUS system is granted, beginning with December 1, 1993, primarily to those who, based on a written application, become part of teaching structure of the two schools.
9. those who become part of the teaching structure of the two schools become members of the Academic Council of the respective school.
10. the current Directorates of the schools will complete the reorganisation based on the above measures until January 15, 1994.
11. the school directors will become members of the Council of Administration and of the Senate and participate in their reunions, having the same rights as the faculty deans.

RECTOR,   GENERAL CHANCELLOR,

Prof. Andrei MARGA, PhD   Prof. Ioan BACIU, PhD

ROMANIA
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EUROPEAN STUDIES

(no. 476 / 25 January 1994)

Babeş-Bolyai University announces the inauguration, beginning with January 1, 1994, of the **SCHOOL OF COMPARATIVE EUROPEAN STUDIES**, having the functional statute of a faculty.

This is the second faculty focused on **European Studies** in Eastern Europe (after the one in Riga) established with the support of the European Community.

The Cluj faculty is supported by an international consortium of universities (Bruxelles, Münster, Bradford, Milano, Strasbourg etc.) and is part of a Romanian consortium made up of University Bucharest, „Alexandru Ioan Cuza" University Iaşi, Timişoara University.

The Cluj faculty offers **bachelor, master and doctoral degrees** in **European Studies**.

The admission in 1994 to the School of Comparative European Studies is organised as follows:

I.   **bachelor degree studies:**
Only students who have completed **at least one year of study** in a state faculty from a university centre can apply for admission in the first year.

An **admission contest is** organised, which will be made up of::
1. **modern foreign language:** the candidate will be declared admitted or rejected based on the international guidelines established by specialists;
2. **interview**, based on a score made up of the field specialists, having a bibliography decided upon by the field specialists and announced until March 1, 1994.

The sixty places for the first year of the SCES are divided among the following fields: social sciences, law, economics, ecology, natural sciences, medicine, engineering, proportionally with the number of candidates from these fields.

The candidates with the highest scores are admitted, in the limit of the places allocated to their field.

II.   **MASTER AND DOCTORAL STUDIES in European Studies abroad:**

The selection for the places allocated in the school program, in accordance with the programme's international support consortium, will be done **through contest**, during the month of June 1994.

III.   **Doctoral studies in law, economics, ecology, philosophy, sociology, history, philology,** having thematic areas from the field of European studies: this will be organised in the regular sessions established by the Ministry of Education, according to the announcements made by the Rector's Office.

RECTOR,   GENERAL CHANCELLOR,

Prof. Andrei MARGA, PhD   Prof. Ioan BACIU, PhD

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DECISION

Regarding the Mechanism of Establishing Departments in the TEMPUS System and in Other Systems

(no. 3409/16 May 1994)

In accordance with the decision of the Babeş-Bolyai University, departments will be established within the units formed in the TEMPUS system, as well as in the system of studying modern languages in the non-philology faculties.

These are:
- DEPARTMENT OF BUSINESS within the Business School;
- DEPARTMENT OF EUROPEAN STUDIES within the School of Comparative European Studies;
- DEPARTMENT OF APPLIED MODERN LANGUAGES within the Faculty of Letters;
- DEPARTMENT OF MODERN LANGUGES FOR NON-PHILOLOGISTS within the Faculty of Letters;

THE SENATE decides:
1. the curriculum of the respective unit or department will be established;
2. for the courses included in the curricula of the years of study functioning on October 1, 1994, the specialised teaching staff can ask, through written application to the secretariat of the respective faculty, to be transferred to the new department beginning with October 1, 1994. The application must be filed until May 26, 1994. The Academic Councils are the bodies that establish the new departments.

3. a member of the teaching staff who requests the transfer to a department in the above list will keep the teaching load of the position he or she already obtained through contest, if he or she wishes to do that. The teaching load thus maintained will be transferred in the registry of teaching positions of the new department and will be maintained here for four years. The Rector's Office can decide, after four years and upon the requests of the respective member of the teaching staff, to give up the load that had been maintained and its return to its original department.

4. when there are more applicants than positions in the new department, the Bureau of the Academic Council can make a hierarchy of the candidates based on professional criteria.

5. the vacant positions in the new departments will be advertised.

6. the new departments will be established immediately after May 1, 1994 and will take on the responsibility of organising the academic year 1993/1994. the heads of the new departments will be validated in the Senate meeting of May 1994.

RECTOR,   GENERAL CHANCELLOR,

Prof. Andrei MARGA, PhD   Prof. Ioan BACIU, PhD

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DECISION

(no. 4538/20 June 1994)

Regarding the Organisation of Large Units in the TEMPUS System
The Business School
The School of Comparative European Studies

The Senate of Babeş-Bolyai University, in its meeting on June 20, 1994, decides:

The Business School and the School of European Studies have the rank of faculties.

Beginning with July 15, 1994, they will be managed by a director, an executive director, a head of department and a council made up of:

a) the members of the academic body of each school, registered in the registry of teaching positions for 1994-1995;

b) the associate teaching staff.

The director, the executive director and the head of department are established following the current legal procedures from among all those in the registry of teaching positions of the school. Other solution will be applied in the case of the director and the executive director if there are no full professors in the registry.

The Council has the same competences as the Academic Council of the faculty, the director has the same competences as a dean, the executive director has the competences of a deputy dean, the head of department has the same competences as any other head of department in any faculty.

The directorates take over the organisation of the admission in 1994.

The occupation of the vacant position in the two schools is done through a contest similar to those at the other faculties. For the School of European Studies, the occupation of vacancies imply fluent language skills in any two of the following languages: English, German, French.

THE SENATE OF BABEŞ-BOLYAI UNIVERSITY

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Rector's Office   *BBU Info Bulletin no. 13, August 1994*

COMMUNIQUÉ

The **European Commission** approved for financing within the **TEMPUS 2** programmes, the project of establishing the **Faculty of Comparative European Studies**, presented by the Rector's Office of Babeş-Bolyai University. The new faculty offers bachelor, master and doctoral degrees in European Studies. It is second faculty of this kind in Eastern Europe and the first in Romania. The official inauguration of the new faculty will take place on September 29, 1994 through the international symposium the **Content and the Perspectives of the European Studies**.

RECTOR'S OFFICE

ROMANIA
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Rector's Office   No. 1727 on 3.03.1995

DISPOSITION

In accordance with the decision of the Senate of Babeş-Bolyai University on February 27, 1995, the **Library of European Studies and Political Science** will be established, subordinated to the Central University Library. The new library is formed on the basis of the current Library of European Studies, by expanding it within the Casa Universitarilor building.

In order to apply the decision of the Senate, the **Rector's Office** decides:

1. the current space of the **Juridical Office** in Casa Universitarilor will be allocated to the new library, and the **Juridical Office** is relocated next to the Rector's Office, in the space formerly occupied by the **European Centre**. Professor Păun will take over the space, and Mrs. Boian carries out the relocation of the **Juridical Office**.

2. all the auxiliary spaces around the **Library of European Studies** will be given for the use of the new library. Mr. But will hand over those auxiliary buildings, after evacuation to professor Păun and to administrative assistant Eva Papp.

3. the space of the Library of European Studies and Political Science will no longer be used for didactic activities, but for lectures of students and specialists. The courses and seminars scheduled in the library will be relocated in the Magazie Room of the Casa Universitarilor. The building administrator, Mrs. Rădulescu, will immediately evacuate the Magazie Room, which will be used for didactic purposes.

4. these operation will be completed until March 8.

5. the group of specialists in political science (Boari, Puşcaş, Pavel, Boc and the others) will presently gather the books obtained within the **TEMPUS programme** designed for creating the department of political science and will relocate them in the new library within 10 days. The lists of books delivered, which are in the records of the

Tempus Office in Brussels, will be taken into consideration. The books will be placed at the disposal of the students and specialists following the normal library procedure

6. the equipment obtained through the same TEMPUS programme will be placed in the inventory of the new **Faculty of Political Science and Public Administration,** according to the delivery lists from the Tempus Office in Brussels, and will be placed at the disposal of the students and specialists following a procedure established by the new faculty.

7. the books, the equipment and all the other pieces obtained trough European and American programmes will be used according to the lists from the offices who were responsible for purchasing them.

8. the technical administration of the University will cooperate in order to make sure that the above measures are carried out within the established deadlines;

9. the Central University Library will appoint specialised staff and takes over the new Library of European Studies and Political Science.

RECTOR,   GENERAL CHANCELLOR,

Prof. Andrei Marga, PhD   Prof. Ioan Baciu, PhD

ROMANIA   Department of Higher Education and
MINISTRY OF EDUCATION   University Scientific Research

No. 30348 on 19 April 1995

Rector's Office
Nr. 3109/19 April 1995

BABEŞ-BOLYAI UNIVERSITY
CLUJ-NAPOCA – RECTOR'S OFFICE

Following your addresses no. 1862/8.03.1995 and no. 1864/ 8.03.1995, we would like to inform you that, beginning with the academic year 1995/1996, the following changes in the structure of your institution have been decided through the Order of the Ministry of Education no. 3795/17.04.1995:

1. the name of the School of European Studies will be changed in the **Faculty of European Studies**, having the following structure:
    - Specialisation History/full time, 4 years – degree in European Studies
    - Specialisation History/full time, 1 year, advanced European studies- degree in European Studies

2. the Faculty of Political Sciences and Public Administration is established, with the following structure:
    - Specialisation History/full time, 4 years - degree in Political Science
    - Specialisation Journalism/full time, 4 years – degree in Journalism
    - Specialisation Administration/full time, 4 years – degree in Public Administration

DIRECTOR GENERAL,
Ovidiu Ianculescu

ROMANIA
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Rector's Office   No 5730 on 1 July 1996

Decision Regarding the Establishment of the EUROPEAN STUDIES PRESS (ESP)

According to the project presented by the **Faculty of European Studies** of Babeş-Bolyai University for the competition organised by the **Soros Foundation** for European studies development programmes,

According to the understandings among the Bucharest, Al. I. Cuza Iasi and Timisoara Universities regarding the development of European studies within a consortium, ,

Considering the **printing complex** received as a result of approving the project for financing,

With the purpose of supporting the development of scientific research and increasing the number of competitive publications in the field of European studies, the **Rector's Office and the Council of Administration of Babeş-Bolyai University**, in the session on July 1, 1996, decide:

1. the printing complex received by the **Faculty of European Studies** will be set up either in the Avram Iancu building, or in the **Physical Education** building and will be used by **the European Studies Press**.
2. the **European Studies Press** will publish works from the field of European studies and from related fields. It will be organised under the management of the Academic Council of the **Faculty of European Studies** and it will include specialised representatives from Bucharest, Iaşi and Timişoara.
3. the **Faculty of European Studies** will include in the organisation, direction and management representatives from the faculties of Babeş-Bolyai University who are interested in the activity of the publishing house.

4. the publishing house will be self-financed within the existing legal framework. The using of the printing complex will be done in accordance with the economic approach established by the **Directorate** of the publishing house, based on the existing legislation.

5. in the November 1996 **Babeş-Bolyai University Senate** meeting the **Faculty of European Studies** will present for approval the organisation of the publishing house, its directorate and the editorial plan for 1997.

COUNCIL OF ADMINISTRATION

ROMANIA
MINISTRY OF NATIONAL EDUCATION
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Rector's Office   No. 11.116 on 13 December 1996

Decision Regarding
the Extension of European Studies

Taking into consideration Romania's projects with a view to European integration, the **Senate of Babeş-Bolyai University** in its December 16, 1996 meeting **decides**:

1. the current structure of the **Faculty of European Studies**, published in the printed brochure, will be maintained and consolidated.
2. the department of **Management of European Institutions** will be established beginning with the academic year 1997-1998, in accordance with the project authorised by the CNNA in December 1996. As a result, the departments of this faculty will be **a). European Studies; b) Management of European Institutions.** These will award bachelor and master degrees.
3. the faculty develops and integrates in the international system the **Centre for East-European Studies**, according to the published Regulation and Statute of the Centre.
   The directors of the Centre are Lecturer Ovidiu Pecican and Enikö Vincze-Magyari, who are responsible for the scientific research excellence.
4. the faculty will carry out all the necessary international procedures in order to obtain a Jean Monnet Chair as soon as possible.
5. the faculty will publish, beginning with 1996, the **Studia Europaea** review, part of the **Studia Universitatis Babeş-Bolyai**, the **Pro Europa** newsletter and the **Transition Notebooks** series.
   The faculty has the **European Studies Press** (co-directors: Eugen Uricaru and Ovidiu Pecican) as well as its own printing press.
6. as a result of the equipment obtained through the **TEMPUS programme**, the faculty has two multimedia laboratories for didactic use.

7. being acknowledged as a **centre of excellence**, the faculty carries out high quality research programmes.
8. the faculty organises the Office **for European information and documentation,** as an extension for the public of the **Library of European Studies**, equipped through European programmes.
9. the faculty will set up, until March 1, 1997, modules for training in **European studies.** The responsibility of their organisation will belong to Professor Maria Bârsan.
   Babeş-Bolyai University will award, based on the request of the faculty, **graduation certificates**.
10. the faculty will inform the other faculties in Cluj and in other cities brochures with the study offer for courses in the field of European studies.
11. the faculty will organise annually an **international conference** in the field of European studies.
12. the faculty will organise applications, international study trips, student internship in the European Community institutions, according to the curriculum approved based on the international cooperation of the faculty.
13. the faculty will immediately initiate international cooperation with specialised institutions in the European countries, as well as with European studies institutes from the universities of Georgia (Athens), Indiana (Bloomington), Columbia (New York), North Carolina (Chapel Hill), Michigan (East Lansing), National Endowment for Democracy (Washington DC).
14. the faculty will organise the **National Council of European Studies.** Assistant professor Liviu Man will be in charge of the organisation.
15. the faculty will expand **teaching in English, French and German.**
16. the members of the teaching staff will become full members in the **specialised international societies and associations.**
17. the faculty will base its financing on the budget, and in a growing proportion, on **international cooperation and grants**.
   The faculty is authorised to **grant scholarships out of its own resources**.
18. the faculty is authorised **to teach courses at high school level**.
19. the faculty will carry out activities in the field of **academic extension**.
20. the faculty is requested to produce a significant amount of the Romanian literature in the field of European integration.

      The Rector's Office of Babeş-Bolyai University is authorised to support the harmonisation of the faculty with the governmental actions of European integration.

SENATE OF BABEŞ-BOLYAI UNIVERSITY

ROMÂNIA
MINISTRY OF NATIONAL EDUCATION
CABINET OF THE MINISTER

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MINISTRY OF NATIONAL EDUCATION
issues
ORDER
No. 3004 on 4 January 1998

Regarding the establishment of the
INSTITUTE OF GERMAN STUDIES OF
BABEŞ-BOLYAI UNIVERSITYI

The most extended study system in German at faculty level in Romania was developed at Babeş-Bolyai University after 1995.The university's German line of studies includes complete studies for bachelor degree in the following areas: chemistry-physics, mathematics-physics, biology-chemistry, geography, history, philosophy. Philology, applied modern languages, journalism, physics.

The **German Cultural Centre** of Babeş-Bolyai University, inaugurated in 1994, carries out a programme of supporting the studies in German and of addressing the public interest for studying German

In 1996 the **Faculty of European Studies** inaugurated the **German studies** master programme, with the support of other German universities

Studies in German and the **German studies** enjoy a growing interest and enjoy functional international cooperation organised by the Cluj University

The **Faculty of European Studies** signed in 1997 the agreement for awarding joint bachelor degrees with the Munster University (Germany).

Through the Orders of the Ministry of National Education no. 3205 of 02.03.1998 and 3813 of 05.26.1998 the project for applying the programme for extending studies in German in schools, high schools and universities has been applied.

Starting from the above premises and taking into consideration the request of Babeş-Bolyai University,

THE MINISTER OF NATIONAL EDUCATION
decides:

1. the **Institute of German Studies** is established within the **Faculty of European Studies**, having the following objectives:

a) **drafting studies** on issues of economy, law, technology, administration, European harmonisation, with a view to supporting and developing the Romanian-German cooperation;
b) organisation of studies at master level in **German studies**;
c) providing consulting in the field of economic, technical, educational issues in the Romanian-German relationship;
d) **drafting studies** regarding the traditions of the Romanian-German cooperation and the history of the German culture in Romania;

2. **the Institute of German Studies** has a **director** appointed by the Babeş-Bolyai University Senate following the proposal of the Academic Council of the **Faculty of European Studies**.
The institute has its own research staff selected through competition.
3. **the Institute of German Studies** is financed through budgetary resources, research grants, resources from consulting, sponsorships.
4. the **Institute of German Studies** is located in the building on 22, Bratianu St., occupying 3 rooms.
5. the **Institute of German Studies** works on research and didactic programmes, including research and didactic programmes in cooperation with the University of Munster and other German universities.
6. **the Institute of German Studies** cooperates for achieving its goals with the departments of German studies from Babeş-Bolyai University and from other universities, as well as with the **German Cultural Centre** in Cluj Napoca.
7. **the Institute of German Studies** will gradually form its own specialised library and will edit the **Studia Germanica** review.
8. **the Institute of German Studies** will be prepared for inauguration on April 10, 1999.
9. the **Faculty of European Studies** and Babeş-Bolyai University will carry out the present order.

**MINISTER
ANDREI MARGA**

SECRETARY OF STATE,
MIHAI KORKA

SECRETARY GENERAL,
HORIA GAVRILĂ

Director General Higher Education,
Constantin BRĂTIANU

Director,
Ştefan STANCIU

Director,
Alexandru CHISACOF

Director General Finances,
Doina CHILĂRESCU

Judicial

ROMANIA
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Rector's Office   No. 2086 on 19.02.2001

Decision of the Babeş-Bolyai University Senate Regarding the Establishment of the Jean Monnet Chair

Performant universities nowadays participate in international programmes of academic qualification and of promoting the pan-European perspective.

Babeş-Bolyai University has profoundly renewed the participation of Romanian universities in these programmes. It established the first **Faculty of European Studies** in Romania and in Central and Eastern Europe (1995), it established the first **Institute for Jewish Studies** (1995) in Romania, it organised the first **Centre for Belgian Studies** (1994), it established the first program of **American Studies** (1996) in Romania, it organised the first **Institute of German Studies** (1999) in the country, the first **Institute of Central European History** (1995) and has launched numerous initiatives that acknowledged themselves through their results.

Romania has passed from the phase of pre-accession to the EU to the phase of accession negotiations in order to join the EU (1999). It is the duty of the universities to support with specific initiatives the integration of our country in the institutional structures of the European Union.

Taking into consideration these premises, the **Babeş-Bolyai University Senate decides:**
1. **the Jean Monnet Chair** is established, within the network of the similar chairs established under the auspices of the **Council of Europe and of the EU**.
2. the Chair is located within the **Faculty of European Studies** and is organised in cooperation with the **Council of Europe and the EU**.
3. the **dean of the faculty** and the **Director General** are authorised to present alternatives for the location of the **Chair** (3-4 rooms).

4. the **academic council** of the faculty will present the project of the chair including the project for equipment until May 1, 2001.
5. the financing of the Chair is done though budgetary and extra budgetary resources of the faculty, from international sponsorships and donations.
6. the organisation of the **Jean Monnet Chair** falls in the responsibility of the **General Chancellor** of Babeş-Bolyai University.

     RECTOR,   GENERAL CHANCELLOR,

Prof. Andrei Marga, PhD   Prof. Vasile Cristea, PhD

Rector's Office   No. 20.169 on 25.06.2001

The Reorganisation of European Studies

Specifications of the Babeş-Bolyai University Rector, Andrei Marga

In 1994 Babeş-Bolyai University inaugurated the **School of European Studies**, which later became the **Faculty of European Studies**.

This faculty was the first **Faculty of European Studies** in Romania and remains one of the few faculties of its kind in Eastern and Central Europe. Owing to the initiatives of its academic body and of the strong support from the European Union, from international institutions, from German, French, American, Italian and Israeli universities, the **Faculty of European Studies** in Cluj has quickly become known as a prominent national and international institution. A modern infrastructure, curriculum harmonised according to European guidelines, the training of all the teaching staff in the West, the establishment of its own printing press, modern scientific research programmes, valuable and motivated students explain the current status of the faculty.

As any faculty faithful to quality and relevance, the **Faculty of European Studies** in Cluj has recorded a **profound reorganisation between 2000 and 2001**, which interests both the students and the public. The reorganisation is essentially carried out as follows:

The specialisation of **European Studies** changes **to International Relations and European Studies** and thus provides the graduates with a **double qualification**. It is for the first time in the history of the Cluj University that the specialisation of **International Relations** is authorised and it is for the first time in Romania that this specialisation is organised in a university that is not situated in the capital.

The Dean's Office of the faculty will present the project of transforming the **Faculty of European Studies** in a **reference point of South East Europe**, as far as the European studies are concerned, as well as in a basis for a regional network involving European studies students. In this respect, the **operational basis in Târgu Jiu** will be opened. The faculty thus has the opportunity to make use of its top position in the context of Central and Eastern Europe.

The didactic structure of the faculty is consolidated through opening the call for applications for the **positions of professors and senior lecturers** for the juridical, politological, administrative fields of European studies, as well as by taking on new personalities. A **doubled number of full time PhD students** in the field of European studies will be taken on.

The specialisation of **International Relations** will be covered by well-known personalities from Romania, as well as prominent specialists from Germany, the USA and Israel.

The **university college** in **Bistriţa** will be transferred into the structure of the **Faculty of Political Science and Public Administration**.

The scientific research in the **Faculty of European Studies** will be thematically restructured, taking over the **issues of the Romanian agenda concerning the European integration**: the formation of the Romanian market, the legislative stability, the institutional harmonisation, sectorial reforms, the circulation of capital in Romania, the authorisation of the capital operations, the depolitisation of the judicial system, he prevention and elimination of corruption, the integration of the Roma people, the policy of salary income, the protection of competition, the policy of the SMEs, foreign investment, migration and border control, regional policy, environmental protection, education reform, etc.

The **master programmes will** be reorganised along **five directions subscribed to international cooperation**: **comparative European studies** (joint doctoral school with Marne la Vallée University); **German studies** (joint PhD with the universities of Münster and Vienna); **American Studies** (joint cooperation with the universities of Michigan and Arizona); **labour studies** (training programme for the leaders of the trade unions initiated in 1999 by the **Faculty of European Studies** in cooperation with the University of Florida); **anthropology and multicultural studies** (in cooperation with French and American Universities)

The first three master programmes are organised in **French, English and German.**

The scientific research will have **three institutes: the Institute of European Studies, the Institute of German Studies and the Institute of Anthropology**. The three institutes will employ their own **programme managers and research staff** financed through grants.

The Faculty of European Studies will establish **the European Students' Day,** will organise the **European Studies University Extension**

and will annually award the **Prize of Excellency** for the best scientific research in the field, as well as the **Prize for Debut in European Studies.**

The **Faculty of European Studies** will initiate the **training of students in at least two universities** (one of them being from countries of the Euro-Atlantic area), established through agreements of cooperation.

The infrastructure of the faculty will develop **through the building of a new location and through the updating of the electronic equipment and of the libraries**.

The dean's office will subscribe the **international reunions** of the faculty in the international network and will develop reunions based on participation fee. The **Faculty of European Studies** will increase the initiatives within the **International Association of European Studies,** as one of its founding members.

The **Public Relations Office** of the **Faculty of European Studies** will be organised, subordinated to a journalist.

RECTOR,   GENERAL CHANCELLOR,

Prof. Andrei Marga, PhD   Prof. Vasile Cristea, PhD

Rector's Office   BBU Info Bulletin no. 22, December 2002

Proposal for Establishing the Institute of European Research

ANDREI MARGA

Rector of Babeş-Bolyai University

In the past decade, Babeş-Bolyai University has taken essential steps towards the **organisation of European studies**. Thus in 1994, the Rector's Office initiated negotiations in Brussels for taking over a TEMPUS programme with a view to organising a **Faculty of European Studies**. The programme drafted then was approved and allocated for the coordination of the rector of Babeş-Bolyai University, having as contractor the **Free University in Brussels** with the participation of universities from Milan, Munster, Athens, etc. based on the programme, the **Faculty of European Studies** was organised, being the first faculty if its kind in Romania and Eastern Europe.

Meanwhile, the **Faculty of European Studies** has played a positive role from many points of view: it has trained students, it has cultivated an interest for Europeanism and for European studies, and it has edited the first works dedicated to the theoretical aspects of the European integration in Romania.

Now, after nearly ten years since the initiation and launching of the 1994 project, a **new threshold must be crossed and a new initiative is needed**.

The "external" reasons of the faculties are: a) in the meantime the European studies have expanded and banalised (across the country, all sorts of improvisations pass as European studies); b) naturally, European studies are done in history, economy, law, ecology, letters, theology, etc., so that the position of European studies among sciences must be profoundly

reanalysed; c) one cannot successfully take part in the in the contemporary European debate without research on open issues and without strong intellectual initiatives; d) **what Romania needs now are analyses of current issues and training of managers and other professionals whop should implement rules of European law, economy, administration, and culture**.

The "internal" reasons of the faculty are: a) the current orientation of the European studies in Babeş-Bolyai University does not face up to the needs for anchoring in the current economy and administration; b) one cannot organise a pragmatic training on the basis of the existing European studies; c) a new organisation of the faculty is necessary, one that is oriented towards current realities and which implies factual European research; d) the tendency to replace the natural opening to the most qualified young people with unprofessional selection criteria must be energetically corrected; e) the access to European programmes, to expertise must be ensured, not just the access to financing programmes.

The new initiatives in the field of European studies that I suggest consists of three measures:

1. the reorganisation of the **Faculty of European Studies** taking into consideration the above reasons (this has already been passed on to the faculty);

2. the organisation of the **Institute for European Research**;

3. the reorganisation of the relationships with the economic, administrative and cultural environment (this must be done after putting into practice point 2)

The organisation of the Institute for European research (IER)

Objectives: a) to do **research on open issues and expertise**, instead of **studies that often treat clarified issues and come up with already known research results**; b) **to focus research on current issues regarding Romania's integration in the European Union** (adhering to the regional and European market, the harmonisation of the legal regulations; taking over the EU acquis; the European policy; the construction of identities; the organisational moulding of the new Europe; conditions of economic and professional competitiveness on the European market, etc.) **instead of just commenting documents and decisions adopted**; c) **to enter the European debate on the European problems with points of view, hypotheses and elaborated theories**, instead of **merely reprising what the debate is about;** d) **to create access to European programmes** and financing for scientific research and specialised expertise, instead of just using the programmes for development support;

e) to involve the training – in the sense of **lifelong learning**, of the managerial and entrepreneurial education – for the citizens, **instead of restricting the training to high school graduates**.

Starting themes of the IER: a) conditions of competitiveness in the Romanian economy; b) the effects of the market enlargement on the Romanian economy and legislation; c) the impact of globalisation and the demands that arise for professions; d) the current construction of identities; e) the organisational moulding of the new Europe; f) the entrepreneurial approach; g) high quality management on the enlarged market; h) the new world order and its implications; i) the European harmonisation of legislation and the EU framework; j) 'learning to learn' – the new content of education; k) the criteria of Europeanization and the operational indicators of Europeanization etc.

Financing

IER is financed through international and national grants, expertise contracts from the companies, donations, fees. **IER** initiates cooperation with local, regional, national and international companies for research and expertise

Staff

The **IER** includes researchers employed for different periods and for different programmes recruited from among high quality specialists who can come up with solutions for the issues they assume to research, PhD students who write theses in the fields, teaching staff from Babeş-Bolyai University from any faculty that carries out programmes of effective and promising research.

The **IER** cooperates with institutes and centres that are already specialised in the different chapters of the integration

Administration

The **IER** is managed by a **Curatorial** that establishes the topics of research and the conditions for its execution.

The **IER** has a **director**, a **general manager**, experts who make operative decisions and take on executive responsibilities.

The **IER** is organised according to a **Statute** approved by those engaging in scientific research

The **IER** is organised in accordance with the international network of similar units.

The **IER** published annually the volume **European Research**.